

LEGISLATIVE COMMITTEE MINUTES

**SB96**

Bill as  
Introduced

SB 96-FN-A - AS INTRODUCED

2021 SESSION

21-1001  
04/05

SENATE BILL **96-FN-A**

AN ACT requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

SPONSORS: Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Morse, Dist 22; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cushing, Rock. 21; Rep. M. Smith, Straf. 6

COMMITTEE: Judiciary

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ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.

III. Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and requires law enforcement agencies to collect such data.

VI. Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

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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.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

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

1           1 New Subparagraph; Application of Receipts; Body Worn and Dashboard Camera Fund.  
2 Amend RSA 6:12, I(b) by inserting after subparagraph (3640 the following new subparagraph:

3                   (365) Moneys credited to the body-worn and dashboard camera fund established in  
4 RSA 105-D:3.

5           2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
6 CVIII to read as follows:

7           CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general~~  
8 ~~and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject***  
9 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
10 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
11 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
12 ***time the 20-year retention period in this paragraph shall apply.***

13           3 New Section; Police Officers and Watchmen; Extended Authority. Amend RSA 105 by  
14 inserting after section 13-c the following new section:

15           105:13-d Extended Authority; Educational Institutions. The authority of any law enforcement  
16 officer may extend to any elementary, secondary, or postsecondary educational institution pursuant  
17 to a request or written agreement with the administrator of the institution or the governing body of  
18 the school district. Any agreement to provide law enforcement officer presence within any such  
19 institution shall be a public record subject to disclosure as provided in RSA 91-A.

20           4 New Section; Body-Worn Cameras. Amend RSA 105-D by inserting after section 2 the  
21 following new section:

22           105-D:3 Body-Worn and Dashboard Camera Fund.

23           I. There is hereby established the body-worn and dashboard camera fund within the  
24 department of safety for the purpose of encouraging local law enforcement agencies to equip officers  
25 with body-worn cameras and agency vehicles with dashboard cameras. All moneys in the fund shall  
26 be nonlapsing and continually appropriated to the department of safety.

27           II. The fund shall provide grants to local law enforcement agencies to assist agencies with  
28 the purchase, maintenance, and replacement of body-worn and dashboard cameras and ongoing costs  
29 related to the maintenance and storage of data recorded by body-worn and dashboard cameras.

SB 96-FN-A - AS INTRODUCED

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1 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

2 IV. The fund shall be overseen by the commissioner of the department of safety and the  
3 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
4 process for the application for grants from the fund. Such process shall be established in rules  
5 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

6 5 Appropriation; Body-Worn and Dashboard Camera Fund. The sum of \$1 for the fiscal year  
7 ending June 30, 2022 is hereby appropriated to the body-worn and dashboard camera fund  
8 established in RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of any  
9 money in the treasury not otherwise appropriated.

10 6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

11 IV. "Delinquent" means a person who has committed an offense before reaching the age of 18  
12 years which would be a felony or misdemeanor under the criminal code of this state if committed by  
13 an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
14 counseling, supervision, treatment, or rehabilitation as a consequence thereof. ***No person under 13***  
15 ***years of age shall be subject to proceedings under this chapter unless such person has***  
16 ***committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be***  
17 ***construed to limit the filing of a petition for any minor child under RSA 169-D.***

18 7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

19 IV. When the felony offense charged is first degree murder, second degree murder,  
20 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~  
21 ~~allegation is a violation of RSA 631:2, I(d)),~~] aggravated felonious sexual assault[, kidnapping,  
22 ~~criminal restraint, robbery~~] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),  
23 ~~or negligent homicide under RSA 630:3, II,~~] or when the minor is charged with any felony and, prior  
24 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
25 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
26 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
27 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

28 8 New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.  
29 Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:

30 VIII. A local law enforcement agency acting pursuant to RSA 594:14-b and the department  
31 may make available to the public aggregated statistical data containing information generated from  
32 motor vehicle records, provided that no such data shall contain personal information, as defined by  
33 RSA 260:14. The publicly available aggregated statistical data shall only contain information  
34 regarding a person's gender, race, ethnicity, residence zip code, and whether the event involved a  
35 motor vehicle accident, a fatality, and whether there was a motor vehicle stop and its disposition,  
36 such as a warning, citation, arrest, and the offense charged. The commissioner of the department of

1 safety may adopt rules to implement this paragraph and any such rules shall be exempt from the  
2 provisions of RSA 541-A.

