



State of New Hampshire

Governor's Special Task Force on Highway Safety

Location:	NH Fire Academy & EMS, 98 Smokey Bear Blvd., Concord, NH Administrative Building, Classroom #2
Date:	Friday, April 4, 2025
Time:	2:30pm – 4:00pm
Attendees:	See attached list for attendance

I. Welcome:

Steve Pecora

- Here today to try to fix some of the issues that we have set forth.
- This task force is a springboard off the data that was provided by Lieutenant Storm back at the February roundtable.
- The 70% refusal rate is something that must be faced; it is a major problem where policy is going to be fundamental.

AC Edwards

- Extremely important initiative - this is the right group, the right people, and the right time to get answers with the focus being on policy.

II. Review Purpose of Task Force:

Councilor Stephen

- Identified key highlights and purpose of Task Force.
- Governor would like focus on all aspects of highway safety, including reducing DWI refusal rates but also identifying improvements in enforcement, law and policy, education and training.
- Key points to consider.
- DWI/DUI is impairment to any degree.
- When NH focuses concerted and enhanced efforts on all aspects of system – example was the Barbara Seelye case in Hillsborough County Court which was the impetus of the .08 law in NH, alcohol related fatalities dropped to 26% the year after that law was passed. There was a substantial effort in outreach, marketing and education as well as enforcement.
- Education is paramount – An example was the “Just One Night” Program.
- The richness of today’s data offers a deeper insight to the issues and gaps.
- 70% refusal rate along with the lack of tools minimizes potential evidence for law enforcement.
- Improve the refusal rate, improve education, improve the rules.
- Work as a team to develop **recommendations** that can help save lives.
- Review legislation, review policy.
- Not just about DWI’s – it’s highway safety.



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General Formella

- The Department of Justice is the chief law enforcement agency of the state – public protection and any major public protection issue falls under this umbrella.
- Importance to focus on traffic safety and safety on the roadways.
- Introduced Alexandria Morrell, AG's Traffic Safety Resource Prosecutor as a key player on this task force.
- Notification forms of a plea-down. These forms have additional data offering an opportunity for discussion.
- DOJ's ability to provide policy direction to law enforcement and prosecutors, standardize practices, and become a central hub for training and information disbursement.

Commissioner Quinn

- The task force offers the right group of people – leaders across state government, legislature, prosecutors, courts, law enforcement, public advocates – to put a microscope on the issues at hand.

III. Legislation:

Senator Gannon

- a. Title:** relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated.

HB 466 (Roy)

Inexpedient to Legislate: MA VV 03/26/2025 HJ 10

SB54-FN (Gannon)

Public Hearing: 04/09/2025 11:00 am LOB 202-204

- Increase the administrative safety measure.
- First offense goes from 6-months to 1-year.
- Further convictions increase from a 2-year to a 3-year suspension.

- b.** *HB482-FN (Roy)*

Title: relative to the penalty for driving over 100 miles per hour.

Hearing: 04/08/2025, Room 100, SH, 01:00 pm; SC 16

SB41-FN (Birdsell)

Title: changing the reckless driving minimum penalties.

Public Hearing: 04/09/2025 01:30 pm LOB 202-204

- Raises penalty to \$750.00 for the first offense; loss of license for 90-days.
- \$1,000.00 for subsequent offenses.



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c. *HB 776-FN* (Roy)

Title: relative to the crime of aggravated driving while intoxicated.

Hearing: 04/08/2025, Room 100, SH, 01:10 pm

SB273-FN (Fenton)

Title: relative to motorist duties when approaching highway emergencies involving a stopped or standing vehicle.

Considerations:

Use the administrative system to revoke licenses and have immediate hearings.

Enforcement of current law and legislative intent.

Discussion on refusals as it relates to ALS suspension vs. DWI conviction.

Inability to use an out of state conviction or refusal for enhanced penalties is an issue.

An estimated 90% of cases are plead out and don't go to trial with a significant amount of ALS withdrawals.

IV. Current Practice:

Carroll County Deputy Attorney / DOS Prosecutor, Kimberly Tessari

- a. ALS
- b. DWI

- Use enhanced policies. When there is a refusal, it is very hard to win.
- Ensure law enforcement and prosecutors are not withdrawing unless there is an error in law.
- Reflect on laws and rules of other states: Massachusetts, Virginia, Vermont, etc.
- The intent of the law is not being fulfilled; collect the data to fill the gaps *without* changing the statute.
- When prosecuting, NH cannot consider refusals or convictions from out of state.

