

REGULAR CALENDAR

October 24, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 1378,**

AN ACT relative to inspection of public lodging houses.

**Having considered the same, report the same: NOT
RECOMMENDED FOR FUTURE LEGISLATION.**

Rep. John Hunt

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1378
Title:	relative to inspection of public lodging houses.
Date:	October 24, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

The issue at hand does need to be addressed but not is this form. There will be a new bill for next session to better address the problem.

Vote 16-1.

Rep. John Hunt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

HB 1378, relative to inspection of public lodging houses.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. John Hunt for Commerce and Consumer Affairs. The issue at hand does need to be addressed but not in this form. There will be a new bill for next session to better address the problem. **Vote 16-1.**

Original: House Clerk
Cc: Committee Bill File

Heather Goley

From: JOHN HUNT <jbhunt@prodigy.net>
Sent: Thursday, October 20, 2022 2:40 PM
To: Heather Goley
Cc: Kristin Grant
Subject: HB1378

Not recommended,

The issue at hand does need to be address but not is this form. There will be a new bill for next session to better address the problem.

John B Hunt

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1378

BILL TITLE: relative to inspection of public lodging houses.

DATE: October 19, 2022

LOB ROOM: 302 - 304

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Hunt

Seconded by Rep. Potucek

Vote: 16-1

Respectfully submitted,

Rep Keith Ammon, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1378

BILL TITLE:

DATE: 10/19/22

LOB ROOM: 302 - 304

MOTION: Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. Hunt Seconded by Rep. Potucek Vote: 16-1

Respectfully submitted,

Rep. Keith Cannon
Committee Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

10/17/2022 12:32:27 PM
Roll Call Committee Registers
Report

2022 SESSION

Commerce and Consumer Affairs

Bill #: HB1378 Motion: NR Hunt AM #: _____ Exec Session Date: 10/19/22

Members	YEAS	Nays	NV
Hunt, John B. Chairman	16		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M. B	2		
Ammon, Keith M. Clerk	3		
Abramson, Max		1	
Ham, Bonnie D.	4		
Depalma IV, Joseph D	5		
Greeson, Jeffrey M	6		
Johnson, Dawn M.	7		
Terry, Paul A.	8		
Bartlett, Christy D.	9		
Abel, Richard M.			
Herbert, Christopher J.	10		
Van Houten, Constance	11		
Fargo, Kristina M.			
Weston, Joyce	12		
Beaulieu, Jane E.	13		
Burroughs, Anita D.	14		
McAleen, Chris R.	15		
TOTAL VOTE:	16	1	



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

10/17/2022 12:32:27 PM
Roll Call Committee Registers
Report

2022 SESSION

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

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1378

BILL TITLE: relative to inspection of public lodging houses.

DATE: 10/12/22

Subcommittee Members: Reps. Hunt, Potucek, Ammon, Osborne, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

Comments and Recommendations:

MOTION: Recommended for Future Legislation
 Not Recommended for Future Legislation

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

CONSENT CALENDAR

March 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 1378,**

AN ACT relative to inspection of public lodging houses.

**Having considered the same, report the same with the
recommendation that the bill be REFERRED FOR
INTERIM STUDY.**

Rep. Dawn Johnson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1378
Title:	relative to inspection of public lodging houses.
Date:	March 8, 2022
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

Under current law, hotels & motels are required to allow law enforcement to see the their guest register, the intent of the bill was to require a warrant. The law was written a long time ago and makes numerous antiquated references. The bill needs a lot of work.

Vote 18-0.

Rep. Dawn Johnson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 1378, relative to inspection of public lodging houses. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. Under current law, hotels and motels are required to allow law enforcement to see the their guest register. The intent of the bill was to require a warrant. The law was written a long time ago and makes numerous antiquated references. The bill needs a lot of work. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

Carrie Morris

From: JOHN HUNT <jbhunt@prodigy.net>
Sent: Tuesday, March 8, 2022 9:12 AM
To: Carrie Morris; Kristin Grant
Subject: Re: Reports still needed

HB1378

Under current law, hotels & motels are required to allow law enforcement to see the their guest register, the intent of the bill was to require a warrant. The law was written a long time ago and makes numerous antiquated references. The bill needs a lot of work.

OK,
JBH

On Mar 7, 2022, at 5:39 PM, Carrie Morris <carrie.morris@leg.state.nh.us> wrote:

Hi Rep Hunt, The following are what is still needed at 5:37 pm on Monday

HB1048 – Committee Report – McAleer
HB1162 – Committee Report – Greeson
HB1378 – Committee Report – Johnson
HB1422 – Committee Report – McAleer
HB1503 – Ammon and Weston Reports

Carrie Morris
Committee Legislative Asstant
NH House of Representatives
Carrie.Morris@leg.state.nh.us
603-271-3369

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1378

BILL TITLE: relative to inspection of public lodging houses.