3 9 Motor Vehicles; Nondriver's Picture Identification Cards. Amend RSA 260:21, III to read as  
4 follows:

5 III. The identification card shall bear the name, address, date of birth, blood type (optional),  
6 gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the  
7 purposes of identification for receiving benefits and services under New Hampshire law (optional),  
8 **race (optional), ethnicity (optional)**, picture and signature of the applicant, and in the case of a  
9 card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State  
10 Discount Card." The identification card shall bear an approved security marking indicating that it  
11 was not issued in compliance with Public Law 109-13 and is therefore not acceptable for federal  
12 identification purposes.

13 10 Motor Vehicles; Nondriver's Picture Identification Card; Public Law 109-13 Compliant  
14 Identification Cards. Amend RSA 260:21-a, II to read as follows:

15 II. The identification card shall bear the name, address, date of birth, gender indicated as  
16 "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification  
17 for receiving benefits and services under New Hampshire law (optional), **race (optional), ethnicity**  
18 **(optional)**, organ donor status (optional), picture, and signature of the applicant.

19 11 Motor Vehicles; Nondriver's Picture Identification Card; Enhanced Identification Card.  
20 Amend RSA 260:21-b, II to read as follows:

21 II. The identification card shall bear the name, address, date of birth, gender indicated as  
22 "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification  
23 for receiving benefits and services under New Hampshire law (optional), **race (optional), ethnicity**  
24 **(optional)**, organ donor status (optional), picture, and signature of the applicant.

25 12 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
26 490-A:3, II to read as follows:

27 II. ***The chief justice of the supreme court, with the advice and consent of the chief***  
28 ***justice of the superior court, shall issue rules requiring the justices and judges of all courts***  
29 ***in New Hampshire to receive at least 2 hours of annual training covering the topics of***  
30 ***implicit bias and racial profiling. Such rules shall be issued no later than January 1, 2021***  
31 ***and may be updated by the chief justices as necessary.***

32 III. In carrying out the duties imposed by ~~[paragraph I]~~ **this section**, the chief justices may  
33 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
34 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

35 13 New Section; Arrests in Criminal Cases; Race and Ethnicity Data Collection. Amend RSA  
36 594 by inserting after section 14-a the following new section:

37 594:14-b Race and Ethnicity Data Collection.

**SB 96-FN-A - AS INTRODUCED**

**- Page 4 -**

1           I. A law enforcement agency shall, when possible, collect data from a driver's license or other  
2 state-issued identification card on gender, race, and ethnicity as may be available pursuant to RSA  
3 260:21, RSA 260:21-a, and RSA 260:21-b, and the town of residence of persons who are arrested,  
4 cited, or subjected to a field stop or warning, including a motor vehicle stop that did not lead to a  
5 citation.

6           II. A law enforcement agency shall provide on an annual basis the aggregate data collected  
7 pursuant to paragraph I to the police standards and training council on January 31 for the preceding  
8 calendar year. This aggregate data shall, at a minimum, include an analysis showing the numbers  
9 of individuals for each race/ethnicity broken down by the following categories: persons arrests,  
10 persons cited, and persons subjected to a field stop or warning. The aggregate data shall also  
11 include an analysis of the percentage of the race and ethnicity of persons in each of the categories.  
12 Within 30 days of receipt, the police standards and training council shall make the data and analysis  
13 it receives from each law enforcement agency available on its public website in a manner that is  
14 accessible.

15           III. In this section, "law enforcement agency" shall have the same meaning as in RSA 105-  
16 D:1, V.

17           14 Effective Date.

18           I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

19           II. The remainder of this act shall take effect 60 days after its passage.

**SB 96-FN-A- FISCAL NOTE  
AS INTRODUCED**

AN ACT requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

FISCAL IMPACT:    State            County            Local            None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$1	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Body-Worn and Dashboard Camera Fund			

**COUNTY:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill:

- Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.
- Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.
- Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.



- Adds race and ethnicity as optional information that may be included on a non-driver's picture identification card and requires law enforcement agencies to collect such data.
- Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

The Judicial Branch indicates this bill would require the Supreme Court to issue rules requiring the justices and judges of all courts in New Hampshire to receive at least 2 hours of annual training covering the topics of implicit bias and racial profiling. The Branch expects that annual training covering the topics of implicit bias and racial profiling could be implemented for less than \$10,000 per year.

