

HB 474 - AS AMENDED BY THE HOUSE

7Apr2021... 0461h

2021 SESSION

21-0621
06/10

HOUSE BILL **474**

AN ACT prohibiting surveillance by the state on public ways or sidewalks.

SPONSORS: Rep. Erf, Hills. 2; Rep. Warden, Hills. 15

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits the use of surveillance to determine the location of a motor vehicle or the identity or location of a pedestrian.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT prohibiting surveillance by the state on public ways or sidewalks.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Highway Video Surveillance; Highway Surveillance Prohibited. Amend RSA 236:130, I and II
2 to read as follows:

3 I. In this subdivision, "surveillance" means [~~the act of determining the ownership of a motor~~
4 ~~vehicle or the identity of a motor vehicle's occupants on the public ways of the state or its political~~
5 ~~subdivisions through~~] the use of a camera or other imaging device or any other device, including but
6 not limited to a transponder, cellular telephone, global positioning satellite, or radio frequency
7 identification device, that by itself or in conjunction with other devices or information can be used to
8 determine the ownership **or location** of a motor vehicle, [~~or~~] the identity of a motor vehicle's
9 occupants, **or the identity or location of a pedestrian.**

10 II. ***In order to protect the personal privacy of residents and visitors to the state,***
11 neither the state of New Hampshire nor its political subdivisions shall engage in surveillance on any
12 public ways, ***as defined in RSA 259:125, or sidewalks, as defined in RSA 259:100,*** of the state
13 or its political subdivisions.

14 2 New Paragraph; Highway Surveillance Prohibited. Amend RSA 236:130 by inserting after
15 paragraph V the following new paragraph:

16 VI. Any person who suffers injury as a result of a violation of this section shall be entitled to
17 damages from the person who committed the violation of not less than \$1,000 for each such violation,
18 and an award of costs and reasonable attorney fees.

19 3 New Subparagraph; Highway Surveillance Prohibited. Amend RSA 236:130, III by inserting
20 after subparagraph (g) the following new subparagraph:

21 (h) Is undertaken for security and to facilitate law enforcement in the investigation of
22 criminal activity at properties under the jurisdiction of the department of natural and cultural
23 resources, provided that no video recording shall be stored longer than 24 days except if needed in a
24 judicial or administrative proceeding in a particular case. The properties on which surveillance
25 occurs shall display signage indicating the presence of 24-hour video cameras.

26 4 Effective Date. This act shall take effect upon its passage.