DATE: March 3, 2022

LOB ROOM: 302-304

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Johnson

Seconded by Rep. Terry

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk



2022 SESSION

Commerce and Consumer Affairs

Bill #: HB1378 Motion: 15 AM #: Exec Session Date: 3/3/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	18		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph <i>Acton</i>	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.			
Van Houten, Constance	12		
Fargo, Kristina M.	13		
Weston, Joyce	14		
Beaulieu, Jane E. <i>Tanner</i>	15		
Burroughs, Anita D.	16		
McAleer, Chris R.	17		
TOTAL VOTE:	18	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1378

BILL TITLE: relative to inspection of public lodging houses.

DATE: February 24, 2022

Subcommittee Members: Reps. Hunt, Potucek, Ham, Johnson, Abel, Herbert, Fargo, Weston, Greeson and McAleer

Comments and Recommendations:

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Rep. Hunt

Seconded by Rep. Rep. Potucek

Vote: 10-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1378

BILL TITLE: relative to inspection of public lodging houses.

DATE: 2/24/22

Subcommittee Members: and McAleer

Reps Hunt, Osborne, Ham, Johnson, Abel, Herbert, Fargo, Weston

Potucek

Greeson McAleer

Comments and Recommendations:

Three horizontal lines for writing comments and recommendations.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Hunt Secoded by Rep. Potucek AM Vote: 10-0

Adoption of Amendment # _____

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Secoded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. [Signature] Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1378

BILL TITLE: relative to inspection of public lodging houses.

DATE: February 9, 2022

LOB ROOM: 302-304

Time Public Hearing Called to Order: 11:09 am

Time Adjourned:

Committee Members: Reps. Hunt, Potucek, Ammon, Ham, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:

Rep. Ulery

Rep. T. Lekas

Rep. Nunez

Rep. Greene

TESTIMONY

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

Rep. Jordan Ulery

- Sponsored and Introduced House Bill 1378 relative to the inspection of public lodging houses. This is a very simple Bill, It places no burden already placed on the business to maintain records. It says that these records need to be available on the presentation of a warrant from the local chief of police. Several of the other surrounding towns that have larger numbers of motels routinely get a warrant for this type of information. It's a matter of privacy.
- Few years ago we passed out of the General Court an amendment to the constitution that was put on the ballot. It was actually passed by an overwhelming number of individuals and it was put on the ballot that is a right to privacy we each have in New Hampshire.
- We have the right to general privacy in our daily activities. It is in the sheriff's interest as to who's in that particular room and what their names are on a general search just a broad blanket search of what's going on which is what current law allows the sheriff or police officer or I would assume they even though they're not mentioned because the state police didn't exist when the bill was first put into effect.
- This is a constituent driven bill I'm open to some amendments but the law itself needs to be present for a wide variety of reasons not the least of which is I presented a bill to transportation many years ago to allow for a safety inspection of trucks which is already uncovered some men coming down for illegal labor and women who are coming down here for the sex train that was several years ago.
- Asking for a warrant doesn't get into the fact that if I go to a motel I'm expecting some privacy while in there, and not having the local gendarmerie just come in. What was appropriate back in the 1970's if not appropriate today, that's the essence of the bill. I would be happy to work with committee of further additions or modifications of this particular chapter.

Rep. A. Burroughs

- Shared a personal testimony
- Under current law the sheriff or the attorney general will correct me but under current law if you cannot search a house without a warrant unless and it's the unless that is important thing exigent circumstances.

- An enforcement person can use a firearm to defend themselves or others. Follow up should be in the bill, I will leave that to the attorneys.
- A Hotel book or card system for guests to sign into was required back in a law written in 1923 and when it was last modified, I'll leave that to the very general's office but I think it was in the 70's or 73 something like that, but actually if you take a look at the sign in when you go to a motel you're signing into a card system. You're using your card to get into the place I suppose that would be a justification. I think most hotels are in violation today.
- The hotel's card system is now pretty much electronic because I know when you go into a hotel you need a picture ID. If I give the conferences that I go to in different States and even here in the state with the Knights of Columbus.
- Question: When you go in or when you make your reservation you give them the card information that's going to secure the room and then when you show up does that information match the card information?
- Question: Should this routine procedure be put into law or do we need to modify this particular chapter in some manner so that it reflects current business practices?
- It's my understanding that we already have laws that say that you cannot stay in a room without proper ID. I'm not aware of that, I think that's more of a business activity.

