HB 589-FN - AS INTRODUCED

2023 SESSION

23-0192
09/08

HOUSE BILL ***589-FN***

AN ACT prohibiting state and local law enforcement from participating in the enforcement of copyright claims against free and open source software projects.

SPONSORS: Rep. Gallager, Merr. 20

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prevents New Hampshire law enforcement from assisting in the prosecution of copyright infringement cases against free and open source software projects.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT prohibiting state and local law enforcement from participating in the enforcement of copyright claims against free and open source software projects.

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

1 New Section; Law Enforcement Powers Relative to Free and Open Source Software. Amend RSA 21-P by inserting after section 21-P:68 the following new section:

21-P:69 Enforcement Powers Over Copyright Claims Against Free and Open Source Software Projects. No member of law enforcement in the state of New Hampshire, or any of it's political subdivisions, shall assist federal law enforcement in any investigation or prosecution of copyright claims or other claims of intellectual property crimes brought by makers of proprietary software against makers of competing free and open software projects.

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

LBA
23-0192
1/9/23

HB 589-FN- FISCAL NOTE
AS INTRODUCED

AN ACT prohibiting state and local law enforcement from participating in the enforcement of copyright claims against free and open source software projects.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

The Office of Legislative Budget Assistant is still awaiting information from the Department of Justice. The Department was originally contacted on November 1, 2022 and again with followup on November 17th and December 1st. When completed, the fiscal note will be forwarded to the House Clerk's Office.

METHODOLOGY:

This bill prevents New Hampshire law enforcement from assisting federal law enforcement in the prosecution of copyright infringement cases against free and open source software projects.

The Department of Safety, Division of State Police, indicates the fiscal impact of this bill is indeterminable, because there is no way to estimate the number of copyright investigations in which State Police assistance would be requested. The Division does not have information on the number of agencies in the State of New Hampshire that may assist Federal agencies in copyright infringement investigations and, as a result, may receive forfeiture funds or take on an investigation that began on the Federal level.

The New Hampshire Municipal Association states it is unlikely that municipal police departments engage in assisting federal law enforcement in this matter and likely incur no costs at present relative to this area of investigation. As such, any ban would be unlikely to impact local expenditures or revenues.

The New Hampshire Association of Counties indicates this bill would have no impact on county expenditures or revenues.

AGENCIES CONTACTED:

Departments of Justice and Safety, New Hampshire Municipal Association and New Hampshire Association of Counties