

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 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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.

CHAPTER 226
HB 530 - FINAL VERSION

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

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Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears ~~[in brackets and struck through]~~.
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CHAPTER 226
HB 530 - FINAL VERSION

21-0540
08/04

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:

1 226:1 New Section; Law Enforcement Candidate Background Checks. Amend RSA 41 by
2 inserting 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

CHAPTER 226
HB 530 - FINAL VERSION
- Page 2 -

1 utilize the information for investigative leads only and the information shall be independently
2 verified by that agency in order to be used in determining the suitability of a peace officer or other
3 law enforcement agency applicant.

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

226:2 Effective Date. This act shall take effect 90 days after its passage.

Approved: August 25, 2021

Effective Date: November 23, 2021

Committee Minutes

SENATE CALENDAR NOTICE

Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Harold French, Member
Sen Rebecca Whitley, Member
Sen Jay Kahn, Member

Date: March 17, 2021

HEARINGS

Tuesday	03/23/2021	
(Day)	(Date)	
Judiciary	REMOTE	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	EXECUTIVE SESSION ON PENDING LEGISLATION	
2:00 p.m.	HB 375 allowing the destruction of valueless contraband by the chief of police.	
2:15 p.m.	HB 427 prohibiting corporal punishment of children in state agency programs.	
2:30 p.m.	HB 530 relative to candidate background checks for law enforcement officers.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/91264920262>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +16465588656,,91264920262# or +13017158592,,91264920262#
4. Webinar ID: 912 6492 0262
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 375

Rep. Long

HB 427

Rep. Altschiller

Rep. Toll

Rep. Grote

Rep. Snow

Rep. Berch
HB 530
Rep. Dolan

Rep. T. Lekas

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 530, relative to candidate background checks for law enforcement officers.

Hearing Date: March 23, 2021

Time Opened: 2:56 p.m.

Time Closed: 3:03 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Dolan

Rep. T. Lekas

Who supports the bill: Chief Andrew Shagoury, NH Association of Chiefs of Police; Maddie Daniel; Hunter Porter, New Hampshire High School Democrats; Elizabeth Sargent, NH Association of Chiefs of Police; Sara Johnson; Bret Ingold; Vinnie Baiocchetti; James Valiquet; Charles Reynolds; Steve Monier; Benjamin Sargent; Mark Chase; Christopher Moore; David Bates; Elizabeth Fenner-Lukaitis; Ronald Garnett; Ruth Larson; Nicole Fordey; Richard DeMark; Cheryl Gibbons; April Ingram

Who opposes the bill: No One

Summary of testimony presented in support:

Chief Shagoury (Association of Chiefs of Police)

- This is similar to the language in SB92 that is already passed with two differences.
- One, this language talks about 'applicant' vs 'candidate'
- Two, in this bill the language is placed under RSA 41:9-c, and in SB92 it is under RSA 106-L:17.
- Senator Kahn raised concerns about how this can be mandatory on a previous employer, as it seems to be setting up a conflict with privacy agreements and with out of state employers.

Hunter Porter (NH High School Democrats)

- This bill is a commonsense policy that will allow law enforcement agencies to practice more discretion over who they hire, improving the quality of our police forces.

- Completing this type of background check will stop problems before they start by making sure those put in power have integrity.
- Police are trusted with multiple high stress jobs and it is important that they are confidently able to handle those tasks.
- Information from previous employers reveals much more than a criminal background check can.
- Using background checks like these can potentially save money for municipalities because when police have engaged in misconduct in the past costly lawsuits have been brought forward.
- This legislation would also benefit everyday citizens by having them know that police departments have completed comprehensive background checks of their officers, building trust in our police forces.
- This bill is not disruptive and does nothing but expand access to information for law enforcement agencies.

Summary of testimony presented in opposition:

