

Committee Report

CONSENT CALENDAR

February 12, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Education to which was referred HB
545,

**AN ACT prohibiting law enforcement officers from
questioning a minor at school without a parent or
guardian present. Having considered the same, report
the same with the following resolution: RESOLVED, that
it is INEXPEDIENT TO LEGISLATE.**

Rep. Sue Mullen

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 545
Title:	prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.
Date:	February 12, 2019
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would prevent law enforcement officers from questioning a minor at school without a parent or guardian present. The committee recognizes the importance of school administration in conjunction with local school resource officers having the freedom to conduct an investigation in a timely manner. Requiring parents or guardians to be in attendance would hamper a school's ability to gather information.

Vote 17-2.

Rep. Sue Mullen
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 545, prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present. **INEXPEDIENT TO LEGISLATE.**

Rep. Sue Mullen for Education. This bill would prevent law enforcement officers from questioning a minor at school without a parent or guardian present. The committee recognizes the importance of school administration in conjunction with local school resource officers having the freedom to conduct an investigation in a timely manner. Requiring parents or guardians to be in attendance would hamper a school's ability to gather information. **Vote 17-2.**

COMMITTEE REPORT

Mullen

COMMITTEE: Education

BILL NUMBER: HB 545

TITLE: Prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

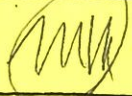
DATE: 2/12/19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

This bill would prevent law enforcement officers from questioning a minor at school without a parent or guardian present. The committee recognizes the importance of school ~~personnel~~ ^{administration}, in conjunction with local school resource officers, having the freedom to conduct an investigation ~~in~~ in a timely manner. Requiring parents or guardians to be in attendance would hamper a school's ability to gather information.

COMMITTEE VOTE: 17-2 

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Sue Mullen
For the Committee

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 545

BILL TITLE: prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

DATE: February 5, 2019

LOB ROOM: 207

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Mullen

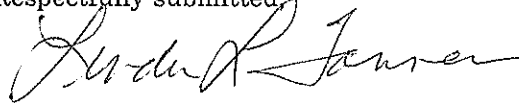
Seconded by Rep. Woodcock

Vote: 17-2

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda R. Tanner".

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 545

BILL TITLE: prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

DATE: 2/12/09

LOB ROOM: 207

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. Mullen Seconded by Rep. WOODCOCK Vote: 17-2

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Linda L. Tanner
Rep Linda Tanner, Clerk

OFFICE OF THE HOUSE CLERK



1/16/2019 11:47:04 AM
Roll Call Committee Registers
Report

2019 SESSION

Education

Bill #: 545 Motion: ITL AM #: _____ Exec Session Date: 2/12/19

Prohibiting law enforcement officers from questioning a minor at school without presence of a parent or guardian present.

Members	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Myler, Mel Chairman	17		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.	2		
Cornell, Patricia	3		
Doherty, David B.	4		
Le, Tamara N.	5		
Tanner, Linda L. Clerk	6		
Ellison, Arthur S.	7		
Mullen, Sue M.	8		
Riel, Cole J.	9		
Vallone, Mark	10		
Woodcock, Stephen L.	11		
Ladd, Rick M.	12		
Cordelli, Glenn		1	
Elliott, Robert J.			
Boehm, Ralph G.	13		
Wolf, Dan H.	14		
Allard, James C.	15		
Forsythe, Robert L.		2	
Lekas, Alicia D.	16		
TOTAL VOTE:	17	2	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 545

BILL TITLE: prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

DATE: February 6, 2019

LOB ROOM: 207

Time Public Hearing Called to Order: 11:03 a.m.

Time Adjourned: 11:30 a.m.

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Cordelli, Boehm, Wolf, Allard, Forsythe and A. Lekas

Bill Sponsors:

Rep. Love

Rep. Comtois

Rep. French

Rep. Janvrin

Rep. Nunez

Rep. Greene

Rep. Fowler

Rep. Abramson

Rep. Yakubovich

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(1.) Rep. Love - Sponsor - Introduced bill

- Prohibiting law enforcement question minor without parents or guardian present
- Bullying incident..was interview by a police officer
- Minors have constitutional rights as well..
- School acts in Local Protocol. . Schools don't have best interest of child

QUESTION: Exception for emergency?

ANSWER; Imminent harm is in the bill.

QUESTION: Does this interfere with a teacher or resource officers questioning about anything how can you not question a child?

ANSWER: Resource officers are police if you think a law has been broken.

QUESTION: If a child is not in school..Miranda rights stick..now have to call the parents on the other side of the street..this is about school property..seems like it is different in school.

QUESTION: Questioning and interrogation?

ANSWER: Yes if a crime is committed they need to call the parents.

QUESTION: Accused of an unlawful act ?

ANSWER: Can't do it without parents.

QUESTION: Parent has to be present..call or present..waive rights to be there.

QUESTION: School rules can a SRO talk about them?

ANSWER: No

QUESTION: How have courts seen this..if constitution would we hear on this no?

QUESTION: What about multiple students witnesses etc. can be questioned?

ANSWER: No can not without parent

(2.) Timothy King - Opposes

- Stifles interaction and resolution. Should be a local protocol
- RSA 139c38 gives permission to talk with kids
- Bill have wide berth
- Have SRO, have protocols, Benoit is child version of Miranda, have constitutional law
- Violates what local municipalities want to do in their school
- Questioning when parent is abusing etc.

QUESTION: How do you create a local policy?

ANSWER: Brought to police by administration..

