

Amendment to HB 628-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT requiring the attorney general to report on the Transportation Security
4 Administration (TSA) pat-down-search regulations, establishing a committee to
5 study TSA policies and procedures, and requiring articulation and recording of the
6 basis for enhanced pat-down searches.
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8 Amend the bill by replacing all after the enacting clause with the following:

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10 1 Report on TSA Pat-Down-Search Regulations. The attorney general shall, no later than 90
11 days after the effective date of this section, report to the legislature regarding appropriate legal
12 action for the state of New Hampshire against the Transportation Security Administration (TSA) to
13 enjoin the implementation of, or have declared unconstitutional, the TSA's pat-down-search
14 regulations that permit TSA employees to touch a person's breasts or genitals or electronically view
15 the same during airport screening or any other security screening activity.

16 2 Committee to Study TSA Policies and Procedures.

17 I. There is established a committee to study TSA policies and procedures. The members of
18 the committee shall be as follows:

19 (a) Three members of the house of representatives, at least one of whom shall be a
20 member of the criminal justice and public safety committee, appointed by the speaker of the house of
21 representatives.

22 (b) Two members of the senate, appointed by the president of the senate.

23 II. Members of the committee shall receive mileage at the legislative rate when attending to
24 the duties of the committee.

25 III. The committee shall review policies and procedures of the Transportation Security
26 Administration (TSA) to see whether they are necessary, reasonable, and consistent with the
27 Constitution of the United States. The committee shall also determine what actions the state of New
28 Hampshire may take to eliminate unnecessary, unreasonable, or unconstitutional practices by TSA
29 personnel at New Hampshire airports or any other security screening location.

30 IV. The members of the study committee shall elect a chairperson from among the members.
31 The first meeting of the committee shall be called by the first-named house member. The first
32 meeting of the committee shall be held within 45 days of the effective date of this section. Three
33 members of the committee shall constitute a quorum.

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1 V. The committee shall report its findings and any recommendations for proposed legislation
2 to the speaker of the house of representatives, the president of the senate, the house clerk, the
3 senate clerk, the governor, and the state library on or before November 1, 2011.

4 3 New Section; Pat-Down Searches. Amend RSA 422 by inserting after section 9 the following
5 new section:

6 422:9-a Pat-Down Searches. Any person responsible for airline passenger safety shall have
7 reasonable suspicion for any enhanced pat-down search, shall state that reasonable suspicion to the
8 passenger who is the subject of the search, and shall record such suspicion in an official log which
9 shall be submitted to the secretary of state on a monthly basis.

10 4 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill requires the attorney general to report on the Transportation Security Administration (TSA) pat-down-search regulations and establishes a committee to study TSA policies and procedures. This bill also requires that reasonable suspicion for enhanced pat-down searches be articulated and recorded.