

HB 66 - AS INTRODUCED

2021 SESSION

21-0026

04/06

HOUSE BILL **66**

AN ACT relative to the use of deadly force by a law enforcement officer.

SPONSORS: Rep. True, Rock. 4; Rep. Edwards, Rock. 4; Rep. Greene, Hills. 37

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill removes the legal authority for a law enforcement officer to use deadly force in effecting an arrest.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the use of deadly force by a law enforcement officer.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Physical Force in Law Enforcement. Amend RSA 627:5, II to read as follows:

2 II. A law enforcement officer is justified in using deadly force only when ~~[he]~~ **the officer**
3 reasonably believes such force is necessary:

4 (a) To defend himself **or herself** or a third person from what ~~[he]~~ **the officer** reasonably
5 believes is the imminent use of deadly force; or

6 (b) To ~~[effect an arrest or]~~ prevent the escape from custody of a person whom ~~[he]~~ **the**
7 **officer** reasonably believes:

8 (1) Has committed or is committing a felony involving the use of force or violence, is
9 using a deadly weapon in attempting to escape, or otherwise indicates that ~~[he]~~ **the person** is likely
10 to seriously endanger human life or inflict serious bodily injury unless apprehended without delay;
11 and

12 (2) ~~[He]~~ **The officer** had made reasonable efforts to advise the person that he **or she**
13 is a law enforcement officer ~~[attempting to effect an arrest]~~ and has reasonable grounds to believe
14 that the person is aware of these facts.

15 (c) Nothing in this paragraph constitutes justification for conduct by a law enforcement
16 officer amounting to an offense against innocent persons whom ~~[he]~~ **the officer** is not seeking to
17 ~~[arrest or]~~ retain in custody.

18 2 Repeal. RSA 627:5, VIII, relative to the use of deadly force by a law enforcement officer in
19 effecting an arrest, is repealed.

20 3 Effective Date. This act shall take effect 60 days after its passage.