

Bill as
Introduced

HB 153 - AS AMENDED BY THE HOUSE

7Mar2019... 0374h

2019 SESSION

19-0094

01/04

HOUSE BILL **153**

AN ACT relative to circumstances under which police officer disciplinary records shall be public documents.

SPONSORS: Rep. Berch, Ches. 1; Rep. K. Murray, Rock. 24

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill makes certain records concerning law enforcement officers which have been subject to the right-to-know law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to circumstances under which police officer disciplinary records shall be public documents.

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

1 1 New Section; Certain Disciplinary Records Subject to Right-to-Know Law. Amend RSA 106-L
2 by inserting after section 5 the following new section:

3 106-L:5-a Certain Records Subject to Right-to-Know Law.

4 I. In this section, "disciplinary records" mean complaints, charges or accusations of
5 misconduct, replies to those complaints, charges, or accusations, and any other information or
6 materials that have resulted in final disciplinary action.

7 II.(a) Upon completion of an investigation, any record which includes a finding that a law
8 enforcement officer subject to this chapter discharged a firearm which led to death or serious injury
9 shall be a public record under RSA 91-A.

10 (b) Any disciplinary record in which there has been a final adjudication of a matter
11 involving a law enforcement officer subject to this chapter who was found guilty of sexual assault as
12 defined in RSA 632-A, or in which there was a sustained finding of dishonesty by a law enforcement
13 officer including perjury, false statements, filing false reports destruction, or falsifying or concealing
14 evidence, shall be a public record under RSA 91-A.

15 III. Nothing in this section shall limit the ability of a public agency or public body, as
16 defined in RSA 91-A:1-a, to withhold the names, addresses, dates of birth, and other personal
17 information of victims or other private persons where disclosure of such information would
18 constitute an invasion of privacy under RSA 91-A:5, IV.

19 2 Effective Date. This act shall take effect January 1, 2020.

Committee Minutes

SENATE CALENDAR NOTICE

Judiciary

Sen Martha Hennessey, Chair
 Sen Shannon Chandley, Vice Chair
 Sen Melanie Levesque, Member
 Sen Sharon Carson, Member
 Sen Harold French, Member

Date: April 5, 2019

HEARINGS

Thursday	04/11/2019
(Day)	(Date)
Judiciary	SH 103
(Name of Committee)	(Place)
	1:00 p.m.
	(Time)

Note: The Committee will meet at 1:00pm or 30 minutes following the end of Session.

1:00 p.m.	HB 491	relative to questioning and detaining suspects.
1:20 p.m.	HB 153	relative to circumstances under which police officer disciplinary records shall be public documents.
2:00 p.m.	HB 155	relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.
2:40 p.m.	HB 486	relative to department of corrections procedures concerning the requirement for restoration of the voting rights of felons.
3:10 p.m.	HB 349	relative to a second opinion on health care matters for state and county prisoners.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 491	Rep. Rodd	Rep. Keans	Rep. Opderbecke	Rep. Almy
HB 153	Rep. Berch	Rep. K. Murray		
HB 155	Rep. Berch	Rep. Bordenet	Rep. Conley	Rep. Keans
	Rep. Abbott	Rep. K. Murray	Rep. Janvrin	Rep. Sylvia
	Rep. McLean	Rep. Gagne		
HB 486	Rep. Klein-Knight	Rep. Bouchard	Rep. Kenney	Rep. Espitia
	Rep. Amanda Bouldin	Rep. Query		
HB 349	Rep. Amanda Bouldin	Rep. Berch	Rep. Butler	Rep. J. Schmidt
	Rep. Almy	Rep. K. Murray	Rep. Riel	Sen. Reagan
	Sen. Hennessey	Sen. Watters		

Jennifer Horgan 271-2609

Martha S. Hennessey
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-2609

HB 153, relative to circumstances under which police officer disciplinary records shall be public documents.

Hearing Date: April 11, 2019

Time Opened: 2:06 p.m

Time Closed: 2:59 p.m.

Members of the Committee Present: Senators Hennessey, Chandley, Levesque, Carson and French

Members of the Committee Absent : None

Bill Analysis: This bill makes certain records concerning law enforcement officers which have been subject to the right-to-know law.