None

jch

Date Hearing Report completed: March 23, 2021

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill HB530 on 2021-03-23

Support: 21 Oppose: 0 Neutral: 0 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Daniel, Maddie	maddie.daniel@icloud.com	603.213.4228	A Member of the Public	Myself	Support	Yes	3/22/2021 8:19 AM
Shagoury, Andrew	a.shagoury@tuftonboro.org	603.569.8695	A Member of the Public	NH Association of Chiefs of Police	Support	Yes	3/23/2021 2:00 PM
Porter, Hunter	porterhunter2005@outlook.com	603.718.2821	A Member of the Public	New Hampshire High School Democrats	Support	Yes	3/23/2021 2:13 PM
Sargent, Elizabeth	esargent@sheehan.com	603-568-0213	A Lobbyist	NH Association of Chiefs of Police	Support	No	3/23/2021 11:09 AM
Johnson, Sara	nhchicagocubfan@gmail.com	603.748.5779	A Member of the Public	Myself	Support	No	3/22/2021 2:15 PM
Ingold, Bret	Not Given	Not Given	A Member of the Public	Myself	Support	No	3/22/2021 2:58 PM
Baiocchetti, Vinnie	Not Given	Not Given	A Member of the Public	Myself	Support	No	3/22/2021 7:00 PM
Valiquet, James	jimvaliquet@tds.net	16033981806	A Member of the Public	Myself	Support	No	3/22/2021 9:18 PM
Reynolds, Charles	Not Given	Not Given	A Member of the Public	Myself	Support	No	3/22/2021 6:28 PM
Monier, Steve	srm47@comcast.net	603.387.8595	A Member of the Public	Myself	Support	No	3/22/2021 8:43 PM
Sargent, Benjamin	Not Given	Not Given	A Member of the Public	Myself	Support	No	3/23/2021 10:02 AM
Chase, Mark	mchasechpd@metrocast.net	603.253.3059	A Member of the Public	Myself	Support	No	3/23/2021 8:37 AM
Moore, Christopher	christopher.moore@wearepolice.com	603.529.7755	A Member of the Public	Myself	Support	No	3/23/2021 11:45 AM
Bates, David	dbates3@yahoo.com	603.748.2668	A Member of the Public	Myself	Support	No	3/20/2021 2:42 PM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	Not Given	A Member of the Public	Myself	Support	No	3/20/2021 3:19 PM
garnett, ronald	soup31314@yahoo.com	603.236.1637	A Member of the Public	Myself	Support	No	3/20/2021 3:22 PM
Larson, Ruth	ruthlarson@msn.com	Not Given	A Member of the Public	Myself	Support	No	3/20/2021 10:18 PM
Fordey, Nicole	nikkif610@gmail.com	Not Given	A Member of the Public	Myself	Support	No	3/21/2021 5:00 PM
DeMark, Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Support	No	3/22/2021 8:09 AM
Gibbons, Cheryl	cherylsark@gmail.com	603.456.3095	A Member of the Public	Myself	Support	No	3/22/2021 8:13 AM
Ingram, April	aandk@tds.net	603.491.9711	A Member of the Public	Myself	Support	No	3/22/2021 8:43 AM

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HBS30

Hearing date: _____

Executive Session date: _____

Motion of: OTP Vote: 4-1

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, April 15, 2021

THE COMMITTEE ON Judiciary

to which was referred **HB 530**

AN ACT

relative to candidate background checks for law
enforcement officers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-1

Senator Sharon Carson
For the Committee

Jennifer Horgan 271-7875

JUDICIARY

HB 530, relative to candidate background checks for law enforcement officers.

Ought to Pass, Vote 4-1.

Senator Sharon Carson for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB530

Docket Abbreviations

Bill Title: relative to candidate background checks for law enforcement officers.**Official Docket of HB530.:**

Date	Body	Description
1/12/2021	H	Introduced (in recess of) 01/06/2021 and referred to Criminal Justice and Public Safety HJ 2 P. 52
1/28/2021	H	Public Hearing: 02/08/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95686681680 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/16/2021	H	Committee Report: Ought to Pass (Vote 20-0; CC) HC 12 P. 3
2/24/2021	H	Ought to Pass: MA VV 02/24/2021 HJ 3 P. 5
3/4/2021	S	Introduced 03/04/2021 and Referred to Judiciary; SJ 7
3/17/2021	S	Remote Hearing: 03/23/2021, 02:30 pm; Links to join the hearing can be found in the Senate Calendar; SC 16
4/15/2021	S	Committee Report: Ought to Pass, 04/22/2021; SC 20
4/22/2021	S	Ought to Pass: RC 24Y-0N, MA; OT3rdg; 04/22/2021; SJ 12
5/17/2021	S	Enrolled Adopted, VV, (In recess 05/13/2021); SJ 16
5/17/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 104
9/7/2021	H	Signed by Governor Sununu 08/25/2021; Chapter 226; Eff: 11/23/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB530

Senate Committee: Jud

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

8/16/21
Date

Senate Clerk's Office AK