

CHAPTER 199
SB 67 - FINAL VERSION

03/16/2017 0765s
1Jun2017... 1737h

2017 SESSION

17-0656
09/10

SENATE BILL **67**

AN ACT relative to the authority of state police employees.

SPONSORS: Sen. Bradley, Dist 3; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Rep. Hinch, Hills. 21; Rep. Shurtleff, Merr. 11

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill grants state police employees the authority to enforce motor vehicle laws and regulations relative to the transportation of hazardous materials.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to the authority of state police employees.

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

1 199:1 Statement of Purpose. The purpose of this act is to enhance the ability of the New
2 Hampshire state police to patrol our state highways and protect the public, support other law
3 enforcement agencies and to reduce civil liability, by ensuring that the laws defining state police
4 jurisdiction are unambiguous and comprehensive. As the population increases and tourism grows,
5 local and state law enforcement agencies are increasingly called upon to work in a coordinated and
6 cooperative manner to address the public safety needs of this state, particularly in the areas of
7 impaired driving enforcement and stemming the flow of illegal drugs traveling into New Hampshire
8 on our roadways. This act shall ensure there are no jurisdictional limitations on that cooperative
9 law enforcement effort. This act is not intended to limit the critical role that local law enforcement
10 agencies play in protecting public safety in their respective communities.

11 199:2 Authority and Duties of Police Employees. Amend RSA 106-B:12 to read as follows:

12 106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis
13 constables throughout the state~~[-shall patrol the highways, enforce the highway traffic laws and~~
14 ~~regulations, enforce the motor vehicle laws relative thereto].~~ ***They shall have statewide***
15 ***authority to enforce all provisions of RSA title XXI relative to motor vehicle laws*** and
16 ~~[enforce]~~ ***the*** regulations relative to the transportation of hazardous materials, pursuant to RSA
17 106-A:18 and RSA 106-B:15~~[-and]~~. The director, division of state police, shall report to the director,
18 division of motor vehicles, all violations of and prosecutions under the motor vehicle laws. Police
19 employees shall have general power to enforce all criminal laws of the state and to serve criminal
20 processes and make arrests, under proper warrants, in all counties. They shall not serve civil
21 processes. No police employee shall act, be used or called upon for service within any town in any
22 industrial dispute unless actual violence has occurred therein, and then only upon order of the
23 governor. When any police employee shall apprehend any person who has committed or attempted
24 to commit a felony the director shall immediately make a report to the attorney and the sheriff of
25 the county ***and the chief of police of the municipality*** in which the offense was, or was
26 suspected of being, committed and such cases shall be investigated and prosecuted by said county
27 officials with the cooperation of said police employees.

28 199:3 Jurisdiction of Police Employees. Amend RSA 106-B:15 to read as follows:

29 106-B:15 Jurisdiction of Police Employees.

30 ***I.*** Police employees have ***primary*** jurisdiction on all turnpikes, toll roads, ***limited access***

CHAPTER 199
SB 67 - FINAL VERSION
- Page 2 -

1 **highways**, and interstate highways and nothing in this section shall be construed to limit the
2 authority of local police officers.

3 **II.** A police employee shall not act within the limits of a town having a population of more
4 than 3,000 or of any city, except when he **or she is enforcing the motor vehicle laws or the**
5 **regulations relative to the transportation of hazardous materials**, witnesses a crime, ~~[or]~~ is
6 in pursuit of a law violator or suspected violator, ~~[or when]~~ **is** in search of a person wanted for a
7 crime committed outside its limits, ~~[or when]~~ **is** in search of a witness of such crime, ~~[or when~~
8 ~~traveling through such town or city,]~~ **is faced with public safety exigent circumstances**, or
9 when acting as an agent of the director of motor vehicles enforcing rules pertaining to driver
10 licenses, registrations and the inspection of motor vehicles, or when requested to act by an official of
11 another law enforcement agency, or when ordered by the governor. ~~[No criminal case shall be~~
12 ~~abated, quashed, or dismissed and no evidence in a criminal case shall be suppressed or excluded~~
13 ~~because a police employee has failed to comply with the jurisdictional limits of this section,~~
14 ~~provided, that the police employee had a good faith belief that he had authority to act when he~~
15 ~~acted.]~~ **Notwithstanding paragraph I, nothing in this section shall be construed to limit**
16 **the primary jurisdiction of the local police agency in a town having a population of more**
17 **than 3,000 or any city.**

199:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 05, 2017

Effective Date: September 03, 2017