

New Hampshire

TITLE 1 The State And Its Government

CHAPTER 21 Statutory Construction

SECTION 21:19

§ **21:19** Spendthrift. –

The word "spendthrift" shall include anyone who is liable to be put under guardianship on account of excessive drinking, gaming, idleness, debauchery or vicious habits of any kind, or who is unable to manage his affairs with prudence.

Source. Mass. Gen. St. 3:7. GS 1:18. GL 1:18. PS 2:19. PL 2:19. RL 7:19. RSA **21:19**. 1967, 106:1, eff. July 10, 1967.

CHAPTER 21I Department Of Administrative Services

Purchase of Supplies

SECTION 21-I:18

§ **21-I:18** Exemptions. –

I. To the extent indicated in this section, the following agencies and purchases are exempted from the provisions of this chapter. All exempt purchases shall be made in accordance with the existing laws governing such purchases:

(a) The university system of New Hampshire shall not be required to make any purchases through the director of plant and property management, unless it wishes to do so. If it does, the director shall be required to follow the provisions of this chapter. The university system shall make purchases under competitive bidding requirements except when waived by the chancellor of the university system or his authorized agent upon written justification.

(b) The purchasing powers now vested in the state liquor commission by RSA 176:11, RSA 176:15, and RSA 177:1 shall remain in effect. All other purchases by or for said commission shall be subject to the provisions of this chapter.

(c) The legislature, secretary of state, and the state reporter are completely exempted from the provisions of this chapter; except for the provisions of RSA 21-I:14-a.

(d) This chapter shall not apply to any contracts made or entered into by the director of plant and property management or any agency under the terms of which contractors with the state purchase their own supplies directly.

(e) The purchase of materials, supplies and merchandise by the department of resources and economic development as provided by RSA 219:21 shall not be subject to the provisions of this chapter, except for the provisions of RSA 21-I:14-a.

(f) All state agencies are exempted in the matter of the purchase of books and periodicals.

(g) The purchase of gaming tickets and their dispensing equipment by the sweepstakes commission. The commission shall make such purchases under competitive bidding requirements, except when waived by the commission or its authorized agent with written justification.

(h) The purchase of client rehabilitative equipment, supplies and services for disabled persons by the bureau of vocational rehabilitation, including adaptive equipment as provided by RSA 200-C:16, shall not be subject to the provisions of this chapter.

(i) Purchases of services from nonprofit organizations by the department of education, division of educational improvement and the department of health and human services for severely disabled or severely emotionally disturbed children as provided by RSA 186-C:22 shall not be subject to the provisions of this chapter.

(j) The court systems are completely exempted from the provisions of this chapter.

(k) The purchases of materials, supplies, and merchandise by the fish and game department as provided by RSA 206:22-b shall not be subject to the provisions of this chapter.

I-a The New Hampshire regional community-technical colleges shall not be required to make purchases through the director of plant and property management unless it so chooses. The regional community-technical colleges shall make purchases under competitive bidding requirements except when waived by the commissioner of the regional community-technical colleges, or a designated agent, upon written justification.

II. Notwithstanding any other provision of law, the commissioner of the department of administrative services, or his designee, may waive the provisions of RSA 21-I, relative to the purchase of materials, supplies, and merchandise, when requested by the executive head of any department or agency or his designee to prevent the loss of any federal or other funds subject to recapture. Such waiver shall be acted upon in a timely manner, and approval shall not be unreasonably withheld.

Source. 1985, 399:1. 1986, 171:4. 1987, 284:3. 1988, 269:8. 1989, 35:2. 1990, 140:2, X; 255:4. 1991, 355:3. 1992, 198:2. 1993, 137:3-5; 322:3. 1994, 246:3; 379:20, 21. 1995, 310:181, eff. Nov. 1, 1995. 1998, 272:1, eff. Jan. 1, 1999.

TITLE 3 Towns, Cities, Village Districts, and Unincorporated Places

CHAPTER 47 Powers of City Councils

Bylaws and Ordinances

SECTION 47:17

§ 47:17 Bylaws and Ordinances. –

The city councils shall have power to make all such salutary and needful bylaws as towns and the police officers of towns and engineers or firewards by law have power to make and to annex penalties, not exceeding \$1,000, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and bylaws for the following purposes:

I. In General. To carry into effect all the powers by law vested in the city.

II. Order and Police Duty. To regulate the police of the city; to prevent any riot, noise, disturbance, or disorderly assemblages; to regulate the ringing of bells, blowing of horns or

bugles, and crying goods and other things; and to prescribe the powers and duties of police officers and watchmen.

III. Disorderly Houses and Gaming. To suppress and restrain disorderly houses and houses of ill-fame, gambling houses and places, billiard tables, nine or ten pin alleys or tables and ball alleys, and all playing of cards, dice or other games of chance; to restrain and prohibit all descriptions of gaming and fraudulent devices; and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

IV. Sale of Liquor. To establish regulations for groceries, stores, restaurants, and places of public amusement; to authorize the entry of proper officers into all such places to inspect the same, and the seizure and forfeiture of all liquors and the instruments used or designed to be used in the manufacture or sale of the same, in violation of law.

V. Shows. To regulate or prohibit the exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, or other shows.

VI. Porters, Vehicles, etc. To license and regulate porters, cartmen and cartage, runners for boats, stages, cars, and public houses, hackney coaches, cabs, and carriages, and their drivers; the care and conduct of all animals, carriages, and teams, standing or moving in the streets; to prevent horse-racing and immoderate riding or driving in streets and on bridges; and to prevent cruelty to animals.

