

Floor Amendment to SB 58

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Criminal Code; Justification; Use of Force by Merchants, Motion Picture Theater Owners, and
4 Health Care Providers. Amend RSA 627:8-a to read as follows:

5 627:8-a Use of Force by Merchants, ***Motion Picture Theater Owners, and Health Care***
6 ***Providers.***

7 I. A merchant, or his or her agent, is justified in detaining any person who he or she has
8 reasonable grounds to believe has committed the offense of willful concealment, as defined by RSA
9 637:3-a, on his or her premises as long as necessary to surrender the person to a peace officer,
10 provided such detention is conducted in a reasonable manner.

11 II. A motion picture theater owner, or his or her agent, is justified in detaining any person
12 who he or she has reasonable grounds to believe has committed the offense of unauthorized
13 recording in a motion picture theater on his or her premises, as defined by RSA 644:19, as long as
14 necessary to surrender the person to a peace officer, provided such detention is conducted in a
15 reasonable manner.

16 III. ***A health care provider, or his agent, is justified in detaining any person who he***
17 ***or she has reasonable grounds to believe has committed an assault offense, as defined in***
18 ***RSA 631:1, 631:2, 631:2-a, domestic violence as defined in RSA 631:2-b, or criminal***
19 ***threatening as defined in RSA 631:4 against a health care provider or a patient actively***
20 ***receiving treatment by a health care provider, in a health care facility licensed under RSA***
21 ***151:2, as long as necessary to surrender the person to a peace officer, provided such***
22 ***detention is conducted in a reasonable manner.***

23 IV. Notwithstanding RSA 594:10, a peace officer may arrest a person who has been detained
24 pursuant to this section, without a warrant, if the peace officer has probable cause to believe that the
25 person has committed the offense [~~of willful concealment~~] ***identified in paragraphs I, II, or III of***
26 ***this section*** and if the merchant, ***motion picture theater owner, or health care provider,*** or his
27 or her agent witnessed the offense or, ***in the case of paragraph I of this section,*** if the unlawfully
28 obtained goods or merchandise of the store were recovered from the person.

29 2 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill allows for health care providers to reasonably detain any person believed to have committed certain offenses against health care providers, or patients actively receiving treatment by a health care provider, at a licensed health care facility as long as necessary to surrender the person to a peace officer.