

SB 289-FN - AS INTRODUCED

2025 SESSION

25-1077

09/11

SENATE BILL        **289-FN**

AN ACT            relative to use and preservation of body-worn camera recordings in certain matters.

SPONSORS:        Sen. Gannon, Dist 23; Sen. Lang, Dist 2; Sen. Sullivan, Dist 18; Rep. Bernardy, Rock. 36; Rep. S. Minor, Belk. 5; Rep. Porcelli, Rock. 19; Rep. Rice, Hills. 38; Rep. L. Walsh, Rock. 15

COMMITTEE:      Judiciary

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ANALYSIS

This bill adds procedures to govern the preservation of body-worn camera footage and its use in certain proceedings.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to use and preservation of body-worn camera recordings in certain matters.

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

1 1 New Section; Use of Body-Worn Camera Recordings in Criminal, Juvenile Delinquency, and  
2 Administrative Proceedings. Amend RSA 105-D by inserting after section 3 the following new  
3 section:

4 105-D:4 Use of Body-Worn Camera Recordings in Criminal, Juvenile Delinquency, and  
5 Administrative Proceedings.

6 I. Notwithstanding the provisions of RSA 105-D:2, all data, images, and video captured,  
7 recorded, or otherwise produced by body-worn camera equipment may be copied by a law  
8 enforcement agency or prosecutor to provide discovery in criminal, juvenile delinquency, or  
9 administrative proceedings subject to the following limitations:

10 (a) The parties in a criminal, juvenile delinquency, or administrative proceeding may  
11 utilize BWC recordings to create exhibits for use in said hearings subject to the relevant rules of  
12 evidence and rulings by the court.

13 (b) No party shall further copy or distribute BWC recordings without a court order,  
14 except for the sole purpose of having an expert or other professional consultant provide analysis for  
15 the purposes of evaluating or preparing for the case. Any such expert or professional consultant is  
16 bound by the limitations of this section.

17 (c) BWC recordings shall only be accessed for case-related purposes.

18 (d) The parties and any expert or professional consultant shall destroy all copies of BWC  
19 recordings created pursuant to this section in their possession upon the close of the case.

20 (e) For cases that are resolved through trial or adjudication, the law enforcement agency  
21 that created the BWC recordings shall maintain the original BWC recording until the defendant or  
22 juvenile has completed all the terms and conditions of the sentence or disposition. The parties shall  
23 be allowed to access the original BWC recordings for purposes of evaluating, initiating, or litigating  
24 post-conviction remedies.

25 (f) As used in this section, the term "close of the case" means the expiration of the appeal  
26 period following the final conclusion of the case in the trial court. A case shall not be considered  
27 closed during an appeal or during post-conviction litigation.

28 II. Any person who knowingly violates the provisions of this section shall be guilty of a  
29 misdemeanor.

30 2 Effective Date. This act shall take effect upon its passage.

**SB 289-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to use and preservation of body-worn camera recordings in certain matters.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	Indeterminable			
<i>Funding Source</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

\*Expenditure = Cost of bill      \*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	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](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