

Amendment to HB 1524

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to post-arrest photo distribution by law enforcement officers.

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5 Amend the bill by replacing section 1 with the following:

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7 1 Law Enforcement; Information Sharing. New Subdivision; Post-Arrest Photo Distribution.

8 Amend RSA 105 by inserting after section 18 the following new subdivision:

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Post-Arrest Photo Distribution

10 105:19 Law Enforcement; Post-Arrest Photo Distribution. Post-arrest photos taken by law
11 enforcement officers of arrested persons shall be considered records compiled for investigatory
12 purposes and shall not be subject to RSA 91-A unless the subject of the photo is convicted of a charge
13 arising out of the arrest that led to the taking of the photo. Law enforcement officers shall not
14 publicly disseminate the post-arrest photos unless the subject of the photo is a fugitive from justice
15 who poses an immediate and ongoing danger to public safety. Law enforcement officers may release
16 such applicable post-arrest photos to the subject of the photo upon written request of the person.
17 Law enforcement officers shall maintain a record of all applicable photos released or disseminated
18 and shall include with whom the photos were shared and for what purpose. Nothing in this
19 subdivision shall prohibit the ability of law enforcement agencies from disseminating such post-
20 arrest photos to witnesses or to other law enforcement agencies in the performance of any valid law
21 enforcement function. Nothing in this subdivision shall alter the ability of law enforcement agencies
22 to take or use the photos of convicted, registered sex offenders under the provisions in RSA 651-B:5.

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AMENDED ANALYSIS

This bill prohibits law enforcement from distributing post-arrest photos of suspects except in certain circumstances.