

Committee Report

CONSENT CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 485,**

**AN ACT requiring law enforcement officers to inform a
person of their right to refuse a consensual search.**

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Hopper

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 485
Title:	requiring law enforcement officers to inform a person of their right to refuse a consensual search.
Date:	February 17, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0409h

STATEMENT OF INTENT

This bill requires law enforcement officers to inform a person of their right to refuse a consensual search. The majority of the Criminal Justice and Public Safety Committee believes that the people have right to clearly understand that they have the option to say no, when an officer asked to search their vehicle, home or property. The amendment requires that interaction be recorded.

Vote 20-0.

Rep. Gary Hopper
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 485, requiring law enforcement officers to inform a person of their right to refuse a consensual search. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Hopper for Criminal Justice and Public Safety. HB485 requiring law enforcement officers to inform a person of their right to refuse a consensual search. The majority of the Criminal Justice and Public Safety Committee (20-0) believes that the people have right to clearly understand that they have the option to say no, when an officer asked to search their vehicle, home or property. The amendment requires that interaction be recorded.

Vote 20-0.

Rep. Abbas, Rock. 8
February 17, 2021
2021-0409h
08/04

Amendment to HB 485

1 Amend RSA 595-A:10 as inserted by section 1 of the bill by replacing it with the following:

2

3 595-A:10 Consent to Search; Right to Refuse Consent.

4 I. Before an officer attempts to conduct a search of a person, his or her vehicle, home, or
5 other property, the officer shall inform such person of his or her right to refuse the search without
6 penalty. If the person consents to the search, the officer shall first document the person's consent
7 either in writing or by audio recording, and then may conduct the search. A person's refusal to
8 consent to the search shall not be used to establish probable cause for a warrantless search or in an
9 application for a search warrant, nor shall it be used to further extend any stop or interaction with a
10 member of the public, provided all other lawful reasons for the stop or interaction have been
11 concluded. An officer who fails to comply with the requirements of this paragraph, but proceeds with
12 a search shall, as a matter of law, be conducting a search without consent.

13 II. This section shall not preclude searches incident to arrest, those searches allowed under
14 the United States Constitution for officer safety, or inventory searches of lawfully-seized property,
15 including but not limited to vehicles towed in conjunction to the arrest of the operator.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 485

BILL TITLE: Requiring law enforcement to inform a person of a right to refuse a consented search.
DATE: 2/17/2021

LOB ROOM: _____

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 2021-
0409-H
0409-H
 Interim Study (2nd year) (if offered)
Moved by Rep. Hopper Seconded by Rep. Burt Vote: 19/1

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 0409-H
 Interim Study (2nd year) (if offered)
Moved by Rep. Hopper Seconded by Rep. Burt Vote: 20/0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: 4 YES _____ NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: [Signature]
Rep Natalie Wells, Clerk
Seniwee Rhodes



2021 SESSION

Criminal Justice and Public Safety

Bill #: 485 Motion: OTP AM #: 0409-17 Exec Session Date: 2/17/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	19		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S.	3		
Green, Dennis E.	4		
Wallace, Scott	5		
Testerman, Dave	6		
True, Chris	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.	11		
Pantelakos, Laura C.	18		
O'Hearne, Andrew S.			
Bordenet, John	12		
Meuse, David		1	
Newman, Ray E.	13		
Bouldin, Amanda C.	14		
Conley, Casey M.	15		
Klein-Knight, Nicole	16		
Bradley, Amy	17		



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: _____ Motion: _____ AM #: _____ Exec Session Date: _____

TOTAL VOTE: _____

			19		
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2021 SESSION

Criminal Justice and Public Safety

Bill #: 485 Motion: OTP-A AM #: 0409 Exec Session Date: 2/17/2021
H

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	20		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S.	3		
Green, Dennis E.	4		
Wallace, Scott	5		
Testerman, Dave	6		
True, Chris	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.	11		
Pantelakos, Laura C.	12		
O'Hearne, Andrew S.			
Bordenet, John	13		
Meuse, David	14		
Newman, Ray E.	15		
Bouldin, Amanda C.	16		
Conley, Casey M.	17		
Klein-Knight, Nicole	18		
Bradley, Amy	19		



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: _____ Motion: _____ AM #: _____ Exec Session Date: _____

TOTAL VOTE:



Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 485

BILL TITLE: requiring law enforcement officers to inform a person of their right to refuse a consensual search.

