

REGULAR CALENDAR

January 14, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 1031,**

**AN ACT prohibiting law enforcement from encrypting
public frequencies. Having considered the same, report
the same with the following resolution: RESOLVED,
that it is INEXPEDIENT TO LEGISLATE.**

Rep. David Welch

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1031
Title:	prohibiting law enforcement from encrypting public frequencies.
Date:	January 14, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Currently, according to testimony, only one jurisdiction encrypts all of its public safety communications. Some law enforcement organizations may encrypt during emergencies to both protect the first responders as well as the general public. News organizations may have difficulty reporting in a timely manner but overall, there seems to be no great problem identified. In these troublesome times with all the technology available we seem to want everything to be instantaneous. There have been instances in other states where criminal activity was successful because of the devices used to monitor police communications. We should be grateful that New Hampshire is the safest state and should not jeopardize our unique position by not practicing common sense. After some debate the majority of the committee decided that the bill was not worthy of passage.

Vote 12-5.

Rep. David Welch
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1031, prohibiting law enforcement from encrypting public frequencies. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. Currently, according to testimony, only one jurisdiction encrypts all of its public safety communications. Some law enforcement organizations may encrypt during emergencies to both protect the first responders as well as the general public. News organizations may have difficulty reporting in a timely manner but overall, there seems to be no great problem identified. In these troublesome times with all the technology available we seem to want everything to be instantaneous. There have been instances in other states where criminal activity was successful because of the devices used to monitor police communications. We should be grateful that New Hampshire is the safest state and should not jeopardize our unique position by not practicing common sense. After some debate the majority of the committee decided that the bill was not worthy of passage. **Vote 12-5.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1031

BILL TITLE: prohibiting law enforcement from encrypting public frequencies.

DATE: January 14, 2022

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Welch

Seconded by Rep. Bordenet

Vote: 12-5

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk



2022 SESSION

Criminal Justice and Public Safety

Bill #: HB1031 Motion: ITL AM #: 3:49P Exec Session Date: 1/10/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	✓		
Roy, Terry Vice Chairman	✓		
Welch, David A.	✓		
Burt, John A.		✓	
Hopper, Gary S. <i>Plett</i>	✓		
Green, Dennis E.	✓		
Wallace, Scott Clerk <i>Rhode</i>	✓		
Testerman, Dave	✓		
True, Chris	✓		
Pratt, Kevin M.	✓	✓	
Marston, Dick	✓		
Harriott-Gathright, Linda C.		✓	
Pantelakos, Laura C.			
O'Hearne, Andrew S.			
Bordenet, John	✓		
Meuse, David			
Newman, Ray E.	✓	✓	
Bouldin, Amanda C.		✓	
Conley, Casey M.	✓		
Klein-Knight, Nicole			
Bradley, Amy	✓		

12 ✓ 5

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1031

BILL TITLE: prohibiting law enforcement from encrypting public frequencies.

DATE: January 14, 2022

LOB ROOM: 204 **Time Public Hearing Called to Order:** 10:35am

Time Adjourned: 11:10am

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

Bill Sponsors:

Rep. Laughton
Rep. Abramson

Rep. Labranche
Rep. Veilleux

Rep. Egan

TESTIMONY

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

***Rep. Tony Labranche**

- Introduced the bill

Rep. Stacie-Marie Laughton

- Nashua only are permanent encrypting
- Citizens have a right to know
- Prohibit some from doing their drive, not impede on officer safety
- If the bill to
- Timely issue

Joseph Hoebeke

- NH Assoc. of Chiefs of Police
- Bill is confusing - opposed
- Public safety issue

Captain Joseph Ebert

- NH State Police- Det. Bureau
- Concern for switching channel
- Opposed to bill
- Fed agency come around inter operable
- interdepartmental issues with encrypting