VII. Use of Public Ways. To regulate all streets and public ways, wharves, docks, and squares, and the use thereof, and the placing or leaving therein any carriages, sleds, boxes, lumber, wood, or any articles or materials, and the deposit of any waste or other thing whatever; the removal of any manure or other material therefrom; the erection of posts, signs, steps, public telephones, telephone booths, and other appurtenances thereto, or awnings; the digging up the ground by traffic thereon or in any other manner, or any other act by which the public travel may be incommoded or the city subjected to expense thereby; the securing by railings or otherwise any well, cellar, or other dangerous place in or near the line of any street; to prohibit the rolling of hoops, playing at ball or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets and sidewalks, or to frighten teams of horses within the same; and to compel persons to keep the snow, ice, and dirt from the sidewalks in front of the premises owned or occupied by them.

(a) To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to regulate the use of class IV highways within the compact limits and class V highways by establishing stop intersections, by erecting stop signs, yield right of way signs, traffic signals and all other traffic control devices on those highways over which the city council has jurisdiction. The erection, removal and maintenance of all such devices shall conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices.

(b) The commissioner of transportation shall only approve the installation and modification of traffic signals as to type, size, installation, and method of operation.

IX. Combustibles. To regulate the keeping, conveying and places of deposit of gunpowder and other combustible and dangerous materials; the use of candles, lights, and matches in barns, stables, and other buildings containing combustible and dangerous materials; to regulate the erection or use of buildings within the most compact part of the city, for any purpose which in the opinion of the city councils shall more immediately expose said city to destruction by fire, and to define the limits of such compact part.

X. Stock at Large. To regulate, restrain, or prohibit the keeping or running at large of horses, cattle, sheep, swine, geese, goats and other poultry and animals, or any of them, to create the limits of districts within which the same may be kept and the conditions and restrictions under which they may be kept.

XI. Dogs. To regulate the keeping of dogs and their running at large, require them to be licensed, and authorize the destruction of those kept or running at large contrary to the ordinance.

XII. Markets, Sales. To establish markets and market-places; regulate the place and manner of selling and weighing hay, selling pickled and other fish, and salted and fresh provisions; selling and measuring wood, lime, coal, and other heavy articles; and to appoint suitable persons to superintend and conduct the same; to prevent and punish forestalling and regrating; and to restrain every kind of fraudulent device and practice.

XIII. Vagrants, Obscene Conduct. To restrain and punish vagrants, mendicants, street beggars, strolling musicians, and common prostitutes, and all kinds of immoral and obscene conduct, and to regulate the times and places of bathing and swimming in the canals, rivers and other waters of the city, and the clothing to be worn by bathers and swimmers.

XIV. Nuisances. To abate and remove nuisances; to regulate the location and construction of slaughterhouses, tallow chandlers' shops, soap factories, tanneries, stables, barns, privies, sewers, and other unwholesome or nauseous buildings or places, and the abatement, removal or purification of the same by the owner or occupant; to prohibit any person from bringing, depositing, or having within the city any dead carcass or other unwholesome substance; to provide for the removal or destruction, by any person who shall have the same upon or near such person's premises, of any such substance, or any putrid or unsound beef, pork, fish, hides, or skins, and, on such person's default, to authorize the removal or destruction thereof by some officer of the city; to authorize and provide for the collection, removal, and destruction of garbage and other waste material, to make necessary regulations relative thereto, and to provide for payment therefor by assessment, or appropriation, or both.

XIV-a. Interfering with Voters. To regulate the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election held for any purpose in such city. Such power shall not extend to the display of printed or written matter attached to any legally parked motor vehicle, nor shall such power extend to activities conducted wholly on private property so as not to interfere with people approaching or entering a polling place.

XV. Miscellaneous. Relative to the grade of streets, and the grade and width of sidewalks; to the laying out and regulating public squares and walks, commons, and other public grounds, public lights, and lamps; to trees planted for shade, ornament, convenience, or use, and the fruit of the same; to trespasses committed on public buildings and other public property, and in private yards and gardens; in relation to cemeteries, public burial grounds, the burial of the dead, and the returning and keeping records thereof, and bills of mortality, and the duties of physicians, sextons and others in relation thereto; relative to public wells, cisterns, pumps, conduits, and reservoirs; the places of military parade and rendezvous, and the marching of military companies with music in the streets of the city; relative to precautions against fire; relative to oaths and bonds of city officers, and penalties upon those elected to such offices refusing to serve; and relative to licensing and regulating butchers, petty grocers, or hucksters, peddlers, hawkers, and common victualers; dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles, and pawnbrokers; under such limitations and restrictions as to them shall appear necessary. They may make any other bylaws and regulations which may seem

for the well-being of the city; but no bylaw or ordinance shall be repugnant to the constitution or laws of the state; and such bylaws and ordinances shall take effect and be in force from the time therein limited, without the sanction or confirmation of any other authority whatever.

XVI. Warnings and Citations. To establish a procedure for the issuance of warnings and citations for the violation of health, fire, planning board, building, licensing, zoning, and housing codes and ordinances.

XVII. Drug-Free Zones. Establish as a drug-free zone any area inclusive of public housing authority property and within 1,000 feet of such public housing authority property. If such drug-free zones are established, the municipality shall publish a map clearly indicating the boundaries of such drug-free zone, which shall be posted in a prominent place in the district or municipal court of jurisdiction, the local police department, and on the public housing authority property.

