

REGULAR CALENDAR

January 28, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 1282,

AN ACT relative to the records of communication common carriers. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Terry Roy

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1282
Title:	relative to the records of communication common carriers.
Date:	January 28, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The committee heard from the bill's sponsor and members of law enforcement. This bill was passed by the House last year but was found inexpedient to legislate in the Upper Chamber. The majority of the committee found that like last year, the bill is good for New Hampshire citizens. After recently passing a New Hampshire Constitutional Amendment guaranteeing the privacy of the citizenry, it is all the more important that the people feel that their private communications be free of government viewing without having first established probable cause to believe that a crime has, is or is about to, be committed. Accordingly, the majority, once again finds the bill Ought to Pass.

Vote 14-6.

Rep. Terry Roy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1282, relative to the records of communication common carriers. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The committee heard from the bill's sponsor and members of law enforcement. This bill was passed by the House last year but was found inexpedient to legislate in the Upper Chamber. The majority of the committee found that like last year, the bill is good for New Hampshire citizens. After recently passing a New Hampshire Constitutional Amendment guaranteeing the privacy of the citizenry, it is all the more important that the people feel that their private communications be free of government viewing without having first established probable cause to believe that a crime has, is or is about to, be committed. Accordingly, the majority, once again finds the bill Ought to Pass. **Vote 14-6.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

January 28, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 1282,

AN ACT relative to the records of communication common carriers. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. David Meuse

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1282
Title:	relative to the records of communication common carriers.
Date:	January 28, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

While the minority agrees that protecting individual privacy from state intrusion is an obligation under the New Hampshire Constitution, this bill does little to add additional protections. Currently, during child pornography investigations, the Attorney General's office uses an administrative warrant process to quickly request carriers to confirm whether traffic from a suspect IP address involves a customer. If there is a match, a search warrant, which typically takes more time to get, is sought from the court for additional information that can include the customer's identity, websites visited, and other data. This bill, with exceptions for emergency situations or cases where informed consent is provided by the device owner or with the informed consent of a parent, would require a search warrant for all customer information sought from a carrier. This has the potential to result in unintended consequences. Eliminating the ability to quickly confirm matches has the potential to slow down child pornography investigations. Moreover, providing the most sensitive customer information as a first step has the potential to compromise sensitive personal information. In the end, this bill is a bill that won't do much and is not necessary.

Rep. David Meuse
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1282, relative to the records of communication common carriers. **INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. While the minority agrees that protecting individual privacy from state intrusion is an obligation under the New Hampshire Constitution, this bill does little to add additional protections. Currently, during child pornography investigations, the Attorney General's office uses an administrative warrant process to quickly request carriers to confirm whether traffic from a suspect IP address involves a customer. If there is a match, a search warrant, which typically takes more time to get, is sought from the court for additional information that can include the customer's identity, websites visited, and other data. This bill, with exceptions for emergency situations or cases where informed consent is provided by the device owner or with the informed consent of a parent, would require a search warrant for all customer information sought from a carrier. This has the potential to result in unintended consequences. Eliminating the ability to quickly confirm matches has the potential to slow down child pornography investigations. Moreover, providing the most sensitive customer information as a first step has the potential to compromise sensitive personal information. In the end, this bill is a bill that won't do much and is not necessary.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1282

BILL TITLE: relative to the records of communication common carriers.

DATE: January 28, 2022

LOB ROOM: 202-204

MOTIONS: **OUGHT TO PASS**

Moved by Rep. Roy

Seconded by Rep. Wallace

Vote: 14-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk

OFFICE OF THE HOUSE CLERK



1/10/2022 8:56:51 AM
Roll Call Committee Registers
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB 1782 Motion: OTP AM #: ✓ Exec Session Date: 2-28-22

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



1/10/2022 8:56:51 AM
Roll Call Committee Registers
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB 1282 Motion: OTF AM #: Exec Session Date: 2-28-22

TOTAL VOTE:

	14		6		1
--	----	--	---	--	---

OFFICE OF THE HOUSE CLERK



1/10/2022 8:56:51 AM
 Roll Call Committee Registers
 Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB182 Motion: FTL AM #: _____ Exec Session Date: 2-28-22

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



1/10/2022 8:56:51 AM
Roll Call Committee Registers
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB 1282 Motion: FTL AM #: Exec Session Date: 2-28-22

TOTAL VOTE:

--	--	--

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1282

BILL TITLE: relative to the records of communication common carriers.

DATE: January 28, 2022

LOB ROOM: 204

Time Public Hearing Called to Order: 2:45 p.m.

Time Adjourned: 3:15 p.m.

Committee Members: Reps. Abbas, Roy, Wallace, Burt, Green, True, Pratt, Marston, Harriott-Gathright, Pantelakos, Bordenet, Meuse, R. Newman, Conley and Bradley

Bill Sponsors:

Rep. Yokela

TESTIMONY

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

Rep. **Lang, Rhodes, Spillane, Telerski** and **S. Newman** were also in attendance as Committee members.

Rep. **Josh Yokela** introduced his bill in support.

Rep. **True** asked why the Senate killed the bill.

Rep. **Yokela:** Push back from carriers.

Sen. Assist, AG Ben **Agati**, representing Department of Justice - neutral - described the process and time line of requesting a 76-B warrant. He did verify Rep. **Yokela's** statements, too.

Respectfully submitted,

Rep. Scott Wallace
Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1282 on 2022-01-28

Support: 2 Oppose: 0 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>
Craig, Kevin	Lancaster, NH Kevin.Craig@leg.state.nh.us	An Elected Official	Coös-4	Support	No	No	1/19/2022 5:34 PM
Goodwin, Karianne	Manchester, NH iban1@comcast.net	A Member of the Public	Myself	Support	No	No	1/27/2022 6:46 PM

HB 1282 - AS INTRODUCED

2022 SESSION

22-2790

12/04

HOUSE BILL **1282**

AN ACT relative to the records of communication common carriers.

SPONSORS: Rep. Yokela, Rock. 33

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits a communications common carrier from releasing customer information to a government entity unless requested pursuant to a valid search warrant or an exception to the warrant requirement.

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 relative to the records of communication common carriers.

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

1 1 Certain Records of Communications Common Carriers; Warrant Requirement. RSA 7:6-b is
2 repealed and reenacted to read as follows:

3 7:6-b Records of Communications Common Carriers.

4 I. Every communications common carrier, as defined in RSA 570-A:1, IX, shall require a
5 valid search warrant before providing a government entity with any information related to its
6 customers, unless the request falls under the exceptions listed in RSA 644-A:3. Such information
7 includes, but is not limited to:

8 (a) The names and addresses of persons to whom stated listed or unlisted telephone
9 numbers are assigned.

10 (b) The names and addresses of persons to whom any stated or identified services are
11 provided.

12 (c) Any local and long distance billing records for any subscriber to, or customer of
13 telephone service or wireless telephone service as defined in RSA 638:21, XI.

14 (d) The length of service provided to a subscriber or customer by the communications
15 common carrier.

16 (e) The types of services provided to the subscriber or customer by the communications
17 common carrier.

18 (f) The telephone number or other subscriber number or identity.

19 II. No such communications common carrier nor any agent, servant, or employee thereof,
20 shall be civilly or criminally responsible or liable for furnishing or delivering any records or
21 information in compliance with a valid search warrant, or if the request falls under the exceptions to
22 the warrant requirement listed in RSA 644-A:3.

23 2 Effective Date. This act shall take effect 60 days after its passage.