

Committee Report

CONSENT CALENDAR

February 5, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 530,**

**AN ACT relative to candidate background checks for
law enforcement officers. Having considered the same,
report the same with the recommendation that the bill
OUGHT TO PASS.**

Rep. Laura Pantelakos

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 530
Title:	relative to candidate background checks for law enforcement officers.
Date:	February 5, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill protects the cities and towns from lawsuits. It allows the Chief of Police, or whomever does the hiring, to contact anyone the applicant has worked for and it is confidential.

Vote 20-0.

Rep. Laura Pantelakos
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 530, relative to candidate background checks for law enforcement officers. **OUGHT TO PASS.**
Rep. Laura Pantelakos for Criminal Justice and Public Safety. This bill protects the cities and towns from lawsuits. It allows the Chief of Police or whomever does the hiring to contact anyone the applicant has worked for and it is confidential.

Vote 20-0.

Original: House Clerk
Cc: Committee Bill File

Voting Sheets



2021 SESSION

Criminal Justice and Public Safety

Bill #: 530 Motion: OTP AM #: _____ Exec Session Date: 2/8/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	20		
Welch, David A. Vice Chairman			
Burt, John A. <i>Alexander</i>	✓ 1		
Hopper, Gary S.	2		
Green, Dennis E.	3		
Wallace, Scott	4		
Testerman, Dave	5		
True, Chris	6		
Pratt, Kevin M.	7		
Marston, Dick	8		
Rhodes, Jennifer M. Clerk	9		
Harriott-Gathright, Linda C.	10		
Pantelakos, Laura C.	11		
O'Hearne, Andrew S.	12		
Bordenet, John	13		
Meuse, David	14		
Newman, Ray E.	15		
Bouldin, Amanda C.	16		
Conley, Casey M.	17		
Klein-Knight, Nicole	18		
Bradley, Amy <i>LaBlanche</i>	19		

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 530

BILL TITLE: Candidate background checks for law enforcement

DATE: 2/8/21

LOB ROOM:

MOTION: (Please check one box)

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

Moved by Rep. Pantelakis Seconded by Rep. Wallace Vote: 20/0

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: ✓ YES _____ NO

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

Respectfully submitted: _____
Rep. Jennifer Rhodes

Public Hearing

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB530 on 2021-02-08

Support: 18 Oppose: 0 Neutral: 0 Total to Testify: 2

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Deshaies, Brodie	Brodiefornh@gmail.com	An Elected Official	Carroll 6, Wolfeboro	Support	Yes (3m)	No	1/31/2021 8:09 PM
Shagoury, Andrew	a.shagoury@tuftonboro.org	A Member of the Public	NH Association of Chiefs of Police	Support	Yes (3m)	No	2/7/2021 4:44 PM
Karmen, Emily	ek207@hotmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 9:09 PM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 10:42 PM
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	2/8/2021 8:51 AM
Kendrick, Michelle	Michelleleekendrick@gmail.com	A Member of the Public	Myself	Support	No	No	2/8/2021 9:04 AM
Ingram, April	aandk@tds.net	A Member of the Public	Myself	Support	No	No	2/8/2021 9:29 AM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/8/2021 9:51 AM
Craig, Kevin	Kevin.Craig@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/28/2021 2:06 PM
Chase, Wendy	wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2021 2:38 PM
Lekas, Tony	Rep.Tony.Lekas@gmail.com	An Elected Official	Myself	Support	No	No	1/31/2021 2:52 PM
Lekas, Alicia	rep.alicia.lekas@gmail.com	An Elected Official	Hillsborough 37	Support	No	No	2/3/2021 2:57 PM
ploszaj, tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/5/2021 12:48 PM
Mcclure, Melissa	melissamcclure@gmail.com	A Member of the Public	Myself	Support	No	No	2/5/2021 9:48 PM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No	2/7/2021 6:47 AM
Bates, David	dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2021 6:52 AM
Zboya, Patrice	pzboya654@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 10:14 AM
Grossi, Anne	adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 12:42 PM

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 530

BILL TITLE: relative to candidate background checks for law enforcement officers.

