

SB 411 - AS INTRODUCED

2026 SESSION

26-2183

09/05

SENATE BILL **411**

AN ACT relative to the procedure concerning search warrant inventories.

SPONSORS: Sen. Gannon, Dist 23; Sen. Lang, Dist 2; Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Rosenwald, Dist 13; Sen. Pearl, Dist 17; Rep. Bernardy, Rock. 36; Rep. M. Pearson, Rock. 34; Rep. D. Mannion, Rock. 25; Rep. L. Walsh, Rock. 15

COMMITTEE: Judiciary

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the procedure concerning search warrant inventories.

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

1 1 Search Warrants; Receipt; Inventory; and Return. Amend RSA 595-A:5 to read as follows:
2 595-A:5 Receipt, Inventory, and Return. – The officer taking property under the warrant shall
3 give to the person from whom, or from whose premises, the property was taken, a copy of the
4 warrant and a receipt for the property taken, or shall leave the copy and receipt at the place from
5 which the property was taken. The return shall be made promptly and shall be accompanied by a
6 written inventory of any property taken. The inventory shall be made in the presence of [~~the~~
7 ~~applicant for the warrant~~] **a law enforcement officer making the search** and the person from
8 whose possession or premises the property was taken, if they are present, or in the presence of at
9 least one creditable person other than [~~the applicant for the warrant~~] **the law enforcement officer**
10 **making the search**, or the person from whose possession or premises the property was taken, and
11 shall be verified by the officer. ***If the warrant is for electronically stored, remote, or off-site***
12 ***information and is submitted electronically, the inventory may be made without a witness,***
13 ***provided that the law enforcement officer attests to its accuracy.*** The justice of a court of
14 record shall upon request deliver a copy of the inventory to the person from whom or from whose
15 premises the property was taken and to the applicant for the warrant. The justice of a court of
16 record shall attach to the warrant a copy of the return, inventory and all other papers in connection
17 therewith and shall file them with the clerk of the court to which the warrant is returnable. The
18 return shall be in substantially the following form:

Return

I received the attached search warrant on, 20 , and have executed it as follows:

On, 20 , at o'clock ... M, I searched (the person) (the premises) described in the
warrant and I left a copy of the warrant with (name of person searched or owner) at (the place of
search) together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

.....
.....
.....
.....

This inventory was made in the presence of and

I swear that this inventory is a true and detailed account of all the property taken by me on the
warrant.

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Subscribed and sworn to and returned before me this day of , 20 .. .

.....
Justice of the Court

2 Effective Date. This act shall take effect January 1, 2027.