

**HB 502 – AS INTRODUCED**

2013 SESSION

13-0153  
04/09

HOUSE BILL           **502**

AN ACT               relative to protection of persons from domestic violence.

SPONSORS:         Rep. Itse, Rock 10; Rep. Comerford, Rock 33; Rep. Ulery, Hills 37; Rep. Weyler, Rock 13

COMMITTEE:       Criminal Justice and Public Safety

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ANALYSIS

This bill changes the procedures law enforcement officers may use to make arrests in domestic violence cases.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to protection of persons from domestic violence.

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

1           1   Protection of Persons From Domestic Violence; Protection of Persons by Peace Officers.

2   Amend RSA 173-B:10, II to read as follows:

3           II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon  
4   probable cause, ~~whether or not~~ **if** the abuse is committed in the presence of the peace officer **or if a**  
5   **criminal complaint has been filed**. When the peace officer has probable cause to believe that the  
6   persons are committing or have committed abuse against each other, the officer need not arrest both  
7   persons, but ~~should~~ **may** arrest the person the officer believes to be the primary physical aggressor.  
8   In determining who is the primary physical aggressor, an officer shall consider the intent of this  
9   chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on  
10  the persons involved, and any history of domestic abuse between these persons if that history can  
11  reasonably be obtained by the officer.

12          2   Effective Date. This act shall take effect 60 days after its passage.