DATE: February 17, 2021

LOB ROOM: 204 **Time Public Hearing Called to Order:** 11:50 a.m.

Time Adjourned: 12:35 p.m.

Committee Members: Reps. Abbas, Welch, Rhodes, Burt, Hopper, Green, Wallace, Testerman, True, Pratt, Marston, Harriott-Gathright, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley, Klein-Knight and Bradley

Bill Sponsors:

Rep. Roy	Rep. Abramson	Rep. Andrew Bouldin
Rep. Fellows	Rep. Klein-Knight	Rep. Potucek
Rep. Avellani	Rep. Binford	Rep. Moran
Rep. B. King		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Roy – Sponsor

- Pro-everyone bill – no longer have civics class
- Gave example of why this is needed

Q: Rep. Newman – How would probable cause be different?

A: Because evidence can be moved, they are permitted to seize vehicle and obtain warrant and use probable cause without warrant

Q: Rep. Green – How far would officers go with a bad insp?

A: Consented search would not apply if a car was being torn apart

Q: Rep. True – Do you think having them sign something is too intrusive

A: Yes – slippery slope – may feel intimidated

Albert Scherr – Supports

Most people don't know they are allowed to refuse

Q: Rep. Harriot-Gathright – Did you say some towns form?

A: Yes

Joseph Ebert – Supports

- Would help protect all involved

Melissa David – NH Asst. of Criminal Defense Lawyer – Supports

- Does not change a law

Q: Rep. Abbas – What would consequences be if it became law and an officer doesn't comply?

A: Nothing written – would become part of testimony in court

Jospeh Lascaze – Supports

- Most people don't know they can refuse

Q: Rep. True – Do you see this as a "he-said-she-said"

A: Yes, will have to be discussed in court

Asma Elhori – Supports

- Help with racial profiling

Anthony Blarris – Supports

- Help with racial profiling and help people know they have rights

Respectfully submitted,

Rep. Jennifer Rhodes

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB485 on 2021-02-17

Support: 112 Oppose: 3 Neutral: 1 Total to Testify: 3

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Davis, Melissa	melissalynndavis@gmail.com	A Member of the Public	NH Association of Criminal Defense Lawyers	Support	Yes (5m)	No	2/15/2021 12:28 PM
Scherr, Buzz	albert.scherr@law.unh.edu	A Member of the Public	Myself	Support	Yes (5m)	No	2/16/2021 2:32 PM
Lascaze, Joseph	joseph@aclu-nh.org	A Lobbyist	American Civil Liberties Union	Support	Yes (3m)	No	2/14/2021 1:59 PM
Feder, Marsha	marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 2:49 PM
Thompson, Laura	nicmom@hotmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 12:15 PM
Wells, Lee	leewells.locustfarm@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 12:23 PM
Lamb, Ashley	campioa@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 6:32 PM
Babb, Paul	paulbabb@protonmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 8:54 PM
Hennessey, Martha	Martha.hennessey@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 1:04 AM
Beaudoin, Jennifer	jenniferbeaudoin@comcast.net	A Member of the Public	Myself	Support	No	No	2/15/2021 8:18 AM
Ingram, April	aandk@tds.net	A Member of the Public	Myself	Support	No	No	2/14/2021 7:39 PM
Craig, Matthew	anothermattcraig@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 10:47 AM
Krohn, Suzanne	suzanne.c.krohn@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 10:27 AM
Sargent, Elizabeth	esargent@sheehan.com	A Lobbyist	NH Association of Chiefs of Police	Oppose	No	No	2/15/2021 5:39 PM
Krohn, Matthew	makrohn@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:05 AM
Stockwell, Heather	heather@radnh.org	A Lobbyist	Rights & Democracy NH	Support	No	No	2/15/2021 11:22 AM
Larson, Ruth	ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/15/2021 11:25 AM
Potucek, John	potucek1@comcast.net	An Elected Official	Myself	Support	No	No	2/11/2021 10:54 AM
Bates, David	dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	2/13/2021 11:21 AM