The Judicial Council assumes any decline in the number of non-violent juvenile prosecutions brought against individuals 12 and younger would be so insignificant that it will not result in any savings to the indigent defense system. While increased use of dash or body cameras may benefit individual defendants on a case by case basis, it is assumed that this will not impact the number of cases brought by the State. The Council states the fiscal impact from this bill would be limited to the costs of handling the videos. When videos are provided through the discovery process, the Public Defender is required to store that video for at least three years. These videos take up a significant amount of server space. Depending on the level of increased camera use resulting from this bill, it could result in IT costs to the indigent defense system. Certification cases are extremely time-consuming and costly. In addition to attorney time, these cases often require services other than counsel, including mental health and adolescent brain development experts. Any reduction to these cases would mean fewer expenses in services other than counsel, but would not significantly reduce costs in this area.

The NH Municipal Association states the extended retention requirement for internal affairs records will require additional storage space, either physical or electronic, which could result in additional municipal expenditures, although the additional expenditures are not likely to be significant. The requirement to obtain, compile, and report gender, race, and ethnicity data will require additional staff time for local police departments, which may result in additional expenditures. This is likely to vary significantly among municipalities, and the Association does not have any way to estimate the amounts of any additional expenditures. The Association indicates the fund for body-worn and dashboard cameras may provide additional revenue to municipalities, which presumably would need to be matched by municipal expenditures for the purchase and maintenance of cameras and storage of data. The purchase of cameras by municipalities would be voluntary. The Association has no way of predicting how many municipalities would participate in this program, what the costs would be, or how much funding would be provided to municipalities. The other provisions of the bill are unlikely to affect municipal revenues or expenditures.

The Department of Safety indicates the body-worn and dashboard camera fund will be administered through the Commissioner's Office and the Attorney General's Office. Retention of the non-criminal internal affairs investigations for a period of 20 years will have no noticeable financial impact on the Department. The Division of State Police internal affairs investigations are stored electronically. The Department assumes there will be no fiscal impact to the Department.

The Department of Health and Human Services indicates this bill does not modify the Division for Children, Youth and Families (DCYF) obligations under RSA 169-B and does not impact the services that DCYF provides to juveniles pre- or post-adjudication.

It is assumed that any fiscal impact would occur after July 1, 2021.

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Departments of Health and Human Services and Safety, and New Hampshire Municipal Association

SB 96-FN-A - AS AMENDED BY THE SENATE

03/18/2021 0773s

2021 SESSION

21-1001  
04/05

SENATE BILL

**96-FN-A**

AN ACT

relative to implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

SPONSORS:

Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Morse, Dist 22; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cushing, Rock. 21; Rep. M. Smith, Straf. 6

COMMITTEE:

Judiciary

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AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.

III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

VI. Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.

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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.~~]

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 implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

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

1 1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
2 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

3 (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
4 105-D:3.

5 2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
6 CVIII to read as follows:

7 CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general  
8 and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject  
9 officer plus 20 years, except that the municipality shall follow the retention period for non-  
10 criminal internal affairs investigations as set forth in any applicable union or collective  
11 bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which  
12 time the 20-year retention period in this paragraph shall apply.***

13 3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

14 XXXVII. School Resource Officers. Require each school district in the state to which a school  
15 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
16 requirement for a signed memorandum of understanding between the school district and the law  
17 enforcement agency from which the school resource officer is deployed. ***The memorandum of  
18 understanding shall be made available as a public document.***

19 4 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
20 section 2 the following new section:

21 105-D:3 Body-Worn and In-car Camera Fund.

22 I. There is hereby established the body-worn and in-car camera fund within the department  
23 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
24 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
25 and continually appropriated to the department of safety.

26 II. The fund shall provide grants to local law enforcement agencies to assist agencies with  
27 the purchase, maintenance, and replacement of body-worn and in-car cameras and ongoing costs  
28 related to the maintenance and storage of data recorded by body-worn and in-car cameras.

1 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

2 IV. The fund shall be overseen by the commissioner of the department of safety and the  
3 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
4 process for the application for grants from the fund. Such process shall be established in rules  
5 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

6 5 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending  
7 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA  
8 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
9 treasury not otherwise appropriated.

