

HB 610-FN – AS INTRODUCED

2013 SESSION

13-0154
04/03

HOUSE BILL **610-FN**

AN ACT relative to attorney's fees and costs in an action against a governmental unit for false arrest.

SPONSORS: Rep. Itse, Rock 10; Rep. Comerford, Rock 33

COMMITTEE: Judiciary

ANALYSIS

This bill provides that a governmental unit held liable for damages for false arrest shall also be liable for reasonable attorney's fees and court costs incurred by the plaintiff.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 attorney's fees and costs in an action against a governmental unit for false arrest.

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

1 1 Bodily Injury Actions Against Governmental Units; Liability for Negligence Amend RSA 507-
2 B:2 to read as follows:
3 507-B:2 Liability for Negligence.

4 ***I.*** A governmental unit may be held liable for damages in an action to recover for bodily
5 injury, personal injury, or property damage caused by its fault or by fault attributable to it, arising
6 out of ownership, occupation, maintenance, or operation of all motor vehicles, and all premises;
7 provided, however, that the liability of any governmental unit with respect to its sidewalks, streets,
8 and highways shall be limited as provided in RSA 231 and the liability of any governmental unit
9 with respect to publicly owned airport runways and taxiways shall be limited as set forth in
10 RSA 422.

11 ***II.*** ***A governmental unit which is held liable for damages in an action for false***
12 ***arrest shall also be liable for reasonable attorney's fees and costs incurred by the plaintiff.***

13 2 Effective Date. This act shall take effect January 1, 2014.

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HB 610-FN – FISCAL NOTE

AN ACT relative to attorney's fees and costs in an action against a governmental unit for false arrest.

FISCAL IMPACT:

The Judicial Branch, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill, **as introduced**, may increase state, county, and local expenditures by an indeterminable amount in FY 2014 and each year thereafter. There is no fiscal impact on state, county, or local revenue.

METHODOLOGY:

The Judicial Branch states this bill would add RSA 507-B:2, II to provide that a government unit liable for damages for false arrest is also liable for the plaintiff's attorney's fees and costs. The Branch states this bill will not add any new cases to the Branch's caseload but may elongate the proceedings of future actions as the plaintiff will seek to prove and collect attorney's fees as part of the damages sought. The Branch has no information on how many actions are filed for false arrests or information on how much court time could be added as result of the proposed bill. The Branch states this bill will increase expenditures by an indeterminable amount.

The New Hampshire Association of Counties states it does not have the information to determine the number of cases or costs associated with these cases to determine the increase, if any, in county expenditures.

The New Hampshire Municipal Association states this bill may increase local expenditures to the extent that municipalities are found liable for false arrest and awards made by the court in these cases increase.

The Department of Justice states this bill will not have a fiscal impact on the Department as the definition of "government unit" in RSA 507-B does not include the State or its agencies.