

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**HB 1361**, relative to the procedure concerning search warrant inventories.

**Hearing Date:** April 14, 2026

**Time Opened:** 1:39 p.m.

**Time Closed:** 1:54 p.m.

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

**Members of the Committee Absent:** Senator Carson

**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.

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**Sponsors:**

Rep. Roy

Rep. Lascelles

Rep. D. Mannion

Rep. Proulx

Rep. Rhodes

Sen. Birdsell

Sen. Gannon

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**Who supports the bill:** Captain Michael Eastman (NH Fish and Game), Tamara Hester (State Police), Cory Stone, Connor Broussard, Tami Lanzillo Zeimetz, Steven Zeimetz, and Daniel Richardson.

**Who opposes the bill:** Penny Dean, Robert Tanguay, Curtis Howland, Suzanna Derynioski, Timothy Finney, Pamela Harders, and Nathaniel Blair.

**Who is neutral on the bill:** N.E. Simkin.

**Summary of the testimony presented:**

**Senator Daryl Abbas** introduced House Bill 1361. He stated that he represents District 22 and was introducing the bill as a courtesy to a former colleague from the Criminal Justice and Public Safety Committee.

**Attorney Penny Dean** testified in opposition to the bill. She stated that she strongly opposes the bill as written and described it as allowing “bad and lazy cops” to avoid consequences for improper search warrants and to harm individuals. She explained that search warrants are issued under oath and emphasized the importance of that requirement.

- She stated that the bill changes the language so that the “applicant” for a warrant is no longer required to be present during execution and inventory, instead allowing any law enforcement officer to fulfill that role. She explained that typically multiple officers are involved in executing a warrant, while only one officer applies for it.
- She stated that officers may rely on information from other officers when preparing affidavits, but argued that this creates opportunities for what she described as “errors of omission” or omissions of critical facts. She referred to this as a “nod nod wink wink” situation and stated that such omissions can result in warrants being issued improperly.
- She stated that without requiring the original applicant to be present, officers executing the warrant could claim misunderstanding of its scope, such as searching areas not authorized. She stated that courts may then rely on the “inevitable discovery” doctrine to admit evidence that should have been suppressed.
- She argued that this creates situations where evidence is admitted despite improper conduct and that citizens are harmed as a result. She stated that these issues may arise from misconduct, laziness, or incompetence, but regardless of cause, the impact is harm to defendants.
- She urged the committee to consider how they would want the process handled if they were the defendant and stated that the proposed changes are significant and should not be adopted.

**N.E. Simpkin** testified without taking a position for or against the bill. He stated that he wanted to address an issue not covered by the bill, specifically the lack of definition for inventory procedures, particularly for firearms.

- He stated that he has been a federal firearms licensee for over 40 years, including over 30 years in New Hampshire. He described prior experience handling military firearms inventory and explained that he was trained at a young age on proper inventory procedures.
- He stated that the bill should be amended to include detailed requirements for inventorying firearms and ammunition, which are lawfully owned items, unlike contraband such as illegal drugs. He stated that inventories should be detailed and standardized and that a state form should be used.
- He argued that accurate inventories would reduce disputes and improve efficiency and fairness. He stated that he had provided detailed recommendations in written testimony.

**Robert Tanguay** testified in opposition to the bill. He stated that he had previously spoken and clarified that he opposes the bill and believes it is inexpedient to legislate.

- He stated that the bill is unnecessary and serves to make law enforcement's job easier rather than addressing underlying issues. He argued that civil protection orders should be repealed, stating that they violate constitutional rights under Article 15 "rights of the accused".
- He stated that the bill relates to broader systemic issues and criticized the legislative process for addressing narrower issues rather than broader constitutional concerns. He stated that individuals are encouraged to seek court remedies that result in legal expenses and benefit attorneys.
- He stated that the bill would give police more discretion in deciding whom to prosecute and could be used to target individuals unfairly. He stated that he believes law enforcement abuses this discretion and that speaking publicly is necessary for his own protection.
  - Senator Gannon directed him to remain focused on the bill and noted that the bill concerns search warrant inventories rather than unrelated issues.
    - He responded that his comments were relevant to broader policy concerns.
- He continued by stating that citizens, not police, are responsible for public safety and alleged misconduct by law enforcement. He stated that police actions can harm families and that misconduct occurs.

**Lieutenant Tamara Hester** testified in support of the bill. She identified herself as a lieutenant with the state police and stated that she hoped to clarify concerns raised by earlier testimony.

- She explained that the bill does not change how inventories are conducted or the requirement for witnesses during physical searches. She stated that the purpose of the bill is to clarify language.
- She explained that the officer applying for a search warrant is not always the same officer executing it. She stated that in major cases, the applicant may be at a separate location preparing the warrant and sending it electronically to a judge, who then returns it for execution by officers at the scene.
- She explained that the bill changes language to allow a law enforcement officer, rather than specifically the applicant, to be present for the inventory. She provided examples, including situations involving blood draw warrants where geographic distance makes it impractical for the applicant to be present given that the person whose blood must be drawn may have been brought to a medical facility far from the scene.
- She explained that the bill also addresses electronic search warrants for records held by third party providers such as Google, Snapchat, Instagram, and Facebook. She stated that in these cases, records are produced electronically by the provider and uploaded through a portal.

- She stated that current statute does not reflect these modern workflows and that requiring a witness for such electronic inventories is impractical. She stated that other states have adopted similar language.
- She emphasized that physical searches, including seizure of items such as firearms and ammunition, would still require a witness and current inventory procedures. She noted that returns on search warrants are signed under penalty of perjury.

BMB

Date Hearing Report completed: April 20, 2026