10 6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

11 IV. "Delinquent" means a person who has committed an offense before reaching the age of  
12 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
13 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
14 counseling, supervision, treatment, or rehabilitation as a consequence thereof. *No person under 13*  
15 *years of age shall be subject to proceedings under this chapter unless such person has*  
16 *committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be*  
17 *construed to limit the filing of a petition for any minor child under RSA 169-D.*

18 7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

19 IV. When the felony offense charged is first degree murder, second degree murder,  
20 attempted murder, manslaughter, first degree assault, ~~[second degree assault (except when the~~  
21 ~~allegation is a violation of RSA 631:2, I(d)),]~~ aggravated felonious sexual assault~~[- kidnapping,~~  
22 ~~criminal restraint, robbery]~~ punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),  
23 ~~or negligent homicide under RSA 630:3, II,]~~ or when the minor is charged with any felony and, prior  
24 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
25 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
26 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
27 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

28 8 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification  
29 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on  
30 state-issued identification cards.

31 I.(a) The committee shall consist of the following members:

32 (1) Two members of the house of representatives, appointed by the speaker of the  
33 house of representatives.

34 (2) One member of the senate, appointed by the president of the senate.

35 (b) Members of the committee shall receive mileage at the legislative rate when  
36 attending to the duties of the committee

**SB 96-FN-A - AS AMENDED BY THE SENATE**  
**- Page 3 -**

1           II.(a) The committee shall study whether the state should include race and ethnicity on any  
2 state-issued identification card and whether or not the state should be collecting data on race and  
3 ethnicity.

4           (b) The committee may solicit and receive advice and testimony from any individual or  
5 organization with information relevant to the committee's objective.

6           III. The members of the study committee shall elect a chairperson from among the members.  
7 The first meeting of the committee shall be called by a senate member. The first meeting of the  
8 committee shall be held within 45 days of the effective date of this section. Two members of the  
9 committee shall constitute a quorum.

10          IV. The committee shall report its findings and any recommendations for proposed  
11 legislation to the president of the senate, the speaker of the house of representatives, the senate  
12 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

13          9 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
14 490-A:3, II to read as follows:

15           II. *The chief justice of the supreme court with the advice and consent of the chief*  
16 *justice of the superior court and the administrative judge of the circuit court, shall*  
17 *encourage the justices and judges of all courts in New Hampshire to receive annual*  
18 *training covering the topics of implicit bias and racial profiling.*

19           III. In carrying out the duties imposed by ~~[paragraph I]~~ *this section*, the chief justices may  
20 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
21 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

22          10 Effective Date.

23           I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

24           II. The remainder of this act shall take effect 60 days after its passage.

**SB 96-FN-A- FISCAL NOTE  
AS INTRODUCED**

AN ACT requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$1	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Body-Worn and Dashboard Camera Fund			

**COUNTY:**

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill:

- Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.
- Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.
- Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

- Adds race and ethnicity as optional information that may be included on a non-driver's picture identification card and requires law enforcement agencies to collect such data.
- Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

The Judicial Branch indicates this bill would require the Supreme Court to issue rules requiring the justices and judges of all courts in New Hampshire to receive at least 2 hours of annual training covering the topics of implicit bias and racial profiling. The Branch expects that annual training covering the topics of implicit bias and racial profiling could be implemented for less than \$10,000 per year.

The Judicial Council assumes any decline in the number of non-violent juvenile prosecutions brought against individuals 12 and younger would be so insignificant that it will not result in any savings to the indigent defense system. While increased use of dash or body cameras may benefit individual defendants on a case by case basis, it is assumed that this will not impact the number of cases brought by the State. The Council states the fiscal impact from this bill would be limited to the costs of handling the videos. When videos are provided through the discovery process, the Public Defender is required to store that video for at least three years. These videos take up a significant amount of server space. Depending on the level of increased camera use resulting from this bill, it could result in IT costs to the indigent defense system. Certification cases are extremely time-consuming and costly. In addition to attorney time, these cases often require services other than counsel, including mental health and adolescent brain development experts. Any reduction to these cases would mean fewer expenses in services other than counsel, but would not significantly reduce costs in this area.

