

HB - AS INTRODUCED

2021 SESSION

21-0049.0
08/10

HOUSE BILL

253-LOCAL

AN ACT requiring law enforcement officers to use body-worn cameras and establishing a grant program to assist local law enforcement agencies to purchase body-worn cameras.

SPONSORS: Rep. Conley, Straf. 13; Rep. Mangipudi, Hills. 35; Rep. Wilhelm, Hills. 42; Rep. Cushing, Rock. 21; Rep. Labranche, Hills. 22; Rep. Moran, Hills. 34

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Establishes the public safety enhancement fund.

II. Requires all law enforcement officers to use body-worn cameras.

III. Transfers one percent of the money from the penalty assessment fund to the public safety enhancement fund.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring law enforcement officers to use body-worn cameras and establishing a grant program to assist local law enforcement agencies to purchase body-worn cameras.

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

1 1 New Subparagraph; Application of Receipts; Public Safety Enhancement Fund. Amend RSA
2 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

3 (365) Moneys deposited in the public safety enhancement fund established in RSA
4 105-D:3.

5 2 New Section; Public Safety Enhancement Fund. Amend RSA 105-D by inserting after section
6 2 the following new section:

7 105-D:3 Public Safety Enhancement Fund.

8 I. There is hereby established the public safety enhancement fund. This fund shall be
9 administered by the attorney general and shall be nonlapsing and continually appropriated to the
10 department of justice. In addition to money deposited in this fund from the penalty assessment fund
11 in RSA 106-L:10, grants and donations from federal and private sources may be deposited in this
12 fund. As provided for in this chapter, this fund shall be used to pay the costs of local, county, and
13 state use of police body-worn cameras.

14 II. Law enforcement agencies may apply to the department of justice for grants from the
15 public safety enhancement fund. Such grants shall be utilized to enhance public safety through the
16 use of police worn body cameras. The attorney general shall report 60 days after the close of each
17 fiscal year to the governor and council and to the fiscal committee of the general court a detailed
18 accounting of the grants provided to law enforcement agencies under this section by agency,
19 including the department of safety, for the preceding fiscal year.

20 III. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

21 (a) The administration of the public safety enhancement fund.

22 (b) The grant application procedures and forms to be used by law enforcement agencies.

23 3 Body-Worn Cameras Required. Amend RSA 105-D:2, I to read as follows:

24 I. ~~[This chapter shall apply to any]~~ All law enforcement ~~[agency that elects to]~~ **agencies**
25 **shall** equip its law enforcement officers with body-worn cameras. All BWCs shall be operated in a
26 manner consistent with the provisions of this chapter. Every law enforcement agency that elects to
27 equip its officers with BWCs shall adopt policies and procedures relating to the use of BWCs and the
28 retention and destruction of data consistent with this chapter. **Funding for BWCs shall be**

1 *provided by the state in the form of grants from the public safety enhancement fund in RSA*
2 *105-D:3.*

3 4 Body-Worn Cameras. Amend RSA 105-D:2, XVIII to read as follows:

4 XVIII. Any recording undertaken in violation of this chapter or any other applicable law
5 shall be immediately destroyed and, whether destroyed or not, shall not be admissible as evidence in
6 any criminal or civil legal or administrative proceeding, except in a proceeding against an officer for
7 violating the provisions of this chapter ***or in a criminal proceeding where the evidence is***
8 ***exculpatory***. In a proceeding against an officer for violating the provisions of this chapter, the
9 recording shall be destroyed at the conclusion of the proceeding and all appeals. ***In a criminal***
10 ***proceeding where the evidence is exculpatory, the recording shall be destroyed at the***
11 ***conclusion of the proceeding and all related appeals, or upon a court order.***

12 5 Penalty Assessments; Money for Public Safety Enhancement Fund. Amend RSA 106-L:10, IV
13 to read as follows:

14 IV. The clerk of each court shall collect all penalty assessments and shall transmit the
15 amount collected under paragraphs I-III to the state treasurer for deposit in the following funds.
16 The state treasurer shall deposit [~~66.66~~] ***65.66*** percent of the amount collected in the state general
17 fund, 16.67 percent of the amount collected in the victims' assistance fund, [~~and~~] 16.67 percent of the
18 amount collected in the judicial branch information technology fund, ***and 1 percent in the public***
19 ***safety enhancement fund.***

20 6 Effective Date. This act shall take effect July 1, 2021.