

HB 1575-FN-A – AS INTRODUCED

2014 SESSION

14-2204
03/01

HOUSE BILL ***1575-FN-A***

AN ACT requiring state police to wear a camera when interacting with the public.

SPONSORS: Rep. Tasker, Rock 2; Rep. M. Mann, Rock 32; Rep. Murotake, Hills 32; Rep. Beaudoin, Straf 9; Rep. G. Johnsen, Ches 7; Rep. Gagne, Hills 13; Rep. Theberge, Coos 3; Rep. O'Flaherty, Hills 12

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires state police to wear a camera when interacting with the public.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 state police to wear a camera when interacting with the public.

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

1 1 New Section; State Police; Camera Required. Amend RSA 106-B by inserting after section 8
2 the following new section:

3 106-B:8-a Camera Required. Each uniformed law enforcement officer of the division of state
4 police shall, at all times when the officer is interacting with the public in his or her official capacity,
5 wear an operating camera with a microphone for audio capture. The division of state police shall
6 catalog and preserve video and audio recorded by the cameras. The director of state police shall have
7 a written policy that outlines, at a minimum, the proper uses of the equipment, the times when the
8 camera is to be activated, conditions under which is it permissible not to have the camera activated,
9 the retention period for the tapes or other recording media, the method for replacing defective or
10 nonfunctioning equipment, and a logging policy to record failures or periods when the equipment is
11 down for repairs. The policy shall be on file at the agency and open to public inspection or available
12 on the department of safety's website.

13 2 Wiretapping; Permissible Uses. Amend RSA 570-A:2, II(j) to read as follows:

14 (j) A uniformed law enforcement officer to make an audio recording in conjunction with a
15 video recording [~~of a routine stop performed~~] in the ordinary course of [~~patrol~~] **the officer's** duties
16 [~~on any way as defined by RSA 259:125~~] **or as required by law**, provided that the officer shall first
17 give notification of such recording to the party to the communication.

18 3 New Section; Rights of Accused; Video and Audio Recordings. Amend RSA 604 by inserting
19 after section 3 the following new section:

20 604:4 Video and Audio Recordings. In any prosecution, if the state expects to offer the testimony
21 of a law enforcement officer against a defendant and the law enforcement officer was required by law
22 to record video or audio information of his or her interaction with the defendant, the state shall
23 produce a copy of the video or audio information in a reasonably usable format upon the defendant's
24 request. If the state does not produce the video or audio information, the defendant is entitled to a
25 spoliation instruction substantially stating that the missing information should be presumed
26 favorable to the defendant.

27 4 Appropriation. The sum of \$500,000 for the fiscal year ending June 30, 2016 is hereby
28 appropriated to the department of safety, division of state police for the purpose of camera
29 purchases, maintenance, and repair, and related equipment and services. This appropriations is in
30 addition to any other funds appropriated to the department of safety. The governor is authorized to
31 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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1 5 Effective Date. This act shall take effect June 1, 2016.

HB 1575-FN-A - FISCAL NOTE

AN ACT requiring state police to wear a camera when interacting with the public.

FISCAL IMPACT:

The Department of Safety and Department of Information Technology state this bill, **as introduced**, will increase state expenditures by \$567,329 in FY 2016, \$609,271 in FY 2017, and \$620,542 in FY 2018. There will be no impact on state revenue or county and local revenues or expenditures.

This bill appropriates \$500,000 from the state general fund to the Department of Safety in the fiscal year ending June 30, 2016 for the purposes of this act.

METHODOLOGY:

The Department of Safety states this bill would require uniformed law enforcement officers of the Division of State Police to wear cameras when interacting with the public. The Department estimates it will need to purchase 350 cameras at \$1,000 apiece. Additionally, the Department assumes it will need to hire three additional employees (technical support specialist III, labor grade 25) to maintain the cameras, servers, and recorded data, with a start date of January 1, 2016. The Department estimates the following costs associated with this bill:

	FY 2016	FY 2017	FY 2018
New Personnel (Salary & Benefits)	\$109,419	\$226,021	\$237,292
Cameras	\$350,000	\$0	\$0
Servers	\$107,910	\$0	\$0
Camera Maintenance	\$0	\$33,250	\$33,250
Total Department of Safety Costs	\$567,329	\$259,271	\$270,542

Effective June 1, 2016, this bill would appropriate \$500,000 from the state general fund to the Department of Safety for the purposes of this act. This appropriation would lapse at the end of the fiscal year (June 30, 2016), leaving the Department only 30 days to expend or encumber said funds.

The Department of Information Technology assumes all recorded data from the cameras required by this bill will be stored for a minimum of 30 days at a frame rate of 4 gigabytes per hour. The Department estimates this will run approximately 3.3 terabytes per month resulting in annual data storage costs of \$350,000 beginning in FY 2017.