

Amendment to HB 485

1 Amend RSA 595-A:10 as inserted by section 1 of the bill by replacing it with the following:

2
3 595-A:10 Consent to Search; Right to Refuse Consent.

4 I. Before an officer attempts to conduct a search of a person, his or her vehicle, home, or
5 other property, the officer shall inform such person of his or her right to refuse the search without
6 penalty. If the person consents to the search, the officer shall first document the person's consent
7 either in writing or by audio recording, and then may conduct the search. A person's refusal to
8 consent to the search shall not be used to establish probable cause for a warrantless search or in an
9 application for a search warrant, nor shall it be used to further extend any stop or interaction with a
10 member of the public, provided all other lawful reasons for the stop or interaction have been
11 concluded. An officer who fails to comply with the requirements of this paragraph, but proceeds with
12 a search shall, as a matter of law, be conducting a search without consent.

13 II. This section shall not preclude searches incident to arrest, those searches allowed under
14 the United States Constitution for officer safety, or inventory searches of lawfully-seized property,
15 including but not limited to vehicles towed in conjunction to the arrest of the operator.