



# GOLD STANDARD

HB 120 NAY OTP/A  
HB 481 YEA OTP/A  
HB 564 NAY OTP/A  
HB 641 NAY OTP/A  
HB 696 NAY OTP



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HOUSE SESSION - THURSDAY, APRIL 4, 2019

## HB 564, relative to possession of firearms in safe school zones.

**Criminal Justice and Public Safety: OTP/A 12-8**

**ANTI-LIBERTY: This bill creates unarmed victim zones in and around schools.**

- This bill would ban law-abiding adults from carrying a firearm into an area designated as a so-called "safe school zone" and would deny a mother who walks to pick up her child at school a tool to protect herself and her children.
- Studies have shown no correlation between the enactment of gun-free zones and improved safety ([www.rand.org/research/gun-policy/analysis/gun-free-zones.html](http://www.rand.org/research/gun-policy/analysis/gun-free-zones.html)).
- This bill criminalizes the mere possession of a physical item.

# HB 564

# NAY OTP/A

## HB 696, establishing a protective order for vulnerable adults.

**Criminal Justice and Public Safety: OTP 12-8**

**ANTI-LIBERTY: This bill allows a person to be deprived of their property, immunities, and privileges without the ability to offer a defense or to meet the witnesses against them face to face as required by Article 15. [Right of Accused.] of the New Hampshire Constitution.**

- This bill allows a vulnerable adult or guardian of a vulnerable adult to seek a protective order for neglect, which is defined by new section 173-D:2 VIII as *"an act or omission which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional, or physical health and safety of a vulnerable adult"*.
- Similar to civil asset forfeiture laws, this bill allows personal property, including cars, animals, and firearms, to be seized prior to the commission of a crime or the conviction by the courts, violating various NH Constitution articles, including Part 1 Article 15.
- Other states with similar laws require that the person being accused of neglect have a caregiver role (e.g. Alabama Title 38-9-2, Montana 52-3-803, New Jersey 52:27D-407). The New Hampshire definition would allow a parent to seek a protective order for neglect against an estranged child who maintains no contact with the parent.
- A simple finding of neglect under this bill would allow the defendant's firearms to be seized and held by the police for the duration of the protective order (173-D:6 I).
- An amendment that adjusts the definition of "Neglect" to *"an act or omission by a caretaker which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional, or physical health and safety of a vulnerable adult"* would improve the bill; however even with this change the bill would still enable the seizure of firearms for a finding of neglect. Further, the decision to seize firearms and prohibit future purchases is made in a proceeding where the normal rules of evidence need not apply as 173-D:4 V, as proposed, includes *"In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material."*

# HB 696

# NAY OTP

## HB 120, relative to the regulation of body art establishments.

**Finance: OTP/A 13-9**

**ANTI-LIBERTY: This bill establishes licensure and inspection practice for body art and massage establishments and creates a new apprentice license.**

- This bill burdens law-abiding massage therapists and body artists with new requirements and new fees.
- New establishment fees are undefined and likely much more than an individual license.
- This will increase costs to small independent businesses both to obtain the new license as well as to allocate time to work with state inspectors. This will be a disproportionate burden on small establishments in that not only will they have to pay a new license fee, but they may also have to cancel client appointments to work with the inspector.

# HB 120

# NAY OTP/A

## YEA OTP/A

## NAY OTP/A

### HB 481, relative to the legalization and regulation of cannabis and making appropriations therefor.

Ways and Means: OTP/A 14-6

#### PRO-LIBERTY: This bill eliminates penalties for limited personal possession and home cultivation of cannabis for adults 21 and older.

- This bill would increase personal freedom by allowing adults 21 and older to possess and give away (but not sell) up to one ounce of cannabis, five grams of concentrated cannabis, and infused products with 500 milligrams of THC outside of their homes; and securely cultivate up to six plants, three of which could be mature (with a household limit of 12 total, six mature), and possess the cannabis produced by their plants at home.
- 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.
- Polls have shown 2/3 of Granite Staters and 2/3 of Americans support legalizing cannabis.
- While the bill creates new taxes and regulatory infrastructure, this compromise is a substantial improvement over current law, which subjects people to criminal penalty and potential destruction of their livelihood for victimless behavior.

### HB 641, allowing municipalities to collect an occupancy fee from operators of local room rentals.

Ways and Means: OTP/A 12-8

#### ANTI-LIBERTY: This bill creates a new local option rooms tax initially capped at \$2 per night.

- New sources of taxation rarely stay at their initial rate, whether set as a flat dollar amount or as a percentage. While the initial amount is small, the rate will certainly grow over time.
- Hotels already pay property taxes and spur economic activity in the municipalities in which they are located.