

HB 145 - AS AMENDED BY THE SENATE

15Mar2011... 0766h

02/08/12 0575s

02/08/12 0673s

2011 SESSION

11-0068

01/04

HOUSE BILL **145**

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

SPONSORS: Rep. Baldasaro, Rock 3; Rep. Jennifer Coffey, Merr 6; Rep. Hikel, Hills 7; Rep. L. Christiansen, Hills 27; Rep. Itse, Rock 9

COMMITTEE: Criminal Justice and Public Safety

AMENDED 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 struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

15Mar2011... 0766h

02/08/12 0575s

02/08/12 0673s

11-0068

01/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

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

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

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

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

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

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

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

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

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

2 Effective Date. This act shall take effect July 1, 2012.