

HB 1289-FN - AS INTRODUCED

2026 SESSION

26-2814
09/08

HOUSE BILL ***1289-FN***

AN ACT criminalizing the use of small unmanned aircraft systems for the purpose of video voyeurism and the invasion of the right to privacy.

SPONSORS: Rep. Wood, Merr. 13; Rep. Tenczar, Hills. 1; Rep. Roy, Rock. 31; Rep. Bernardy, Rock. 36; Rep. Post, Hills. 42; Rep. Panek, Hills. 1; Sen. Birdsell, Dist 19

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill adds additional prohibited uses to the offense of unlawful operation or use of small unmanned aircraft system.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 criminalizing the use of small unmanned aircraft systems for the purpose of video voyeurism and the invasion of the right to privacy.

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

1 1 New Paragraph; Unlawful Operation or Use of Small Unmanned Aircraft System. Amend
2 RSA 644:23 by inserting after paragraph VII the following new paragraph:

3 VIII. A person is guilty of a class A misdemeanor when the person knowingly uses a small
4 unmanned aircraft system to enter onto the land or into the airspace above the land of another
5 person without permission or otherwise to commit a trespass in order to capture any type of visual
6 image, sound recording, or other physical impression of the person engaging in a private, personal,
7 or familial activity and the invasion occurs in a manner that is offensive to a reasonable person. A
8 person is guilty of a class B felony if such person knowingly transmits, publishes, broadcasts, sells,
9 offers for sale, or otherwise publicly uses any visual image, sound recording, or other physical
10 impression obtained in violation of this paragraph.

11 (a) This paragraph shall not be construed to impair or limit any otherwise lawful
12 activities of law enforcement personnel or employees of governmental agencies or other entities,
13 either public or private, who, in the course and scope of their employment, attempt to capture any
14 type of visual image, sound recording, or other physical impression of a person during an
15 investigation, surveillance, or monitoring of any conduct to obtain evidence of suspected illegal
16 activity or other misconduct, the suspected violation of any administrative rule or regulation,
17 suspected fraudulent conduct, or any activity involving a violation of law or business practices or
18 conduct of public officials adversely affecting the public welfare, health, or safety.

19 (b) For the purposes of this paragraph, “private, personal, and familial activity”
20 includes, but is not limited to:

21 (1) Intimate details of the person's personal life under circumstances in which the
22 person has a reasonable expectation of privacy.

23 (2) Interactions with the person's family or significant others under circumstances in
24 which the person has a reasonable expectation of privacy.

25 (3) Any activity that occurs on a residential property under circumstances in which
26 the person has a reasonable expectation of privacy.

27 (4) Other aspects of the person’s private affairs or concerns under circumstances in
28 which the person has a reasonable expectation of privacy.

29 2 Effective Date. This act shall take effect January 1, 2027.

**HB 1289-FN- FISCAL NOTE
AS INTRODUCED**

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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