The municipality shall also develop signs or markings for the drug-free zone which shall:

(a) Be posted in one or more prominent places in or near the public housing authority property; and

(b) Indicate that the posted area is a drug-free zone which extends to 1,000 feet surrounding such property; and

(c) Warn that a person who violates RSA 318-B, the controlled drug act, within the drug-free zone, shall be subject to severe criminal penalties under RSA 318-B and a penalty of up to \$1,000 under this paragraph.

XVIII. Automobile Parking Controls. The city councils shall have the authority to adopt such bylaws and ordinances as are necessary to control the parking, standing and stopping of automobiles within the city limits, including ordinances allowing for the towing or immobilization of automobiles for nonpayment of parking fines and creating parking fines recoverable by means of civil process.

Source. 1846, 384:17. GS 44:11. GL 48:10. PS 50:10. 1905, 10:1. 1907, 35:1. 1915, 55:1; 98:1. 1923, 15:1. PL 54:12. 1935, 117:2. 1941, 35:1. RL 66:13. RSA ~~47:17~~. 1961, 26:1. 1971, 512:9. 1981, 298:2. 1983, 166:2. 1986, 102:1. 1991, 74:1; 364:7. 1993, 183:1, eff. Aug. 8, 1993. 1996, 268:1, 5, eff. Aug. 9, 1996.

TITLE 8 Public Defense And Veterans' Affairs

CHAPTER 110B The Militia

General Provisions

SECTION 110-B:68

§ **110-B:68** Trespassers and Disturbers; Camp Regulations. –

I. Any person who shall trespass upon any armory, arsenal, camp, range, base or other facility of the national guard, or other place where any unit of the national guard is performing military duty, or who shall in any way or manner interrupt or molest the discharge of their military duties by any members of the national guard or of the armed forces of the United States or who shall trespass or prevent the passage of troops of the national guard or of the armed forces of the United States in the performance of their military duties may be placed under arrest by the commanding officer of the unit performing such military duty at the place where the offense is

committed and may be held under arrest during the continuance of the performance of such military duty.

II. The commanding officer of any armory, arsenal, camp, range, base or other facility of the national guard, or any place where any unit is performing military duty, may prohibit persons who hawk, peddle or sell goods, services, food, or liquor from conducting sales or auctions, and may prohibit all gambling, within the limits of such armory, arsenal, camp, range, base or other facility of the national guard, or any place where such unit is performing military duty.

Source. 1981, 434:1, eff. Aug. 22, 1981.

TITLE 13 Alcoholic Beverages

CHAPTER 179 Enforcement, Requirements and Penalties

SECTION 179:19

§ **179:19** Entertainment and Entertainers. RSA **179:19** effective until January 1, 1999; see also RSA **179:19** set out below. –

I. On-sale licensees may provide entertainment and dancing, in clearly defined areas on their licensed premises, provided they have received written authorization by the town or city and they have provided the commission with a copy of that authorization. A cover charge may be assessed to cover the cost of live entertainment.

II. No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under 17 years of age in a cocktail lounge where liquor or beverages are sold.

III. A person under 17 years of age may serve as an entertainer in a licensed dining room.

IV. On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities under RSA 31:41-d to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

V. Licensees shall not allow gambling or wagering on their premises.

VI. The use of darts shall be allowed in clearly defined areas.

Source. 1990, 255:1. 1992, 153:4; 227:2. 1995, 37:1, eff. April 24, 1995. 1996, 275:21, eff. June 10, 1996.

TITLE 24 Games, Amusements, And Athletic Exhibitions

CHAPTER 284 Horse And Dog Racing

Licenses and Supervision

SECTION 284:17-c

§ **284:17-c** Restriction on Gambling. –

Notwithstanding any other provision of law, except as provided in RSA 284:22-a and in the introductory paragraph of RSA 284:22, no licensee who holds running horse races shall at the

same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the sweepstakes commission.

Source. 1981, 570:3. 1985, 58:4, 7. 1987, 69:1, I. 1991, 68:3, eff. May 13, 1991.

SECTION 284:19-a

§ **284:19-a** Prohibition. –

No person, association, or corporation shall knowingly employ in any capacity at race tracks under the jurisdiction of the commission any person who has been convicted of violating any state or federal law relative to gambling within a period of 10 years prior to the application for employment. Whoever knowingly violates any of the provisions of this section shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

Source. 1967, 293:1. 1973, 528:180, eff. at 11:59 P.M., Oct. 31, 1973.

Trespassing

SECTION 284:39

§ **284:39** Rights of Licensee. –

I. Any licensee under this chapter may refuse admission to or eject from the grounds or the enclosure of the racetrack where a licensed race or race meet is being held any person or persons whose presence or conduct, in the sole judgment of the licensee, is inconsistent with the orderly and proper conduct of the race meet or is detrimental to the sport of racing, whether or not such presence or offensive conduct is associated with gambling.

II. The phrase "grounds or the enclosure of the racetrack" means all real or personal property used by the licensee in the operation of the racetrack, including without limitation, the parking lots, grandstands, stables, barn areas, kennels, and buildings at the racetrack.

Source. 1959, 210:4. 1987, 176:1. 1992, 185:1, eff. July 11, 1992.

