



NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 83 NAY ITL  
HB 331 NAY ITL  
HB 471 YEA OTP/A  
HB 485 YEA OTP/A  
HB 615 NAY ITL



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SENATE SESSION - THURSDAY, APRIL 29, 2021

**HB 83, prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.**

**HB 83**

Judiciary: ITL 4-1

**PRO-LIBERTY: This bill prohibits the inclusion of a non-disparagement clause in a settlement agreement involving a governmental unit.**

- This bill would prohibit public bodies from hiding bad actors and actions. It prevents making settlements in suits which include nondisclosure agreements.
- Article 8 of the New Hampshire Constitution states in part: *"All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted."* Allowing political subdivisions to include non-disparagement clauses enables unelected actors of the state to inhibit the public's right to actions that have been taken in their name.

**NAY ITL**

**HB 331, relative to a forfeiture of personal property.**

**HB 331**

Judiciary: ITL 3-2

**PRO-LIBERTY: This bill prohibits law enforcement from transferring seizures of less than \$100,000 made under state law to the federal government, circumventing our state's criminal asset forfeiture law.**

- In 2016 NH abandoned civil asset forfeiture in favor of requiring due process protections required in a criminal proceeding.
- The federal government maintains a program called Equitable Sharing which allows law enforcement to circumvent our state's criminal process.
- Funds forfeited in the federal process return 80% directly to the agency, bypassing normal appropriations (and oversight) of legislative bodies.
- Forfeiture creates an incentive to delay seizing drugs (which would be destroyed) to a later time (after the drugs are on the streets) when money can be seized.
- This bill is limited so as to not interfere with joint task force operations.
- The vast majority of forfeitures are below \$10,000, affecting those with few resources to defend themselves, as opposed to the drug kingpins that are claimed to be the targets of civil asset forfeiture.

**NAY ITL**

**HB 471, relative to police disciplinary hearings.**

**HB 471**

Judiciary: OTP/A 5-0

**PRO-LIBERTY: This bill, with the proposed committee amendment, requires police disciplinary hearings to be open to the public unless certain confidential information may be revealed and authorizes the department of justice to maintain an exculpatory evidence schedule.**

- This bill would help increase government accountability by making police disciplinary hearings open to the public unless there are compelling reasons to keep a portion confidential. In addition, with the proposed committee amendment, it would authorize the department of justice to maintain an exculpatory evidence schedule.

**YEA  
OTP/A**

**HB 485**

**YEA  
OTP/A**

**HB 615**

**NAY ITL**

**HB 485, requiring law enforcement officers to inform a person of their right to refuse a consensual search.**

**Judiciary: OTP/A 5-0**

**PRO-LIBERTY: This bill requires a law enforcement officer to inform a person of their right to refuse a consensual search before conducting a consensual search.**

- This modest but important improvement helps to ensure that individuals are made aware of their right, protected under the New Hampshire Constitution: *Article 19. [Searches and Seizures Regulated.] Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions.*

**HB 615, reducing the penalty for certain first offense drug possession charges.**

**Judiciary: ITL 3-2**

**PRO-LIBERTY: This bill makes modest improvements by reducing some of the harm of the state's failed War on Drugs.**

- This bill is a "right on crime" adjustment to criminal penalties for drug offenses. It slightly reduces some maximum sentences for first-time offenders and eliminates some mandatory minimum sentences. Research overwhelmingly shows that sentence length does not deter crime very much. Probability of punishment is a far more effective deterrent.
- Shorter sentences make it possible for first-time offenders to rehabilitate and become productive members of society.
- By reducing the population of nonviolent offenders in prison, this bill will reduce state spending and taxation.