11Feb2015... 0056h

2015 SESSION

15-0169
04/10

HOUSE BILL   *118*

AN ACT   relative to vehicular assault.

SPONSORS: Rep. Shurtleff, Merr 11

COMMITTEE: Criminal Justice and Public Safety

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AMENDED ANALYSIS

This bill deletes the last sentence of the vehicular assault statute pursuant to the New Hampshire supreme court ruling in State v. Rollins-Ercolino, 149 N.H. 336 (2003), which held that the last sentence of the statute violates part I, article 15 of the New Hampshire constitution by shifting the burden of proof to the defendant and removing the evidence-weighing function of the jury regarding an element of the crime. The bill also adds a more specific requirement of culpability for the operation of a vehicle or vessel.

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                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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2015 SESSION

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT   relative to vehicular assault.

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

1   51:1 Vehicular Assault. Amend RSA 265:79-a to read as follows:

2   265:79-a Vehicular Assault. Any person who[, without intent,] causes death or serious bodily

3   injury as defined in RSA 625:11, VI to another while using a vessel or propelled vehicle as defined in

4   RSA 637:9, III shall be guilty of a class A misdemeanor, where such person's [unlawful] *negligent*

5   operation of the propelled vehicle or vessel causes or materially contributes to the collision. [Evidence

6   that the driver violated any of the rules of the road shall be prima facie evidence that the driver

7   caused or materially contributed to the collision.]

8   51:2 Effective Date. This act shall take effect January 1, 2016.

9

10   Approved: June 2, 2015

11   Effective Date: January 1, 2016