The NH Municipal Association states the extended retention requirement for internal affairs records will require additional storage space, either physical or electronic, which could result in additional municipal expenditures, although the additional expenditures are not likely to be significant. The requirement to obtain, compile, and report gender, race, and ethnicity data will require additional staff time for local police departments, which may result in additional expenditures. This is likely to vary significantly among municipalities, and the Association does not have any way to estimate the amounts of any additional expenditures. The Association indicates the fund for body-worn and dashboard cameras may provide additional revenue to municipalities, which presumably would need to be matched by municipal expenditures for the purchase and maintenance of cameras and storage of data. The purchase of cameras by municipalities would be voluntary. The Association has no way of predicting how many municipalities would participate in this program, what the costs would be, or how much funding would be provided to municipalities. The other provisions of the bill are unlikely to affect municipal revenues or expenditures.



The Department of Safety indicates the body-worn and dashboard camera fund will be administered through the Commissioner's Office and the Attorney General's Office. Retention of the non-criminal internal affairs investigations for a period of 20 years will have no noticeable financial impact on the Department. The Division of State Police internal affairs investigations are stored electronically. The Department assumes there will be no fiscal impact to the Department.

The Department of Health and Human Services indicates this bill does not modify the Division for Children, Youth and Families (DCYF) obligations under RSA 169-B and does not impact the services that DCYF provides to juveniles pre- or post-adjudication.

It is assumed that any fiscal impact would occur after July 1, 2021.

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Departments of Health and Human Services and Safety, and New Hampshire Municipal Association

SB 96-FN-A - AS AMENDED BY THE SENATE

03/18/2021 0773s

2021 SESSION

21-1001  
04/05

SENATE BILL **96-FN-A**

AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

SPONSORS: Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Morse, Dist 22; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cushing, Rock. 21; Rep. M. Smith, Straf. 6

COMMITTEE: Judiciary *OTPA 5-0*

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.

III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

VI. Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.

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 implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

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

1       1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
2 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

3                   (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
4 105-D:3.

5       2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
6 CVIII to read as follows:

7           CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general~~  
8 ~~and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject***  
9 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
10 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
11 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
12 ***time the 20-year retention period in this paragraph shall apply.***

13       3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

14           XXXVII. School Resource Officers. Require each school district in the state to which a school  
15 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
16 requirement for a signed memorandum of understanding between the school district and the law  
17 enforcement agency from which the school resource officer is deployed. ***The memorandum of***  
18 ***understanding shall be made available as a public document.***

19       4 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
20 section 2 the following new section:

21       105-D:3 Body-Worn and In-car Camera Fund.

22           I. There is hereby established the body-worn and in-car camera fund within the department  
23 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
24 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
25 and continually appropriated to the department of safety.

26           II. The fund shall provide grants to local law enforcement agencies to assist agencies with  
27 the purchase, maintenance, and replacement of body-worn and in-car cameras and ongoing costs  
28 related to the maintenance and storage of data recorded by body-worn and in-car cameras.

1 ~~III~~ All local law enforcement agencies shall be eligible to apply for grants from the fund.

2 **IV** The fund shall be overseen by the commissioner of the department of safety and the  
3 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
4 process for the application for grants from the fund. Such process shall be established in rules  
5 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

6 5 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending  
7 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA  
8 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
9 treasury not otherwise appropriated.

10 6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

11 IV. "Delinquent" means a person who has committed an offense before reaching the age of  
12 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
13 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
14 counseling, supervision, treatment, or rehabilitation as a consequence thereof. *No person under 13*  
15 *years of age shall be subject to proceedings under this chapter unless such person has*  
16 *committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be*  
17 *construed to limit the filing of a petition for any minor child under RSA 169-D.*

18 7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

19 IV. When the felony offense charged is first degree murder, second degree murder,  
20 attempted murder, manslaughter, first degree assault, ~~[second degree assault (except when the~~  
21 ~~allegation is a violation of RSA 631:2, I(d)),]~~ aggravated felonious sexual assault~~], kidnapping,~~  
22 ~~criminal restraint, robbery]~~ punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),  
23 ~~or negligent homicide under RSA 630:3, II,]~~ or when the minor is charged with any felony and, prior  
24 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
25 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
26 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
27 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

28 8 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification  
29 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on  
30 state-issued identification cards.

31 I.(a) The committee shall consist of the following members:

32 (1) Two members of the house of representatives, appointed by the speaker of the  
33 house of representatives.

