

HB 1302 - AS INTRODUCED

2026 SESSION

26-2873

09/08

HOUSE BILL **1302**

AN ACT relative to post-arrest photograph distribution by law enforcement officers.

SPONSORS: Rep. Popovici-Muller, Rock. 17; Rep. Spillane, Rock. 2; Rep. Wheeler, Hills. 33;
Rep. McFarlane, Graf. 18

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the release of post-arrest photographs for nonviolent offenses, 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 post-arrest photograph distribution by law enforcement officers.

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

1 1 Findings. The general court finds that:

2 I. The release of post-arrest photographs (commonly known as mugshots) of individuals
3 accused but not convicted of crimes can cause substantial and lasting reputational harm, even when
4 the individual is ultimately acquitted or the charges are dismissed.

5 II. The public dissemination of such photographs for nonviolent offenses before a conviction
6 serves little public safety purpose and can undermine trust in the criminal justice system by creating
7 a presumption of guilt.

8 III. Limiting public access to post-arrest photographs for nonviolent offenses until after
9 conviction will help protect the privacy and due process rights of individuals while maintaining
10 public confidence in law enforcement.

11 IV. Exceptions are necessary to allow for the release of post-arrest photographs when there
12 is an urgent public safety need or when the assistance of the public is necessary to locate a suspect
13 who poses a danger to the community.

14 V. These protections are not intended to apply to individuals determined to be unlawfully
15 present in the United States, for whom different public safety and immigration enforcement
16 considerations apply.

17 2 New Subdivision; Post-Arrest Photograph Distribution. Amend RSA 105 by inserting after
18 section 19 the following new subdivision:

19 Post-Arrest Photograph Distribution

20 105:20 Post-Arrest Photograph Distribution; Limitations.

21 I. In this section:

22 (a) "Nonviolent offense" means any offense that is not a violent offense.

23 (b) "Violent offense" means any felony or class A misdemeanor that has as an element
24 the use, attempted use, or threatened use of physical force against a person.

25 II. Post-arrest photographs, or mugshots, taken by law enforcement officers of persons
26 arrested for nonviolent offenses shall be considered records compiled for investigatory purposes and
27 shall not be subject to RSA 91-A, and shall not be published, released, or disseminated to the public
28 or the media unless and until the subject has been convicted of an offense arising out of the arrest.

29 III. Law enforcement officers may release post-arrest photographs for nonviolent offenses
30 prior to conviction if:

HB 1302 - AS INTRODUCED

- Page 2 -

1 (a) The subject presents an immediate threat or danger to the public and release of the
2 photograph is necessary to protect public safety; or

3 (b) The subject has failed to appear in court after being released on bail or is suspected
4 of committing a subsequent offense while on bail, and the assistance of the public is necessary to
5 locate the subject after reasonable nonpublic methods of location have been exhausted.

6 IV. The restrictions in this section shall not apply to individuals who are determined by law
7 enforcement or federal authorities to be unlawfully present in the United States. Law enforcement
8 agencies may publish, release, or disseminate post-arrest photographs of such individuals regardless
9 of conviction status.

10 V. Any release or dissemination of post-arrest photographs under this section shall be
11 documented by the releasing agency, including the date of release, the recipient of the photograph,
12 and the reason for the release.

13 VI. Nothing in this section shall prohibit the sharing of post-arrest photographs with other
14 law enforcement agencies, prosecutors, or witnesses as part of a valid law enforcement function.
15 Nothing in this section shall affect the collection, use, or dissemination of photographs of convicted,
16 registered offenders under RSA 651-B.

17 3 Effective Date. This act shall take effect 60 days after its passage.