Rep. Newman

- Encrypt channel, Non encrypted
- So we have one encrypted

Respectfully submitted,

Rep. Scott Wallace

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1031 on 2022-01-14

Support: 1 Oppose: 10 Neutral: 0 Total to Testify: 0

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>
Bellen, Justin	Milton, NH n1jpb@metrocast.net	A Member of the Public	Myself	Oppose	No	No	1/10/2022 10:10 AM
Bryfonski, John	Bedford Police, NH jbryfonski@bedfordnh.org	A Member of the Public	Myself	Oppose	No	No	1/11/2022 12:55 PM
Bashaw, Christopher	Kingston, NH cbashaw@rockso.org	A Member of the Public	Rockingham County Sheriff's Office	Oppose	No	No	1/13/2022 9:39 AM
Vanbibber, Rolf	Amherst, NH rolfvanbibber@gmail.com	A Member of the Public	Myself	Support	No	No	1/14/2022 8:36 AM
Reams, Mark	Amherst, NH mreams@amherstnh.gov	A Member of the Public	Myself	Oppose	No	No	1/14/2022 10:13 AM
Trott, Martha	Pike, NH waltrott@live.com	A Member of the Public	Myself	Oppose	No	No	1/14/2022 10:16 AM
Levesque, Brian	Manchester, NH blevesque@merrimacknh.gov	A Member of the Public	Myself	Oppose	No	No	1/14/2022 10:34 AM
Laurent, Tara	Nottingham, NH tlaurent@greenlandpd.us	A Member of the Public	NH Assoc of Chiefs of Police & Greenland Police Dept	Oppose	No	No	1/14/2022 10:35 AM
Tarleton, Matthew	Merrimack, NH jonsered910@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/14/2022 10:45 AM
Reynolds, Charles	Dover, NH reynolds.charles@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/14/2022 10:47 AM
Osgood, Bradley	Londondery, NH bradleyosgood@msn.com	A Member of the Public	Myself	Oppose	No	No	1/14/2022 11:57 AM

Archived: Thursday, March 10, 2022 2:49:09 PM

From: [Tony Labranche](#)

Sent: Friday, January 14, 2022 9:51:23 AM

To: ~House Criminal Justice and Public Safety

Subject: HB 1031 Testimony

Importance: Normal

Attachments:

[HB 1031 Testimony.pdf](#) 

Hello Members of the Criminal Justice and Public Safety,

Attached is a written copy of my testimony.

Respectfully Submitted,

Representative Tony Labranche

Amherst, NH

State-Federal Relations and Veterans Affairs Committee

HB 1031 - AS INTRODUCED

2022 SESSION

22-2375

08/11

HOUSE BILL ***1031***

AN ACT prohibiting law enforcement from encrypting public frequencies.

SPONSORS: Rep. Laughton, Hills. 31; Rep. Labranche, Hills. 22; Rep. Egan, Graf. 2; Rep. Abramson, Rock. 37; Rep. Veilleux, Hills. 22

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits law enforcement from encrypting public frequencies.

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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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting law enforcement from encrypting public frequencies.

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

1 1 New Section; Encrypted Communications Prohibited. Amend RSA 104 by inserting after
2 section 28-a the following new section:

3 104:28-b Encrypted Communications Prohibited. No law enforcement agency in the state of
4 New Hampshire shall encrypt communication frequencies except when engaged in highly sensitive
5 incidents including hostage negotiations, incidents involving special weapons and tactics, or other
6 operations where encryption is necessary to ensure the safety of the law enforcement officers and the
7 public and to protect sensitive information that could negatively impact an investigation.

8 2 New Section; Encrypted Communications Prohibited. Amend RSA 106-B by inserting after
9 section 18-a the following new section:

10 106-B:18-b Encrypted Communications Prohibited. No law enforcement agency in the state of
11 New Hampshire shall encrypt communication frequencies except when engaged in highly sensitive
12 incidents including hostage negotiations, incidents involving special weapons and tactics, or other
13 operations where encryption is necessary to ensure the safety of the law enforcement officers and the
14 public and to protect sensitive information that could negatively impact an investigation.

15 3 Effective Date. This act shall take effect 60 days after its passage.