Sponsors:

Rep. Berch

Rep. K. Murray

Who supports the bill: Representative Berch; Representative Keans; Gilles Bissonnette, ACLU-NH; Anthony Sculimbrane, NHACDL; Chris Dornin, Citizens for Criminal Justice Reform

Who opposes the bill: John Krupski, NH Police Association; Patrick Cheethan, NH Police Association; Kenneth A. Chamberlain, NH Police Association/Manchester Police Patrolman's Association; Bob Blaisdell, NH Troopers Association

Summary of testimony presented in support:

Representative Berch

- This is an accountability and transparency bill.
- The core concept is that it makes three particular areas of police conduct subject to RSA91-A.
- The disclosure would be allowed irrespective or not irrespective of wrongdoing in officer involved shootings that have led to serious injury or death.
- Disclosure of disciplinary records, if any, would also be allowed if an officer is found guilty of sexual assault.
- Finally, if there is a sustained finding of dishonesty by a law enforcement officer: perjury, false statements, filing false, etc.
- This takes the most serious kinds of police accountability issues and creates an access route for RSA91-A.
- The bill includes the normal provisions to allow withholding names, addresses,

and identifiers of victims or private persons. Those would not have to be disclosed. That is already part of RSA91-A

- This is similar to what has been adopted in the majority of states.
- Society depends on the proper use of the authority that officers are given.
- This will increase community confidence that mistakes are taken seriously.
- Studies have shown that many officers believe discipline is unfairly and inconsistently applied.
- Disciplinary actions are not the same for public mistakes as it is for non-public ones.
- This is a non-partisan effort.
- Senator Chandley asked why any discharge of a weapon is not included in this and is 'serious injury' defined in the statute.
 - The bill is written to take the most serious category of shootings. 'Serious bodily injury' is frequently defined in the area of assault. This is talking about death or serious bodily injury; those are so serious that the public has the right to know what happened.
- Senator Carson pointed out that on lines 7-9 it says upon completion of an investigation and not the conclusion of adjudication. Asked if it would be better to make sure the court process has been taken care of before releasing the records.
 - Section B says 'a final adjudication of a matter' that is talking about a court case where someone has been found guilty of sexual assault. There are a lot of matters that are concluded without a court adjudication. If this required court adjudication, there could be a whole class of cases you would never see. If there is a shooting and a decision was made not to prosecute, those records may never be known to the public.
- Senator Carson asked what a 'sustained finding' refers to in Section 2.
 - The purpose of putting it that way is to avoid the requirement of having a court adjudication. For example, if an officer was determined through a disciplinary process to have lied in court and the police decide to let that person go and not have the person prosecuted. 'Sustained finding' means that a body that has an ability to make a finding has found. If there is better language, he does not know.
- Senator Carson asked what happens if someone says I do not accept that finding and I am going to court to clear my name. Asked when that record is going to be released. There is not adjudication referenced in this.
 - After the process is finished. A court can determine that there was no bad conduct. If an officer is suspected to have given false witness and the chief or the police commission decide he has committed that misconduct, should that stay secret for years due to the potential of an officer appealing it.
- Senator Carson pointed out that this comes down to due process and depending on the term 'sustained finding' this is not giving officers due process. These officers have the right to confront in court any accusation made against them.
 - Does not have a problem adding in 'including a court determination if

such a process is invoked’.

- Senator Chandley asked if he would be okay referencing RSA625 for the definition of ‘serious bodily injury’.
 - Does not have a quarrel with that.

Anthony Scalimbrane (NHCDL)

- The public has the right to know for they same reason they have the right to know if their doctor has been disciplined by the Medical Board or if their child’s teacher has an abuse issue in their past.
- Thinks the concerns brought forward are good, but fundamentally this about giving people the opportunity to see what their government is doing.
- We invest a lot of power and authority in the police and they have been exceptionally good at using that power, but in the instance they don’t the public has a right to know.
- Right now, the standard is unclear.
- Attorney General Foster issued a memo known as EES and Attorney General MacDonald amended it. There is a lot of uncertainty surrounding the List.
- Sometimes is shocked that people are put on the List and sometimes shocked that they have not been put on the List.
- Senator Levesque asked if he has seen the amendment that was presented.
 - The retroactivity that is standard. Tying it in to the language for perjury and false statements makes sense, however thinks the court would do that automatically.

