



HB 1373 – Establishing a committee to study ... laws on illegal drugs and the possession and use ...

Committee report: Criminal Justice & Public Safety: OTP (11–6) Our recommendation: **YEA on OTP**

This bill, which establishes a committee to study state and federal drug laws, and the possession and use of the same, is **pro-liberty**:

- Remarkably, some of the most basic facts about drug enforcement in New Hampshire are *simply not known*, though they are critical for understanding current policy:
 - How many people are actually incarcerated for simple possession, as opposed to production or distribution?
 - How many law enforcement resources are consumed at the town, city, county, and state level?
 - How many resources are expended on enforcement for marijuana, and how many on other “hard” drugs?
- It is a truism that we cannot manage that which we have not measured. Until some baseline data is gathered about drug policy, we cannot hope to get good return on those expenditures.

HB 1624 – Relative to the care and treatment of dogs by breeders within the state.

Committee report: Environment & Agriculture: ITL (12–1) Our recommendation: **YEA on ITL**

This bill, which requires certain standards of care and treatment of dogs by breeders, is **anti-liberty**:

- This bill is overreaching and unnecessary with too many unintended consequences.
- This bill will place burdensome regulations not on just dog breeders but all dog owners, potentially opening people up to new charges of animal cruelty toward their pets.
- Cruelty laws are already in existence (RSA 644:8), making this legislation unnecessary.

HB 1326 – Relative to the use of long-term antibiotics for the treatment of Lyme disease.

Committee report: Health & Human Services: Interim Study (18–1) Our recommendation: **NAY on INTERIM STUDY**
YEA on OTP

This bill, which protects licensed physicians while providing therapeutic care to patients, is **pro-liberty**:

- A licensed physician should be able to give his or her patient appropriate treatment for this disease without fear of sanctions.
- The number of cases of Lyme disease in New Hampshire have increased dramatically over the last few years—studying this short bill for another year could put patients at risk.

HB 1347 – Relative to the right of jury nullification.

Committee report: Judiciary: ITL (13–7) Our recommendation: **NAY on ITL**

This bill, which requires courts to instruct jurors as to their right to judge not only the facts, but the law, is **pro-liberty**:

- There is *no question* about whether jurors *have* the right to judge the law itself, as well as the facts of the case. This right goes back to the *Magna Carta*. Short of a constitutional amendment, the Legislature has no ability to remove that right.
- This bill is about whether jurors show be *informed* of their rights, and whether defendants should have the right to explain such rights to the jury.
- In 1992, the United States of America ratified the International Covenant on Civil and Political Rights. In part, this treaty declares that a government “may not stand in the way of people learning about [their rights].”
- The first Chief Justice of the United States, John Jay, wrote: “[Juries] have a right to take it upon yourselves to judge of both, and to determine the law as well as the fact in controversy.” *Georgia v. Brailsford*, 3 U.S. 1, 4 (1794).
- “It is left ... to the juries ... to take on themselves to judge the law as well as the fact.” — Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283.

HB 1645 – Relative to freedom of choice on whether to join a labor union.

Committee report: Labor, Industrial & Rehabilitative Services: ITL (12–1) Our recommendation: **NAY on ITL**

This bill, which prohibits collective bargaining agreements that require employees to join a labor union, is **pro-liberty**:

- This legislation gives employees the freedom to choose whether or not to join a union, rights protected by **Part I, Arts. 2 and 4** of the New Hampshire Constitution.
- States with right-to-work laws on the books have fared better than non-choice states in regards to economic development and job growth. Compulsory union dues often are spent on partisan political activities, regardless of the individual member’s beliefs.

HB 1522 – Relative to local spending caps.

Committee report: Local & Regulated Revenue: ITL (12–6)

Our recommendation:

NAY on ITLThis bill, which affirms the right of municipalities to adopt spending caps, is **pro-liberty**:

- It allows citizens to restrain their government from excessive spending, reigning in the natural tendency of governments to grow.
- The specified overrides allow governing bodies to exceed the cap when necessary, but only by a two-thirds vote, so that the appropriate functions of government can be funded.
- A spending cap, being adopted by a majority vote, can be repealed by a majority vote if no longer desired.
- Statutory affirmation of this right will prevent the expensive lawsuits like those Concord and Manchester faced from spending cap opponents.

HB 1588 – Changing the effective date of the expiration of the motor vehicle registration surcharge.

Committee report: Transportation: ITL (10–9)

Our recommendation:

NAY on ITLThis bill, which eliminates the motor vehicle registration surcharge in 2010 instead of 2011, is **pro-liberty**:

- This surcharge was originally created merely to find a quick revenue source to balance the budget.
- It has been a burden on families, the unemployed, and underemployed.

CONSENT CALENDAR**HB 1634 – Relative to assault by strangulation.**

Committee report: Criminal Justice & Public Safety: OTP (18–0)

Our recommendation:

NAY on OTPThis bill, which classifies strangulation as second-degree assault (a B felony), is **anti-liberty**:

- This would be the first instance of classifying an act that causes *no injury whatsoever* as second-degree assault—a B felony.
- The definition of “strangulation” contained in the bill is overly broad: Simply blocking a person’s nose or mouth while they breathe is now defined as “strangulation.”
- This bill is defining a simple act, which in a specific instance may cause no harm whatsoever, as a crime. It outlaws consensual activities and would technically even apply to medical procedures such as throat surgery or intubation.

HB 1286 – Allowing nonpublic schools to obtain criminal history records checks on employees and volunteers.

Committee report: Education: OTP/A (19–1)

Our recommendation:

NAY on OTP/AThis bill, which requires private schools to perform background checks on employees and volunteers, is **anti-liberty**:

- This bill is very deceptively named: It is not about *allowing* private schools to obtain criminal history records, but about *requiring* them to do so.
- Requiring that private businesses perform background checks on employees, volunteers, or anyone else, prior to engaging in business with them is an infringement on fundamental private contract rights.
- Not only does it require this check be performed, but it requires the actual employee to pay for the costs of doing so.

HB 1162 – Relative to the wearing of motorcycle protective headgear.

Committee report: Transportation: ITL (19–0)

Our recommendation:

YEA on ITLThis bill, which mandates the use of motorcycle helmets, is **anti-liberty**:

- Motorcycle riders should have the right to choose whether or not they wish to wear a helmet.
- There are conflicting reports regarding helmet safety and their link to injuries versus increasing safety.
- This bill would have a negative impact on business and tourism in the state.

HB 1261 – Relative to motorcycle noise emission controls.

Committee report: Transportation: ITL (19–0)

Our recommendation:

YEA on ITLThis bill, which prohibits operation of motorcycles without emission systems labels, is **anti-liberty**:

- Requiring this label on motorcycles is overly burdensome to their owners, as it is often located under other parts of the motorcycle and could require the removal of parts in order to locate it.
- This bill, like HB 1162, would have a negative impact on business and tourism in the state.

The New Hampshire Liberty Alliance is a non-partisan coalition of New Hampshire citizens working to increase individual freedom in the Granite State. Each year we compile voting records from a wide variety of legislation and release our **Liberty Rating**, grading our state legislators’ support of liberty. These Liberty Watchlists are an effort to highlight bills that, if passed, stand to substantially increase or decrease freedom in New Hampshire. Your vote on these bills may be used in our annual Liberty Rating.