

NEW HAMPSHIRE LEGISLATIVE UPDATE:

Steve Arnold, New Hampshire Legislative Director

As the New Hampshire Legislature, the House and Senate, has reach crossover (House Bill to Senate; Senate Bills to House) the following actions have taken place that is of concern to the NH Legislative Delegation, as we continue to Lobby, testify, and watch. Since our March 9th report, the following actions have happened at the Executive Counsel, the Supreme Court and in the House and Senate.

Former Liquor Enforcement Chief and unsuccessful US Congressional candidate, Eddie Edwards, was confirmed by the Governor's Executive Council as the new Assistant Commissioner of the Department of Safety. Our sources tell us the Commissioner of Safety, Robert Quinn was not in favor of this gubernatorial appointment.

In other action by the Executive Council, the Governor's former legal counsel Attorney John Formella was appointed the new State Attorney General.

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As reported the Governor succumbed to the National agenda concerning **police reform**. He enacted a commission on police reform known as the Law Enforcement Accountability, Community and Transparency (LEACT). This commission met for months and heard and read hundreds of hours of testimony. In the end, the results were of minimal impact to most of NH Law Enforcement. The primary target was the State Police and other State Law Enforcement groups. The reason for the minimal impact on political subdivision was due to the funding requirements necessary to enact policies such as body and vehicle cameras.

They added more training requirements in the areas to Use of Force as well as Racial and Sensitivity training. Qualified Immunity was raised as issue which will be discussed below. Of the 48 recommendations that came out of this commission they did not present a drastic effect on NH Law Enforcement. Simply said, there was nothing we couldn't "live with".

On the other hand, the ACLU decided to push for radical changes to policy and procedures through legislative means. One topic that they have been relentless on is qualified immunity. This was discussed during the **LEACT Commission**; however, no recommendation came out in the final report. The ACLU is "hell bent" on this and we can expect to see proposed legislation next session.

Late Friday evening, April 9th, the House of Representatives voted to table the Qualified Immunity Bill (HB111) (click on Bill Text Below) and send it to a study commission. It has been effectively killed in this session but most likely will reemerge during the next session. This was not on the docket and caught all by surprise due to it being tacked onto another Bill. We believe our friends in the Senate would have killed the Bill, thus the rush to table it.

[billText.aspx \(state.nh.us\)](http://billText.aspx(state.nh.us))

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Other items of importance to the NEPBA are as follows:

Senate:

SB92 - Bail Reform: This passed the Senate and has crossed over to the House. This has been a significant issue in our state as well as many others. They decided to return to the original statute, and it is expected to pass the House. This is a big victory and one which we have helped championed for the last few years following its adoption in 2018.

SB108 - School Resource Officers: This bill would have stripped the position of all its law-enforcement powers and would have made these officers school counselors, not cops. This bill was killed in the Senate.

SB39 - Personnel Files: Another bill championed by the ACLU and basically every media organization in the state (if not country). It would allow for public review of police officer files. Senator Sharon Carson, at our request, agreed to table this bill for study over the summer. We do not expect this to go away as numerous entities want access.

House: In addition to pushing various LEACT recommendations, the House has acted on the following:

HB2 - Liquor Enforcement: As part of the Budget Bill, the house passed a bill stripping them of the law-enforcement responsibilities. No duty weapons, no arrest powers. This is significant because we represent them. If successful they will lose the group II status and return to a 30-year retirement group 1. We are continually active in discussions with our friends in the Senate. It is unlikely this will pass Senate.

Supreme Court Actions: Collective Bargaining: This issue is at the NH Supreme Court. The Public Employee Labor Relations Board (PELRB) argued that an employer cannot use cost items as a detriment during negotiations. We are waiting on a decision from the court.

Exculpatory Evidence Schedule (EES): Formerly known as "Laurie List" - The Supreme Court finally made a decision of how an officer can get off the list. Anyone on the list prior to 2018 has 6 months to file for review and removal. After 2018 you have 3 months. After the deadlines, the list can be made public. Not the best outcome but at least there is the ability to challenge that we never had before.

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