Harris, Pamela	pampsharris@aol.com	A Member of the Public	Myself	Support	No	No	2/13/2021 11:57 AM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No	2/13/2021 1:39 PM
Casino, Joanne	joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	2/13/2021 9:43 AM
Hamer, Heidi	hhamer59@aol.com	An Elected Official	Myself	Support	No	No	2/13/2021 1:54 PM
Richards, Matthew	mricha711@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2021 5:54 PM
Gibbons, Cheryl	cherylsark@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 10:24 AM
Zboya, Patrice	pzboya654@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 10:30 AM
Josephson, Timothy	josephsonth@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 10:53 AM
Richman, Susan	susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2021 8:15 PM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2021 8:17 PM
Hampton, Doris	dandmhamp38@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2021 6:41 PM
Flammer, Yadin	yadinflammer@gmail.com	A Member of the Public	Myself	Support	No	No	2/13/2021 8:35 PM
Johnson, Sara	nhchicagocubfan@gmail.com	A Member of the Public	Myself	Support	No	No	2/14/2021 5:21 AM
Warren, Joan	joanbewarten@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 1:24 PM
Moulton, Candace	candaceleighm@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 1:35 PM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/15/2021 2:34 PM
Brickett, Jane	silofarm@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 2:47 PM
Ingold, Bret	bretingold@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 4:31 PM
Lukaszewicz, Debra	devoid_2@hotmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 5:08 PM
Kallinich, Kayla	kaylakall47@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 2:02 AM
McGuire, Daniel	danmcguire@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 6:09 PM
McLaughlin, Barbara	brbmclaughlin42@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2021 10:28 PM
Spinney, Shaun	shaunspin95@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:40 AM
Chase, Susan	srfchase@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:03 AM
Russell, Scott	srussell@nhpd.org	A Member of the Public	Myself	Oppose	No	No	2/16/2021 10:15 AM
Fay, Maura	maurafay@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 10:18 AM
Kendrick, Michelle	Michelleleekendrick@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 10:26 AM

Lynch, Chrisinda	cmmelynch@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 10:27 AM
Berry, Jake	jberry@new-futures.org	A Lobbyist	New Futures	Support	No	No	2/16/2021 10:42 AM
sauve, michael	michael.s.sauve@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:00 PM
McGonagle, Sandra	mcgonagle@metrocast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 9:01 PM
Lucas, Janet	janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 10:59 AM
RHOADES, CHARLES	chuckrhoades@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 12:13 PM
Dodge, Corinne	corinnedodge@hotmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 12:24 PM
Cote, Lois	lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	2/16/2021 12:40 PM
Draper, Barry	bgd@metrocast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 12:48 PM
Linehan, Meg	Meganelinehan@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 1:19 PM
Antman, Talia	talia.antman26@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 1:22 PM
Pugh, Barbara	barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 1:31 PM
Willing, Maura	Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 1:32 PM
monahan, sean	smlblck66@hotmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 1:34 PM
Lambert, Georgina	georginatlambert@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 1:39 PM
Orellana, Valerie	valerie.orellana.28@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 2:30 PM
Gillis, Kim	kgillis@live.com	A Member of the Public	Myself	Support	No	No	2/16/2021 3:15 PM
Hoffmann, Lauren	lphoffmann@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 3:44 PM
Austin, Lorna	laustinthyme@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 3:50 PM
Fontaine, William	wfon55@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 4:28 PM
DeMark, Richard	demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 4:55 PM
Campbell, Karolyn	kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	2/16/2021 4:55 PM
Austin, Suzanne	suzanne321@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 5:31 PM
Campbell, Karen	klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 5:31 PM
Kelly, Fran	Fr.kelly01@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 5:44 PM
Moe, Carmeiita	carmelitaymoe@outlook.com	A Member of the Public	Myself	Support	No	No	2/16/2021 5:50 PM
Gordon, Laurie	Lmgord23@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 6:29 PM