Gilles Bissonette (ACLU) (provided written testimony)

- This is pretty narrow bill dealing with pretty discrete categories of disciplinary documents.
- Does not think this is solution in search of a problem.
- Knows if he requests these documents under RSA91-A now he will not get them.
- There is no privacy interest with respect to this information, as it only includes specific official police behavior regarding misconduct.
- This does not deal with personal, private information.
- The public interest for this information is really high.
- This is talking about government employees that are vested with authority to detain people and use a firearm.
- Officers are professional witnesses that are given an aura of credibility in the court, but with that comes a need for transparency.
- With respect to retroactivity, would oppose making it retroactive.
- The bill as written is not retroactive because what is triggered in 91-A is the operative date of the 91-A request.
- Changing the language to ‘after the completion of an investigation by the Department of Justice’ makes sense.
- With respect to the officer involved shooting an investigation has already completed so there is no concern for public influence.
- Requiring a finding of guilt is incredibly problematic.
- There are officers that have been terminated, not necessarily criminally charged, due to issues concerning dishonesty and trustworthiness.

- The public has a right to know that information even if there has not been a conviction.
- With respect to 'bodily injury', agrees that should be defined in a better way "lead to death or serious bodily injury as defined under RSA625:11"
- With respect to the 'sustained finding' definition, there is already a working definition in the Department of Justice's April 2018 memorandum.
- 'Sustained' means that the evidence obtained during investigation was sufficient to prove the act occurred.
- Reads that to deal with an officer that has gone through the complete internal grievance process and therefore has received process.
- There already is a grievance process.
- For criminal defendants that are arrested the police release their information to the public without any due process.
- This grievance process is more than most people get in terms of public information.

Chris Dronin (Citizens for Criminal Justice Reform)

- Thinks any conviction by an officer ought to be accessible to the defendant.
- The List of cases released to the defendant is too small.
- Thinks an appeal can proceed through the court process and the officer can get his due process.
- If an individual is facing trial and the officer arresting him is still going through his own process, he is being prevented his own due process rights. He is entitled to the evidence against him now.
- It is odd that any officer is still working after committing any of these offenses.
- Senator French asked if a defendant had access to accusations against an officer and the defendant got off because of those accusations but then it was found out those accusations against the officer were false, doesn't that give him an unfair position.
 - In rare cases that might happen, the defense attorney and the prosecutor could deal with the issue in the trial.
- Senator French asked if the accusations would then be made public during the trial.
 - Yes, they would. Not for shielding officers as thoroughly as other people in the room.

Summary of testimony presented in opposition:

John Krupski and Patrick Cheetham (NH Police Association) (provided written testimony)

- This is a solution looking for a problem.
- Procedures set forth by the Department of Justice, the Attorney General's Office, and case law already address most of these instances.
- In the effort to be transparent and accountable to the public has an amendment.
- The bill should not have a retroactive effect.
- Many people over the years have not fully adjudicated their claims for a number of reasons and they would not have the ability adjudicate it now because they

- would be time barred if this was retroactive.
- Asks that lines 7-8 state 'after January 1, 2020' which is also the effective date of the bill.
 - Would also suggest changing the language on lines 9-13 to 'after the completion of an investigation by the Department of Justice.'
 - Right now, it only says 'after an investigation' is that an investigation by the local news, the local PD, or by anyone?
 - Whenever there is a use of force or a discharge of a firearm the Department of Justice requires that a review be done (RSA627:4 and RSA627:5).
 - Automatically the Attorney General investigates this and after they complete their investigation it is generally released to the public.
 - There is an exception to require that it not interfere with a criminal investigation or proceeding.
 - When the Attorney General is looking at a use of force it is criminal investigation and they are looking to see if a crime has been committed.
 - Officers have full rights and therefore should have a presumption of innocence just like anyone else.
 - The instances of a finding of guilt of sexual assault or a sustained finding of dishonesty can already be addressed in existing statutes.
 - Would suggest adding in the RSA references: a guilty finding of perjury (RSA641:1), false statements (RSA641:2), filing false reports (RSA641), and falsifying and concealing evidence (RSA641:6). This creates a standard.
 - What does dishonesty really mean? It means different things to different people.
 - The bill as written leaves too many things up to interpretation and creates a due process problem.
 - Does not feel this bill is necessary because RSA105:13-b and the rules and regulations of the Department of Justice and the Attorney General already addresses this.
 - If someone goes to court it becomes part of the public record.
 - Publicity can affect an officer and this bill opens this up to publicity.
 - In light of the gravity of disclosing an officer's file, there should be procedural safeguards.
 - This will be a fishing expedition with people requesting the files of an entire department.
 - Is not looking to protect bad cops but is here to make sure due process is done.
 - As the gravity of something gets higher the due process needs to be higher as well.
 - Senator Carson asked on line 14 if the proposed language of 'final adjudication' is referencing a court process.
 - Yes. This has to be a court proceeding because these are a criminal acts.
 - Senator Hennessey asked if there is a difference between 'upon' and 'after' in this case
 - It is probably synonymous, but 'after' is just clearer.
 - Senator Hennessey asked if the addition on lines 7-8 means that none of this will apply to people who been found guilty in the past.

