

Amendment to HB 125

1 Amend RSA 105:20 as inserted by section 1 of the bill by replacing it with the following:

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3 105:20 Law Enforcement; Post-Arrest Photo Distribution. Post-arrest photos taken by law  
4 enforcement officers of arrested persons shall be considered records compiled for investigatory  
5 purposes and shall not be subject to RSA 91-A unless the subject of the photo is convicted of a charge  
6 arising out of the arrest that led to the taking of the photo. Law enforcement officers may publish  
7 post-arrest photos related to a crime for which the subject has not been convicted if the subject fails  
8 to appear before the court after having been granted bail or is suspected of committing a subsequent  
9 crime while on bail and the assistance of the public is necessary to locate the subject after routine  
10 non-public methods of location have been exhausted. Law enforcement officers may also release  
11 post-arrest photos if the subject presents an immediate danger to the public and the release of the  
12 photo is necessary for public safety. The subject shall be notified of the potential for public release of  
13 the photo when it is taken. Law enforcement officers may also release such applicable post-arrest  
14 photos to the subject of the photo upon written request of the person. Law enforcement officers shall  
15 maintain a record of all applicable photos released or disseminated and shall include with whom the  
16 photos were shared and for what purpose. Nothing in this subdivision shall prohibit the ability of  
17 law enforcement agencies from disseminating such post-arrest photos to witnesses or to other law  
18 enforcement agencies in the performance of any valid law enforcement function. Nothing in this  
19 subdivision shall alter the ability of law enforcement agencies to take or use the photos of convicted,  
20 registered sex offenders under the provisions in RSA 651-B:5.