34 (2) One member of the senate, appointed by the president of the senate.

35 (b) Members of the committee shall receive mileage at the legislative rate when  
36 attending to the duties of the committee

1 II.(a) The committee shall study whether the state should include race and ethnicity on any  
2 state-issued identification card and whether or not the state should be collecting data on race and  
3 ethnicity.

4 (b) The committee may solicit and receive advice and testimony from any individual or  
5 organization with information relevant to the committee's objective.

6 III. The members of the study committee shall elect a chairperson from among the members.  
7 The first meeting of the committee shall be called by a senate member. The first meeting of the  
8 committee shall be held within 45 days of the effective date of this section. Two members of the  
9 committee shall constitute a quorum.

10 IV. The committee shall report its findings and any recommendations for proposed  
11 legislation to the president of the senate, the speaker of the house of representatives, the senate  
12 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

13 9 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
14 490-A:3, II to read as follows:

15 II. *The chief justice of the supreme court with the advice and consent of the chief*  
16 *justice of the superior court and the administrative judge of the circuit court, shall*  
17 *encourage the justices and judges of all courts in New Hampshire to receive annual*  
18 *training covering the topics of implicit bias and racial profiling.*

19 III. In carrying out the duties imposed by ~~[paragraph 1]~~ *this section*, the chief justices may  
20 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
21 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

22 10 Effective Date.

23 I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

24 II. The remainder of this act shall take effect 60 days after its passage.

**SB 96-FN-A- FISCAL NOTE  
AS INTRODUCED**

AN ACT requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$1	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Body-Worn and Dashboard Camera Fund			

**COUNTY:**

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill:

- Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.
- Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.
- Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

- Adds race and ethnicity as optional information that may be included on a non-driver's picture identification card and requires law enforcement agencies to collect such data.
- Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

The Judicial Branch indicates this bill would require the Supreme Court to issue rules requiring the justices and judges of all courts in New Hampshire to receive at least 2 hours of annual training covering the topics of implicit bias and racial profiling. The Branch expects that annual training covering the topics of implicit bias and racial profiling could be implemented for less than \$10,000 per year.

The Judicial Council assumes any decline in the number of non-violent juvenile prosecutions brought against individuals 12 and younger would be so insignificant that it will not result in any savings to the indigent defense system. While increased use of dash or body cameras may benefit individual defendants on a case by case basis, it is assumed that this will not impact the number of cases brought by the State. The Council states the fiscal impact from this bill would be limited to the costs of handling the videos. When videos are provided through the discovery process, the Public Defender is required to store that video for at least three years. These videos take up a significant amount of server space. Depending on the level of increased camera use resulting from this bill, it could result in IT costs to the indigent defense system. Certification cases are extremely time-consuming and costly. In addition to attorney time, these cases often require services other than counsel, including mental health and adolescent brain development experts. Any reduction to these cases would mean fewer expenses in services other than counsel, but would not significantly reduce costs in this area.

The NH Municipal Association states the extended retention requirement for internal affairs records will require additional storage space, either physical or electronic, which could result in additional municipal expenditures, although the additional expenditures are not likely to be significant. The requirement to obtain, compile, and report gender, race, and ethnicity data will require additional staff time for local police departments, which may result in additional expenditures. This is likely to vary significantly among municipalities, and the Association does not have any way to estimate the amounts of any additional expenditures. The Association indicates the fund for body-worn and dashboard cameras may provide additional revenue to municipalities, which presumably would need to be matched by municipal expenditures for the purchase and maintenance of cameras and storage of data. The purchase of cameras by municipalities would be voluntary. The Association has no way of predicting how many municipalities would participate in this program, what the costs would be, or how much funding would be provided to municipalities. The other provisions of the bill are unlikely to affect municipal revenues or expenditures.

The Department of Safety indicates the body-worn and dashboard camera fund will be administered through the Commissioner's Office and the Attorney General's Office. Retention of the non-criminal internal affairs investigations for a period of 20 years will have no noticeable financial impact on the Department. The Division of State Police internal affairs investigations are stored electronically. The Department assumes there will be no fiscal impact to the Department.

The Department of Health and Human Services indicates this bill does not modify the Division for Children, Youth and Families (DCYF) obligations under RSA 169-B and does not impact the services that DCYF provides to juveniles pre- or post-adjudication.

It is assumed that any fiscal impact would occur after July 1, 2021.

