

CHAPTER 184
HB 1533-FN – FINAL VERSION

5Mar2014... 0595h
04/24/14 1368s
4Jun2014... 1898CofC

2014 SESSION

14-2468
04/06

HOUSE BILL ***1533-FN***

AN ACT requiring a warrant to search information in a portable electronic device.

SPONSORS: Rep. Kurk, Hills 2; Rep. Sandblade, Hills 18; Rep. O'Flaherty, Hills 12

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

 This bill requires a government entity to obtain a warrant before searching a portable electronic device.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT requiring a warrant to search information in a portable electronic device.

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

1 184:1 New Section; Breaches of the Peace and Related Offenses; Searches of Portable Electronic
2 Devices. Amend RSA 644 by inserting after section 20 the following new section:

3 644:21 Searches of Portable Electronic Devices.

4 I. Definitions. In this section:

5 (a) "Government entity" means a federal, state, county, or local government agency,
6 including but not limited to a law enforcement agency or any other investigative entity, agency,
7 department, division, bureau, board, or commission, or an individual acting or purporting to act for,
8 or on behalf of, a federal, state, county, or local government agency. "Government entity" shall not
9 apply to a federal government agency to the extent that federal statute preempts state statute.

10 (b) "Information" includes any information concerning the substance or meaning or
11 purported substance or meaning of a communication, including without limitation the name and
12 address of the sender and receiver and the time, date, location, and duration of the communication.

13 (c) "Portable electronic device" means any portable device that is capable of creating,
14 receiving, accessing, or storing electronic data or communications, including but not limited to
15 cellular telephones.

16 II. No information contained in a portable electronic device shall be subject to search by a
17 government entity, including a search incident to a lawful arrest or for inventory purposes, except
18 pursuant to a warrant signed by a judge and based on probable cause, or pursuant to a legally-
19 recognized exception to the warrant requirement. A portable electronic device searched pursuant to
20 this paragraph shall be returned to its owner as expeditiously as possible.

21 III. Evidence obtained in violation of this section shall not be admissible in a criminal, civil,
22 administrative, or other proceeding, except as proof of a violation of this section.

23 IV. A person injured by a government entity as a result of a violation of this section may file
24 civil suit against the government entity.

25 184:2 Effective Date. This act shall take effect July 1, 2014.

26 Approved: July 11, 2014
27 Effective Date: July 1, 2014
28