



GOLD STANDARD



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SENATE SESSION - THURSDAY, APRIL 14, 2022

HB 1052, relative to the number of rounds of ammunition allowed for hunting regardless of firearm capacity.

HB 1052

Energy and Natural Resources: OTP 4-0

PRO-LIBERTY: This bill removes the restriction on magazine size used for hunting while retaining a limitation on the number of rounds that may be loaded.

**YEA
OTP**

- This is a small commonsense relaxation of restrictions that prevent a hunter from having to purchase a special and often hard-to-find magazine in order to hunt.

HB 579, requiring notice to the public before immigration checkpoints are conducted.

HB 579

Judiciary: ITL 3-2

PRO-LIBERTY: This bill requires local law enforcement to give public notice when a federal agency intends to conduct an immigration checkpoint.

NAY ITL

- Part 1, Article 19 of the New Hampshire Constitution notes the *"..right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions."* In *STATE v. KOPPEL* (1985), the NH Supreme Court noted that *"Stopping and detaining an automobile and its occupants, whether by roving patrol or roving roadblock, constitutes a seizure within the meaning of article 19 of our State Constitution."*
- In *STATE v. HUNT* (2007), the Supreme Court found *"To justify the search or seizure of a motor vehicle, absent probable cause or even a reasonable suspicion that a criminal offense is being committed, the State must prove that its conduct significantly advances the public interest in a manner that outweighs the accompanying intrusion on individual rights. It must further prove that no less intrusive means are available to accomplish the State's goal."* While the federal government may not be bound by the NH Constitution, our state law enforcement officers are and should take every effort to minimize undesired infringement and seizure.
- Notification is consistent with the approach New Hampshire uses for sobriety checkpoints.

Pulled from Consent

HB 1425, relative to the taking of real property by eminent domain.

HB 1425

Judiciary: ITL 5-0

PRO-LIBERTY: This bill modifies the power of the governor and council to take private property during states of emergency and modifies the calculation of compensation paid for such takings.

NAY ITL

- This bill seeks to allow for fairer compensation when real property is taken by eminent domain during an emergency. While we generally view such takings as abhorrent, to the extent they occur they should be rare and individuals should be fairly compensated for both the property as well as loss of use and other indirect costs associated with the seizure.
- This bill gives the owner the right of first refusal to purchase the property back in the event that the property should be put up for sale, helping to reduce the risk of takings during an emergency being used to circumvent the protections in the New Hampshire Constitution Part 1, [Art.] 12-a. *"[Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property."*