- It is a distinction without a difference. If an officer has improperly used the use of force the Attorney General would have investigated and that would be public information. If you are found guilty of a crime that is a public record. The only distinction here is this will affect those individuals who may have decided to move on rather than fight this. There is no way to know if those knew at the time that this would be at play would they have made the same decision.

jch

Date Hearing Report completed: April 16, 2019

Speakers

Testimony



**Statement by Gilles Bissonnette, ACLU-NH Legal Director
Senate Judiciary Committee
House Bill 153
April 11, 2019**

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (“ACLU-NH”), a non-partisan, non-profit organization working to protect civil liberties for over 50 years. Under House Bill 153, disciplinary records where there has been a final adjudication that a police officer (i) discharged a firearm which led to death or serious injury, (ii) was found guilty of sexual assault, as defined in RSA 632-A, or (iii) has engaged in dishonesty resulting in a sustained finding shall be public under Chapter 91-A. Though we believe that this information is already subject to Chapter 91-A where the public interest in disclosure trumps any privacy interest in nondisclosure, this bill would clarify the law and, in so doing, promote government accountability concerning the official activities of the police. We respectfully urge the Committee to vote HB153 *ought to pass*.

I. Law Enforcement Has Incorrectly Interpreted the Law as Providing Special Protections to the Police That Do Not Exist for Other Government Employees. This Bill Clarifies What the Law Already Makes Clear—That There Should Be No Special Protections.

The law already clearly requires that the “personnel files”—including disciplinary files—of government officials, including police officers, are not categorically exempt from disclosure under Chapter 91-A. Instead, such files are subject to Chapter 91-A if the government entity can meet its burden of showing that the privacy interest in nondisclosure trumps the public interest in disclosure. *See Reid v. N.H. A.G.*, 169 N.H. 509, 528 (2016) (“We now clarify that ... ‘personnel ... files’ are not automatically exempt from disclosure. For those materials, ‘th[e] categorical exemption[,] [in RSA 91-A:5, IV] mean[s] not that the information is per se exempt, but rather that it is sufficiently private that it must be balanced against the public’s interest in disclosure.’”) (internal citations omitted).

Despite this clear statement of the law, police officers have argued that they have special protections under this statute whereby disciplinary files in their personnel files—unlike disciplinary files of all other government employees—are automatically exempt from disclosure under Chapter 91-A without any public interest balancing analysis. This view is based, in part, on their incorrect interpretation of RSA 105:13-b—a statute that governs the disclosure of exculpatory information in police personnel files to criminal defendants in criminal cases. However, law enforcement misread this statute for two reasons—reasons that are being discussed in pending litigation addressing the Attorney General’s efforts to conceal the so-called “Laurie List.” First, nothing in RSA 105:13-b suggests that this statute trumps or abrogates the Right-to-Know Law and its public-interest balancing analysis; rather, RSA 105:13-b’s text concerning confidentiality of police files applies only in the narrow context of criminal prosecutions where exculpatory evidence is implicated. Second, when the legislature considered RSA 105:13-b in 1992 it specifically deleted a Chapter 91-A exemption for police personnel files. Thus, the legislature’s intent was to subject police personnel files to Chapter 91-A balancing principles.

However, despite the clear will of the legislature, law enforcement has unilaterally viewed disciplinary information as *per se* exempt under Chapter 91-A where the personnel files of all other government employees are subject to public interest balancing under Chapter 91-A. HB153 clarifies what the law already makes clear—namely, that these special protections do not exist.

