

HB 399-FN – AS AMENDED BY THE HOUSE

13Mar2013... 0717h
27Mar2013... 1030h

2013 SESSION

13-0324
05/04

HOUSE BILL ***399-FN***

AN ACT establishing the New Hampshire liberty act.

SPONSORS: Rep. Itse, Rock 10

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill establishes the New Hampshire liberty act. The bill prohibits the state from supporting or implementing 2 sections of the National Defense Authorization Act for Fiscal Year 2012, pertaining to the authority of the United States armed services to detain persons suspected of terrorism.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT establishing the New Hampshire liberty act.

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

1 1 Findings.

2 I. The legislature finds that the enactment into law by the United States Congress of
3 Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012, Public Law
4 Number 112-81, is inimical to the liberty, security, and well-being of the people of New Hampshire,
5 and was adopted by the United States Congress in violation of the limits of federal power in
6 United States Constitution.

7 II. The legislature finds that, together, Sections 1021 and 1022 of the National Defense
8 Authorization Act for Fiscal Year 2012, as they purport to authorize (i) detainment of persons
9 captured within the United States of America without charge, (ii) military tribunals for persons
10 captured within the United States of America, and (iii) the transfer of persons captured within the
11 United States of America to foreign jurisdictions, are violative of the following rights enshrined in
12 the Constitution of the United States of America:

- 13 (a) Article I, Section 9, Clause 2's right to seek writ of habeas corpus;
- 14 (b) The First Amendment's right to petition the government for a redress of grievances;
- 15 (c) The Fourth Amendment's right to be free from unreasonable searches and seizures;
- 16 (d) The Fifth Amendment's right to be free from charge for an infamous or capital crime
17 until presentment or indictment by a grand jury;
- 18 (e) The Fifth Amendment's right to be free from deprivation of life, liberty, or property,
19 without due process of law;
- 20 (f) The Sixth Amendment's right in criminal prosecutions to enjoy a speedy trial by an
21 impartial jury in the state and district where the crime shall have been committed;
- 22 (g) The Sixth Amendment's right to be informed of the nature and cause of the
23 accusation;
- 24 (h) The Sixth Amendment's right to confront witnesses;
- 25 (i) The Sixth Amendment's right to counsel;
- 26 (j) The Eighth Amendment's right to be free from excessive bail and fines, and cruel and
27 unusual punishment; and
- 28 (k) The Fourteenth Amendment's right to be free from deprivation of life, liberty, or
29 property, without due process of law.

HB 399 FISCAL NOTE

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FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as amended by the House (Amendments #2013-0717h and #2013-1030h)**, as it is awaiting information from the Judicial Branch, Department of Justice, New Hampshire Association of Counties, Department of Corrections, and the Judicial Council. When completed, the fiscal note will be forwarded to the House Clerk's Office.