V. Training:

Special Services Commander, Lieutenant Chris Storm

- c. DRE Program
- d. ARIDE Program
- e. SFT's



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- How can we make sure that local police departments have the tools needed that offer reliable results.
- Gap in the law when it comes to drug test levels – no ALS suspension.
- PST has recovered their police prosecutor training program – mock trials to encourage local departments to feel more comfortable in front of a judge.
- Circuit Court does offer Judge training once per quarter.
- Training for all police officers on ALS rules.

VI. Compliance

Attorney General's Traffic Safety Resource Prosecutor, Alexandria Morrell

RSA 265-A:21. Annulment; Plea Bargaining.

II. Notwithstanding any other provision of law to the contrary, in any case in which a person is arrested for and charged with the offense of driving or attempting to drive a vehicle on any way or driving, operating, attempting to operate, or being in actual physical control of an OHRV or operating or attempting to operate a boat while under the influence of intoxicating liquor or drugs or while having an alcohol concentration of 0.08 or more and that charge is reduced from a second or subsequent offense to a first offense or in which the original charge is reduced to or in any manner substituted with another charge or a nolle prosequi entered in exchange for an agreement to plead guilty or nolo contendere to another charge, the prosecutor shall submit to the attorney general a written report describing such agreement. All such written reports shall be submitted to the attorney general on a monthly basis. The report shall contain such information as the attorney general shall prescribe; provided, however, that the attorney general shall not be subject to the provisions of RSA 541-A in prescribing such information. The report required by this paragraph shall be a public record and shall be available for public inspection as provided in RSA 91-A:4.

- Catch up on all reporting to collect accurate data with all DWI charges filed listing all cases. Create an organizational chart outlining each prosecutor for every town. For enforcement, one-on-one contact is being made.
- Ensure that there is compliance with the above statute and the “letter of the law.” Send out guidance so that law enforcement does not circumvent the intent (agreeing to dismiss a case and then having defendant plea to reckless driving).
- Restructuring and analyzing the reporting process to be submitted online.
- May training to host all prosecutors on DWI and ALS cases; holding mock trials to challenge skills firsthand and in-person.
- Comparative data gathered from around the country. Working to organize the information to better present. In short, NH has one of the shortest suspensions and is in the top ten for refusals.



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VII. Open Discussion: Recommendations

a. Legislation

- Reflect on laws and rules of other states: Massachusetts, Virginia, Vermont, etc.
- DWI's record retention
- A DWI involving a collision (w/o injury) falls under a "normal" DWI charge
- Review of operating and suspension laws
- Add language to the statute to include dismissals and identify why the dismissal is being requested
- Enhanced penalties for repeat offenders

b. Policy

- Report all withdrawals to the AG's office
- Report all officer failure to appear no-shows to the AG's office
- Immediate revocation of license for excess speeding
- Incentivize people to take the breath test
- Review penalties for multiple offenders
- Review record retention policy
- Review policy for charges in multiple states

c. Education

- DRE called at every motor vehicle fatality
- Offer more education to youth and adults on impaired driving and speeding
- OHS grant to promote education on highway safety
- Social media videos
- AAA PSA
- School resource officer partnership with kids and parents
- Media campaign to be approved for DOT and DOS overhead electronic advertising boards
- Utilize active agreement between DOT and Out-Front Advertising

d. Training

- May training to host all prosecutors on DWI and ALS cases; holding mock trials to challenge skills firsthand and in-person
- Judicial outreach information session with all supreme court judges – bring awareness
- Law enforcement and prosecutor community forums
- Training for all police officers on ALS rules

e. Accountability/Enforcement

- Stricter speed enforcement with higher penalties and fines
- DOT signage – opportunity to use highway safety funds to promote impaired driving enforcement on billboards and signage



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- Go back to local communities to see what the kids are doing around prom season, ask funeral homes, request donated car wrecks from towing companies, liquor education, possibly bring on someone from liquor commission
- Saturation patrols have proven to be doing well
- Body-worn cameras
- Changing behavior is important – things that effect a person's decision making – passed a bill on consent that all drivers convicted that plea down are required to take a driver impact program – recidivism rates have decreased – program is at no cost to the state – a tool to put in the hands of law enforcement
- Sobriety check points – body camera requirements
- DRE presence

Beth Shaw - Legislation needs to get tough, NH needs to do more. Courts, Judges and prosecutor, parole board all need to be looked at – every step. Speaking as a victim of the process through the parole board, victims need support, specifically from prosecutors. Penalties need to be strengthened. Process needs to be tightened up.

VIII. Final Remarks:

Executive Councilor, John Stephen
Special Assistant to Governor Kelly Ayotte, Steve Pecora
Assistant Commissioner of Safety, Eddie Edwards

Next steps: Creating subcommittee work to drill down on topics.

Respectfully submitted,

Kate Hall

Kate Hall

Administrative Assistant
Department of Safety

04/14/2025

Date