



## **NHMA Guidance Regarding Supplemental Information for Local Enforcement of Emergency Order #74**

**December 1, 2020**

In light of Emergency Order #74, stating:

“1. Beginning on November 20, 2020, all persons over the age of 5 within the State of New Hampshire shall wear a mask or cloth face covering over their noses and mouths any time they are in public spaces, indoors or outdoors, where they are unable to or do not consistently maintain a physical distance of at least six feet from persons outside their own households.”

Questions have arisen regarding the recommended processes for local enforcement officers acting to enforce provisions of the emergency orders.

The New Hampshire Attorney General’s Office notes that there are exceptions contained in the emergency order and that people should review the order to determine whether compliance is necessary. If compliance is necessary, the Attorney General’s Office recommends that local enforcement officers follow the template outlined in the [March 27 Law Enforcement Memo](#). Officers who find violations should engage violators informally at first to educate them on what the restrictions are and why they are important, and provide a copy of the emergency order, prior to taking any sort of enforcement action. If an individual or business continues to violate the order, then the local enforcement officer can send a written warning.

If the written warning does not produce the desired effect, the Attorney General’s Office may provide its own warnings, including issuance of a final letter upon consultation with the local enforcement officer. Typically, that letter outlines the violations and the evidence that the person is recklessly disregarding the emergency order, and states that further enforcement action will be undertaken if non-compliance continues.

After that, and in cooperation with the local enforcement officer, the Attorney General’s Office would impose civil penalties, or, in conjunction with the local Police Department, bring misdemeanor charge and/or initiate civil proceedings to seek an injunction to end the violation. The Attorney General’s Office must be involved when civil penalties are imposed, or criminal charges filed, or an injunction is sought to enforce any emergency order.

Questions from law enforcement officers about enforcement of the Governor’s orders should contact the Attorney General’s Office at: 931-9975.

Local enforcement officers or other town officials who witness violations of the Governor’s orders may contact the Attorney General’s Office at 603-271-1225.