



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

New Hampshire Fact Sheet

Obstructing Government Administration


Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on New Hampshire's relevant law.

New Hampshire Revised Statutes, § 642:1 Obstructing Government Administration

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

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

III. In this section, "simulated legal process" means a document or order which purports to have been issued by a court or filed or recorded for the purpose of exercising jurisdiction or representing a claim against a person or property, or for the purpose of directing a person to appear before a court or tribunal, or to perform or refrain from performing a specified act, but which the actor knows was not lawfully issued or rendered in accordance with the applicable statutes, rules, regulations, or ordinances of the federal, state, or local government, or a political subdivision thereof. "Simulated legal process" includes any document that purports to be a summons, lien, indictment, complaint, warrant, injunction, writ, notice, pleading, subpoena, or order.



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

- (a) Such appropriate injunctive relief as the court may deem necessary to prevent continued violations of this section.
- (b) Restitution to the public official for any out-of-pocket expenses incurred as a result of the simulated legal process, including legal fees.

Relevant Definitions

New Hampshire Revised Statutes, § 640:2

"Public servant" means any officer or employee of the **state** or any political subdivision thereof, including judges, legislators, consultants, jurors, and persons otherwise performing a governmental function. A person is considered a public servant upon his election, appointment or other designation as such, although he may not yet officially occupy that position. A person is a candidate for electoral office upon his public announcement of his candidacy.

Penalties

New Hampshire Revised Statutes, § 651:2

Up to 1 year imprisonment and/or up to a \$2,000 fine

Summary

A person is guilty of obstructing government administration if he/she uses intimidation, actual or threatened force or violence, simulated legal process, or other unlawful conduct to hinder or interfere with a public servant in performing or purporting to perform an official function. "Public servant" includes officers or employees of the state or any of its political subdivisions. If convicted, a person faces up to 1 year imprisonment and/or up to a \$2,000 fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

New Hampshire Revised Statutes, § 642:1 prohibits obstructing government administration. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the New Hampshire Governor threatening his life if he announced a mask mandate.] ***This may constitute a violation of § 642:1. If convicted, you face up to 1 year imprisonment and a fine of up to \$2,000.***

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*