HB 1226 - AS INTRODUCED

2020 SESSION

HOUSE BILL 1226

AN ACT prohibiting surveillance by the state on public ways or sidewalks.


COMMITTEE: Judiciary

ANALYSIS

This bill prohibits the use of surveillance to determine the location of a motor vehicle or the identity or location of a pedestrian.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT prohibiting surveillance by the state on public ways or sidewalks.

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

1 Highway Video Surveillance; Highway Surveillance Prohibited. Amend RSA 236:130, I and II to read as follows:

   I. In this subdivision, "surveillance" means [the act of determining the ownership of a motor vehicle or the identity of a motor vehicle's occupants on the public ways of the state or its political subdivisions through] the use of a camera or other imaging device or any other device, including but not limited to a transponder, cellular telephone, global positioning satellite, or radio frequency identification device, that by itself or in conjunction with other devices or information can be used to determine the ownership or location of a motor vehicle, [or] the identity of a motor vehicle's occupants, or the identity or location of a pedestrian.

   II. In order to protect the personal privacy of residents and visitors to the state, neither the state of New Hampshire nor its political subdivisions shall engage in surveillance on any public ways, as defined in RSA 259:125, or sidewalks, as defined in RSA 259:100, of the state or its political subdivisions.

2 New Paragraph; Highway Surveillance Prohibited. Amend RSA 236:130 by inserting after paragraph V the following new paragraph:

   VI. Any person who suffers injury as a result of a violation of this section shall be entitled to damages from the person who committed the violation of not less than $1,000 for each such violation, and an award of costs and reasonable attorney fees.

3 Effective Date. This act shall take effect upon its passage.