

HB 1550 – AS INTRODUCED

2014 SESSION

14-2570
01/06

HOUSE BILL **1550**

AN ACT permitting the audio and video recording of a public official while in the course of his or her official duties.

SPONSORS: Rep. Watrous, Merr 16; Rep. Warden, Hills 39; Rep. O'Flaherty, Hills 12

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill permits the audio and video recording of a public official while in the course of his or her official duties.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT permitting the audio and video recording of a public official while in the course of his or her official duties.

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

1 1 New Subparagraph; Audio and Video Recording of Public Official in the Course of Official
2 Duties Permitted. Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new
3 subparagraph:

4 (m)(1) Any person to make an audio or video recording of a public official made while the
5 public official is in the course of his or her official duties; provided that:

6 (A) The person making the recording must have the recording device in plain
7 view in a manner that would alert a reasonable public official observing such person that a recording
8 is being made;

9 (B) The person making the recording is doing so from a location that is either
10 such person’s own private property, from the private property of a person who has authorized or
11 assented to the making of the recording, or from a public or private space generally accessible to the
12 public; and

13 (C) The act of recording does not physically interfere with the public official's
14 ability to perform his or her official duties.

15 (2) Any audio or video recording of a public official shall remain the property of its
16 owner. In the event that such property is seized by law enforcement authorities, a copy of the audio
17 or video recording shall be provided to the owner of the property within 10 days of the day the
18 property is seized.

19 (3) This subparagraph shall not be construed to permit a person to audio or
20 videotape either in a courtroom or any other place within a court facility without prior approval of
21 the presiding justice.

22 (4) This subparagraph shall not be construed to expand or contract public access to
23 government buildings, facilities, meetings, records, or other places or information.

24 (5) For the purposes of this subparagraph “public official” means any officer or
25 employee of the state or a political subdivision of the state, or of the general court, or any person
26 otherwise performing a government function.

27 2 Effective Date. This act shall take effect July 1, 2014.