

Section 1 Header

2022 SESSION

22-2255.1

04/11

HOUSE BILL *[bill number]*

AN ACT relative to a motor vehicle exception to criminal restraint or false imprisonment and relative to civil immunity and physical force in defense of a person.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill adds an exception to the criminal restraint and false imprisonment statutes based on temporary detainment in a motor vehicle and removes civil liability for the use of force in the protection of person or property and amends the law governing the duty to retreat when using physical force in defense of oneself or another.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to a motor vehicle exception to criminal restraint or false imprisonment
and relative to civil immunity and physical force in defense of a person.

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

1 1 Interference With Freedom; Criminal Restraint. Amend RSA 633:2 to read as follows:

2 633:2 Criminal Restraint.

3 I. A person is guilty of a class B felony if ~~he~~ **such person** knowingly confines another
4 unlawfully in circumstances exposing ~~him~~ **such other person** to risk of serious bodily injury.

5 II. The meaning of "confines another unlawfully", as used in this section and RSA 633:3,
6 includes but is not limited to confinement accomplished by force, threat, or deception or, in the case
7 of a person who is under the age of 16 or incompetent, if it is accomplished without the consent of his
8 **or her** parent or guardian. **"Confines another unlawfully" shall not include confinement in a**
9 **motor vehicle caused by a temporary circumstance such as traffic, parades, or protest,**
10 **where there is minimal risk of bodily harm.**

11 2 Criminal Code; Civil Immunity. Amend RSA 627:1-a to read as follows:

12 627:1-a Civil Immunity. A person who uses force in self-protection or in the protection of other
13 persons pursuant to RSA 627:4, ~~in the protection of premises and property pursuant to RSA 627:7~~
14 ~~and 627:8,~~ in law enforcement pursuant to RSA 627:5, or in the care or welfare of a minor pursuant
15 to RSA 627:6, is justified in using such force and shall be immune from civil liability for personal
16 injuries sustained by a perpetrator which were caused by the acts or omissions of the person as a
17 result of the use of force. In a civil action initiated by or on behalf of a perpetrator against the
18 person, the court shall award the person reasonable attorney's fees, and costs, including but not
19 limited to, expert witness fees, court costs, and compensation for loss of income.

20 3 Criminal Code; Physical Force in Defense of a Person. Amend RSA 627:4, III(a) to read as
21 follows:

22 (a) Retreat from the encounter, except that he or she is not required to retreat if he or
23 she is within his or her dwelling, its curtilage, ~~or anywhere he or she has a right to be,~~ and was not
24 the initial aggressor; or

25 4 Effective Date. This act shall take effect January 1, 2023.