Rep. John Hunt

- I have a vacation rental. If I had two or more rooms that were habitually rented I would have to have signatures from people who booked on line through airbnb.
- This bill has set the back corner for many decades. It would be appropriate now banning it all outright. I will disagree with the constituent who brought this forward for the reasons that he will explain. Opening the language I think can replace the first sentence very easily but maintain a record and verify identity, that kind of language.
- I would allow future record keeping in whatever manner happens to be the most efficient for the business as well as give law enforcement that needed access to the information. I do think that if law enforcement is going to go in and rummage through the records of whose sleeping at which hotel. or Gavin are whatever they probably should have a reason for doing that rather than you don't have a reason fair enough thank you very much thank you all right we'll call on

Richard Kahn

- I'm gonna cover three main points:
 1. Civil liberties issues
 2. Possible law enforcement POV
 3. Enforcement that uses the proper restraint and gets a warrant unless they really have exigent circumstance. The civil liberties issue: police should always need a warrant to search any business or private property
- I heard that already mentioned now the Third Point which is the one that makes it personal to me.
- Personal Testimony followed.

Michael Thorton- Sgt. 1st. Class C.E.

- Supports bill
- Shared testimony
- Please just legislate inconvenience, please limit this invasion of privacy and require a search warrant except only under probable cause. Support HP 1378

Rep. Paul Terry

- Every day we see additional laws, it is sad. Currently an American citizen doing their very best cannot help but infringe on existing law already asked for picture ID at the grocery store or the drive through and to vote. Everywhere we go we do under Article 3 surrender some of our rights to the common good. It is not defined not half your rights not most of your rights, we risk going too far.

Rep. Chris McAleer

- Is that impinging, I'm wondering that I'm producing an ID as a voter to vote. What has this to do with this particular bill? It should do with a warrant for probable cause. I just want to get clarification. He took liberties with his testimony and so you opened the door OK.
- Certainly I welcome that a fair and honest election in a republican quasi democracy is central, and the identification is minimal, free for the asking. You're supposed to have proof of residence, that is your responsibility which you accept freely as a citizen.

Rep. Christopher Herbert

- Everybody knows they give a lot of information away when they're on the Internet so I'm curious as to where you think that category of information sharing would fit in this discussion.
- It is similar to a published book which is circulating after the copyright has expired. It is in the open domain, you have released that information voluntarily, you've given it up and you've done so under the Internet, conditionally. You haven't the option to say don't sell my information, don't publish who I am where I am and what I purchased, that's the determination

Rep. Christy Bartlett

- We show ID in many different ways. Then you've also made the statement that we live in a quasi democracy. We are not a true democracy we're a Republic. We are not a pure democracy under our founding documents we are formed as quote a Republic, if they can keep them we have guaranteed rights that originate from our Maker they're so called natural rights.
- We voluntarily give up some to participate in our community we give up others in a daily basis incidentally to do commerce when we vote here in New Hampshire. It is entirely different from the other places I lived in, In Ohio Massachusetts and California, if you did not register 30 days prior and did not produce ID you could not go. We are an extremely free and forgiving state it would be wonderful if we could keep that greatness.

Mike Summers - President & CEO of NH Lodging and Restaurant Association

- We aren't really taking a position on the bill as written but frankly we would leave it to you all as our policy leaders makers to determine how this should be a play out
- Since this bill opens the door in this section of the statute we have another concern which chairman not actually alluded to earlier which is the section that refers to keeping a book or a card system
- Each guest is to sign there in his own legal name but the book is known commonly as a Key card system. Frankly in today's day and age hotel commerce you discussed this since the pandemic where contact less payment is in some hotels and in some states you don't even go to the front desk or talk to anybody. Essentially you get your checking in by phone.

- This section of the statute hasn't been updated since 1973 so I think it's time that we did something. We don't necessarily have a clear recommendation of what that should be, but we certainly need to work with the committee to figure out what that might look like. So one of the questions that was asked or statements made earlier about having an ID to rent that is more of a business decision than required by statute in the state of New Hampshire

Rep. John Hunt

- Question: Should we repeal the whole thing?
Answer: Some we should keep.

Belkjlwre???

- We do have some facilities that have either switched over to or in the process of switching over to a checking payment system. They found themselves in a bit of a conundrum about if they don't actually come to the front desk and talk to anybody how do I get them to sign something.
- We're of adopted technologies in order to deliberately avoid that transaction in scenario so I did get a few property owners that had called me and asked questions about that. unfortunately when we had these conversations in the fall we already missed filing deadline so we didn't really take it up but what we found this bill had been conveniently filed we thought we would jump in on the coattail so to speak

Rep. Jeffrey Greeson

- This bill specifically has stated that law enforcement would require a warrant in which probable cause has been attested. What would be any objection to requiring lodging owners lodging keepers whatever you want to call them that this law would pertain to having some record of who is on the property and then upon presentation of a warrant providing that information to law enforcement.
- That is the crux of the bill regardless of all the other changes that might need to be made this bill specifically deals with providing a warrant
- I do think that there should be some record kept by the business for these reasons so that in the event that enforcement has to do some sort of an investigation three months later that there was some record that can be reviewed to track people
- Most businesses would keep the record simply because they are going to need records of these transactions simply for IRS purposes and other areas that they're required to report.
- We're not really adopting a position on the law enforcement aspect of it.

