

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 411, relative to the procedure concerning search warrant inventories.

Hearing Date: January 13, 2026

Time Opened: 1:31 p.m.

Time Closed: 1:37 p.m.

Members of the Committee Present: Senators Gannon, Abbas and Reardon

Members of the Committee Absent: Senators Carson and Altschiller

Bill Analysis: This bill modifies the process for creating an inventory concerning the execution of a search warrant.

This bill is a request of the department of safety.

Sponsors:

Sen. Gannon

Sen. Lang

Sen. McGough

Sen. Murphy

Sen. Rosenwald

Sen. Pearl

Rep. Bernardy

Rep. M. Pearson

Rep. D. Mannion

Rep. L. Walsh

Who supports the bill: Senator Bill Gannon, Senator Tim McGough, Senator Cindy Rosenwald, Senator Howard Pearl, Senator Tim McGough, LT. Tamara J. Hester (State Police), Colonel Kevin Jordan (NFG), Elizabeth Sargent (NH Association of Chiefs of Police and NH Sheriff's Association), and Daniel Richardson.

Who opposes the bill: Katie McLaughlin and Michaela Janowski.

Who is neutral on the bill: None.

Summary of testimony presented:

Senator Gannon (SD-23) Introduced the bill and explained that existing search warrant inventory procedures were cumbersome and burdensome and required multiple officers. Deferred to Lieutenant Hester to provide expert testimony.

Lieutenant Tamara Hester, of the New Hampshire State Police Special Investigations Unit, explained that her work primarily involved crimes against children, many of which occurred online. Described how law enforcement increasingly

served search warrants electronically to companies such as social media platforms and wireless carriers, which often required electronic service and returned records electronically.

- Explained that the bill had two parts intended to modernize the law. Stated that the first part addressed who was required to prepare the inventory of seized items. Explained that current statute required the inventory to be made in the presence of the applicant for the warrant, which no longer reflected modern investigative practices. Described scenarios where the affiant for a warrant was not physically present at the location of the search, particularly in large or complex investigations. Said that the bill allowed the law enforcement officer conducting the search at the scene to prepare and sign the inventory rather than requiring the affiant to be present.
- Provided an example involving blood draws in DWI or serious bodily injury crashes, where the warrant might be executed at a distant hospital by a different officer. Under the bill, the officer executing the warrant would prepare the inventory in those circumstances.
- Stated that the second part of the bill addressed electronic search warrants served on remote companies. Stated that requiring an in-person witness for electronically submitted warrants was impractical when no physical search occurred. The witness requirement would remain for physical searches of residences or locations, but would not apply to electronic warrants served on service providers or financial institutions. Clarified that in those cases, the law enforcement officer would attest to the accuracy of the inventory. Explained that electronic searches created a digital trail, including time-stamped receipts from the companies, which could be used for verification in court proceedings.
- Senator Abbas asked whether companies providing electronic records certified the accuracy of the information they produced.
 - o Lieutenant Hester responded that most large companies provided certifications of their records. The inventory would attest to the request and the records produced, and that companies certified they had produced all records in their possession related to the account.