

Amendment to SB 563-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to federal immigration enforcement and holdover tenancies.
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5 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
6 read as 3:

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8 2 New Section; Tenant at Sufferance Prohibited. Amend RSA 540 by inserting after section
9 540:2 the following new section:

10 540:2-a Holdover Tenancies Prohibited.

11 I. Any person who is not the owner and who initially occupies or possesses real property not
12 pursuant to a written agreement with the owner shall not be considered a tenant at sufferance, shall
13 have no rights under RSA 540 or RSA 540-A, and shall have no right to possess or occupy said
14 property.

15 II. The owner of the property or a law enforcement officer acting at the request of the owner
16 may, without the need for legal process, immediately remove such person from the property and may
17 use reasonable force to do so. If such person resists removal from the property, the person shall be
18 liable for whatever criminal penalties and/or civil remedies arise from the person's actions and shall
19 not have a defense to liability based on the person's status as an occupier or possessor of the
20 property.

21 III. Anyone found to be unlawfully occupying the residence of another pursuant to this
22 chapter, shall be guilty of misdemeanor criminal trespass with no advance notice being required.
23 Any property left in the occupied dwelling shall be deemed as abandoned and belonging to the lawful
24 owner of the residence and may be disposed of as the owner sees fit. Any reasonable costs associated
25 with repairs or damage of the property caused by a person violating this section or with the
26 removing of property left at the residence, shall be ordered reimbursed to the owner or their
27 designee by the court in any criminal proceeding arising from a violation of this section.

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AMENDED ANALYSIS

This bill prohibits state and local government entities from adopting sanctuary policies to prohibit or impede the enforcement of federal immigration law and prohibits a tenancy at sufferance to be created by those without a written agreement permitting them to occupy a property.