TITLE 24 Games, Amusements, And Athletic Exhibitions

CHAPTER 286 Licensing Shows, Open-Air Meetings, Billiard Tables, And Bowling Alleys

Billiard Tables, etc.

SECTION 286:6

§ **286:6** For Hire; Licenses. –

The mayor and aldermen of a city, or the selectmen of a town, may grant a license to any person to keep one or more billiard tables, pool tables or bowling alleys for hire, gain or reward, or in connection with his place of business, upon such terms and conditions as they may deem proper,

to be used for the purpose of amusement merely, but not for the purpose of gaming for money or other property. Such license may be revoked at the pleasure of the authority granting it.

Source. 1878, 59:1. GL 110:5. 1887, 59:1. PS 114:5. PL 145:6. RL 174:6.

CHAPTER 287C Manufacture Of Gambling Machines

SECTION 287-C:1

§ **287-C:1** Manufacture Authorized. –

Notwithstanding any other provision of law, gambling machines as defined in RSA 647:2, II may be repaired, reconditioned, sold, designed, developed and manufactured in this state, provided however that such machines shall not under any circumstances, be sold, leased, used, or made available for use, or be shipped or delivered to any location in this state or any other state whose laws prohibit the possession or use of such machines.

Source. 1975, 130:1. 1995, 75:1, eff. May 9, 1995.

SECTION 287-C:2

§ **287-C:2** Literature Printed. –

Literature advertising or promoting the use and possession of gambling machines may be printed in and distributed from this state; provided, however, that such literature shall not be designed for distribution in any state which forbids such literature.

Source. 1975, 130:1, eff. May 13, 1975.

SECTION 287-C:3

§ **287-C:3** License. –

Any corporation desiring to repair, recondition, sell, design, develop and manufacture gambling machines as provided in this chapter shall make application to the office of the secretary of state upon such form as the secretary shall provide. Upon the secretary's determination that said corporation has complied with all provisions of federal law regarding manufacture and transportation of gambling machines, he shall issue said corporation a license authorizing the corporation to repair, recondition, sell, design, develop and manufacture gambling machines and to print and distribute literature advertising and promoting the use and possession of gambling machines, as provided in this chapter.

Source. 1975, 130:1, eff. May 13, 1975.

CHAPTER 287D Games Of Chance

SECTION 287-D:1

§ **287-D:1** Definitions. –

In this chapter:

I. "Bona fide member" means a person who has held full and regular membership in the charitable organization for a period of not less than 60 days immediately prior to the games of chance in which such person intends to participate. To qualify as a "full and regular" member of a charitable organization, a person shall:

(a) Satisfy all criteria for membership in the charitable organization.

(b) Pay all lawful fees or dues required by the charitable organization.

(c) Not have become a member solely for the purpose of operating games of chance.

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine.

III. (a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations which shall have been registered with the secretary of state for at least 2 years and in existence for at least 2 years in a town or city in this state, provided that the primary activities conducted by the organization were for the purpose for which the organization was established and have not included charitable gambling operations; which is organized under the laws of this state; and to which contributions are exempt from federal income tax. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

(1) Document that it is exempt from federal income tax.

(2) Establish that the purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the games of chance are conducted.

(3) Register with the secretary of state and, if required under RSA 7:19-32, with the director of charitable trusts.

(4) Maintain a current list of bona fide members.

(b) A charitable organization shall not include auxiliary units, committees, or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting games of chance.

Source. 1977, 329:1. 1995, 75:2, eff. May 9, 1995. 1998, 251:2, eff. Aug. 24, 1998

CHAPTER 287E Bingo And Lucky 7

SECTION 287-E:1

§ 287-E:1 Definitions. –

I. "Bingo" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose.

II. "Bona fide guest" means any person who has paid the fee established by a private campground for utilization of a designated space for purposes of recreational camping, and invited guests and members of the family of such person. "Bona fide guest" shall not include the owner, operator or employees of the private campground, or the families of such persons, or persons invited to the private campground by the owner, operator or employees of the private campground for the purpose of participating in bingo games.

III. "Bona fide member" means a person who has held full and regular membership in the charitable organization for a period of not less than 60 days immediately prior to the bingo games in which such person intends to participate. To qualify as a "full and regular" member of a charitable organization, a person shall:

- (a) Satisfy all criteria for membership in the charitable organization.
- (b) Pay all lawful fees or dues required by the charitable organization.
- (c) Not have become a member solely for the purpose of operating bingo games.

IV. "Carnival" means an event sponsored by a charitable organization at which various rides and amusements are offered and the profits of which are to be used to further the charitable purposes of the charitable organization.

V. "Charitable organization" means any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been in existence and organized under the laws of this state for at least 2 years in a town or city, and to which contributions are exempt from federal income tax. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

- (a) Document that contributions to the organization are exempt from federal income tax.
- (b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.
- (c) Register, if required under RSA 7:19-32-a, with the director of charitable trusts.
- (d) Maintain a current list of bona fide members.

A charitable organization shall not include auxiliary units, committees or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting bingo games.

VI. "Commission" means the state sweepstakes commission.

VII. "Hotel" means "hotel" as defined in RSA 78-A:3, III.

VIII. "Private campground" means privately owned property, open to the public upon payment of a fee, which has been divided into 10 or more defined spaces upon which tents may be erected or recreational vehicles may be parked for the purposes of recreational camping. "Private campground" shall not include manufactured housing parks as defined in RSA 205-A:1 or recreational camps as defined in RSA 149:20.

