



GOLD STANDARD

HOUSE SESSION - WEDNESDAY, MARCH 23, 2016

HB 602 YEA ITL
HB 636 YEA OTP
HB 1120 YEA ITL
HB 1143 NAY ITL
HB 1153 YEA OTP
HB 1243 NAY OTP
HB 1229 YEA OTP
HB 1231 YEA OTP/A
HB 1300 NAY OTP/A
HB 1338 YEA OTP
HB 1393 NAY ITL
HB 1610 NAY ITL
HB 1681 YEA OTP

NHLIBERTY.ORG

HB 636-FN, relative to forfeiture of property.

HB 636

Finance Committee Recommendation: OTP/A 18-7

PRO-LIBERTY: This important bill protects the rights of NH residents to due process.

YEA OTP

- **Oppose committee amendment 2016-0885h. If amendment passes, support OTP/A.**
- Civil asset forfeiture involves the taking of property from a person who has not been convicted, or often even charged, with a crime. This bill corrects the injustices in current law, and protects due process, by requiring a criminal conviction prior to forfeiture of assets, and “clear and convincing evidence” on the part of the state.
- This bill ensures that property is returned to innocent property owners in a timely manner, and that they have recourse when it is not.
- This bill greatly reduces perverse incentives and appearances of impropriety by providing that proceeds from asset forfeiture no longer flow directly to the government agencies pursuing the forfeiture.

HB 1243-FN-LOCAL, relative to storm water or sewage penalties.

HB 1243

Judiciary Committee Recommendation: OTP 11-5

ANTI-LIBERTY: This bill infringes on due process and unfairly shifts the balance of power in favor of municipalities, over property owners.

NAY OTP

- By including language; 'Each day a violation continues shall be a separate offense', a municipality can set a fine at \$1500 for multiple days and thereby avoid a jury trial for fines over \$1500 as required by constitution. So, a violation ongoing for 20 days would subject the violator to a \$30,000 fine and no possibility of a jury trial.
- Contrary to the normal 'may' award, this bill states the court 'shall' award to the municipality if they prevail.
- As the minority report notes, this bill awards attorney fees only to the municipality if it prevails in the litigation and not to the homeowner if he or she prevails, and provides that a municipality can request the homeowner/defendant post a “bond,” for projected expenses, which is normally posted by the plaintiff, not the defendant.

HB 602-FN, relative to the use of drones.

HB 602

Criminal Justice and Public Safety Committee Recommendation: ITL 8-7

ANTI-LIBERTY: This bill creates arbitrary restrictions on the private use of drones while allowing government wide latitude.

**YEA
ITL**

- Creating wide ranging restrictions on a new technology risks stifling innovation. New Hampshire residents would be better served by a legislature that narrowly addresses specific problems.
- This bill's definition of drone is too vague. Drones are available in many sizes; it is impractical for an owner to inscribe name, address, and phone number on even a small indoor toy drone or helicopter. The FAA has enacted rules regarding drones and has exempted small lightweight drones that cause no harm.
- 644-A:7 as inserted by this bill creates a federal preemption, and allows federal agencies to violate the rights of NH residents.
- This bill allows for the weaponizing of drones by NH police departments for the purposes of crowd control, and allows several broad loopholes under which police need not obtain a warrant for drone surveillance.

HB 1681-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs.

HB 1681

Criminal Justice and Public Safety Committee Recommendation: Without Recommendation 7-7

PRO-LIBERTY: This bill reduces the harm of the war on drugs, by allowing for safe disposal of hypodermic needles.

**YEA
OTP**

- People are more likely to safely dispose of needles if they aren't in danger of arrest.
- Allowing easier access to clean needles will help prevent the spread of dangerous and costly diseases, including hepatitis and HIV.
- Penalizing addicts for possession of a used syringe is a failed approach, which does not help them and endangers the community.
- This bill allows charities to create needle-exchange programs, which have a proven track record of reducing the harm of drug addiction (Steffanie A. Strathdee¹ and David Vlahov, AIDSscience Vol. 1, No. 16, December 2001, also: <https://goo.gl/Q1wQYp>, more: <http://goo.gl/hWuJoa>)

HB 1120, relative to teacher qualifications at charter schools.

HB 1120

Education Committee Recommendation: ITL13-4

ANTI-LIBERTY: This bill mandates that all teachers at NH charter schools must be credentialed by the state.

**YEA
ITL**

- Currently, charter schools are permitted to consider qualified non-traditional candidates who may bring a valuable and diverse perspective to the teaching profession. This is exactly the kind of flexibility that has made charter schools more successful than school districts.
- By increasing protectionism and artificial barriers to entry, this bill would raise education costs.
- It is often difficult to find certified STEM field teachers while a large pool of industry STEM experts without certification are available who could potentially do a better job than available candidates with an arbitrary certificate.

HB 1229, prohibiting the inclusion of statewide assessment results in a student's transcript without consent.

