

HB 1473 – AS INTRODUCED

2014 SESSION

14-2277
05/04

HOUSE BILL **1473**

AN ACT recodifying the laws relative to sheriffs, constables, and police officers.

SPONSORS: Rep. Itse, Rock 10; Rep. Ulery, Hills 37; Rep. Tucker, Rock 23; Rep. Comerford,
Rock 33; Rep. Luther, Belk 3; Rep. Cebrowski, Hills 7; Rep. A. Schmidt, Sull 1

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill recodifies title 7, relative to sheriffs, constables, and police officers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT recodifying the laws relative to sheriffs, constables, and police officers.

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

1 1 Compensation for Deputy Sheriffs. Amend RSA 104:3-f to read as follows:

2 104:3-f Compensation for Deputy Sheriffs [~~in Hillsborough County~~]. [~~In Hillsborough county,~~]
3 All deputy sheriffs shall turn over to the county treasurer all fees and mileage charges collected. The
4 county delegation shall appropriate, not less than annually, sufficient funds to compensate said
5 deputy sheriffs.

6 2 Powers of Constables. Amend RSA 104:9 to read as follows:

7 104:9 Constables. Constables shall serve and return writs and other civil precepts to them
8 directed wherein the amount demanded in damages does not exceed [~~\$75~~] **\$750**, and no others, and
9 shall have similar powers and be subject to similar liabilities in relation thereto as sheriffs.

10 3 Sheriffs and Constables; Neglect of Duty. Amend RSA 104:10 to read as follows:

11 104:10 Neglect of Duty. If any such officer refuses or neglects to serve a legal precept to him **or**
12 **her** directed and delivered for service, his **or her** fees therefor being first tendered, or without such
13 tender in criminal cases when the precept is indorsed by the attorney general or solicitor, or by the
14 clerk by order of court, he **or she** shall forfeit [~~\$50~~] **\$500** to any person aggrieved thereby who shall
15 sue therefor within 3 months.

16 4 Sheriffs and Constables. Requiring Aid. Amend RSA 104:12 to read as follows:

17 104:12 Requiring Aid. An officer having authority to serve process or make an arrest may
18 require suitable aid in the execution of his **or her** office. Any person who neglects or refuses to give
19 such aid when so required shall be fined not more than [~~\$20~~] **\$200**.

20 5 Sheriff; List of Processes. Amend RSA 104:19 to read as follows:

21 104:19 List of Processes. At each term of the superior court the sheriff shall deliver to the
22 county commissioners a list of the warrants or other process for fines, forfeitures, or costs, delivered
23 to him **or her** by the clerk before the term, and then uncollected without fault on his **or her** part,
24 and shall return them to the clerk for renewal. For any neglect to deliver such list or to return such
25 warrants or other process he **or she** shall forfeit [~~\$50~~] **\$500**.

26 6 Gender Neutral References; Sheriff; Account. Amend RSA 104:20 to read as follows:

27 104:20 Account. The sheriff shall, once in each year, submit to the county commissioners, at a
28 term of the superior court, a statement in detail of all services of himself **or herself** or of his **or her**
29 deputies for which the county is chargeable, and such amount shall be allowed thereon as is just. No
30 such account shall be allowed unless presented within one year after the service was performed.

31 7 Sheriff; Clerk Hire. Amend RSA 104:30 to read as follows:

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1 104:30 Clerk Hire. The sheriff of [~~Hillsborough~~] **any** county shall employ such **assistant or**
2 clerk hire as he **or she** deems necessary. The salaries of said **assistant or** clerk or clerks shall be
3 paid by the county, provided, however, that the amount of salaries so paid shall not exceed the
4 amount appropriated by the county delegation for said **assistant or** clerk hire.

5 8 Annual Reports to Sheriff. Amend RSA 104:31-a to read as follows:

6 104:31-a Reports. The chief deputy, all deputy sheriffs, and special deputy sheriffs of [~~Strafford~~]
7 **each** county shall report annually to the sheriff the number of civil writs and other processes served,
8 and said reports shall include the total amounts collected in fees and mileage charges. Such annual
9 reports shall be incorporated into the sheriff's annual report to the county commissioners.

10 9 Chapter Heading Amended. Amend the chapter heading of RSA 105 to read as follows:

CHAPTER 105

POLICE OFFICERS [~~AND WATCHMEN~~]

11 10 References to Watchman Deleted. Amend RSA 105:13 to read as follows:

12 105:13 Extended Authority.