Rep. Paul Terry

- The other thing I was gonna add was the discussion around ID. You know a big part of the requirement of the idea is a credit card, so you use your credit card to reserve the room then you're going to pay with the credit card. Therefore you back up the fact that you are actually the person that has rights to use that credit card

Marco

- I'm curious are there any protocols today that you're aware of and in the association that if a police officer or any law enforcement agent comes in and asks for this information what's the protocol today.
- Is it just information that gets released. If an officer comes in and requested we're gonna share that information.

- Most of our businesses would do it in a limited fashion and usually it would be a case I would defer to obviously the sheriff's Office.
- Usually they would come in and ask about a specific individual. They're not coming in to just see the entirety of who's at the hotel but usually that information is shared because I think most hoteliers at the state understand that they're required to share that information with law enforcement

***Brian Newcomb - Lieutenant- NH Assoc. of Chiefs of Police - 19.5 years**

- On behalf of the Christopher Conley
- In opposition of house bill 1378 relative to the inspection of public lodging houses hotels tourist camps and other public lodging (which) provide people with a temporary place to stay. Most people utilize them for reasons such as visiting local attractions, business trips, visiting family friends or other leisure activities. Most reasons people use hotels are for pleasant activities
- I testify (that) hotels however have people that visit for more menacing reasons. Hotels providing an tractive place for drug dealing, drug using, prostitution, human trafficking, sexual exploitation of children, white collar crimes and fugitives. Hotels offer a place of anonymity.
- We inspect the hotel logs, a lot of times we're dealing with criminals who have arrest warrants and are on the run from crimes that could range from the most petty to the most serious.
- The current trend is (that) people will rent hotel rooms either under their name or under a friend's name; they will set up shop to sell drugs or do other illegal activities. Hotels are a busy place so the uptake in traffic really isn't suspicious. They do that because it's not as suspicious as if they were doing it at their own house where the neighbors would call or other residents down the street would call if something was out of place. Often these activities are happening in a room right next to a family that's trying to enjoy a vacation or a business trip. one example that kind of comes to light that just recently happened.
- Testimony about several investigations, as well as how to obtain search warrants.

Rep. Christy Bartlett

- Newcomb's testimony states that most innkeepers want your help to get people that are breaking the law out of their establishment. Absolutely, that's their goal and that's our goal! They don't want someone that's going to be a problem in their hotel that could be affecting other guests or committing crimes and while they're there may be damaging the rooms themselves. so they are very positive in that manner of questioning. This is something regarding public safety.
- As stated by Newcomb, caseloads are so high right now that nobody really has time to just go out and check hotel list on a whim. We're gonna check hotel list and see what's going on here today. It's more of a targeting issue; you're there because you have a case or reason and you're following the procedures. I don't want people to think that we are going to the hotel looking at their log and then we're going to kick down their door. That's 100% false. We follow the same rules and regulations as it would be to get a search warrant, just establish probable cause to further that case. We're not about violating anyone's rights. I wouldn't want my rights violated if I was there as well

Rep. Paul Terry

- I think I'm hearing things are different here different now. They're not like those situations that happened in Germany in the 1930s and 40s in the Soviet Union under Joseph Stalin in China under Mao and questionably in some other countries. Perhaps even today, that there's something about what the moral fabric and culture of the United States need not be a concern now.
- Question: Is that partly what I'm hearing? I think that we live in a world right now where police transparency is on the forefront of what's happening and I think that every department in the state has put in place safeguards to accomplish certain measures and means for an operation.
- I think that it is different now because crime is so rapidly evolving and it's getting so technical where you could, like the gentleman before me said; you can sign into your hotel room with just your phone and then you can pop over maybe rent another room in another hotel with your phone so you're double insulating yourself with more anonymity.
- Mr. Chair you mentioned transparency, would you accept an alternative to this bill that would require the police to notify the public when they ask for the records of a hotel with some kind of disclosure.
- It would be transparent of the department if they would notify the public when they went to a hotel and asked to see the records. We would have some transparency in that request. I would have to speak with some of the other chiefs of police on that so that we could have a better understanding of where we're all at collectively. But a police log would show that we were there present.
- I want the bad guys off the streets and your job is to get him off the streets but we also have a judicial system in this country. Even the criminal has the right of due process of law, so that requires certain actions on your part you make sure the bad guy goes to jail so that the evidence that you collect is within the rules of evidence. You want to put them away you don't want (them) to get out on a technicality.
- so does the fact that these crimes occur at hotels supersede due process of law and the fact that you need to get a warrant and doesn't requiring a warrant interfere or prevent the innkeeper from volunteering information?
- That's gonna be a multiple party answer to your question so everyone here has constitutional rights and no one wants to get them violated because we want these cases to go forth without a hiccup. We don't want anything thrown out on a technicality as you say when a hotel room or house is searched. Whether someone could give consent to search a hotel room or they could give consent to search their residence. That's not a big deal; however if we apply for a search warrant we establish probable cause. We established that it's been reviewed by a neutral detached magistrate or judge and that has been put forth signed or not signed. They may say we don't have it sometimes but it's signed that gives us the authorization to go ahead and search your room.