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Departments of Health and Human Services and Safety, and New Hampshire Municipal Association



SB 96-FN-A - AS AMENDED BY THE SENATE

03/18/2021 0773s

04/01/2021 0996s

2021 SESSION

21-1001

04/05

SENATE BILL **96-FN-A**

AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

SPONSORS: Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Morse, Dist 22; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cushing, Rock. 21; Rep. M. Smith, Straf. 6

COMMITTEE: Judiciary

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AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.

III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

VI. Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.

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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 implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

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

1           1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
2 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

3                   (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
4 105-D:3.

5           2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
6 CVIII to read as follows:

7           CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general~~  
8 ~~and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject***  
9 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
10 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
11 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
12 ***time the 20-year retention period in this paragraph shall apply.***

13           3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

14           XXXVII. School Resource Officers. Require each school district in the state to which a school  
15 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
16 requirement for a signed memorandum of understanding between the school district and the law  
17 enforcement agency from which the school resource officer is deployed. ***The memorandum of***  
18 ***understanding shall be made available as a public document.***

19           4 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
20 section 2 the following new section:

21           105-D:3 Body-Worn and In-car Camera Fund.

22           I. There is hereby established the body-worn and in-car camera fund within the department  
23 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
24 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
25 and continually appropriated to the department of safety.

26           II. The fund shall provide grants to local law enforcement agencies to pay up to one-half of  
27 the purchase and replacement costs of body-worn and in-car cameras.

1 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

2 IV. The fund shall be overseen by the commissioner of the department of safety and the  
3 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
4 process for the application for grants from the fund. Such process shall be established in rules  
5 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

6 5 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending  
7 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA  
8 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
9 treasury not otherwise appropriated.

10 6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

11 IV. "Delinquent" means a person who has committed an offense before reaching the age of  
12 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
13 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
14 counseling, supervision, treatment, or rehabilitation as a consequence thereof. *No person under 13*  
15 *years of age shall be subject to proceedings under this chapter unless such person has*  
16 *committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be*  
17 *construed to limit the filing of a petition for any minor child under RSA 169-D.*

18 7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

19 IV. When the felony offense charged is first degree murder, second degree murder,  
20 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~  
21 ~~allegation is a violation of RSA 631:2, I(d)),~~] aggravated felonious sexual assault[~~kidnapping,~~  
22 ~~criminal restraint, robbery~~] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),  
23 ~~or negligent homicide under RSA 630:3, II,~~] or when the minor is charged with any felony and, prior  
24 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
25 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
26 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
27 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

28 8 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification  
29 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on  
30 state-issued identification cards.

31 I.(a) The committee shall consist of the following members:

32 (1) Two members of the house of representatives, appointed by the speaker of the  
33 house of representatives.

34 (2) One member of the senate, appointed by the president of the senate.

35 (b) Members of the committee shall receive mileage at the legislative rate when  
36 attending to the duties of the committee

1           II.(a) The committee shall study whether the state should include race and ethnicity on any  
2 state-issued identification card and whether or not the state should be collecting data on race and  
3 ethnicity.

4           (b) The committee may solicit and receive advice and testimony from any individual or  
5 organization with information relevant to the committee's objective.

6           III. The members of the study committee shall elect a chairperson from among the members.  
7 The first meeting of the committee shall be called by a senate member. The first meeting of the  
8 committee shall be held within 45 days of the effective date of this section. Two members of the  
9 committee shall constitute a quorum.

10          IV. The committee shall report its findings and any recommendations for proposed  
11 legislation to the president of the senate, the speaker of the house of representatives, the senate  
12 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

13          9 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
14 490-A:3, II to read as follows:

15           II. *The chief justice of the supreme court with the advice and consent of the chief*  
16 *justice of the superior court and the administrative judge of the circuit court, shall*  
17 *encourage the justices and judges of all courts in New Hampshire to receive annual*  
18 *training covering the topics of implicit bias and racial profiling.*

19           III. In carrying out the duties imposed by ~~[paragraph I]~~ **this section**, the chief justices may  
20 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
21 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

22          10 Effective Date.

