

CHAPTER 227
SB 58 - FINAL VERSION

03/30/2023 1226s
8Jun2023... 1490h

2023 SESSION

23-0797
04/07

SENATE BILL **58**

AN ACT relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility.

SPONSORS: Sen. Gray, Dist 6; Sen. Bradley, Dist 3; Sen. Gannon, Dist 23; Sen. Carson, Dist 14; Sen. Rosenwald, Dist 13

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill authorizes a law enforcement officer to arrest a person without a warrant for interfering with the provision of medically-necessary health care services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 227
SB 58 - FINAL VERSION

03/30/2023 1226s
8Jun2023... 1490h

23-0797
04/07

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility.

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

1 227:1 Arrests in Criminal Cases; Arrest Without a Warrant. Amend RSA 594:10, I to read as
2 follows:

3 I. An arrest by a peace officer without a warrant on a charge of a misdemeanor or a violation
4 is lawful whenever:

5 (a) ~~[He]~~ ***The peace officer*** has probable cause to believe that the person to be arrested
6 has committed a misdemeanor or violation in ~~[his]~~ ***the peace officer's*** presence; or

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

13 (c) ~~[He]~~ ***The peace officer*** has probable cause to believe that the person to be arrested
14 has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be
15 apprehended, will destroy or conceal evidence of the offense, ~~[or]~~ will cause further personal injury or
16 damage to property, ***or, while in the care of a medical professional on the premises of a
17 residential care or health care facility as defined in RSA 151:2, through actual or
18 threatened violence, interfere in the provision of health care services that a licensed
19 medical professional has determined to be medically necessary.***

227:2 Effective Date. This act shall take effect upon its passage.

Approved: August 04, 2023
Effective Date: August 04, 2023