

HB 311 – AS INTRODUCED

2013 SESSION

13-0700  
05/10

HOUSE BILL           **311**

AN ACT               establishing a statutory expectation of privacy in personal materials.

SPONSORS:         Rep. Kurk, Hills 2

COMMITTEE:       Judiciary

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ANALYSIS

This bill establishes a statutory expectation of privacy in personal materials.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a statutory expectation of privacy in personal materials.

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

1 1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the  
2 following new chapter:

3 CHAPTER 507-H

4 EXPECTATION OF PRIVACY

5 507-H:1 Expectation of Privacy.

6 I. In this section:

7 (a) "Individual" means a human being, living or deceased.

8 (b) "Government" means federal, state and local agencies and departments, and any  
9 political subdivisions thereof, including employees, agents, and contractors.

10 (c) "Person" means individuals, corporations, organizations, for profit and not-for-profit  
11 entities, excluding the government.

12 (d) "Personal materials" means physical items owned or possessed by an individual and  
13 abandoned intentionally or unintentionally, including without limitation, fingerprints, saliva, hair,  
14 household papers and effect, in private and public places.

15 II. Subject to a warrant supported by probable cause pursuant to Part I, Art. 19 of the  
16 New Hampshire constitution in the case of governments, and a court order signed by a judge in the  
17 case of persons, each individual has an expectation of privacy and protection from intrusion by  
18 government and persons in his or her personal materials.

19 III. Each knowing violation of privacy under paragraph II is a separate offense. For the first  
20 violation or series of violations, a person shall be guilty of a class B misdemeanor and shall incur a  
21 fine of \$1,000. For each subsequent knowing violation, the person shall be guilty of a class B felony  
22 and shall incur a fine of \$2,000. In addition, in a civil case, for the first knowing violation or series of  
23 violations, a person injured by a violation of this section shall be awarded the higher of actual  
24 damages or \$1,000, and for each subsequent knowing violation, the higher of actual damages or  
25 \$2,000. The person shall also be awarded court costs and reasonable attorney's fees.

26 2 Effective Date. This act shall take effect July 1, 2013.