

HB 1329 - VERSION ADOPTED BY BOTH BODIES

22Feb2018... 0293h  
3May2018... 1845-EBA

2018 SESSION

18-2029  
08/04

HOUSE BILL            **1329**

AN ACT                relative to eyewitness identification procedures.

SPONSORS:            Rep. O'Leary, Hills. 13; Rep. Cushing, Rock. 21; Rep. Fields, Belk. 4

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill requires certain law enforcement agencies to adopt a written policy regarding eyewitness identification procedures.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to eyewitness identification procedures.

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

1 1 New Chapter; Eyewitness Identification Policy. Amend RSA by inserting after chapter 595-B  
2 the following new chapter:

3 CHAPTER 595-C

4 EYEWITNESS IDENTIFICATION POLICY

5 595-C:1 Definitions. In this chapter:

6 I. "Live lineup" means an identification procedure in which a group of persons, including  
7 the suspected perpetrator of an offense and other persons not suspected of the offense, is displayed  
8 to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as  
9 the perpetrator.

10 II. "Photo lineup" means an identification procedure in which an array of photographs,  
11 including a photograph of the suspected perpetrator of an offense and additional photographs of  
12 other persons not suspected of the offense, is displayed to an eyewitness either in hard copy form or  
13 via computer for the purpose of determining whether the eyewitness identifies the suspect as the  
14 perpetrator.

15 III. "Show-up" means an identification procedure in which an eyewitness is presented with  
16 a single suspect for the purpose of determining whether the eyewitness identifies this individual as  
17 the perpetrator.

18 595-C:2 Written Policy Required. Each state, county, and local law enforcement agency that  
19 conducts photo lineups, live lineups, or show-ups shall adopt a written policy that sets forth the  
20 manner in which they shall be conducted. Such policy shall conform to the standards and  
21 procedures established by the office of the attorney general and as contained in the latest version of  
22 the law enforcement manual pertaining to pretrial identification procedures. Such written policy  
23 shall be kept on file and available for inspection by the attorney general.

24 2 Effective Date. This act shall take effect January 1, 2019.