

SB 332 – AS AMENDED BY THE HOUSE

02/08/12 0568s
15May2012... 2221h

2012 SESSION

12-2807
08/09

SENATE BILL **332**

AN ACT repealing a prohibition relative to auxiliary state troopers, repealing the law governing motor vehicles carrying property for hire, and relative to searches conducted for purposes of transportation-related security.

SPONSORS: Sen. Rausch, Dist 19

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.

This bill also requires law enforcement officers to document complaints relating to administrative searches by agents of the Transportation Security Administration.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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1 595-C:1 Federal Agency Searches Recorded.

2 I. Any law enforcement officer, as defined in RSA 651:6, I-a(a) who is stationed or present at
3 an airport, bus station, train station, highway, or other transportation-related location or is in the
4 presence of or who is working with an agent of the federal Transportation Security Administration or
5 its equivalent while such agent is conducting an administrative search for transportation security of
6 persons about to travel or already traveling in a vehicle of any kind shall record all interactions
7 between the agent and citizen when that citizen complains to the law enforcement officer about the
8 manner in which the administrative search is being or has been conducted.

9 II. When a law enforcement officer is not available at the site of an administrative search
10 conducted for transportation security, a citizen may file a complaint at any office of the county sheriff
11 within the state of New Hampshire, and the officer taking the report shall follow the same
12 procedures as would be required had he or she been at the scene.

13 III. In such cases as described in paragraphs I and II, the law enforcement officer shall
14 record the name and address of the citizen as well as the name and address or official identification
15 of the agent, along with an accurate statement of the details involving the complaint and his or her
16 observations of the federal agent's behavior when applicable.

17 IV. Such records described in paragraph III shall be submitted within 5 business days to the
18 division of state police for inclusion on an electronic database specifically identified as "Citizen
19 Complaints About TSA Searches." The division of state police shall maintain the reports on the
20 electronic database for at least 5 years, after which the records may be archived but not destroyed.

21 V. The information recorded pursuant to this section, with the name and other identifying
22 information of the complainant redacted, shall be a public record under RSA 91-A.

23 VI. The department of safety and its employees and agents shall not be held liable for errors
24 of omission or commission in the recording and maintenance of information under this section unless
25 the error is shown to be the result of gross negligence or an intentional act.

26 VII.(a) In order to assist in the accuracy of records created by law enforcement officers in
27 paragraph III, all citizens being searched shall be afforded their rights under the First Amendment
28 to the Constitution for the United States of America and under Part 1, Article 22 of the New
29 Hampshire Constitution to record, or designate a person to record, using any type of audio and
30 video recording device, or a device that records just audio or just video, all interactions with an agent
31 described in paragraph I, even in the presence of a law enforcement officer, without exception.

32 (b) If a citizen is prevented in any way from exercising his or her rights as specified in
33 this section, he or she may require a law enforcement officer to enforce the provisions of this section.

34 (c) If a law enforcement officer does not enforce the provisions of this chapter or makes it
35 difficult for a citizen to exercise his or her rights as specified in this section, the law enforcement
36 officer may be guilty of official oppression pursuant to RSA 643:1.

37 6 Repeal. RSA 375-B, relative to motor vehicles carrying property for hire, is repealed.

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1 7 Effective Date.

2 I. Section 5 of this act shall take effect 90 days after its passage.

3 II. The remainder of this act shall take effect upon its passage.