## HB 1279 - AS AMENDED BY THE HOUSE

6Feb2014... 0190h

# $2014 \; {\rm SESSION}$

14-2352 05/10

HOUSE BILL	1279
AN ACT	relative to compliance with 2012 National Defense Authorization Act.
SPONSORS:	Rep. O'Flaherty, Hills 12; Rep. Winters, Hills 18; Rep. Sylvia, Belk 6; Rep. Itse, Rock 10; Rep. Michael Garcia, Hills 34
COMMITTEE:	State-Federal Relations and Veterans Affairs

## ANALYSIS

This bill prohibits the state, political subdivisions, and the national guard from participating in enforcement of the counterterrorism detainment provisions of the 2012 National Defense Authorization Act.

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removed from current law appears [in brackets and struckthrough.]Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

#### HB 1279 - AS AMENDED BY THE HOUSE

6Feb2014... 0190h

### STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to compliance with 2012 National Defense Authorization Act.

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

1 1 New Chapter; Protection Against Unlawful Military Action. Amend RSA by inserting after 2 chapter 642 the following new chapter:

 $\frac{3}{4}$ 

## CHAPTER 642-A

## PROTECTION FROM MILITARY ACTION

 $\mathbf{5}$ 642-A:1 Protection Against Unlawful Military Action Within New Hampshire. The general 6 court of New Hampshire and the governor of New Hampshire hold that indefinite detention or 7transfer to jurisdictions outside the United States of citizens of New Hampshire in particular and 8 citizens of the United States in general are unlawful pursuant to the constitution of the state of New 9 Hampshire, part the first, articles 15, 17, and 19, and the Constitution for the United States of America, Amendments IV, V, and VI. Therefore, pursuant to the constitution of the state of New 10Hampshire, part the first, article 7, and the Constitution for the United States, Amendments IX and 11 12X, notwithstanding any provision of law to the contrary, no New Hampshire agency, political 13subdivision, or employee of either acting in his or her official capacity, and no member of the New 14Hampshire national guard under the command of the governor, may knowingly engage in any activity that aids an agency of or the armed forces of the United States in the execution of 50 U.S.C. 1516section 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012, Public Law 17112-81, section 1021, or any other similar law, order, or regulation, in the investigation, arrest, 18detention, extra-judicial transfer to foreign jurisdictions or entities, military tribunal, or trial, of any 19person within the United States. Nothing herein shall be interpreted to prevent cooperation with 20federal civilian authorities not acting pursuant to 50 U.S.C. section 1541, as provided by the 21National Defense Authorization Act for Fiscal Year 2012, Public Law 112-81, section 1021, or any 22other similar law, order, or regulation, nor to any training which may apply to tasks in common with 23those required to execute 50 U.S.C. section 1541, as provided by the National Defense Authorization Act for Fiscal Year 2012, Public Law 112-81, section 1021. 24

25 2 Effective Date. This act shall take effect January 1, 2015.