Rep. John Hunt

- Maybe the law is used every time we go in there because you're not unfortunately not saying due to this RSA 355 you need to show me your registry. You're saying, you don't have a problem going into any hotel and having them show you the registry.
- I think that all the innkeepers and the corporate chains have informed and trained their employees on the rights that are respective to each state.
- What really scares me about this bill is that most of us don't even know it exists. My fear is that because we don't have a book or card system; I guess you're looking to say is do you have a list of all of the people in the hotel tonight.

- The line violation of this statute - if you're renting out for more than the two days consistent 2 rooms in less than a week, you've heard about the vacation rentals right stay, that's kind of controversial.
- What the hotel does - the hotel literally turns the computer around and lets you look at the screen through the list but what are you getting from a hotel typically is a redacted version. We get a print out and they usually omit all the credit card information and all that other stuff.
- We have to figure out how do we make it so that the person who doesn't have that list how do we protect them from not violating the law. And having you say well by the way you just violated the statute you don't have a list.
- That's going to be a task for this committee to research I think that there is a lot of work ahead on the vacation, the airbnbs and rentals. If you have a house at the lake that you're renting on a pretty regular basis during certain months but you're not renting other months, I think that maybe that should be subdivided out from this into something else. I think that something maybe segregated out because it's not as complex. You may only have one name of the person who booked the route?? but there could be four or five people in that room. Then we would have to do our due diligence to find out if there was a crime committed or if that's even what we're looking for at that end.

Respectfully submitted,

Rep. Keith Ammon, Clerk

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB1378 on 2022-02-09

Support: 8 Oppose: 1 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>
Axelman, Elliot	Hooksett, NH alu.axelman@gmail.com	A Member of the Public	Myself	Support	No	No	2/3/2022 12:14 AM
Noyes, Chris	Bethlehem, NH Chris@crosstowncourierservice.com	A Member of the Public	Myself	Support	No	No	2/5/2022 3:54 PM
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Support	No	No	2/6/2022 1:11 PM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 3:45 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	2/7/2022 12:22 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	2/7/2022 4:07 PM
Chappelle, Maura	Jefferson, NH MauraChappelle@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/8/2022 5:05 PM
See, Alvin	Loudon, NH absee@4liberty.net	A Member of the Public	Myself	Support	No	No	2/8/2022 11:02 PM
Hynes, Dan	Bedford, NH danhynes@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2022 8:01 AM

Archived: Thursday, May 19, 2022 12:44:33 PM
From: John Bryfonski
Sent: Wednesday, February 9, 2022 4:13:29 PM
To: ~House Commerce Committee
Subject: HB 1378
Importance: Normal

Good Afternoon Members of the Committee: I am John J. Bryfonski, Chief of Police in Bedford. I've been the chief here for more than 10 years and have almost 44 years of law enforcement experience.

I am writing to explain how detrimental and devastating passage of HB-1378 would be to NH law enforcement efforts to curb violent crime, drug trafficking, prostitution and human trafficking at NH hotels.

The guest register access has been a tool available to law enforcement for probably more than 100 years pre-dating the current RSA and is used only to identify who is residing at a place of lodging. This PUBLIC information has been available to law enforcement in an effort to locate wanted persons for which a WARRANT exists as well as MISSING persons including lost/missing seniors on occasion.

There has been NO documented case in which the disclosure of such information has been abused or caused an infringement of someone's privacy; no cases; none.

Yet, this bill would require a search warrant, which means we would have to articulate specific information to a judge as to why we believe a particular person is actually at that hotel; a requirement law enforcement would not be able to reach in our efforts to stem crime at hotels. You are putting law enforcement ON THE BENCH.

And, in case you might be wondering, crime at hotels has EXPLODED in recent years.

It seems drug TRAFFICKERS have learned they can set up shop in hotels and escape scrutiny from law enforcement and how true they are.

At least having access to the register gives law enforcement a slim chance of perhaps identifying persons at a hotel that are engaged in FELONY level crime.

