

HB 512 – AS INTRODUCED

2013 SESSION

13-0401
04/09

HOUSE BILL **512**

AN ACT relative to the power of a peace officer to make an arrest without a warrant.

SPONSORS: Rep. Itse, Rock 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill limits the authority of a peace officer to make an arrest without a warrant in those circumstances where a felony or misdemeanor is committed in the officer's presence.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the power of a peace officer to make an arrest without a warrant.

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

1 1 Arrest Without a Warrant. Amend RSA 594:10, I(a) to read as follows:

2 (a) ~~[he]~~ **The peace officer** has probable cause to believe that the person to be arrested
3 has committed a misdemeanor or violation in ~~[his]~~ **the officer's** presence **or in the presence of**
4 **another peace officer with whom the officer is working**; or

5 2 Arrest Without a Warrant. Amend RSA 594:10, II to read as follows:

6 II. An arrest by a peace officer without a warrant on a charge of **a** felony is lawful
7 whenever[=:

8 ~~(a) A felony has actually been committed by the person arrested, regardless of the~~
9 ~~reasons which led the officer to make the arrest.~~

10 ~~(b) The officer has reasonable ground to believe that the person arrested has committed~~
11 ~~a felony]~~ **the peace officer has probable cause to believe that the person to be arrested has**
12 **committed a felony in the officer's presence or in the presence of another peace officer with**
13 **whom the officer is working.**

14 3 New Paragraphs; Arrest Without a Warrant. Amend RSA 594:10 by inserting after paragraph
15 II the following new paragraphs:

16 III. No peace officer shall enter the dwelling or other private property not accessible to the
17 general public without a warrant or consent of the owner, except where a peace officer has observed
18 a person who has committed a felony or misdemeanor in the officer's presence entering such dwelling
19 or private property and the officer is in hot pursuit of the person.

20 IV. In the event an arrest is determined by a court or through a petition for redress of
21 grievance to be unlawful, the law enforcement agency which made the arrest shall be liable for all of
22 the arrestee's legal and incidental costs associated with obtaining his or her freedom and expunging
23 the record of the arrest. All records of unlawful arrests shall be destroyed by the law enforcement
24 agency making the arrest.

25 4 Repeal. RSA 594:10, I(c), relative to the power of a peace officer to arrest in certain
26 circumstances, is repealed.

27 5 Effective Date. This act shall take effect 60 days after its passage.