DATE: February 8, 2021

LOB ROOM: 204 **Time Public Hearing Called to Order:** 9:08 a.m.

Time Adjourned: 9:20 a.m.

Committee Members: Reps. Abbas, Welch, Rhodes, Burt, Hopper, Green, Wallace, Testerman, True, Pratt, Marston, Harriott-Gathright, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley, Klein-Knight and Bradley

Bill Sponsors:

Rep. Dolan

Rep. T. Lekas

TESTIMONY

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

Rep. Brodie Deshaines – Support

- Feels people are hesitant to give bad ? for ? of lawsuit – this will provide confidentiality and liable protection

Chief Shargoury – Support

- Hoping for cooperation prevent red-tape and businesses' giving into will be kept confident

Q: Rep. Testerman – This will guarantee confidentiality in NH – will it be the same in other states?

A: Do not know

Q: Rep. Meuse – Several “things” not referenced – would it be part of further background checks?

A: Provides comfort that you will not be sued for providing info

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

Testimony

Bill as
Introduced

HB 530 - AS INTRODUCED

2021 SESSION

21-0540
08/04

HOUSE BILL **530**

AN ACT relative to candidate background checks for law enforcement officers.

SPONSORS: Rep. Dolan, Rock. 5; Rep. T. Lekas, Hills. 37

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill allows an employer to share certain information with a law enforcement agency about a candidate for a position as a peace officer or other position within a law enforcement agency.

.....

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to candidate background checks for law enforcement officers.

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

1 1 New Section; Law Enforcement Candidate Background Checks. Amend RSA 41 by inserting
2 after section 9-b the following new section:

3 41:9-c Law Enforcement Candidate Background Checks.

4 I. In order to perform a background investigation for a candidate to be employed as a peace
5 officer or in the case of an applicant for a position other than a sworn peace officer within a law
6 enforcement agency, an employer shall disclose employment information relating to a current or
7 former employee or applicant, upon request of a law enforcement agency, if all of the following
8 conditions are met:

9 (a) The request is made in writing;

10 (b) The request is accompanied by a notarized authorization by the candidate releasing
11 the employer of liability; and

12 (c) The request and the authorization are presented to the employer by a sworn officer or
13 other authorized representative of the employing law enforcement agency.

14 II. In the absence of fraud or malice, an employer shall not be subject to any civil liability for
15 any relevant cause of action by virtue of releasing employment information required pursuant to this
16 section. This section shall not in any way or manner abrogate or lessen the existing privileges and
17 immunities of an employer.

18 III. For purposes of this section, "employment information" means written information in
19 connection with job applications, performance evaluations, attendance records, disciplinary actions,
20 eligibility for rehire, and other information relevant to the performance of a peace officer or other
21 law enforcement agency applicant, except information prohibited from disclosure by any other state
22 or federal law or regulation.

23 IV. An employer's refusal to disclose information to a law enforcement agency in accordance
24 with this section shall constitute grounds for a civil action for injunctive relief requiring disclosure
25 on the part of an employer.

26 V. Employment information disclosed by an employer to an initial requesting law
27 enforcement agency shall be deemed confidential. However, the initial requesting law enforcement
28 agency may disclose this information to another authorized law enforcement agency that is also
29 conducting a background investigation into a peace officer or other law enforcement agency
30 applicant. If this information is disclosed to another law enforcement agency, that agency shall
31 utilize the information for investigative leads only and the information shall be independently

HB 530 - AS INTRODUCED

- Page 2 -

1 verified by that agency in order to be used in determining the suitability of a peace officer or other
2 law enforcement agency applicant.

3 VI. An employer may charge reasonable fees to cover actual costs incurred in copying and
4 furnishing documents to law enforcement agencies as required by this section.

5 2 Effective Date. This act shall take effect 90 days after its passage.