II. There Is No Privacy Interest in this Information

The information at issue in this bill is narrow—it only includes specific, official police behavior where there has been discipline or sustained misconduct. It does not implicate private medical information, or any other information that implicates a privacy interest. Indeed, New Hampshire courts have rejected the notion that public officials have a privacy interest concerning official acts. *Proof's Firefighters of N.H. v. Local Gov't Ctr.*, 159 N.H. 699, 709 (2010); (holding that the government must disclose specific salary information of *public firefighters* notwithstanding RSA 91-A:5, IV); *Mans v. Lebanon School Board*, 112 N.H. 160, 164 (1972) (government must disclose the names and salaries of each *public schoolteacher employed by the district*).

Courts have also roundly rejected the concept of police officers having a privacy interest with respect to their own misconduct. See *City of Baton Rouge/Parish of East Baton Rouge v. Capital City Press, L.L.C.*, 4 So.3d 807, 809-10, 821 (La. Ct. App. 1st Cir. 2008) (holding the public interest in records of investigation into police officers' use of excessive force trumps officers' privacy interest; "[t]hese investigations were not related to private facts; the investigations concerned public employees' alleged improper activities in the workplace"); *Md. Dep't of State Police v. Md. State Conference of NAACP Branches*, 190 Md. App. 359, 368 (Ct. Special App. Md. 2010) ("Racial profiling complaints against Maryland State Troopers do not involve private matters concerning intimate details of the trooper's private life *A State Trooper does not have a reasonable expectation of privacy as to such records.*") (emphasis added), *aff'd on other grounds*, 430 Md. 179 (Ct. App. Md. 2013); *Burton v. York County Sheriff's Dep't.*, 594 S.E.2d 888, 895 (S.C. Ct. App. 2004) (sheriff's department records regarding investigation of employee misconduct were subject to disclosure, in part, because the requested documents did not concern "the off-duty sexual activities of the deputies involved").

III. The Public Interest in the Public Having Access to this Information Is High.

It should go without saying that the public interest in disclosure of this information is high. In fact, the public interest in disclosure is greater with respect to police disciplinary records than it would be for the disciplinary records of other government employees. This is because police officers are unique public servants who have the special ability to deprive citizens of their life and liberty, and who appear as professional witnesses in criminal cases. The police should be held to a higher standard. As a result, the police do not have the same privacy rights as regular citizens or even other public employees with respect to their official conduct. And here, the information at issue in this bill concerns misconduct by the police. New Hampshire courts have made clear that uncovering misconduct is the very purpose of Chapter 91-A. See, e.g., *Union Leader Corp. v. New Hampshire Retirement System*, 162 N.H. 673, 684 (2011) (noting that a public interest existed in disclosure where the "Union Leader seeks to use the information to uncover potential governmental error or corruption"); *Professional Firefighters of N.H.*, 159 N.H. at 709 ("Public scrutiny can expose corruption, incompetence, inefficiency, prejudice and favoritism.").

For these reasons, the ACLU-NH supports HB153. Though we believe that the law already subjects the files at issue in this bill to public interest balancing under Chapter 91-A, we respectfully urge members of this Committee to vote *ought to pass* on this bill and, in so doing, make explicitly clear that certain police discipline records are subject to 91-A.

**AMENDMENT TO HB 153 RECOMMENDED BY
THE NEW HAMPSHIRE POLICE ASSOCIATION
BEFORE THE SENATE JUDICIARY COMMITTEE
APRIL 11, 2019**

2019 SESSION

HOUSE BILL 153 - AN ACT relative to circumstances under which police officer disciplinary records shall be public documents.

1 Amend the bill by replacing all after the enacting clause with the following:

2 1 New Section; Certain Disciplinary Records Subject to Right-to-Know Law.

3 Amend RSA 106-L by inserting after section 5 the following new section:

4 106-L:5-a Certain Records Subject to Right-to-Know Law.

5 I. In this section, "disciplinary records" mean complaints, charges or accusations of
6 misconduct, replies to those complaints, charges, or accusations, and any other
7 information or materials that have resulted in final disciplinary action *after*
8 *January 1, 2020*.

9 II.(a) ~~Upon~~ *After* completion of an investigation, *by the Department of Justice*,
10 any record which includes a finding that a law enforcement officer subject to this
11 chapter discharged a firearm which led to death or serious injury shall be a public
12 record under RSA 91-A, *provided the disclosure does not interfere with a*
13 *criminal investigation or proceeding*.

