

HB 1283-FN - AS INTRODUCED

2026 SESSION

26-2863
09/08

HOUSE BILL ***1283-FN***

AN ACT relative to the use of face recognition technology.

SPONSORS: Rep. Scherr, Rock. 26; Rep. D. McGuire, Merr. 14

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits the use of face recognition technology subject to certain exceptions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 use of face recognition technology.

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

1 1 New Chapter; Face Recognition Technology Prohibited. Amend RSA by inserting after chapter
2 644-A the following new chapter:

3 CHAPTER 644-B

4 FACE RECOGNITION TECHNOLOGY PROHIBITED

5 644-B:1 Definitions. In this chapter:

6 I. "Face recognition technology" means an automated or semi-automated process that assists
7 in identifying an individual or capturing information about an individual, based on the physical
8 characteristics of an individual's face. It does not include the process by which an individual visually
9 identifies another individual by viewing a representation of the individual on a computer, video
10 recording, photograph, or other media.

11 II. "State" means any department, agency, bureau, or administrative unit of the state of
12 New Hampshire, including any city, town, county, school district, or municipal entity therein.

13 644-B:2 Face Recognition Technology Prohibited. The state shall only use a face recognition
14 technology if it has a warrant supported by probable cause and signed by a neutral and detached
15 magistrate or a well-established warrant exception applies. This prohibition applies to the use of
16 both governmental and private digital representation databases for face recognition purposes.

17 644-B:3 Evidence Inadmissible.

18 I. Any data or information collected or derived from any of the State's own use of face
19 recognition technology in violation of this chapter shall be inadmissible in any trial, hearing, or other
20 proceeding in or before any court or regulatory agency in the state of New Hampshire.

21 II. Any evidence derived from data or information collected from any use of face recognition
22 technology in violation of this chapter shall be inadmissible in any trial, hearing, or other proceeding
23 in or before any court or regulatory agency in the state of New Hampshire, unless it is sufficiently
24 attenuated from the original violation, including but not limited to, an affirmative showing that no
25 state official had requested, facilitated, or otherwise caused the use of face recognition technology by
26 an entity other than the state as defined in this chapter.

27 644-B:4 Penalty. Any person who violates the prohibition in RSA 644-B:2 shall be guilty of a
28 class A misdemeanor.

29 2 Use of Face Recognition Technology Prohibited. RSA 263:40-b is repealed and reenacted to
30 read as follows:

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1 263:40-b Use of Face Recognition Technology Prohibited. Notwithstanding RSA 644-B:2, the
2 department shall not allow access to any of its digital representations of faces by any face recognition
3 technology nor itself use face recognition technology.

4 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1283-FN- FISCAL NOTE
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AN ACT relative to the use of face recognition technology.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association