Fraysse, Michael	mikefraysse@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 7:21 PM
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 7:23 PM
ARONSON, LAURA	laura@mlans.net	A Member of the Public	Myself	Support	No	No	2/16/2021 7:32 PM
Anderson, Ryann	ryanderson1403@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 7:33 PM
Keating, Bob	rhkkeating@yahoo.com	A Member of the Public	Myself	Neutral	No	No	2/16/2021 7:46 PM
Mennella, Alexandra	amennella1@protonmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 8:23 PM
Whittington, Jeanne	jawhittington3@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 8:26 PM
Schissel, Mary	schissell@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 8:34 PM
Perencevich, Ruth	rperence@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2021 9:33 PM
Rejwan-Day, Inbal	Rejwanin9588@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 9:58 PM
Axelman, Elliot	aluaxelman@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 10:03 PM
Spencer, Louise	lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 10:23 PM
Spencer, Rob	kentstusa@aol.com	A Member of the Public	Myself	Support	No	No	2/16/2021 10:23 PM
Thomas, Nicholas	morgan.a.s.thomas@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 10:32 PM
Pedersen, Michael	PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Support	No	No	2/16/2021 10:47 PM
Adams, Thomas	adamstom@aol.com	A Member of the Public	Myself	Support	No	No	2/16/2021 11:15 PM
Blair, David	orionblair@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 11:21 PM
Hayes, Rebecca	ruptonhayes@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 11:35 PM
barnes, ken	kbarnes@kenbarneslaw.com	A Member of the Public	Myself	Support	No	No	2/17/2021 12:11 AM
Abramson, Max	Max.Abramson@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/17/2021 1:12 AM
Stinson, Ben	benrkstinson@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 2:08 AM
Heslin, Mary	mlheslin@yahoo.com	A Member of the Public	Myself	Support	No	No	2/17/2021 7:37 AM
St Germain, Diane	diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 7:00 AM
Hayden, Sam	hayden.sam@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 7:23 AM
Scribner, Lois	scribnerlois@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 9:54 AM
Fedorchak, Gaye	gayevf@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 9:57 AM
Schonwald, Virginia	virginia@schonwald.net	A Member of the Public	Myself	Support	No	No	2/17/2021 7:58 AM

Greenwood, Nancy	nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	2/17/2021 8:09 AM
Near, Jennifer	jmnear@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 8:12 AM
stonebanks, sandra	sandrastonebanks@yahoo.com	A Member of the Public	Myself	Support	No	No	2/17/2021 8:18 AM
Howard Jr., Raymond	brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	No	2/17/2021 8:42 AM
Abbott, Jennifer	Jennylovesladybug@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 9:05 AM
McCue, Dara	daramccue@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 9:07 AM
White, Cindy	Bcdjc@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/17/2021 9:38 AM
Hill, Bonnie	hillbonnie@aol.com	A Member of the Public	Myself	Support	No	No	2/17/2021 10:22 AM
Harris, Anthony	Felonvote@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 10:43 AM
Maben, Antonio	AntonioMaben.felonvote@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 11:02 AM
Lariviere, Kendal	kmlariviere@comcast.net	A Member of the Public	Myself	Support	No	No	2/17/2021 11:24 AM
Groetzinger, Tonda	groetzinger6@aol.com	A Member of the Public	Myself	Support	No	No	2/17/2021 11:46 AM
Jones, Gisela	gisela1142@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 11:48 AM
Stromski, Cheryl	Greenland, NH cheryllynne02@msn.com	A Member of the Public	Citizens for Criminal Justice Reform (CCJR)	Support	No	No	2/17/2021 1:37 PM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	2/17/2021 9:52 PM
Carter, Marissa	Holderness, NH marissac974@outlook.com	A Member of the Public	Myself	Support	No	No	2/17/2021 10:17 PM

Testimony

Archived: Monday, February 15, 2021 1:10:07 PM
From: [Margery Phillips](#)
Sent: Monday, February 15, 2021 12:42:03 PM
To: [~House Criminal Justice and Public Safety](#)
Subject: HB485 Ought to Pass
Importance: Normal

Dear Honorable Members of the House Criminal Justice and Public Safety Committee:

I urge you to support HB485 requiring law enforcement officers to inform a person of their right to refuse a consensual search. This bill is particularly relevant to people of color. I don't need to point out that we have all seen time after time that people of color are targeted and profiled, disproportionately, by law enforcement, particularly with respect to traffic stops. And often with tragic consequences.

We are all trying to build a more equitable, diverse and welcoming New Hampshire, filled with fairness and opportunity, where our children and grandchildren and all newcomers can thrive.

HB485 ought to pass.

Thank you for your careful deliberation.