Source. 1983, 417:1, eff. July 1, 1983. 1998, 59:1, eff. May 12, 1998.

CHAPTER 287E Bingo And Lucky 7

Bingo Games

SECTION 287-E:5

§ 287-E:5 License Applications. –

I. Applications shall be submitted to the commission by an officer, director, or duly authorized official of the charitable organization. Proof of authority to submit the application on behalf of the charitable organization may be required.

II. Applications shall be made only on the forms supplied to the charitable organization by the commission.

III. No license shall be issued unless the application form is fully completed by the duly authorized officer, director, or official of the charitable organization.

IV. Applications shall be received by the commission 15 days prior to the first game date of each month. This requirement may be waived by the commission for good cause shown.

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Only bona fide members of the charitable organization will operate the bingo games.

(c) That neither the applicant nor any member of the charitable organization who will be participating in the operation of the bingo games has been convicted of any crime or has violated the statutes or rules governing charitable gambling.

(d) The applicant and any member of the charitable organization who will be participating in the operation of the bingo games is aware of all statutes and rules applicable to the operation of bingo games.

VI. If a charitable organization intends to lease or rent premises for the conduct of bingo from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out the premises shall be licensed by the commission. The license shall be applied for by filing an application supplied by the commission. The commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the commission.

VII. To be eligible for licensure under this chapter a charitable organization shall:

(a) Document that it is exempt from federal income tax.

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

(c) Register, if required under RSA 7:19-32, with the director of charitable trusts.

(d) Maintain a current list of bona fide members.

Source. 1983, 417:1. 1985, 295:10. 1987, 321:1, eff. July 24, 1987. 1997, 328:2, eff. Aug. 22, 1997. 1998, 59:2, eff. May 12, 1998.

Bingo Games

SECTION 287-E:7

§ 287-E:7 Operation of Bingo Games. –

Except as otherwise provided in RSA 287-E:10-13:

I. (a) Only bona fide members of charitable organizations shall operate bingo games; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required.

(b) Notwithstanding subparagraph (a), if, by reason of the established criteria for membership, all bona fide members of the charitable organization are physically or mentally disabled, or both, the officers, directors, or authorized officials of the charitable organization may designate

individuals to conduct the operation of bingo games on behalf of said charitable organization. Individuals so designated are subject to all applicable provisions of this chapter, and the designation of such individuals is subject to the approval of the commission.

(c) Notwithstanding subparagraph (a), all charitable organizations that conduct bingo games for charitable purposes may allow spouses, sons, and daughters of bona fide members who are at least 18 years of age to assist with the operation of the bingo games. A list of the names of the persons assisting shall be submitted to the department of safety prior to the scheduled bingo event.

II. No compensation shall be paid to operators of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value. Operators of bingo games may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$8 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

III. No one under the age of 18 years shall be admitted to the premises on which bingo games are being conducted, except when the bingo games are being conducted at a carnival. Proof of age shall be produced upon request of the commission. When bingo games are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the bingo games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play bingo at a carnival.

IV. No bingo games shall be conducted prior to 11:00 a.m. on a weekday, prior to noon on a Sunday, or after 11:00 p.m. on any day.

V. No person operating a bingo game and no person who has leased out a facility or sold or leased bingo paraphernalia or related equipment to a charitable organization for use during bingo games shall participate or play in any game conducted at that location on that date.

VI. No person who has been convicted of any criminal offense or who has violated any of the statutes or rules governing charitable gambling in the past in this or any other state shall operate a bingo game licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or bingo paraphernalia for the conduct of bingo licensed under this chapter.

VII. No charitable organization shall act as an agent for operating bingo games when it is unlawful for the charitable organization's principal to conduct bingo games.

VIII. The price to be paid for a single bingo card shall be established by rules adopted by the commission.

IX. No fee shall be charged for admission to bingo games.

X. Raffles permitted under RSA 287-A and RSA 287-D may be conducted at the same time and in the same place as a bingo game licensed under this chapter.

XI. Except as provided in paragraphs XIII and XV, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of \$3,500.

XII. All bingo game paraphernalia or related equipment used in conducting bingo games shall be subject to inspection and approval by the commission.

XIII. During any game or series of games conducted on any one game date by a charitable organization, no more than 4 winner take all games may be conducted in which the total amount paid by the players shall be divided among the winners of that game, provided that:

(a) Winners may be awarded prizes when predetermined designs are completed; however, no more than 75 numbers shall be called in the game, and no number may be called more than once.

(b) All money collected from the participants in such game or games shall be collected, counted, and displayed in full view of the participants and shall be kept separately from all other moneys collected by the charitable organization during the bingo games conducted on the premises.

(c) The total amount collected from the participants shall be publicly announced and shall be recorded by an officer, director or authorized official of the charitable organization.

(d) The total amount awarded in the game shall not exceed the total amount collected from the participants in the game.

XIV. No person shall assist in the conduct of bingo games or of lucky 7, or any combination thereof, more than 2 times in one 7 day period, nor shall any such assists occur during the next 7 day period; no person shall assist in the conduct of bingo games or of lucky 7 on behalf of more than 2 licensed organizations in any calendar year. This paragraph shall not apply to any person who, on or before January 1, 1985, assisted at any licensed game in any commercial hall more than 2 days in one 7 day period.

