

HB 1483 - AS INTRODUCED

2022 SESSION

22-2287

04/11

HOUSE BILL **1483**

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

SPONSORS: Rep. True, Rock. 4

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the circumstances under which a law enforcement officer may legally use deadly force. The bill also repeals the legal presumption of reasonableness when a law enforcement officer uses 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 struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two

AN ACT relative to the use of physical 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 reasonably~~
3 ~~believes such force is]~~ **reasonably** necessary:

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

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

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 had]~~ **The officer** 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 **and** that the person is aware of ~~[these facts]~~ **this fact**.

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19 effecting an arrest, is repealed.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.