

SB 385 – AS INTRODUCED

2012 SESSION

12-2941  
09/10

SENATE BILL        **385**

AN ACT            relative to police investigations of motor vehicle accidents involving police officers.

SPONSORS:        Sen. White, Dist 9; Sen. Groen, Dist 6; Rep. Manuse, Rock 5; Rep. Hawkins,  
                         Hills 18

COMMITTEE:      Judiciary

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ANALYSIS

This bill requires motor vehicle accidents involving a police officer employed by any police department in any jurisdiction in the state to be investigated by a different police department than the department employing the police officer involved in the accident.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT relative to police investigations of motor vehicle accidents involving police officers.

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

1           1 Statement of Purpose. This act requires motor vehicle accidents involving a police officer  
2 employed by any police department in any jurisdiction in the state to be investigated by a different  
3 police department than the police department employing the police officer involved in the accident in  
4 order to ensure the independence and objectivity of the investigation as well as the public perception  
5 of independence and objectivity of the investigation.

6           2 New Section; Police Investigations of Accidents Involving Police Officers. Amend RSA 264 by  
7 inserting after section 25-a the following new section:

8           264:25-b Police Investigations of Accidents Involving Police Officers.

9           I. In this section:

10           (a) “Police officer” means any law enforcement officer with the power of arrest, including  
11 auxiliary, intermittent, special, full-time, part-time, or reserve police officers, or sheriffs and their  
12 deputies who are employed by a city, town, village district, county, or precinct within the state of  
13 New Hampshire; police officers employed by the university system of New Hampshire; and any state  
14 law enforcement officer employed by the state of New Hampshire who has power of arrest as  
15 determined by state law.

16           (b) “Police department” means the employer of a police officer whether or not the  
17 employer is officially known as a police department, an agency, or some other term.

18           II. In any reportable motor vehicle accident as defined in RSA 264:26, II, when a police  
19 officer is involved as a party in the accident, it shall be unlawful for a police officer employed by the  
20 same police department as the police officer involved in the accident to conduct an investigation and  
21 file a report of accident as required by RSA 264:26, and a police officer employed by a different police  
22 department than the police department employing the police officer involved in the accident shall file  
23 a report of accident as required by RSA 264:26, and:

24           (a) A police officer involved in an accident shall immediately be considered off-duty for  
25 the purposes of the accident investigation and shall follow the same procedures required by any  
26 driver of a vehicle in RSA 264:25;

27           (b) If the police officer involved in the accident is reasonably able, he or she shall within  
28 a reasonable time cause a uniformed police officer from a different police department with  
29 jurisdiction to arrive on the scene and conduct an investigation of the accident and file a report of  
30 accident as required by RSA 264:26; and

1 (c) If a uniformed police officer arriving on the scene is employed by the same police  
2 department as the police officer involved in the accident, the uniformed police officer employed by  
3 the same police department shall within a reasonable time cause a uniformed police officer from a  
4 different police department with jurisdiction to arrive on the scene and conduct an investigation of  
5 the accident and file a report of accident as required by RSA 264:26, if such police officer is not  
6 already on the scene.

7 3 Jurisdiction of Police Employees. Amend RSA 106-B:15 to read as follows:

8 106-B:15 Jurisdiction of Police Employees. Police employees have jurisdiction on all turnpikes,  
9 toll roads and interstate highways and nothing in this section shall be construed to limit the  
10 authority of local police officers. A police employee shall not act within the limits of a town having a  
11 population of more than 3,000 or of any city, except when he *or she* witnesses a crime, or is in  
12 pursuit of a law violator or suspected violator, or when in search of a person wanted for a crime  
13 committed outside its limits, or when in search of a witness of such crime, or when traveling through  
14 such town or city, or when acting as an agent of the director of motor vehicles enforcing rules  
15 pertaining to driver licenses, registrations and the inspection of motor vehicles, or when requested to  
16 act by an official of another law enforcement agency, *or as provided in RSA 264:25-b*, or when  
17 ordered by the governor. No criminal case shall be abated, quashed, or dismissed and no evidence in  
18 a criminal case shall be suppressed or excluded because a police employee has failed to comply with  
19 the jurisdictional limits of this section, provided, that the police employee had a good faith belief that  
20 he *or she* had authority to act when he *or she* acted.

21 4 Effective Date. This act shall take effect upon its passage.