XV. In not more than one game conducted in accordance with RSA **287-E:7**, XIII, during any game or series of games conducted on any one game date by a charitable organization, a progressive coverall game may be run, not to exceed \$3,000, and shall be awarded to any winner covering all 24 numbers on the card in 60 or fewer numbers. The numbers shall start at 50 and may be incremented 1 number per week, until it reaches the maximum of 60 numbers, where it shall remain until the prize is awarded to a person or persons covering all 24 numbers on the card within 60 numbers or less. Said prize shall be awarded in addition to any sums collected and given out pursuant to RSA **287-E:7**, XIII. This progressive game shall be played on the second or last coverall, with a bonus prize of up to \$3,000 on the first winner take all coverall if all 24 numbers on the card are covered in 50 numbers or less. The prize shall be subject to state tax under RSA 287-E:8. The progressive game shall not be construed as part of the winner take all coverall. The progressive game shall not be used on package games.

XVI. In not more than one game conducted in accordance with RSA **287-E:7**, XIII, a carry-over, cover-all game may be run with the prize money rolled over to the successive game dates in the event that there is no winner on the original or preceding game dates. Notwithstanding any provision of law to the contrary, the prize money may accumulate until there is a winner. The prize shall be awarded to any winner covering all 24 numbers on the card in less than 50 numbers, or a greater number if so designated prior to the game. If there is no winner on a given game date, a pre-designated consolation prize shall be awarded to the game winner who first achieves cover-all. The balance of the monies collected shall be carried over to subsequent game dates until there is a winner.

Source. 1983, 417:1. 1985, 295:11, 12; 374:2. 1986, 67:2, 3. 1989, 340:1. 1990, 35:1; 123:2; 140:2, X. 1991, 271:2; 276:2; 345:1. 1994, 221:1. 1995, 300:2, eff. Aug. 20, 1995.

Referendum; Penalty

SECTION 287-E:28

§ **287-E:28** Application of Chapter. –

The provisions of RSA 647 relative to gambling offenses shall not apply to bingo games or to the sale of lucky 7 tickets if such bingo games and lucky 7 ticket sales are conducted in strict compliance with the provisions of this chapter.

Source. 1983, 417:1, eff. July 1, 1983.

TITLE 31 Trade And Commerce

CHAPTER 338 Gambling Contracts

SECTION 338:1

§ **338:1** Title to Money, etc. –

No title or interest in money or any other thing can be acquired, lost, or changed by gambling, or by the payment, delivery, or transfer by any losing party. No note or security for any supposed debt growing out of a gambling transaction, or for money lent to gamble with or to pay gambling debts with, shall be valid. No such debt shall be a legal consideration for any contract or transaction, and any person may take advantage of such illegality, though a party to the transaction.

Source. GS 254:9. GL 272:9. PS 270:15. PL 384:17. RL 447:15.

TITLE 43 Domestic Relations

CHAPTER 458C Child Support Guidelines

SECTION 458-C:2

§ **458-C:2** Definitions. –

In this chapter:

I. "Adjusted gross income" means gross income, less:

(a) Court-ordered or administratively ordered support actually paid to others, for adults or children.

(b) Fifty percent of actual self-employment tax paid.

(c) Mandatory, not discretionary, retirement contributions.

(d) Actual state income taxes paid.

(e) Amounts actually paid by the obligor for allowable child care expenses or medical insurance coverage for the minor children to whom the child support order applies.

I-a. "Allowable child care expenses" means actual work-related child care expenses for the children to whom the order applies, up to no more than an annual total of \$5,000 for one child, \$9,000 for 2 children, and \$12,000 for 3 or more children.

II. "Child support obligation" means the proportion of total support obligation which the obligor parent is ordered to pay in money to the obligee parent as child support.

III. "Court" means issuing authority, including the office of fair hearings, department of health and human services, having jurisdiction to issue a child support order.

IV. "Gross income" means all income from any source, whether earned or unearned, including but not limited to, wages, salary, commissions, tips, annuities, social security benefits, trust income, lottery or gambling winnings, interest, dividends, investment income, net rental income,

self-employment income, alimony, business profits, pensions, bonuses, and payments from other government programs (except public assistance programs, including aid to families with dependent children, aid to the permanently and totally disabled, supplemental security income, food stamps, and general assistance received from a county or town), including, but not limited to, workers' compensation, veterans' benefits, unemployment benefits, and disability benefits; provided, however, that no income earned at an hourly rate for hours worked, on an occasional or seasonal basis, in excess of 40 hours in any week shall be considered as income for the purpose of determining gross income; and provided further that such hourly rate income is earned for actual overtime labor performed by an employee who earns wages at an hourly rate in a trade or industry which traditionally or commonly pays overtime wages, thus excluding professionals, business owners, business partners, self-employed individuals and others who may exercise sufficient control over their income so as to re-characterize payment to themselves to include overtime wages in addition to a salary. In addition, the following shall apply:

(a) The court, in its discretion, may consider as gross income the difference between the amount a parent is earning and the amount a parent has earned in cases where the parent voluntarily becomes unemployed or underemployed, unless the parent is physically or mentally incapacitated.

(b) The income of either parent's current spouse shall not be considered as gross income to the parent unless the parent resigns from or refuses employment or is voluntarily unemployed or underemployed, in which case the income of the spouse shall be imputed to the parent to the extent that the parent had earned income in his or her usual employment.

V. "Minimum support order" means an order of support equal to \$50 per month.

VI. "Net income" means the parents' combined adjusted gross income less standard deductions published on an annual basis by the department of health and human services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people.

