



Written by [Jack Kenny](#) on September 15, 2011

NH Lawmakers Override Veto of Deadly Force Bill

The New Hampshire Legislature has overridden a veto by governor John Lynch of a bill to allow citizens to use deadly force against assailants anywhere they have a right to be. The state House of Representatives voted 251-111 in support of the bill Wednesday, exceeding the two-thirds vote needed for an override. The state Senate last week voted for the override. 17-7.



The bill expands a provision of existing law, often called the “castle doctrine,” that allows the use of deadly force in self-defense, or the defense of others, in one’s home or attached property. In all other places, current law requires a person under threat of attack to retreat to safety whenever possible. The new law, effective within 60 days of passage, removes the retreat requirement for someone under attack “anywhere he or she has a right to be.” Supporters said a resort to lethal force in defense of one’s life or the life of others should be legal in public places as much as in the home.

“Why is my wife’s life worth less in Shaw’s parking lot or my children sleeping in their tents in the backyard?” Rep. Kenneth Kreis (R-Canterbury) [asked during the debate](#) that preceded the override vote. “This bill gives you the right to protect anywhere you have a right to be.” House Majority Whip Peter Silva (R-Nashua) agreed and argued against the retreat requirement in the current law. “The thought that people have to run away is just ludicrous to me,” Silva said. But opponents argued the measure is likely to increase street violence.

“This bill is going to empower the wrong people,” said state Rep. David Campbell (D-Nashua). “What if we have a gang member from Lowell (Mass.) who comes to Nashua and decides that this park bench is what he’s going to defend?”

“SB 88 would unleash the potential for increasing deadly violence in our communities,” Gov. Lynch wrote in his July 13 [veto message](#). “It would allow the use of deadly force on street corners, in shopping malls, public parks, and in retail stores. Drug dealers and other felons who brandish weapons will be further emboldened to use their weapons, while prosecution of those criminals will be made more difficult because of this bill’s expansion of the right to use deadly force.” The state’s police chiefs and country sheriffs and unions representing patrolmen also opposed the bill. In anticipation of an override vote, Lynch appeared with law enforcement officials throughout the state in recent weeks, trying to



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drum up opposition to the bill in the hope that Granite State residents would encourage their representatives to sustain his veto.

The bill also grants someone legally exercising the right of self-defense immunity from a lawsuit over injuries to a “perpetrator.” Opponents claimed the wording of that section is vague and that it could prevent an injured innocent bystander from seeking compensation. The legislation also repeals a three-year mandatory sentence for anyone convicted of criminal threatening for showing or “brandishing” a gun. That issue became a celebrated cause when Moltonborough resident Ward Bird received the mandatory sentence after he brandished a gun to chase away a trespasser on his property who claimed she had stopped there to ask directions. In his veto message Lynch said he would consider repeal of the mandatory sentence if it came to him in a separate bill.

Along with controversy over the bill itself, the override vote rankled opponents, since House Speaker William O’Brien had said vetoes would not be taken up in what was expected to be a brief, one-day meeting of the House.

“The chair sets the agenda,” O’Brien said in bringing the matter to the floor. “Now it’s on the agenda.”



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