As the chief in Bedford I want you to know that passing this bill will make my community LESS SAFE and give CRIMINALS more leeway to operate in hotels with impunity.

We had to deal with a DOUBLE-HOMICIDE that occurred at the Bedford hotel last August; a horrendous machete attack that left two persons DEAD.

Just a few weeks ago my officers responded to another hotel in which a guest fired several rounds from a pistol through his hotel room door narrowly missing the resident in the room across the hall. Imagine being in a hotel and waking up in the middle of the night to find bullet holes in your hotel room door and luggage!

Another case involved a male and female at a Bedford hotel who were selling drugs; were ARMED and the male had a no bail warrant. The male attempted to abscond

from officers by jumping out the window of the third floor; that didn't end well for him.

There is not a week that goes by when we aren't at one of the hotels in Bedford dealing with drug crimes and other activity.

The use of the information from the registry was incredibly helpful in all these cases.

But by far, the information is an OFFICER SAFETY issue inasmuch as the officers can potentially identify a person who is **WANTED** or has a history of **VIOLENT** crime before confronting them by knowing who they are going to be dealing with.

If you pass this bill you will be putting my officers at a greater **RISK** than they already are and that is not what good legislation does.

I don't ever want to go to a dead cops funeral because of this and I'm sure you don't either.

John J. Bryfonski
Chief of Police
55 Constitution Drive
Bedford, NH 03110
Office: 603-792-1330
Cell: 603-657-8826



Statement of Confidentiality

The information contained in this electronic message, and any attachments to this message, may contain confidential or privileged information and is intended for the exclusive use of the addressee(s). If you have received this message in error, please contact the sender immediately and delete this electronic message and any attachments from your system. Thank you for your cooperation.

House Commerce and Consumer Affairs Committee

Testimony

HB 1378 - Relative to inspection of public lodging houses

February 9, 2022

Dear Chairman Hunt and Members of the Committee:

My name is Lieutenant Brian Newcomb, and I have been employed as a law enforcement officer by the Hillsborough County Sheriff's Office for the past 19 ½ years. During my employment I have conducted undercover investigations pertaining to the illegal trafficking of narcotics, human trafficking, sexual exploitation of children, fugitive investigations as well as other crimes.

I am here to testify in Opposition to HB 1378 - Relative to inspection of public lodging houses.

Hotels, tourist camps, and public lodging provide people a temporary place to stay. Most people utilize this type of lodging for reasons such as: visiting a local attraction, travelling on a business trip, visiting family or friend or other leisure activity. While most use this for positive reasons, there is another element of people that utilize hotels for darker and more menacing reasons. Hotels and motels provide an attractive site for criminal activity ranging from drug dealing, prostitution, human trafficking, sexual exploitation of children, theft and fugitives. Hotels and motels often have cheap rates and are willing to accept cash in lieu of a credit card. This further incentivizes criminals to stay there because it ensures their anonymity.

Criminals who have arrest warrants will often use hotel and motel rooms to avoid apprehension from the crimes they have committed. Often they continue to commit crimes while staying at hotels and motels. Illegal activities that are taking place at these establishments include illegal drug use and drug dealing. The current trend is to rent a hotel room and sell drugs. They rent a room, or have a friend rent a room and sell drugs to as many people as they can because hotels are often busy places so an uptick in traffic at a hotel does not appear to be as suspicious as if it was their own home. Often these illegal activities are occurring in a room next to an unsuspecting family who is there on vacation or business.

A recent Hillsborough County Sheriff's Office investigation yielded information that a wanted subject was staying at a hotel in Manchester, New Hampshire and selling methamphetamine. As a result of this information, investigators went to the hotel, spoke with the hotel staff, and requested to look at their guest log. The hotel staff gladly showed investigators the guest log. The name of the wanted person was not on the guest log. However, through further investigation, it was learned that the wanted person's friend rented the room. The wanted person as well as another wanted person were arrested

from the room. In addition to these arrests there was a large amount of methamphetamine in plain view in the room. Investigators secured the room, applied for a search warrant, and it was granted several hours later. As a result of the search warrant, additional methamphetamine and a handgun was seized. This outcome would not have been attained if the investigators needed to get a search warrant to simply look at the guest log. Under the new search warrant process, it would have taken between 12 to 48 hours to obtain a search warrant, as this situation did not constitute an emergency.

In addition to illegal drug sales and drug use, hotels and motels are often home to human trafficking and child sexual exploitation. The Hillsborough County Sheriff's Office and the New Hampshire Internet Crimes Against Children Task Force (ICAC) has recently conducted investigations involving hotels. In these instances, an adult has made plans to meet an underage person with the intention of committing a sexual assault or sexual exploitation. As part of the investigation, the investigators were able to speak to hotel staff and inspect the guest log and confirm the suspect had rented a room. Investigators were able to confirm this person had intentions of criminal act with a minor. These investigations move quickly and do not afford investigators time to apply for a search warrant.

