

HB 66 - AS INTRODUCED

2021 SESSION

21-0026

04/06

HOUSE BILL 66

AN ACT relative to the use of deadly force by a law enforcement officer.

SPONSORS: Rep. True, Rock. 4; Rep. Edwards, Rock. 4; Rep. Greene, Hills. 37

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill removes the legal authority for a law enforcement officer to use deadly force in effecting an arrest.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0026

04/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the use of deadly force by a law enforcement officer.

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

1 Physical Force in Law Enforcement. Amend RSA 627:5, II to read as follows:

II. A law enforcement officer is justified in using deadly force only when [~~he~~] ***the officer*** reasonably believes such force is necessary:

(a) To defend himself ***or herself*** or a third person from what [~~he~~] ***the officer*** reasonably believes is the imminent use of deadly force; or

(b) To [~~effect an arrest or~~] prevent the escape from custody of a person whom [~~he~~] ***the officer*** reasonably believes:

(1) Has committed or is committing a felony involving the use of force or violence, is using a deadly weapon in attempting to escape, or otherwise indicates that [~~he~~] ***the person*** is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay; and

(2) [~~He~~] ***The officer*** had made reasonable efforts to advise the person that he ***or she*** is a law enforcement officer [~~attempting to effect an arrest~~] and has reasonable grounds to believe that the person is aware of these facts.

(c) Nothing in this paragraph constitutes justification for conduct by a law enforcement officer amounting to an offense against innocent persons whom [~~he~~] ***the officer*** is not seeking to [~~arrest or~~] retain in custody.

2 Repeal. RSA 627:5, VIII, relative to the use of deadly force by a law enforcement officer in effecting an arrest, is repealed.

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