

HB 669-FN-LOCAL - AS INTRODUCED

2015 SESSION

15-0762
09/04

HOUSE BILL **669-FN-LOCAL**

AN ACT requiring law enforcement agencies to report on the receipt of certain equipment and grants from the federal government and on the deployment of tactical teams.

SPONSORS: Rep. Sylvia, Belk 6; Rep. Hoell, Merr 23; Rep. C. McGuire, Merr 29; Sen. Cataldo, Dist 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires law enforcement agencies to report on the receipt of certain equipment and grants from the federal government and on the deployment of tactical teams.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring law enforcement agencies to report on the receipt of certain equipment and grants from the federal government and on the deployment of tactical teams.

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

1 1 New Chapter; Receipt of Equipment And Grants and Deployment of Tactical Teams. Amend
2 RSA by inserting after chapter 106-K the following new chapter:

3 CHAPTER 106-L

4 RECEIPT OF EQUIPMENT AND GRANTS AND
5 DEPLOYMENT OF TACTICAL TEAMS

6 106-L:1 Definitions.

7 I. "Law enforcement agency" means any nonfederal police force, or other local, county, or
8 state agency with the principal functions of prevention, detection, and investigation of crime and the
9 apprehension of alleged offenders.

10 II. "No-knock provision" means a provision that authorizes an officer executing a warrant to
11 enter without giving audible notice of the officer's presence, authority, and purpose before entering.

12 III. "Reportable incident" means a deployment of a tactical team.

13 IV. "Tactical team" means a special unit within a law enforcement agency, or a multiagency
14 team, specifically trained and equipped to respond to emergency scenarios.

15 106-L:2 Data Collection and Reporting of Equipment and Grants and Deployment of Tactical
16 Teams. Beginning on June 1, 2016, each law enforcement agency shall annually on or before June 1
17 report to the department of safety the following information for the previous calendar year:

18 I. An enumerated list of all equipment and grants the law enforcement agency received from
19 the Department of Defense, Department of Homeland Security, Department of Justice, Office of
20 National Drug Control Policy, and the Department of the Treasury.

21 II. Any foreseen ancillary costs to the law enforcement agency of acquiring any equipment
22 received from, or purchased with a grant received from, the United States Department of Defense,
23 Department of Homeland Security, Department of Justice, Office of National Drug Control Policy,
24 and the Department of the Treasury.

25 III. Whether the law enforcement agency conducted one or more reportable incidents.

26 IV. The following information regarding each reportable incident:

27 (a) The organizational title of the agency, task force, and tactical team deployed;

28 (b) The address, city, county, and zip code of the location where the reportable incident
29 occurred;

30 (c) The reason for the deployment;

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1 (d) The type of warrant executed, if any, and whether it contained a no-knock provision
2 and/or authorized execution between the hours of 10:00 p.m. and 7:00 a.m.;

3 (e) If a warrant was obtained, the name of the judge or magistrate who authorized the
4 warrant;

5 (f) The number of arrests made, if any;

6 (g) A detailed description of any contraband seized;

7 (h) If any property was seized, other than contraband;

8 (i) If an armored personnel carrier was used, and, if so, for what purpose and why it was
9 needed;

10 (j) If a forcible entry was made, and, if so, what equipment was used in forcing the entry,
11 and for what purpose and why it was needed;

12 (k) If an explosive device, used either for breaching or distraction purposes, was used,
13 and, if so, what type, and for what purpose and why it was needed;

14 (l) If a firearm was discharged by a law enforcement officer, and, if so, how many shots
15 were fired by each officer;

16 (m) The identity of any law enforcement agency that participated or provided resources
17 for the deployment and a description of the resources provided;

18 (n) The race, sex, and age of each individual encountered during the deployment;

19 (o) If a person or domestic animal was injured or killed, and, if so, a detailed description
20 of the circumstances leading to the injury or death, and a detailed description of the injury or
21 injuries, whether or not death resulted;

22 (p) If a law enforcement officer was injured or killed, and, if so, a detailed description of
23 the circumstances leading to the injury or death, and a detailed description of the injury or injuries,
24 whether or not death resulted; and

25 (q) The number of arrest warrants served that required a forced entry as provided by
26 RSA 106-L:3 and were not served in conjunction with a search warrant that resulted in a reportable
27 incident.

28 106-L:3 Reporting Format for Law Enforcement Agencies.

29 I. If a warrant is served by a multijurisdictional team of law enforcement officers, the
30 reporting requirement in this section shall be the responsibility of the commanding agency or
31 governing authority of the multijurisdictional team.

32 II. The department of safety shall develop a standardized format that each law enforcement
33 agency shall use in reporting the data required in RSA 106-L:2.

34 III. A law enforcement agency shall compile the data described in RSA 106-L:2 for each year
35 as a report in the format required under paragraph II and submit the report to:

36 (a) The department of safety; and

37 (b) The local governing body of the jurisdiction served by the law enforcement agency.

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1 106-L:4 Department of Safety Reporting Requirements.

2 I. The department of safety shall summarize the annual reports of law enforcement agencies
3 submitted under RSA 106-L:2.

4 II. Before August 1 of each year, the department of safety shall submit a report of the
5 summaries described in paragraph I to:

6 (a) The attorney general;

7 (b) The speaker of the house of representatives, for referral to the house committee on
8 public safety and criminal justice;

9 (c) The president of the senate, for referral to the senate judiciary committee; and

10 (d) Each reporting law enforcement agency.

11 III. The report described in paragraph II shall be published on the department of safety
12 website before November 1 of each year.

13 IV. The reports described in RSA 106-L:3 and this section shall be made available to the
14 public pursuant to RSA 91-A and shall not be subject to any exception contained in RSA 91-A.

15 106-L:5 Failure to Comply With Reporting Requirements.

16 I. If a law enforcement agency fails to comply with the reporting requirements of this
17 chapter, the department of safety shall contact the law enforcement agency and request that the
18 agency comply with the required reporting provisions.

19 II. If a law enforcement agency fails to comply with the reporting requirements of this
20 chapter within 30 days after being contacted by the department of safety with a request to comply,
21 the department of safety shall report the noncompliance to the attorney general, the speaker of the
22 house of representatives, and the president of the senate.

23 2 Effective Date. This act shall take effect June 1, 2016.

HB 669-FN-LOCAL FISCAL NOTE

AN ACT requiring law enforcement agencies to report on the receipt of certain equipment and grants from the federal government and on the deployment of tactical teams.

FISCAL IMPACT:

The Department of Safety, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill, as introduced, may increase state, county, and local expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on state, county, and local revenue.

METHODOLOGY:

The Department of Safety, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill establishes a reporting requirement for law enforcement agencies regarding the receipt of certain equipment and grants from the federal government and on the deployment of tactical teams. The proposed legislation requires local and county law enforcement to report the prescribed information to the Department of Safety for summarization and subsequent reporting to the attorney general, the speaker of the house, and the president of the senate, as well as to those law enforcement agencies reporting to the Department of Safety.

The Department, Association of Counties, and Municipal Association state they are unable to determine to what extent the additional administrative tasks associated with meeting the proposed legislation's reporting requirements could be absorbed within existing budgets and staffing levels. To the extent these administrative tasks could not be absorbed using existing resources, expenditures of law enforcement agencies at state, county, and local levels would increase.