Human trafficking is a crime in which traffickers seek to exploit others for profit and personal benefit. Human traffickers utilize all available resources or venues to help facilitate their crimes, including hotels and motels. Human traffickers take advantage of the privacy and anonymity offered by hotels and motels, and they are able to operate with low risk. Hotels and motels are routinely used for sex trafficking where victims are compelled to provide commercial sex to paying customers. Victims may be forced to stay in a hotel or motel where customers come to visit them, or they are required to go to rooms rented out by customers. Sex trafficking victims often stay in hotels and motels with their traffickers while moving to different towns or states. It is not uncommon for investigators from the Hillsborough County Sheriff's Office or other agencies to inspect a hotel or motel guest log and come across the name of a person who is a known sex worker. In these instances, investigators will speak to these people, check on their well-being and offer them help to get out of their current situation. During these conversations, information is often given regarding other crimes taking place in and around the hotel, which will further investigations. Sex workers have stated that knowing we are around and checking on them gives them a sense of security. This would not be feasible if we had to get a search warrant to look at the guest list to do simple police work to protect the community.

Hotels and motels are also the home for sophisticated criminal organizations. There is a sophisticated organization that travels around the country committing thefts, credit card fraud, forgeries and other white collar crimes. They stay at hotels for short periods of time to ensure their anonymity. Members of this organization have been arrested by alert law enforcement officers who conduct routine checks of the hotel guest logs. The law enforcement officer will check the names with current criminal intelligence. Ultimately, this can lead to an arrest if the person is wanted for criminal activity or it can be the first step in preventing future crimes in an area. When investigators are able to implement a plan, they can focus on arresting the organization members in the act or provide intelligence to other agencies.

The recent violent double homicide at a hotel in Bedford, New Hampshire and the violent standoff that resulted in a suspect shooting at law enforcement officers at a hotel in Manchester, New Hampshire highlight the importance of being able to inspect the hotel guest log. In these instances, investigators were able to inspect the guest log books to quickly identify victims and suspects. In the Bedford, New Hampshire double homicide, inspecting the guest books was beneficial in making sure all of the hotel guests were accounted for. Applying for a search warrant in this case would have significantly delayed public safety and would be counter-productive in providing public safety.

When Law enforcement officers have had to inspect guest logs at a hotel or motel, they have communicated that it was a pleasant experience. It has provided opportunities for officers and inn keepers current concerns and needs. The officers respectfully waited their turn to privately speak to the inn keeper and inspect the guest log. The law enforcement officers goal is to support the business and not detract from it.

Applying for a search warrant is not a quick task for officers. It can take hours to type and then it can take hours if not days to receive it back signed by a judge. This is a long process just to look at a guest log book to prevent a crime or arrest someone for a crime they have committed. Crime is rapidly evolving and getting a search warrant is not an efficient use of resources and is a great impediment in solving and preventing crimes. It allows criminals to keep victimizing the citizens of New Hampshire.

The current law, as it is written, allows law enforcement officers to inspect a register book or guest list without a warrant. This is a very effective investigative tool that is often used to combat illegal activity. If the law is changed and law enforcement is required to get a search warrant to review guest logs, this will be a major hindrance in combating illegal activity and allowing criminals even more anonymity. Public safety would suffer if law enforcement needed a search warrant for basic police work.

In closing, I ask that you find HB 1378 Inexpedient to Legislate.

Thank you for your consideration.

Lieutenant Brian Newcomb

Archived: Thursday, May 19, 2022 12:44:37 PM
From: Tony Lekas
Sent: Sunday, February 6, 2022 3:23:05 PM
To: ~House Commerce Committee
Cc: Jordan Uley
Subject: In support of HB 1378 relative to inspection of public lodging houses.
Importance: Normal

Members of the committee,

A motel or lodging house is as much someones home, while they are there, as anyone else's home. We have a long history reflected in constitutions, law, and tradition of ones home being ones castle and there is a particular expectation of privacy in ones home. HB 1378 is intended to maintain that privacy for those staying in lodging houses by requiring a warrant to get information on residents. A check was made with our local police chief and we were informed that they do get warrants in such cases in order to avoid potential problems if they discover a crime has been committed and they prosecute someone. It is not a difficult or time consuming process to obtain a warrant so long as probably cause exists.

Regards,
Tony Lekas

--

Representative Tony Lekas
Hillsborough 37 (Hudson and Pelham)
Committee: Executive Departments and Administration
30 Barretts Hill Rd
Hudson, NH 03051
603-305-5726

Archived: Thursday, May 19, 2022 12:44:36 PM
From: Sharon Clark
Sent: Monday, February 7, 2022 1:57:28 PM
To: ~House Commerce Committee
Subject: Support HB1378
Importance: Normal

Dear Committee Members,

Citizens should not lose their civil rights when living in public housing. Please support HB 1378.