HB 1229

Education Committee Recommendation: OTP 10-8

PRO-LIBERTY: This bill gives control over assessment results to students and parents.

**YEA
OTP**

- Statewide assessments were designed to measure overall school performance, and are not designed as a measurement of individual student performance.
- Students should not be held accountable to an assessment that changes from year to year and may be based on standards that are not fully implemented.

HB 1231, relative to school district policy regarding objectionable course material.

HB 1231

Education Committee Recommendation: OTP/A 13-6

PRO-LIBERTY: This bill requires districts to notify parents before covering certain controversial or sensitive topics.

**YEA
OTP/A**

- The bill provides an opt-out for parents who do not wish their children to participate.
- This bill respects the right of parents to direct the education of their children.

HB 1300, relative to the content of patriotic exercises in public schools.

HB 1300

Education Committee Recommendation: OTP/A 10-8

ANTI-LIBERTY: This bill requires public schools to dedicate up to two days each year to discuss the words, meaning and history of the Pledge of Allegiance and star Spangled Banner.

**NAY
OTP/A**

- The legislature shouldn't be dictating curriculum from Concord. Local school districts are in a better position to understand the educational needs of their students.
- Requiring the same discussion twice each year throughout a public school career crowds out other significant and relevant topics including the declaration of independence, and the constitution.

HB 1338, relative to student exemption from the statewide assessment.

HB 1338

Education Committee Recommendation: OTP 10-9

PRO-LIBERTY: This bill allows parents to opt their children out of the statewide assessment.

**YEA
OTP**

- Parents have a right to direct the education of their children.
- Seven states (Utah, Wisconsin, Pennsylvania, Minnesota, Oregon, Washington, and California) already have opt-out provisions. No state or school district has lost federal funding due to lower participation rates, nor over opt out provisions.
- The new federal law, ESSA, recognizes parents' right to opt out.

HB 1393, requiring the department of education to report statewide assessment results for school districts receiving certain state aid.

HB 1393

Education Committee Recommendation: ITL 11-10

PRO-LIBERTY: This bill improves government transparency.

**NAY
ITL**

- The Department received over \$8 million dollars to organize student level data into a state database, including statewide assessment scores for students.
- The legislature must review statewide assessment results for students receiving additional adequacy funding to ensure that scarce education funds are being used effectively.

HB 1153, prohibiting a political subdivision from adopting residency restrictions on sex offenders.

HB 1153

YEA OTP

Criminal Justice and Public Safety Committee Recommendation: OTP 15-1

PRO-LIBERTY: This bill improves government transparency.

- There are already many restrictions on where a registered offender can live. These types of restrictions can force people out of affordable housing and sometimes result in homelessness.
- Residency restrictions are an infringement upon fundamental private property rights and do nothing to actually protect victims.
- Limitations on residency can force people on the registry further from the support networks they need the most: jobs, therapy, and public transportation, making it more difficult to re-assimilate into society.

HB 1610 legalizing the possession and cultivation of marijuana for personal use.

HB 1610

NAY ITL

Criminal Justice and Public Safety Committee Recommendation: ITL 9-4

PRO-LIBERTY: This bill respects self-ownership, and reduces the harm of the drug war.

- The NH Constitution provides that “all penalties ought to be proportioned to the nature of the offense,” but our state penalties for marijuana possession are no longer supported by public opinion and are far more severe than those of most nearby states.
- 60% of NH citizens support the legalization of recreational marijuana, and 72% support decriminalization (WMUR Poll 7/15).
- Legalization would not only prevent innocent people from having their lives significantly impacted by minor possession arrests, but would also reduce the expense of the criminal justice system, allowing police and prosecutors to focus on serious crimes where innocent people have been victimized.
- There is no evidence that reducing or eliminating marijuana penalties has led to negative outcomes in the states where it has been tried. In fact, harm reduction will be achieved by allowing adults to grow and share a much less harmful alternative to opioids and alcohol. When allowed as a substitute 68% of prescribed medicine users chose the less harmful option; cannabis.
- Contrary to often told story, cannabis is an 'exit' drug not a 'gateway'. It is a fact that opioid users, isolated due to the criminality of the drug, can and have used cannabis to break their addiction.
- This bill would take millions of dollars, not to mention many customers, out of the hands of illicit street dealers.
- This bill does not violate Federal law, it is in fact the law that has been in place in Washington DC for the past year.

HB 1143, relative to showing a ballot.

HB 1143

NAY ITL

Election Law Committee Recommendation: ITL 17-0

PRO-LIBERTY: This bill repeals the current prohibition on sharing photos of a ballot.

- RSA 659:35 infringes on freedom of speech, and violates both section 1 article 22 of the NH constitution and the first amendment to the US constitution.
- Current law has already been ruled unconstitutional by a federal court.
- There is no evidence to show that a problem exists in New Hampshire with citizens being coerced into showing their ballot. If someone attempts such a crime other statutes would be sufficient to prosecute.
- The legislature doesn't need to wait for judicial action before rectifying an unconstitutional statute.