

HB 125 - AS AMENDED BY THE HOUSE

7Apr2021... 0385h

2021 SESSION

21-0092

08/06

HOUSE BILL ***125***

AN ACT relative to post-arrest photo distribution by law enforcement officers.

SPONSORS: Rep. Klein-Knight, Hills. 11; Rep. Bouchard, Hills. 11; Rep. Roy, Rock. 32

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits law enforcement from distributing post-arrest photos of suspects except in certain circumstances.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to post-arrest photo distribution by law enforcement officers.

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

1 1 Law Enforcement; Information Sharing. New Subdivision; Post-Arrest Photo Distribution.
2 Amend RSA 105 by inserting after section 19 the following new subdivision:

3 Post-Arrest Photo Distribution

4 105:20 Law Enforcement; Post-Arrest Photo Distribution. Post-arrest photos taken by law
5 enforcement officers of arrested persons shall be considered records compiled for investigatory
6 purposes and shall not be subject to RSA 91-A unless the subject of the photo is convicted of a charge
7 arising out of the arrest that led to the taking of the photo. Law enforcement officers may publish
8 post-arrest photos related to a crime for which the subject has not been convicted if the subject fails
9 to appear before the court after having been granted bail or is suspected of committing a subsequent
10 crime while on bail and the assistance of the public is necessary to locate the subject after routine
11 non-public methods of location have been exhausted. Law enforcement officers may also release
12 post-arrest photos if the subject presents an immediate danger to the public and the release of the
13 photo is necessary for public safety. The subject shall be notified of the potential for public release of
14 the photo when it is taken. Law enforcement officers may also release such applicable post-arrest
15 photos to the subject of the photo upon written request of the person. Law enforcement officers shall
16 maintain a record of all applicable photos released or disseminated and shall include with whom the
17 photos were shared and for what purpose. Nothing in this subdivision shall prohibit the ability of
18 law enforcement agencies from disseminating such post-arrest photos to witnesses or to other law
19 enforcement agencies in the performance of any valid law enforcement function. Nothing in this
20 subdivision shall alter the ability of law enforcement agencies to take or use the photos of convicted,
21 registered sex offenders under the provisions in RSA 651-B:5.

22 2 Effective Date. This act shall take effect January 1, 2022.