14 (b) Any disciplinary record in which there has been a final adjudication of a matter
15 involving a law enforcement officer subject to this chapter who was found guilty of
16 sexual assault as defined in RSA 632-A, ~~or in which there was a sustained finding of~~
17 ~~dishonesty by a law enforcement officer including~~ perjury, *as defined by RSA*
18 *641:1*, false statements, *as defined by RSA 641:2*, filing false reports destruction,
19 *as defined by RSA 641:4*, or falsifying or concealing evidence, *as defined by RSA*
20 *641:6*, shall be a public record under RSA 91-A.

21 III. Nothing in this section shall limit the ability of a public agency or public body,
22 as defined in RSA 91-A:1-a, to withhold the names, addresses, dates of birth, and
23 other personal information of victims or other private persons where disclosure of
24 such information would constitute an invasion of privacy under RSA 91-A:5, IV.

25 2 Effective Date. This act shall take effect January 1, 2020.

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill #4B153

Hearing date: _____

Executive session date: _____

Motion of: 15 _____

VOTE: 4-0 _____

<u>Made by</u> Hennessey <input checked="" type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input checked="" type="checkbox"/>	French <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Amendments: _____

Notes: _____

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # HB 153

Hearing date: _____

Executive session date: _____

Motion of: Re-Refer

VOTE: 5-0

<u>Made by</u> Hennessey <input checked="" type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input checked="" type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

Motion of: Consent

VOTE: 5-0

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input checked="" type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input checked="" type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, May 14, 2019

THE COMMITTEE ON Judiciary

to which was referred **HB 153**

AN ACT

relative to circumstances under which police officer
disciplinary records shall be public documents.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill would make certain records concerning law enforcement officers subject to the right-to-know law. Due to the ongoing court case regarding this matter and the need for further examination of the consequences of the language the Committee asks for support in the motion of Re-Refer.

Jennifer Horgan 271-2609

FOR THE CONSENT CALENDAR

JUDICIARY

HB 153, relative to circumstances under which police officer disciplinary records shall be public documents.

Re-refer to Committee, Vote 5-0.

Senator Sharon Carson for the committee.

This bill would make certain records concerning law enforcement officers subject to the right-to-know law. Due to the ongoing court case regarding this matter and the need for further examination of the consequences of the language the Committee asks for support in the motion of Re-Refer.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, December 3, 2019

THE COMMITTEE ON Judiciary

to which was referred **HB 153**

AN ACT

relative to circumstances under which police officer
disciplinary records shall be public documents.

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 4-0

Senator Harold French
For the Committee

Jennifer Horgan 271-2609

JUDICIARY

HB 153, relative to circumstances under which police officer disciplinary records shall be public documents.

Interim Study, Vote 4-0.

Senator Harold French for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB153

Docket Abbreviations

Bill Title: relative to circumstances under which police officer disciplinary records shall be public documents.

Official Docket of HB153.:

Date	Body	Description
12/27/2018	H	Introduced 01/02/2019 and referred to Judiciary HJ 2 P. 39
1/9/2019	H	Public Hearing: 01/23/2019 10:00 am LOB 208
1/31/2019	H	Full Committee Work Session: 02/06/2019 10:00 am LOB 208
2/5/2019	H	Executive Session: 02/12/2019 10:00 am LOB 208
2/14/2019	H	Committee Report: Ought to Pass with Amendment #2019-0374h for 02/27/2019 (Vote 16-3; RC) HC 13 P. 31
2/28/2019	H	Special Order to 03/07/2019 Without Objection HJ 7 P. 62
3/7/2019	H	Amendment #2019-0374h : AA VV 03/07/2019 HJ 8 P. 45
3/7/2019	H	Ought to Pass with Amendment 2019-0374h: MA VV 03/07/2019 HJ 8 P. 45
3/19/2019	S	Introduced 03/14/2019 and Referred to Judiciary; SJ 9
4/5/2019	S	Hearing: 04/11/2019, Room 103, SH, 01:20 pm; the committee will meet at 1:00 p.m. or 30 minutes following the end of session; SC 17A
5/15/2019	S	Committee Report: Rereferred to Committee, 05/23/2019; Vote 5-0; CC; SC 23
5/23/2019	S	Rereferred to Committee, MA, VV; 05/23/2019; SJ 17
12/3/2019	S	Committee Report: Referred to Interim Study, 01/08/2020; SC 47
1/8/2020	S	Refer to Interim Study, MA, VV; 01/08/2020; SJ 1

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB153

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan
Committee Aide

7/24/20
Date

Senate Clerk's Office jm