

HB 1012-FN - AS INTRODUCED

2024 SESSION

24-2024
05/08

HOUSE BILL

1012-FN

AN ACT exempting from criminal penalty certain parenting decisions intended to encourage a child's independence and freedom.

SPONSORS: Rep. Cushman, Hills. 28; Rep. Potucek, Rock. 13; Rep. Vose, Rock. 5; Rep. Edwards, Rock. 31; Rep. Gorski, Hills. 2; Rep. Osborne, Rock. 2; Rep. Post, Hills. 42; Rep. T. Lekas, Hills. 38; Rep. Burnham, Straf. 2; Sen. Avard, Dist 12; Sen. Pearl, Dist 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes an exemption from prosecution for child endangerment if the individual's actions were based on certain parenting decisions.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT exempting from criminal penalty certain parenting decisions intended to encourage a child's independence and freedom.

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

1 1 New Paragraph; Endangering the Welfare of a Child; Exception for Certain Parenting
2 Decisions. Amend RSA 639:3 by inserting after paragraph VI the following new paragraph:

3 VII. No parent or legal guardian of a child who makes a parenting decision shall be guilty of
4 an offense under this section if:

5 (a) There is no actual injury or harm, or any actual injury or harm is the result of an
6 unavoidable or unforeseen accident;

7 (b) The parenting decision made is not explicitly in violation of any other law;

8 (c) There is a reasoned approach to such decision-making that takes into consideration
9 benefit versus risk; and

10 (d) The decision made is in keeping with the parent or guardian's family values.

11 2 Effective Date. This act shall take effect January 1, 2025.

**HB 1012-FN- FISCAL NOTE
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FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>				
Expenditures	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: <https://gencourt.state.nh.us/lba/Budget/FiscalNotes/JudicialCorrectionalCosts.pdf>.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association