VII. "Obligor" means the parent responsible for the payment of child support under the terms of a child support order.

VIII. "Obligee" means the parent or person who receives the payment of child support under the terms of the child support order.

IX. "Percentage" means the numerical figure that is applied to net income to determine the amount of child support.

X. "Self-support reserve" means the poverty level standard of need as established by the department of health and human services for a single individual living alone.

XI. "Total support obligation" means net income multiplied by the appropriate percentage derived from RSA 458-C:3.

Source. 1988, 253:1. 1989, 406:1. 1990, 224:1, 2, 5. 1995, 310:181, eff. Nov. 1, 1995. 1998, 242:1-3, eff. Oct. 23, 1998.

TITLE 57 Insolvency Proceedings And Assignments For Creditors

CHAPTER 568 Insolvency Proceedings

Discharge of Debtor

SECTION 568:41

§ 568:41 Fraud. –

A discharge shall not be granted, nor if granted be valid, if the debtor has wilfully sworn falsely as to any material fact in the course of the proceedings or if he has fraudulently concealed any part of his estate, or any books or writings relating thereto; if, being insolvent and having sufficient cause to believe himself so, the debtor has, within 6 months before the beginning of the proceedings, obtained on credit any money, goods, chattels or other thing of value with intent not to pay for the same, has destroyed, altered, mutilated or falsified any of his books, documents, papers, writings or securities or been privy thereto, or has made any fraudulent payment, gift, transfer, conveyance or assignment of any part of his property or spent any part thereof in gaming; if, having knowledge that a person has proved a false debt against his estate, the debtor has not disclosed the same to his assignee within one month after such knowledge; or if the debtor has procured the assent of any creditor to the discharge by pecuniary consideration.

Source. 1885, 85:12. 1889, 100:2. PS 201:40. PL 401:41. RL 465:41.

TITLE 58 Public Justice

CHAPTER 570A Wiretapping And Eavesdropping

SECTION 570-A:1

§ 570-A:1 Definitions. –

As used in this chapter:

I. "Telecommunication" means the transfer of any form of information in whole or in part through the facilities of a communications common carrier. "Telecommunication" does not include any communication made through a tone-only paging system or from a tracking device.

II. "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation.

III. "Intercept" means the aural or other acquisition of, or the recording of, the contents of any telecommunication or oral communication through the use of any electronic, mechanical, or other device.

IV. "Electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a telecommunication or oral communication other than:

(a) Any telephone or telegraph instrument, equipment, facility or any component thereof:

(1) Furnished to the subscriber or user by a communication carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or

furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business in accordance with applicable provisions of telephone and telegraph company rules and regulations, as approved by the public utilities commission;

(2) Being used by a communication common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties pursuant to this chapter;

(b) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

V. "Person" means any employee or agent of the state or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation.

VI. "Investigative or law enforcement officer" means any officer of the state or political subdivision thereof who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

VII. "Contents", when used with respect to any telecommunication or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.

VIII. "Judge of competent jurisdiction" means a judge of the superior court.

IX. "Communications common carrier" means a person engaged in providing communications services to the general public through transmission of any form of information between subscribers by means of wire, cable, radio or electromagnetic transmission, optical or fiber-optic transmission, or other means which transfers information without physical transfer of medium, whether by switched or dedicated facilities. A person engaged in radio or television broadcasting or any other general distribution of any form of communications shall not thereby be deemed a communications common carrier.

X. "Aggrieved person" means a person who was a party to any intercepted telecommunication or oral communication or a person against whom the interception was directed.

XI. "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to homicide, gambling, prostitution, narcotics, marijuana or other dangerous drugs, bribery, extortion, blackmail and other unlawful activities of members of such organizations.

XII. [Repealed.]

Source. 1969, 403:1. 1975, 385:1. 1985, 263:1. 1986, 53:1. 1988, 25:1, 2, 7, I. 1992, 174:1. 1995, 280:1, 10, I, eff. Aug. 20, 1995.

SECTION 570-A:7

§ **570-A:7** Authorization for Interception of Telecommunications or Oral Communications. RSA **570-A:7** effective until January 1, 1999; see also RSA **570-A:7** set out below. –

The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of telecommunications or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of telecommunications or oral communications by investigative or law enforcement officers having responsibility for the investigation of the

offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, dealing in narcotic drugs, marijuana, or other dangerous drugs, hazardous waste violations under RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses.

Source. 1969, 403:1. 1985, 263:3. 1988, 25:4. 1990, 191:1. 1995, 280:10, III, eff. Aug. 20, 1995.

TITLE 62 Criminal Code

CHAPTER 647 Gambling Offenses

SECTION 647:2

§ **647:2** Gambling. –

I. A person is guilty of a misdemeanor if such person knowingly and unlawfully:

- (a) Permits gambling in any place under the person's control.
- (b) Gambles, or loans money or any thing of value for the purpose of aiding another to gamble.
- (c) Possesses a gambling machine.

