

1 Committee of Conference Report on SB 40, relative to informed consent to search a motor vehicle
2 and amending the statutory requirements for a search warrant.

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4 Recommendation:

5 That the Senate recede from its position of nonconcurrency with the House amendment, and

6 That the House recede from its position in adopting its amendment to the bill, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 Senate, and pass the bill as so amended:

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10 Amend RSA 595-A:10 as inserted by section 1 of the bill by inserting after paragraph IV the
11 following new paragraphs:

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13 V. This section shall not preclude searches incident to arrest; searches allowed under the
14 United States Constitution for officer safety; searches on any grounds, lands, or parking areas of any
15 state or county correctional facility or transitional housing unit operated by the department of
16 corrections; or inventory searches of lawfully-seized property, including but not limited to vehicles
17 towed in conjunction with the arrest of the operator.

18 VI. Any person on prison grounds or in a department of corrections facility, regardless of
19 whether such person is a resident, visitor, staff, or anyone identified in some other category, shall be
20 subject to search without warning of their vehicle, possessions, and person pursuant to Cor 306.

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The signatures below attest to the authenticity of this Report on SB 40, relative to informed consent to search a motor vehicle and amending the statutory requirements for a search warrant.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Carson, Dist. 14

Rep. Welch, Rock. 13

Sen. French, Dist. 7

Rep. Roy, Rock. 32

Sen. Kahn, Dist. 10

Rep. Wallace, Rock. 12

Rep. Harriott-Gathright, Hills. 36

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AMENDED ANALYSIS

This bill permits a warrantless search of a motor vehicle with the informed consent of the motor vehicle operator. The bill also amends the statutory requirements for a search warrant to allow consistency with the requirements for electronic warrants and requires that any person on the grounds of a department of corrections facility shall be subject to search.