(3.) Barrett Christina - NHSBA - opposes

- Inhabit and cause a barrier between SRO's
- Foster relationships as well as a presents there
- Local School Board can adopt policies.

QUESTION: Do you have a model policy?

ANSWER: Yes there is a MOU for SRO and local police department
193-D safe schools

(4.) Senator Guida - Supports bill with Amendment

- This bill protects the child. The parent is legally responsible for the child.
- This Natural right of parents
- Interest of the child

QUESTION: RSA 169-C Are you aware of this law 1979?

ANSWER: Just provides protection in adversarial situations within the schools...principals job.


QUESTION: Could a child be put in a situation at home?

ANSWER: It is in law.

QUESTION: If a parent is committing an illegal act at home?

ANSWER: 4th amendment.

Respectfully submitted:


(Rep. Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 545

BILL TITLE: prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

DATE: 2/6/2019

ROOM: 207

Time Public Hearing Called to Order: 11:03

Time Adjourned: 11:30

(please circle if present)

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Wolf, Allard, Forsythe and A. Lekas

Bill Sponsors:

Rep. Love

Rep. Janvrin

Rep. Fowler

Rep. Comtois

Rep. Nunez

Rep. Abramson

Rep. French

Rep. Greene

Rep. Yakubovich

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep Love introduced
- ② Timothy King Police Association oppose
- ③ B. Christina NHSBA Oppose-
- ④ Sen. Bob Guida Dist 2 Support

From: LT <tannerwindom@gmail.com>
Sent: Wednesday, February 06, 2019 4:04 PM
To: Johnston, Judith <Judith.Johnston@leg.state.nh.us>
Subject: Ed committee 2/6/19

HB545

Rep Love

Prohibiting law enforcement question minor without parents or guardian present

Bullying incident..was interview by a police officer

Minors have constitutional rights as well..

school acts in Loco Parentis. Schools dont have best interest of child

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? Do you have a model policy..yes there is a MOU for SRO and local police department

193-D safe schools

1. Senator Guida

This bill protects the child. The parent is legally responsible for the child.

ThisNatural right of parents

Interest of the child

?RSA 169-C are you aware of this law 1979 ..just provides protection in adversarial situations within the schools...principals job

? Could a child be put in a situation at home...it is in law

Testimony

Education Committee

As a retired school teacher of 38 years, I would like to testify in favor of Bill 545.

I believe minor-aged children should not be interrogated by law enforcement officers at school in instances other than where child abuse might be suspected, or there is a serious safety issue. The very circumstances that may create the need for a child to be questioned may also lead to the child's being traumatized by questioning especially without a known emotional support available during the interview. Parents/guardians are the adults that are most likely to be able to supply the emotional support a child would need during questioning. They may also wish to seek counsel for their child. This would not happen if parents are not present.

Adults who are being questioned by law enforcement officers are entitled to support. The same should apply to minor children.

Please vote in favor of this bill.

Thank you for taking my testimony.



Elaine French
New Hampshire Representative
Grafton District 14

Child and Family Law Committee
Gun Violence Prevention Caucus
Commission to Review Child Abuse Fatalities

Amendments

Rep. Love, Rock. 6
February 6, 2019
2019-0331h
08/04

not adopted

Amendment to HB 545

1 Amend RSA 193-D:10 as inserted by section 1 of the bill by replacing it with the following:

2

3 193-D:10 Questioning of Minors. No law enforcement officer shall question a minor student on
4 school property without the minor's parent or guardian present during the course of an
5 investigation of any alleged unlawful act or violation of school rules or regulations by the student
6 except to prevent imminent death or serious harm to persons or property. For purposes of this
7 section, "law enforcement officer" shall include school resource officers.

UNAPPROVED

Rep. Love, Rock. 6
February 1, 2019
2019-0238h
08/04

Amendment to HB 545

not adopted

1 Amend RSA 193-D:10 as inserted by section 1 of the bill by replacing it with the following:

2

3 193-D:10 Questioning of Minors. No law enforcement officer shall not question a minor student
4 on school property without the minor's parent or guardian present during the course of an
5 investigation of any alleged unlawful act or violation of school rules or regulations by the student
6 except to prevent imminent death or serious harm to persons or property. For purposes of this
7 section, "law enforcement officer" shall include school resource officers.

ONLY APPROVED

Bill as
Introduced

HB 545 - AS INTRODUCED

2019 SESSION

19-0406
08/06

HOUSE BILL **545**

AN ACT prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

SPONSORS: Rep. Love, Rock. 6; Rep. Comtois, Belk. 7; Rep. French, Graf. 14; Rep. Janvrin, Rock. 37; Rep. Nunez, Hills. 37; Rep. Greene, Hills. 37; Rep. Fowler, Rock. 20; Rep. Abramson, Rock. 20; Rep. Yakubovich, Merr. 24

COMMITTEE: Education

ANALYSIS

This bill prohibits law enforcement officers from questioning a minor on school property without a parent or guardian present.

.....

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through~~].
 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 Nineteen

AN ACT prohibiting law enforcement officers from questioning a minor at school without a parent or guardian present.

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

1 1 New Section; Questioning of Minors. Amend RSA 193-D by inserting after section 9 the
2 following new section:

3 193-D:10 Questioning of Minors. Law enforcement is prohibited from questioning a minor
4 student on school property without the minor's parent or guardian present during the course of an
5 investigation of any crime. For purposes of this section, law enforcement shall include school
6 resource officers.

7 2 Effective Date. This act shall take effect 60 days after its passage.