13 I. The authority of any duly authorized police officer[~~;~~] **or** constable [~~or watchman~~] of any
14 town or city shall extend to any other city or town in the state, provided that the chief law
15 enforcement officer of the requesting town or city has executed with the chief law enforcement officer
16 of the responding town or city a written agreement which sets forth the terms and conditions under
17 which such assistance may be requested or rendered. The executed agreement shall constitute
18 authorization for every request for assistance, and for any assistance rendered in accordance with
19 the terms and conditions of the written agreement, regardless of whether the responding police
20 officer[~~;~~] **or** constable[~~;~~~~or watchman~~] is named in the agreement. In an emergency situation, the
21 ranking on-duty law enforcement official of a town or city is authorized to make an oral request for
22 assistance to the ranking on-duty law enforcement official in the responding town, subject to the
23 terms and conditions of such written agreement, and the authority of the responding police officer[~~;~~]
24 **or** constable[~~;~~~~or watchman~~] shall extend to the requesting town. The written agreement shall
25 remain in full force and effect until terminated by the mutual consent of the chief law enforcement
26 officers of each town or city, or until 10 days after the chief law enforcement officer of one town or
27 city has received notification from the chief law enforcement officer of the other town or city of his or
28 her intention to terminate.

29 II. Where no written agreement exists or no officer is available, any duly authorized police
30 officer[~~;~~] **or** constable[~~;~~~~or watchman~~] shall have temporary police authority in another jurisdiction in
31 the state, when requested by a law enforcement officer from such jurisdiction in the state to render
32 assistance to such officer under such officer's direction in an emergency for the purposes of making
33 an arrest or effecting custody of a detainee, conducting a search, quelling a disturbance, providing
34 traffic or crowd control, or securing a crime scene, until relieved by the requesting officer or
35 otherwise directed by the ranking on-duty officer of the requesting jurisdiction.

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1 III. Where no written agreement exists or no officer is available, any duly authorized police
2 officer~~[;]~~ **or** constable~~[, or watchman]~~ from a nearby town or city may exercise temporary police
3 authority as necessary to respond to a crime in progress, traffic accident, natural or human-caused
4 disaster, disturbance in progress, or other emergency, if requested by a public safety dispatch center
5 authorized to dispatch for the jurisdiction where the event is occurring, because there is no local
6 officer or state trooper available for immediate response and in the judgment of the dispatch center
7 the public safety requires an immediate response. Such officer's authority shall terminate when
8 relieved by an officer with authority in the jurisdiction receiving the assistance, unless the officer
9 with authority requests assistance pursuant to paragraph II.

10 IV. When providing assistance under this section, the officer shall remain an employee of his
11 or her respective department.

12 11 References to Watchman Deleted. Amend RSA 48:11-a to read as follows:

13 48:11-a Extended Authority. The authority of any duly authorized marshal, collector,
14 constable~~[;]~~ **or** police officer ~~[or watchman]~~ of any city shall extend to any town or city in the state,
15 provided that the chief law enforcement officer of the requesting town or city has executed with the
16 chief law enforcement officer of the responding city a written agreement which sets forth the terms
17 and conditions under which such assistance shall be requested or rendered. The executed agreement
18 shall constitute authorization for every request for assistance, and for any assistance rendered in
19 accordance with the terms and conditions of the agreement, regardless of whether the responding
20 marshal, collector, constable, **or** police officer ~~[or watchman]~~ is named in the agreement. In an
21 emergency situation, the ranking on-duty law enforcement officer of a town or city is authorized to
22 make an oral request to the ranking on-duty law enforcement officer of the responding town, subject
23 to the terms and conditions of the written agreement, and the authority of the responding marshal,
24 collector, constable, **or** police officer ~~[or watchman]~~ shall extend to the requesting town or city. The
25 written agreement shall remain in full force and effect until terminated by the mutual consent of the
26 chief law enforcement officers of each town or city, or until 10 days after the chief law enforcement
27 officer of one town or city has received notification from the chief law enforcement officer of the other
28 town or city of his **or her** intention to terminate it.

29 12 Reference to Watchman Deleted; Arrests in Criminal Cases; Definition of Officer. Amend
30 RSA 594:1, III to read as follows:

31 III. "Officer" or "peace officer" is any sheriff or deputy sheriff, mayor or city marshal,
32 constable, police officer ~~[or watchman]~~, member of the national guard acting under orders while in
33 active state service ordered by the governor under RSA 110-B:6, or other person authorized to make
34 arrests in a criminal case.

35 13 Auxiliary State Police. Amend RSA 106-B:19 to read as follows:

36 106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an
37 auxiliary state police force for the purpose of providing emergency services throughout the state for

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1 peacetime or wartime emergencies or threatened emergencies and for augmenting the state police
2 force in such manner as the director may deem appropriate. Notwithstanding other provisions the
3 director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall
4 at all times be under the direction and control of the said director and shall be subject to rules
5 adopted by the director under RSA 541-A [~~and shall serve for a period of not more than 90 days in~~
6 ~~any one year~~].

7 14 Repeal. The following are repealed:

8 I. RSA 105:5, relative to police matrons.

9 II. RSA 105:10 through 105:12, relative to watchmen.

10 III. RSA 105:14 through 105:18, relative to domestic animal and animal cruelty.

11 IV. RSA 106-B:17, relative to retirement benefits for certain state police and motor vehicle
12 department employees in 1962.

13 15 Effective Date. This act shall take effect 60 days after its passage.