

HB 1159-FN - AS INTRODUCED

2020 SESSION

20-2194

04/08

HOUSE BILL ***1159-FN***

AN ACT relative to cyberbullying, cyberstalking, and doxxing of a public servant.

SPONSORS: Rep. Diggs, Graf. 16; Rep. J. Schmidt, Hills. 28; Rep. W. Thomas, Hills. 21; Rep. Frost, Straf. 16; Rep. Murphy, Hills. 21; Rep. Altschiller, Rock. 19; Rep. Grossman, Rock. 18

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes a criminal penalty for cyberbullying, cyberstalking, or doxxing of a public servant.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to cyberbullying, cyberstalking, and doxxing of a public servant.

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

1 1 Obstructing Government Administration. Amend RSA 642:1 to read as follows:

2 642:1 Obstructing Government Administration.

3 I. A person is guilty of a misdemeanor if that person uses intimidation, actual or threatened
4 force or violence, simulated legal process, **cyberstalking or cyberbullying, doxxing**, or engages in
5 any other unlawful conduct with a purpose to hinder or interfere with a public servant, as defined in
6 RSA 640:2, II, performing or purporting to perform an official function or to retaliate for the
7 performance or purported performance of such a function.

8 II. Flight by a person charged with an offense, refusal by anyone to submit to arrest, or any
9 such interference in connection with a labor dispute with the government shall be prosecuted under
10 the statutes governing such matters and not under this section.

11 III. In this section[⁷]:

12 (a) **"Cyberbullying" means the repeated and intentional use of a cell phone,**
13 **computer, or other electronic communication device for the purpose of harassing or**
14 **threatening a public servant.**

15 (b) **"Cyberstalking" means:**

16 (1) **Purposely, knowingly, or recklessly engaging in a course of conduct**
17 **using a cell phone, computer, or other electronic communication device targeted at a**
18 **public servant which would cause a reasonable person to fear for his or her personal safety**
19 **or the safety of a member of that person's immediate family, and the public servant is**
20 **actually placed in such fear;**

21 (2) **Purposely or knowingly engages in a course of conduct using a cell**
22 **phone, computer, or other electronic communication device targeted at a public servant,**
23 **which the actor knows will place that individual in fear for his or her personal safety or**
24 **the safety of a member of that individual's immediate family.**

25 (c) **"Doxxing" means recklessly or purposely revealing and publicizing any**
26 **private or personally identifiable information of a public servant for the purpose of**
27 **threatening, intimidating, or harassing such person in the course of his or her official**
28 **duties.**

29 (d) **"Simulated legal process" means a document or order which purports to have been**
30 **issued by a court or filed or recorded for the purpose of exercising jurisdiction or representing a claim**
31 **against a person or property, or for the purpose of directing a person to appear before a court or**

1 tribunal, or to perform or refrain from performing a specified act, but which the actor knows was not
2 lawfully issued or rendered in accordance with the applicable statutes, rules, regulations, or
3 ordinances of the federal, state, or local government, or a political subdivision thereof. "Simulated
4 legal process" includes any document that purports to be a summons, lien, indictment, complaint,
5 warrant, injunction, writ, notice, pleading, subpoena, or order.

6 IV. For any offense committed under paragraph I that involved the use of simulated legal
7 process, the court may impose the following remedies, in addition to any criminal penalties
8 authorized under RSA 651:

9 (a) Such appropriate injunctive relief as the court may deem necessary to prevent
10 continued violations of this section.

11 (b) Restitution to the public [~~official~~] **servant** for any out-of-pocket expenses incurred as
12 a result of the simulated legal process, including legal fees.

13 2 Effective Date. This act shall take effect January 1, 2021.

**HB 1159-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to cyberbullying and cyberstalking of a public servant.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class B Misdemeanor	\$54	\$56
Class A Misdemeanor	\$77	\$79
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, New Hampshire Association of Counties, Department of Justice