

April 3, 2025

Honorable Chairman Bill Gannon
Senate Judiciary Committee
State House Room 100
107 North Main St., Concord, NH 03301

RE: NAMI NH Opposition to HB 59

Dear Chairman Gannon 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 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). HB 59 instead provides for the warrantless arrest of any individual accused of simple assault of a first responder by raising what would otherwise be considered misdemeanor simple assault to the level of a felony (section 3 of the bill as amended by the House). 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

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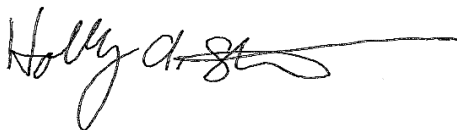
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be reckless or unpredictable and may result in bodily injury. Therefore, we expect this bill would cause more individuals with a mental illness to often face the higher penalties established in this bill due to their frequent interactions with first 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. The bill allows no discretion of the court, stating that if the court finds probable cause that either offense contained in the bill has occurred, “that finding shall constitute prima facie evidence that the defendant is dangerous...” when considering bail. The two sections of the bill containing this language would only lead to folks with mental illnesses spending more time in jail, not getting the treatment they need. Further these sections are unnecessary as, under the new bail reform law there is already a mechanism to determine dangerousness for these crimes. 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.

It is paramount that people in psychiatric crises continue to have the due process protections afforded to them under law. If HB 59 passes as amended by the House, we expect that more people in a mental health crisis will 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 as amended by the House, suggesting that this issue be further studied to gather data on these incidents and that the Senate remove the language regarding prima facie evidence that the defendant is considered dangerous for the purposes of bail.

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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