II. For purposes of this section:

- (a) "Antique gambling machine" means any device or equipment at least 25 years old which is in the possession of a collector and which is not maintained or operated for gambling purposes.
- (b) "Collector" means a person who for nostalgic reasons, monetary investment, or personal interest acquires antique gambling machines as defined in subparagraph (a) for personal display or retention.
- (c) "Family entertainment center" means a place of business having at least 50 games or devices designed and manufactured only for bona fide amusement purposes on premises which are operated for the entertainment of the general public and tourists as a bona fide entertainment facility and not having more than 15 percent of the total games or machines being redemption slot machines or redemption poker machines.
- (d) "Gambling" means to risk something of value upon a future contingent event not under one's control or influence, upon an agreement or understanding that something of value will be received in the event of a certain outcome.
- (e) "Gambling machine" means any device or equipment which is capable of being used to discharge money or anything that may be exchanged for money, or to display any symbol entitling a person to receive money.
- (f) "Redemption slot machine" or "redemption poker machine" means any device or equipment which operates by means of the insertion of a coin or token and which may entitle the person

playing or operating the game or machine the opportunity of additional chances or free plays or to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the value for such points or coupons does not exceed 2 1/2 cents for each credit on the game or machine.

(g) "Unlawfully" means not specifically authorized by law or not solely for amusement, without stake or possibility of gain or loss.

III. All implements, equipment, and apparatus used in violation of this section shall be forfeited.

IV. An antique gambling machine in the possession of a collector and which is not maintained or operated for gambling purposes shall not be subject to the provisions of this section.

V. This section shall not apply to:

(a) Dispenser devices approved by the sweepstakes commission which are located at the regular meeting place of, or at a facility owned, leased, or utilized by, a charitable organization licensed under RSA 287-E:20.

(b) A family entertainment center having redemption slot machines or redemption poker machines.

(c) Cruise ships which are equipped with gambling machines whose primary purpose is touring. Any such cruise ship shall be allowed to temporarily enter New Hampshire coastal waters and ports for up to 48 hours, provided that all gambling machines on board are not in use or capable of being used while in New Hampshire coastal waters and ports. For the purposes of this paragraph "cruise ship" means any vessel which is capable of providing overnight accommodations for 500 or more people.

Source. 1971, 518:1. 1978, 23:1, 2. 1985, 124:1. 1987, 114:2. 1995, 75:3, eff. May 9, 1995; 300:1, eff. Aug. 20, 1995.

CHAPTER 651 Sentences

General Provisions

SECTION 651:6

§ **651:6** Extended Term of Imprisonment. –

I. A convicted person may be sentenced according to paragraph II if the court also finds, and includes such findings in the record, that:

(a) The circumstances for which he is to be sentenced show that he has knowingly devoted himself to criminal activity as a major source of livelihood; or

(b) The court has subjected him to a psychiatric examination on the basis of which the court finds that he is a serious danger to others due to a gravely abnormal mental condition; or

(c) He has twice previously been imprisoned, in this state or in any other jurisdiction, on sentences in excess of one year; or

(d) He manifested exceptional cruelty or depravity in inflicting death or serious bodily injury on the victim of his crime; or

(e) He has committed a felony involving the use of force against a person with the intention of taking advantage of the victim's age or physical disability; or

(f) He has committed or attempted to commit any of the crimes defined in RSA 631 or 632-A against a person under 13 years of age; or

- (g) He was substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, sexual orientation as defined in RSA 21:49, national origin or sex; or
- (h) He has knowingly committed or attempted to commit any of the crimes defined in RSA 631 where he knows the victim was, at the time of the commission of the crime, a law enforcement officer acting in the line of duty; or
- (i) He was an on-duty law enforcement officer at the time that he committed or attempted to commit any of the crimes defined in RSA 631; or
- (j) Such person has committed a crime listed in RSA 193-D:1 in a safe school zone under RSA 193-D; or
- (k) Such person possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, stalking, or a violation of any provision of RSA 318-B. In this section, the term "radio device" means any device capable of receiving a wireless transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless transmission; or
- (l) Such person has previously been convicted of a violation of RSA 630:3, II, RSA 265:82-a, I(b) or II(b), or any crime in any other jurisdiction involving driving a motor vehicle under the influence of controlled drugs or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265:82-a, I(b) or II(b); or
- (m) Such person has twice previously been convicted in this state or any other jurisdiction, for driving a motor vehicle under the influence of intoxicating liquors or controlled drugs, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265:82-a, I(b) or II(b).
- (n) Such person has committed or attempted to commit negligent homicide as defined in RSA 630:3, I against a person under 13 years of age who was in the care of or under the supervision of the defendant at the time of the offense.

II. If authorized by paragraph I and if notice of the possible application of this section is given the defendant prior to the commencement of trial, a defendant may be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of:

- (a) Any felony, other than murder, a minimum to be fixed by the court of not more than 10 years and a maximum to be fixed by the court of not more than 30 years;
- (b) A misdemeanor, a minimum to be fixed by the court of not more than 2 years and a maximum to be fixed by the court of not more than 5 years;
- (c) Murder, life imprisonment;
- (d) A third offense under RSA 632-A:2 or 632-A:3, life imprisonment; or
- (e) A class A felony under RSA 632-A:2, I(1) and a subsequent separate offense under RSA 632-A:2, I(1), a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole; or
- (f) Any of the crimes listed under RSA 651:6, I(k), a minimum to be fixed by the court of not less than 90 days and a maximum of not more than one year.

Source. 1971, 518:1. 1973, 370:3. 1981, 511:1. 1985, 228:7, 8. 1990, 68:1; 140:2, XI. 1992, 3:1. 1994, 355:4. 1995, 131:1, 2, eff. May 24, 1995. 1996, 198:1, eff. Jan. 1, 1997. 1997, 108:16, eff. Jan. 1, 1998. 1998, 301:1, 2, eff. Aug. 25, 1998.