Sincerely,

Sharon Clark
Resident of the Town of Grafton
sharonclark411@gmail.com



TOWN OF HUDSON

Police Department

Partners with the Community

1 Constitution Drive, Hudson, New Hampshire 03051
Voice/TTY (603) 886-6011/Crime Line (603) 594-1150/Fax (603) 886-0605



William M. Avery, Jr.
Chief of Police

Captain Tad K. Dionne
Operations Bureau

Captain David A. Cayot
Special Investigations Bureau

Captain David A. Bianchi
Administrative Bureau

February 24, 2022

Representatives Denise Smith,
Bob Greene, Alicia Lekas, Andrew Prout
Hershel Nunez, Tony Lekas,
Andrew Renzullo, Kimberly Rice
And Jordan Ulery

Dear Representatives,

I write to you today in opposition to House Bill 1378, an act relative to inspection of public lodging houses.

Public lodging houses like, hotels, motels, and tourist camps are temporary housing areas for vacationers, business travelers, or other activities. While most activities are wholesome, some are nefarious. While a family is staying in a motel room, a drug dealer may be staying next door. Temporary lodges offer a place for criminal activity to set up and hide out with certain amount of anonymity. Activity such as drug trade, prostitution, human trafficking, and robbery. These subjects find a safe harbor in this temporary housing.

Often, as part of an investigation, police are following evidence that leads them to temporary housing. Often, the mere checking of the register helps establish the foundation for an arrest or search warrant. Imagine that the police suspect a high crime fugitive is staying at a motel, but without a warrant, cannot look at the register to have some idea which room it is, thereby thwarting the police from establishing the correct room.

Remember, if the police have exigent circumstances, they may not need a warrant, regardless of the law. However, absent an exigency, the police must establish probable cause that evidence is locating *in a certain place*, or that a subject is staying *in a certain place* and is wanted. A valid felony arrest warrant is grounds to search the address of the suspect named in the warrant. However, if the suspect is in a temporary housing area, an arrest warrant will need to be accompanied by a search warrant to go inside without consent. Therefore, the ledger becomes a tool to establish this.



A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

Forgive my ignorance, as I am not sure when this bill became a concern in New Hampshire. In my experience, I do not know of any global abuse of this in our state. In Hudson, we certainly do not have the time to randomly check the registers at a motel looking to see who is in which room with whom. However, if we are investigating nefarious activity at a motel, the register may help to establish probable cause for the warrant, and may become a safety tool as to know whom the police may encounter.

I am unsure why temporary housing should offer more protection than one's actual domicile. In other words, there are many ways to lawfully determine who resides at a permanent home or permanent apartment. For instance, the owner of the home is a public record. Who pays certain bills are public record. Who is licensed at a certain addresses is certainly a shared record with the police.

In closing, many major cases throughout New Hampshire have involved arrests at public lodging areas. The best practice for police is search warrants to collect evidence and arrest warrants to arrest the criminals. The mere register at a hotel helps obtain the probable cause for these warrants, just like it would if a police officer ran a subject's license to establish the address or their description.

For the above reasons, and others, I respectfully ask you to reconsider if you do not already oppose this bill.

Sincerely,



Tad Dionne
Acting Chief of Police
Hudson Police Department



A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

HB 1378 - AS INTRODUCED

2022 SESSION

22-2525
08/10

HOUSE BILL **1378**

AN ACT relative to inspection of public lodging houses.

SPONSORS: Rep. Ulery, Hills. 37; Rep. T. Lekas, Hills. 37; Rep. Nunez, Hills. 37; Rep. Greene, Hills. 37

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires a sheriff or police officer to present a warrant before inspecting the register of a public lodging house.

.....

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 inspection of public lodging houses.

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

1 1 Register; Open to Inspection. Amend RSA 353:3 to read as follows:

2 353:3 Register, Open to Inspection. All hotel keepers and all persons keeping public lodging
3 houses, tourist camps, or cabins shall keep a book or card system and cause each guest to sign
4 therein his own legal name or name by which he is commonly known. Said book or card system shall
5 at all times be open to the inspection of the sheriff or his deputies and to any police officer *upon*
6 *presentation of a warrant to which probable cause has been attested.* The term "public
7 lodging house" as here used shall mean a lodging house where more than 2 rooms are habitually let
8 for less than a week at a time for the accommodation of transients. Whoever violates any provision
9 of this section shall be guilty of a misdemeanor.

10 2 Effective Date. This act shall take effect 60 days after its passage.