

HB 539 - AS INTRODUCED

2021 SESSION

21-0740

10/11

HOUSE BILL                    **539**

AN ACT                    relative to records of communications common carriers.

SPONSORS:            Rep. Yokela, Rock. 33

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill requires that customer information in records of communications common carriers only be provided pursuant to a search warrant or a judicially-recognized exception to the warrant requirement.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 One*

AN ACT relative to records of communications common carriers.

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

1 1 Attorney General; Records of Communications Common Carriers. Amend RSA 7:6-b to read  
2 as follows:

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

4 I. Every communications common carrier, as defined in RSA 570-A:1, IX, ~~[upon the written~~  
5 ~~demand of the attorney general that the attorney general has reasonable grounds for belief that the~~  
6 ~~service furnished to a person or to a location by such communications common carrier has been, is~~  
7 ~~being, or may be used for an unlawful purpose, shall furnish to the attorney general]~~ **shall ensure**  
8 **its customers be kept free from governmental intrusion into their private or personal**  
9 **information by requiring a search warrant or a judicially-recognized exception to the**  
10 **warrant requirement before providing information about its customers to a governmental**  
11 **entity, such information includes, but it not limited to:**

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

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

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

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

20 (e) The types of services provided to the subscriber or customer by the communications  
21 common carrier, and

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

23 II. No such communications common carrier nor any agent, servant, or employee thereof,  
24 shall be civilly or criminally responsible or liable for furnishing or delivering any records or  
25 information in compliance with ~~[said demand and the attorney general shall not disclose any~~  
26 ~~information obtained as a result of said demand except as it is essential to the proper discharge of~~  
27 ~~the attorney general's duties. Any such written demand by the attorney general shall be understood~~  
28 ~~to constitute an administrative subpoena for purposes of determining compliance with federal law]~~ **a**  
29 **search warrant or a judicially-recognized exception to the warrant requirement.**

30 ~~[III. The attorney general may delegate authority under this section to any assistant~~  
31 ~~attorney general. Where the offense under investigation is defined in RSA 318-B or RSA 649-B, the~~

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1 ~~attorney general may delegate authority under this section to a county attorney. A county attorney~~  
2 ~~may further delegate authority under this section to any assistant county attorney in the county~~  
3 ~~attorney's office. The county attorney may exercise this authority only in cases within the~~  
4 ~~jurisdiction of that county attorney. The attorney general shall adopt rules, pursuant to RSA 541-A,~~  
5 ~~relative to:~~

6 ~~\_\_\_\_\_ (a) Circumstances under which an assistant attorney general, a county attorney, or an~~  
7 ~~assistant county attorney may issue such demands to communications common carriers under this~~  
8 ~~section.~~

9 ~~\_\_\_\_\_ (b) The procedures for applying for such demands.~~

10 ~~\_\_\_\_\_ (c) The records of such demands which shall be kept and maintained.]~~

11 2 Effective Date. This act shall take effect January 1, 2022.