Margery Phillips
2 Granger Circle
Hanover, NH 03755

Archived: Friday, March 5, 2021 10:10:03 AM

From: [Scherr, Albert](#)

Sent: Tuesday, February 16, 2021 2:34:44 PM

To: ~[House Criminal Justice and Public Safety](#)

Subject: NH House Remote Testify: 11:45 am - HB485 in House Criminal Justice and Public Safety

Importance: Normal

Attachments: [Statement of Albert Scherr on HB 485 - \(Final\).docx](#) ;

Attached is my written testimony in support of HB 485. If anything more is needed, please let me know.
Best,

Buzz Scherr
UNH School of Law


Archived: Friday, March 5, 2021 10:10:04 AM
From: [Chrisinda Lynch](#)
Sent: Tuesday, February 16, 2021 11:04:27 AM
To: [~House Criminal Justice and Public Safety](#)
Subject: HB 485
Importance: Normal

Dear Representatives,

I urge you to vote "ought to pass" on this bill.

It requires that our citizens be informed by police officers of a right that they already have to refuse a search of their vehicle without a warrant. If a person agrees to have law enforcement conduct a search, this individual should do so with full information about the law and her/his rights.

Thank you for your consideration,
Chrisinda M. Lynch
Concord, NH

Archived: Friday, March 5, 2021 10:07:31 AM
From: [Sarah West](#)
Sent: Wednesday, February 17, 2021 3:13:46 PM
To: ~[House Criminal Justice and Public Safety](#)
Subject: HB485 Written Testimony (Public)
Importance: Normal
Attachments:
[HB#485.pdf](#) 

Hello,

Attached is written testimony from a member of the NH High School Democrats in favor of HB485.

Thank you,
Sarah West

Archived: Friday, March 5, 2021 10:10:02 AM
From: [William Fontaine](#)
Sent: Tuesday, February 16, 2021 4:44:33 PM
To: [~House Criminal Justice and Public Safety](#)
Subject: In suport of HB485
Importance: Normal

I support HB485. If a police officer fails to inform a person that he or she does not have to consent to a search, then by definition the search cannot be consensual. This is pretty basic. I encourage members of the Committee to support this legislation, which protects our basic civil rights.

William Fontaine
10 Longwood Ln
West Lebanon NH 03784

Archived: Monday, February 15, 2021 1:10:07 PM

From: [Melissa Davis](#)

Sent: Monday, February 15, 2021 12:36:20 PM

To: ~[House Criminal Justice and Public Safety](#)

Subject: HB485 Testimony

Importance: Normal

Attachments:

[HB 485 Testimony - Melissa Davis.doc](#)  [HB 485 Testimony - Melissa Davis.doc](#) 

Hello,

Attached is my written testimony in support of HB 485.

Melissa Davis

Bill as
Introduced

HB 485 - AS INTRODUCED

2021 SESSION

21-0626

08/04

HOUSE BILL **485**

AN ACT requiring law enforcement officers to inform a person of their right to refuse a consensual search.

SPONSORS: Rep. Roy, Rock. 32; Rep. Abramson, Rock. 37; Rep. Andrew Bouldin, Hills. 12; Rep. Fellows, Graf. 8; Rep. Klein-Knight, Hills. 11; Rep. Potucek, Rock. 6; Rep. Avellani, Carr. 5; Rep. Binford, Graf. 15; Rep. Moran, Hills. 34; Rep. B. King, Hills. 23

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires a law enforcement officer to inform a person of their right to refuse a consensual search before conducting a consensual search.

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 Twenty One

AN ACT requiring law enforcement officers to inform a person of their right to refuse a consensual search.

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

1 1 New Section; Right to Refuse a Consensual Search. Amend RSA 595-A by inserting after
2 section 9 the following new section:

3 595-A:10 Right to Refuse a Consensual Search. Before an officer attempts to conduct a
4 consensual search of a person, his or her vehicle, home, or other property, the officer shall inform
5 such person of his or her right to refuse such a search without a penalty. Such refusal shall not be
6 used in establishing probable cause for a warrantless search or in an application for a search
7 warrant, nor shall it be used to further extend any stop or interaction with a member of the public,
8 provided all other lawful reasons for the stop or interaction have been concluded. This section shall
9 not preclude searches incident to arrest, those searches allowed under the United States
10 Constitution for officer safety, or inventory searches of lawfully seized property, including but not
11 limited to vehicles towed in conjunction to the arrest of the operator.

12 2 Effective Date. This act shall take effect 60 days after its passage.