

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 206-FN, relative to government agent entries into secured premises.

Hearing Date: March 10, 2026

Time Opened: 2:03 p.m.

Time Closed: 2:30 p.m.

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

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill establishes requirements for when a government agent may enter a secured premises without a warrant.

Sponsors:

Rep. Spillane

Rep. Edwards

Rep. Granger

Rep. Osborne

Rep. Popovici-Muller

Rep. Roy

Rep. Turcotte

Rep. Lynn

Rep. Kofalt

Sen. McGough

Sen. Gannon

Sen. Innis

Who supports the bill: Rep. Daniel Popovici-Muller, Terry Roy, Rep. Mike Belcher, Rep Donald McFarlane, Cory Stone, Daniel Richardson, Curtis Howland, Timothy Finney, Pamela Harders, and Bill Alleman.

Who opposes the bill: LT. Derek Cataldo (NHACP), Maj. Bill Bright (NH State Police), Elizabeth Sargent (NHACP), Andrea Blair, Jennifer Favreau, Katie McLaughlin, Tami Lanzillo Zeimetz, Leigh Hutchinson, and Karen Burnett-Kurie.

Who is neutral on the bill: None.

Summary of the testimony presented:

Representative Terry Roy spoke in support of the bill. He explained that it would require law enforcement to enter onto private property with an expressed intent and expectation of privacy only with a search warrant or under specific circumstances. He explained that it had been amended so as to only target law enforcement and not other government agents performing other obligations.

- Senator Gannon explained that there is an older man in his town that he is an acquaintance of. He stated if that man failed to appear in public, after a certain

amount of time his local Police Chief would likely attempt to go to his home in order to preform a wellness check. He asked if this bill would prevent such acts.

- o Representative Roy stated that it would not, as that home would be within the area designated as the curbage, while this bill provided this protection to the “back 40” area of a property with clear markings demanding privacy.
- o Explained that even if they went into a backyard area to preform a wellness check and found illegal materials like cannabis, they would still be able to preform the check even if they could not admit the evidence they had discovered in court without a warrant.
- Senator Gannon asked at what point law enforcement could enter a home while preforming a wellness check.
 - o Representative Roy stated that they would likely need to get the permission of a relative.
- Representative Roy explained that one of the concerns his committee had heard from law enforcement was that officers currently did not enter private property without a warrant when there is an expectation of privacy. He explained that while he did not have any personal stories of violations of this, the sponsor and many constituents felt that they required this level of protection.
- Senator Gannon asked whether there was a specific controversy or if this was in apprehension of what might go wrong.
 - o Representative Roy responded that it was the latter, and that this had been initiated by privacy groups within New Hampshire

Representative Daniel Popovici-Muller spoke in support of the bill. He explained that a very similar bill had failed in the Senate last year, on account of being overly broad and potentially limiting the access of essential government workers. He stated that the concerns around a wellness check were already addressed within the bill.

- Explained that the “open field” doctrine ought not to apply to individuals with an expectation of privacy. He argued that this doctrine is based on very thin grounds. He explained that this bill would only require law enforcement to consider whether the owner of the property has an expectation of privacy and would require them to investigate such properties only with the same legal standards they require to go into a home.

- Senator Abbas asked whether the trespassing laws would apply to officers that arrive at the home of an individual while they are there and that may have been invited.
- Representative Popovici-Muller replied that this mainly applied to incidents where an officer visits a property while an owner is not there. He explained that officers might search a field without a warrant and may respect the wishes of a property owner for them to leave or not.
- Explained that the level of protection offered by the Supreme Court and federal law is currently very lacking and that states need to increase those protections for its citizens. The Representative explained that Vermont had passed a similar bill for similar reasons.

Major Bill Bright, a Major with the New Hampshire State Police and the overseer of the Investigative Services Bureau, spoke in opposition to the bill. He expressed his disagreement with some of the claims previously made, and stated that there is nowhere within the bill where the “back 40” is adequately described, instead using the terminology “secured premises,” which could prevent law enforcement from knocking on doors or from delivering court documents that the property owner might prefer not to receive.

- Argued that this was a restrictive piece of legislation for law enforcement doing their job and would carry unintended consequences like the inability to communicate with property owners.
- Stated that any search where a law enforcement agent seized property is subject to legal liability and can be challenged in court. The Major argued that such laws already address this issue but that this bill goes beyond what is called for.

Lieutenant Derek Cataldo, a representative of the Manchester Police Department and a member of the Manchester Police Department, spoke in opposition to the bill. He explained that this would significantly impact routine law enforcement activities and especially harm rural communities.

- Stated that this would be a significant challenge in Manchester where it would impact the ability of law enforcement to serve subpoenas, restraining orders, to respond to domestic violence, and with emergency hospitalizations. He explained that this bill would prevent officers from dealing with these situations if the property possessed a fenced in yard and the owner refused them access. It would also prevent officers from investigating wanted persons with a knock at the door and missing juvenile checks.
- Stated that the only exceptions for law enforcement to get around this law are exigency, consent, and a warrant. Consent would be difficult to acquire and a warrant might require evidence of a crime. Exigency would only apply in the

circumstances of an emergency, a pursuit, or the possible destruction of evidence.

- Explained that this would be especially harmful to domestic violence responses, where officers often need to knock on the door and hear out the inhabitants to discover what has occurred. Under this bill, officers might be refused that access and required to speak on the phone with only one of the parties.
- Stated that while the department understands the idea behind the bill, they feel that this iteration takes things too far.
- Senator Altschiller asked about issues with domestic violence, and pointed out that the bill does allow exigent circumstances in such cases to allow law enforcement access. She asked whether this would mitigate the officer's concerns.
 - Lieutenant Cataldo answered that it would depend on the incident. He stated that it was sometimes obvious from outside the home when the inhabitants were fighting, but that officers often need to get close to a door to be able to overhear what is happening inside and determine a best course of action. Officers have to act on the facts that they have in that moment and this section of the bill would not totally mitigate the issue.
- Senator Altschiller asked whether a bill like this, being so prescriptive, would leave room for an aggressor in a domestic violence situation a space to sue the police department for coming onto their property uninvited.
 - Lieutenant Cataldo answered that it would, and that police officers could be subject to increased legal liability for their decisions in such circumstances.
- Senator Abbas asked after the scope of a search warrant, and whether, according to lines 30-31 on the first page and lines 5-6 on the second, an officer might be subjected to a case being thrown out over the confiscation of evidence not included within the original search warrant.
 - Lieutenant Cataldo answered that this was correct and would be the consequence for an officer making a mistake. He stated that an officer would be required to get an amendment to their warrant to seize such evidence.
- Senator Abbas asked whether the warrant would need to be amended to seize additional evidence outside the original scope of the warrant.
 - Lieutenant Cataldo said that this would be correct.

- Senator Gannon asked whether while carrying out a warrant, an officer would be able to seize an illegal material not mentioned in the warrant.
 - o Lieutenant Cataldo answered that the officers would have to stop what they are doing in such case and get an amended warrant or acquire a new warrant for those new materials.

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Date Hearing Report completed: March 11, 2026