

HB 206-FN - AS INTRODUCED

2025 SESSION

25-0066

09/08

HOUSE BILL            **206-FN**

AN ACT                relative to government agent entries into secured premises.

SPONSORS:            Rep. Spillane, Rock. 2; Rep. Edwards, Rock. 31; Rep. Granger, Straf. 2; Rep. Osborne, Rock. 2; Rep. Popovici-Muller, Rock. 17; Rep. Roy, Rock. 31; Rep. Turcotte, Straf. 4; Rep. Lynn, Rock. 17; Rep. Kofalt, Hills. 32; Sen. McGough, Dist 11; Sen. Gannon, Dist 23; Sen. Innis, Dist 7

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

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

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 government agent entries into secured premises.

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

1 1 Short Title. This act may be known and cited to as the "New Hampshire Private Lands  
2 Protection Act".

3 2 New Section; Warrantless Searches. Amend RSA 595-A by inserting after section 10 the  
4 following new section:

5 595-A:11 Warrantless Searches.

6 I. For purposes of this section:

7 (a) "Government agent" means any local or state official, except where otherwise noted,  
8 who is employed or contracted by a government body in this state.

9 (b) "Probable cause" means the presence of facts and circumstances within the  
10 government agent's knowledge that would warrant a person of reasonable caution to believe that an  
11 offense has been or is being committed.

12 (c) "Secured premises" means privately-owned land which is posted in a manner  
13 prescribed by RSA 207:22-a and 635:4; which is otherwise posted in a manner reasonably likely to  
14 come to the attention of intruders; or which is fenced or otherwise enclosed in whole or in part so as  
15 to exclude intruders.

16 (d) "Warrant" means a court order authorizing a search or seizure that is supported by  
17 individualized probable cause and executed by a magistrate or judge.

18 II. Unless authorized by law, no government agent shall enter any secured premises without  
19 a search warrant except:

20 (a) After receiving the permission of the property owner, lessee, or occupant; or

21 (b) To respond to exigent circumstances, such as a life-threatening emergency or another  
22 immediate threat to public safety that was either reported to the agent or the agent personally  
23 observed.

24 III. Upon entering private land, a government agent shall immediately notify the  
25 landowner, lessee, or occupant if notice can be reasonably made.

26 IV. Unless entering private land pursuant to consent or exigent circumstances, a  
27 government agent shall show the search warrant authorizing entry to the property owner, lessee, or  
28 occupant if they are present.

29 V. A government agent shall not seize any private property from a secured premises without  
30 first acquiring a warrant authorizing said seizure, or unless the agent has entered the secured

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1 premises pursuant to consent or exigent circumstances and has individualized probable cause of the  
2 commission of a criminal offense justifying said seizure.

3 VI. Any evidence obtained pursuant to a search or seizure conducted in violation of this  
4 section is inadmissible in any administrative, civil, or criminal proceeding.

5 VII. Any arrest made pursuant to a search or seizure conducted in violation of this section is  
6 invalid.

7 VIII. The provisions of this section shall not apply to conservation officers and other officers  
8 of the fish and game commission, who may exercise the authority granted to them pursuant to RSA  
9 206:26, I, to go upon any property outside of buildings to the extent necessary for enforcing the  
10 state's laws, rules, and regulations related to wildlife.

11 IX. Nothing in this section shall be construed to limit, restrict, or impair the access of any  
12 governmental or regulatory agency to buildings, businesses, or other premises as provided by law.

13 3 Effective Date. This act shall take effect January 1, 2026.

LBA  
25-0066  
11/27/24

**HB 206-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                    relative to government agent entries into secured premises.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2025 through 2028.

**AGENCIES CONTACTED:**

Department of Justice