

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

[Revised Statutes Annotated of the State of New Hampshire](#)
[Title VII. Sheriffs, Constables, and Police Officers \(Ch. 104 to 106-K\) \(Refs & Annos\)](#)
[Chapter 105. Police Officers and Watchmen \(Refs & Annos\)](#)

N.H. Rev. Stat. § 105:13-b

105:13-b Confidentiality of Personnel Files.

Effective: June 27, 2012

[Currentness](#)

I. Exculpatory evidence in a police personnel file of a police officer who is serving as a witness in any criminal case shall be disclosed to the defendant. The duty to disclose exculpatory evidence that should have been disclosed prior to trial under this paragraph is an ongoing duty that extends beyond a finding of guilt.

II. If a determination cannot be made as to whether evidence is exculpatory, an in camera review by the court shall be required.

III. No personnel file of a police officer who is serving as a witness or prosecutor in a criminal case shall be opened for the purposes of obtaining or reviewing non-exculpatory evidence in that criminal case, unless the sitting judge makes a specific ruling that probable cause exists to believe that the file contains evidence relevant to that criminal case. If the judge rules that probable cause exists, the judge shall order the police department employing the officer to deliver the file to the judge. The judge shall examine the file in camera and make a determination as to whether it contains evidence relevant to the criminal case. Only those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential and shall be returned to the police department employing the officer.

[Notes of Decisions \(11\)](#)

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N.H. Rev. Stat. § 105:13-b, NH ST § 105:13-b

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