

## Senate Judiciary Committee

*Jennifer Horgan 271-3092*

SB 67, relative to the authority of state police employees.

**Hearing Date:** January 24, 2017

**Time Opened:** 9:34 a.m.

**Time Closed:** 10:01 a.m.

**Members of the Committee Present:** Senators Carson, Lasky, French, Gannon and Hennessey

**Members of the Committee Absent :** None

**Bill Analysis:** This bill grants state police employees the authority to enforce motor vehicle laws and regulations relative to the transportation of hazardous materials on all state roads.

**Sponsors :**

Sen. Bradley  
Sen. Carson

Sen. D'Allesandro  
Rep. Hinch

Sen. Soucy  
Rep. Shurtleff

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**Who supports the bill:** Senator Carson; Senator D'Allesandro; Captain Matt Shapiro, Department of Safety; Attorney Ann Rice, NH Attorney General; Marc Beaudoin, NH Troopers Association; Bob Blaisdell, NH Troopers Association;

**Who opposes the bill:** No one

**Who is neutral on the bill:** Chief Glen Drolet, NH Chiefs of Police

**Summary of testimony presented in support:**

**Senator Bradley**

- Was approached by the Attorney General's Office with a problem that needs careful resolution.
- Currently, the state police only have jurisdiction on state highways and in towns with less than 3,000 residents, and therefore, there are certain times state police are not covered by liability protection.
- Firstly, this bill ensures that our state troopers have the kind of liability protection that they need in this day and age.
- Secondly, with the drug crisis going on and the success of the Granite Hammer Program, this bill allows for jurisdiction authority and coordination.
- Local police chiefs have reached out to discuss the bill and they still have some concerns.
- Requests that the Committee wait to exec on this bill in order to allow for further discussion and a potential amendment.
- Local and state agencies need to work together in coordination for public safety and to ensure that there are not restrictions on cooperation between the jurisdictions.

**Attorney Ann Rice (NH Attorney General) (provided written testimony)**

- This bill will protect criminal prosecutions and charges, and eliminate liability

questions for state police

- Motor vehicle enforcement is critical to the safety of NH's citizens and it is essential to stop the flow of drugs into the state.
- Currently, in municipalities with more than 3,000 residents state police have jurisdiction if a trooper witnesses a crime, is in pursuit of a suspected law violation, in search of someone wanted for a crime, when traveling through, when acting as an agent of the department of motor vehicles to enforce certain rules, or when specifically requested to act by another law enforcement agency.
- This law is in place to minimize competitive friction between law enforcement agencies and to ensure criminal laws get enforced.
- The law has worked well in the past, but now that the population has grown and the world has become more litigious, problems have arisen.
- State police routinely patrol Rts. 101, 209, 125, 16, etc which go in and out of municipalities with more than 3,000 residents.
- There is implied permission that the state police have the authority to be there and no one is currently trying to push them out.
- Increasingly though, people are asking for the location data from the motor vehicle locator in the troopers' vehicles and determining if they were in an over 3,000 town at the point of the charge.
- There have been instances where charges have been dismissed due to this technicality.
- This bill will only allow for motor vehicle law enforcement across the state, and not criminal enforcement.
- A similar change was made to the fish and game laws back in 2014
- The last part of the bill makes it clear that so long as the trooper is acting in good faith there is no liability.
- This is not meant to alter in the relationship between local and state police, as it is simply eliminating barriers.
- There are some concerns about this from local police and everyone is working together to address those concerns.

#### **Senator D'Allesandro**

- In Manchester, when the state police have asked to come in they have had a wonderful and cooperative relationship.
- Drugs are moving up and down those highways and there are situations that occur over these town borders.

#### **Summary of testimony presented in opposition :**

None

#### **Neutral Information Presented:**

##### **Chief Glen Drolet (NH Chiefs of Police)**

- The relationship between local and state police has never been better
- The Chiefs recognize the concerns the state police and want to work on this bill with them
- Want to ensure any changes in the law are done correctly
- Both sides are working together achieve this while maintaining the appropriate authority
- Requests a delay on the voting, so that they can continue to work on the bill

**Future Action:** Pending

JCH  
Date Hearing Report completed: January 25, 2017