



GOLD STANDARD

HOUSE SESSION - WEDNESDAY FEBRUARY 11, 2015

HB 597 NAY OTP
HB 269 NAY ITL
HB 492 NAY OTP
HB 246 NAY ITL



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HB 597, Relative to penalties for indecent exposure and lewdness.

HB 597

Committee Recommendation: Criminal Justice: OTP 11-5

This bill, which would criminalize behavior in normal everyday social situations, is **anti-liberty**:

- Infants are not excluded in this bill which defines a victim only as a “child who is less than the age of 16.” A parent bathing with their infant or changing clothes in the infant’s presence could become perpetrators of a class B felony.
- This bill defines the potential perpetrator simply as “person” without regard to age. This means other children could become perpetrators in some situations such as the high school shower or other public locker room, and young siblings bathing together would be both perpetrators and victims.
- Current statute qualifies the violation of “exposure of his or her genitals” by requiring “circumstances which he or she should know will likely cause affront or alarm.” This new felony has no such qualification and could lead to unreasonable prosecutions.
- RSA 645:1-II(b) Makes it a felony to send lewd images to a child under sixteen. This statute targets specific behavior that is almost always sexual or even predatory. The committee hopes this bill will create consistency with this statute but does not anticipate the innocent behavior that could become felonious if this bill were to pass.

NAY OTP

HB 269, Allowing a landlord to collect first & last month’s rent, plus a security deposit.

HB 269

Committee Recommendation: Judiciary: ITL 13-2

This bill, which allows landlords to propose rental terms appropriate for their property, is **pro-liberty**:

- The bill makes the collection of first, last, and security permissive, NOT required, supporting the right to set mutually agreed upon terms in a private contract.
- This bill will help renters with bad credit and perhaps questionable references. A landlord might only allow such a potential tenant to rent with the additional months rent but reject him/her without it.
- Landlords would be able to keep rents lower if they can contain the losses from delinquent tenants.
- 41 out of 50 states allow security deposits of at least 2 months rent.

NAY ITL

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 492, Relative to military and historic re-enactments and commemorations.

HB 492

Committee Recommendation: Criminal Justice: OTP 16-0

This bill, which expands special privileges granted to government employees to veterans, is **anti-liberty**:

- **YEA on floor amendment to HB492, repealing RSA 644:13**
- Veterans and military re-enactors should be allowed to discharge firearms for commemorative events and celebrations, however they should not be given special exemptions from the law to do so.
- Floor amendment to repeal RSA 644:13 would allow all citizens to commemorate and celebrate holidays, funerals, etc. with the discharge of firearms without special permission from the police.

NAY OTP

HB 246, Relative to jury nullification.

HB 246

Committee Recommendation: Judiciary: ITL 14-1

This bill, which makes it an act of maladministration for a judge to deny or limit the right of the defense in criminal cases to fully inform the jury, is **pro-liberty**:

- The US Supreme Court ruled in 1895 that jurors “have the right to decide...all questions, whether of law or of fact”, and RSA 519:23-a, states the court shall permit the defense to inform the jury of its right to judge the facts and the application of the law in relation to the facts in controversy.
- This bill will hold judges accountable for denying jurors information necessary to carrying out their duties, which are an essential element of ‘due process’. The Wentworth instruction alone (which suggests to jurors they have an option to acquit) is insufficient to inform jurors of their rights.

NAY ITL