

**HB 503 – AS INTRODUCED**

2013 SESSION

13-0155  
04/10

HOUSE BILL           **503**

AN ACT               relative to arrests for domestic violence.

SPONSORS:       Rep. Itse, Rock 10; Rep. Comerford, Rock 33; Rep. Tucker, Rock 23;  
Rep. Baldasaro, Rock 5; Rep. Kappler, Rock 3; Rep. Lambert, Hills 44; Rep. Jones,  
Straf 24; Rep. Oigny, Rock 34; Sen. Cataldo, Dist 6

COMMITTEE:      Criminal Justice and Public Safety

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ANALYSIS

This bill requires a criminal complaint to be filed in order for a law enforcement officer to intervene in a domestic violence situation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to arrests for 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 by Peace Officers. Amend RSA 173-  
2 B:10 to read as follows:

3           173-B:10 Protection by Peace Officers.

4           I. Whenever any peace officer has [~~probable cause~~] **received or has been notified of a**  
5 **criminal complaint stating sufficient facts to cause the officer** to believe that a person has  
6 been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent  
7 further abuse including, but not limited to:

8                   (a) Confiscating any deadly weapons involved in the alleged domestic abuse and any  
9 firearms and ammunition in the defendant’s control, ownership, or possession.

10                   (b) Transporting or obtaining transportation for the victim and any child, to a  
11 designated place to meet with a domestic violence counselor, local family member, or friend.

12                   (c) Assisting the victim in removing toiletries, medication, clothing, business equipment,  
13 and any other items determined by the court.

14                   (d) Giving the victim immediate and written notice of the rights of victims and of the  
15 remedies and services available to victims of domestic violence. The written notice shall include a  
16 statement substantially as follows:

17 “If you are the victim of domestic violence and you believe that law enforcement protection is needed  
18 for your physical safety, you have the right to request that the officer assist in providing for your  
19 safety, including asking for an emergency telephonic order for protection. You may also request that  
20 the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing,  
21 business equipment, and any other items as determined by the court, and in locating and taking you  
22 to a local safe place including, but not limited to, a designated meeting place to be used as a crisis  
23 center, a family member’s or friend’s residence, or a similar place of safety. If you are in need of  
24 medical treatment, you have the right to request that the officer assist you in obtaining an  
25 ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law  
26 enforcement department.”

27           II. [~~Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon~~  
28 ~~probable cause, whether or not the abuse is committed in the presence of the peace officer.~~] When  
29 the peace officer has [~~probable cause~~] **received or has been notified of a criminal complaint**  
30 **stating sufficient facts to cause the officer** to believe that the persons are committing or have  
31 committed abuse against each other, the officer need not arrest both persons, but [~~should~~] **may**

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1 arrest the person the officer believes to be the primary physical aggressor. In determining who is the  
2 primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims  
3 of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any  
4 history of domestic abuse between these persons if that history can reasonably be obtained by the  
5 officer.

6 2 Arrest Without a Warrant. Amend RSA 594:10, I(b) to read as follows:

7 (b) [~~He has probable cause to believe~~] ***The peace officer has received a criminal***  
8 ***complaint*** that the person to be arrested has within the past 12 hours committed abuse as defined  
9 in RSA 173-B:1, I against a person eligible for protection from domestic violence as defined in  
10 RSA 173-B:1, has within the past 12 hours violated a temporary or permanent protective order  
11 issued under RSA 173-B or RSA 458:16 by committing assault, criminal trespass, criminal mischief  
12 or another criminal act, or has within the last 12 hours violated stalking provisions under  
13 RSA 633:3-a.

14 3 Effective Date. This act shall take effect January 1, 2014.