

Section 1 Header

2022 SESSION

22-2255.0  
04/11

HOUSE BILL      *[bill number]*

AN ACT            relative to a motor vehicle exception to criminal restraint or false imprisonment.

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## Section 2 Header

22-2255.0  
04/11

## 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.

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

## Section 2 Header

22-2255.1  
04/11

## 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.