



January 31, 2025

Honorable Chairman Terry Roy
House Criminal Justice and Public Safety Committee
Legislate Office Building Room 202-204
33 North State St., Concord, NH 03301

RE: NAMI NH Opposition to HB 59

Dear Chairman Roy and Committee Members:

Thank you for the opportunity to testify today. My name is Holly Stevens, and I am the Director of Public Policy at NAMI New Hampshire, the National Alliance on Mental Illness. NAMI NH is a non-profit, grassroots organization whose mission is to improve the lives of all people impacted by mental illness and suicide through support, education and advocacy. On behalf of NAMI NH, I am here today to speak in opposition to HB 59, relative to the assault of a firefighter, emergency medical care provider, or law enforcement officer.

NAMI NH firmly believes in, and supports, the critical services that first responders provide to the safety and wellbeing of our communities. Oftentimes, individuals in mental health crisis will find themselves interacting with a first responder on some of the worst days of their life. We find that first responders are an important element of mental health crisis response, and their safety and wellbeing must be crucially protected. However, we have significant concerns that HB 59, as introduced, will significantly and punitively impact individuals in mental health crisis, and believe that people in crisis deserve treatment and support, not to be arrested, jailed, and faced with disproportionate penalties.

Under current law, police cannot arrest a person for a misdemeanor offense unless it is committed in front of the officer, or if certain conditions are met (concealment of evidence of the offense or belief the person will cause further personal injury or property damage). SB 59 instead provides for the warrantless arrest of any individual accused of assault of a first responder by raising the level of this offense to a felony in instances that would otherwise be considered misdemeanor simple assault. As mentioned earlier, folks with a mental illness often interact with first responders on the worst days of their life. As such, their actions may be reckless or unpredictable and may result in bodily injury or unprivileged physical contact referenced in the bill. Therefore, we expect this bill would cause more individuals with a mental illness to often face the higher penalties established in this bill due to their frequent interactions with first responders. This bill would also make obtaining release on bail more difficult, resulting in more folks with an active mental illness residing in jails around the state. While the committee may determine that there is a need to provide increased protections for first responders, there must also be a balance of protecting the rights and freedoms of individuals with a mental illness.

By way of background, from 2021-2023, NAMI NH was involved with a stakeholder group discussing a similar issue to the subject matter of this bill, concerning workplace safety for healthcare

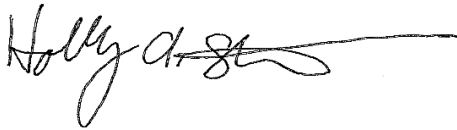
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workers, rather than emergency responders. As part of this effort, in 2021, a Committee to Study Workplace Safety in Health Care Settings was formed. During those two years, the legislative committee worked with stakeholders, including NAMI NH, to come to a resolution that prioritized the safety of healthcare workers while also addressing the concerns of mental health and disability rights advocates. This resulted in the language that passed in SB 58 from 2023. As we can learn from this process, changes in the law that may disproportionately affect the rights of an already vulnerable population should use time and careful consideration to assure that an axe isn't being used when a scalpel would suffice.

It is paramount that people in psychiatric crisis continue to have the due process protections afforded to them under law. If HB 59 passes, we expect that more people in a mental health crisis would face higher level charges and languish in county jails, which would only serve to exacerbate the crisis they are experiencing. For these reasons, NAMI NH opposes HB 59, suggesting instead that this issue be further studied as was done four years ago with the healthcare workforce bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly A. Stevens", with a long horizontal flourish extending to the right.

Holly A. Stevens, Esq.

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