23           I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

24           II. The remainder of this act shall take effect 60 days after its passage.

**SB 96-FN-A- FISCAL NOTE**

AS AMENDED BY THE SENATE (AMENDMENTS #2021-0773s and #2021-0996s)

AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$1	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Body-Worn and Dashboard Camera Fund			

**COUNTY:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill:

- Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- Requires the memorandum of understanding between a school district and a school resource officer to be made public.
- Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

- Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.
- Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.
- Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.

The Judicial Branch indicates this bill would require the chief justice of the supreme court with the advice and consent of the chief justice of the superior court and the administrative judge of the circuit court, to encourage the justices and judges of all courts to receive annual training covering the topics of implicit bias and racial profiling. The Branch expects that annual training covering the topics of implicit bias and racial profiling could be implemented for less than \$10,000 per year.

The Judicial Council assumes any decline in the number of non-violent juvenile prosecutions brought against individuals 12 and younger would be so insignificant that it will not result in any savings to the indigent defense system. While increased use of dash or body cameras may benefit individual defendants on a case by case basis, it is assumed that this will not impact the number of cases brought by the State. The Council states the fiscal impact from this bill would be limited to the costs of handling the videos. When videos are provided through the discovery process, the Public Defender is required to store that video for at least three years. These videos take up a significant amount of server space. Depending on the level of increased camera use resulting from this bill, it could result in IT costs to the indigent defense system. Certification cases are extremely time-consuming and costly. In addition to attorney time, these cases often require services other than counsel, including mental health and adolescent brain development experts. Any reduction to these cases would mean fewer expenses in services other than counsel, but would not significantly reduce costs in this area.

The NH Municipal Association states the extended retention requirement for internal affairs records will require additional storage space, either physical or electronic, which could result in additional municipal expenditures, although the additional expenditures are not likely to be significant. The Association indicates the fund for body-worn and dashboard cameras may provide additional revenue to municipalities, which presumably would need to be matched by municipal expenditures for the purchase and maintenance of cameras and storage of data. The purchase of cameras by municipalities would be voluntary. The Association has no way of predicting how many municipalities would participate in this program, what the costs would be,

or how much funding would be provided to municipalities. The other provisions of the bill are unlikely to affect municipal revenues or expenditures.

The Department of Safety indicates the body-worn and dashboard camera fund will be administered through the Commissioner's Office and the Attorney General's Office. Retention of the non-criminal internal affairs investigations for a period of 20 years will have no noticeable financial impact on the Department. The Division of State Police internal affairs investigations are stored electronically. The Department assumes there will be no fiscal impact to the Department.

The Department of Health and Human Services indicates this bill does not modify the Division for Children, Youth and Families (DCYF) obligations under RSA 169-B and does not impact the services that DCYF provides to juveniles pre- or post-adjudication.

It is assumed that any fiscal impact would occur after July 1, 2021.

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Departments of Health and Human Services and Safety, and New Hampshire Municipal Association

SB 96-FN-A - AS AMENDED BY THE HOUSE

03/18/2021 0773s  
04/01/2021 0996s  
3Jun2021... 1391h

2021 SESSION

21-1001  
04/05

SENATE BILL **96-FN-A**

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

SPONSORS: Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Morse, Dist 22; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cushing, Rock. 21; Rep. M. Smith, Straf. 6

COMMITTEE: Judiciary

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AMENDED ANALYSIS

This bill:

- I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.
- III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.
- IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.
- V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

---

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.



SB 96-FN-A - AS AMENDED BY THE HOUSE

03/18/2021 0773s  
04/01/2021 0996s  
3Jun2021... 1391h

21-1001  
04/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

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

1 1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
2 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

3 (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
4 105-D:3.

5 2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
6 CVIII to read as follows:

7 CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general~~  
8 ~~and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject***  
9 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
10 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
11 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
12 ***time the 20-year retention period in this paragraph shall apply.***

13 3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

14 XXXVII. School Resource Officers. Require each school district in the state to which a school  
15 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
16 requirement for a signed memorandum of understanding between the school district and the law  
17 enforcement agency from which the school resource officer is deployed. ***The memorandum of***  
18 ***understanding shall be made available as a public document.***

19 4 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
20 section 2 the following new section:

21 105-D:3 Body-Worn and In-car Camera Fund.

22 I. There is hereby established the body-worn and in-car camera fund within the department  
23 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
24 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
25 and continually appropriated to the department of safety.

26 II. The fund shall provide grants to local law enforcement agencies to pay up to one-half of  
27 the purchase and replacement costs of body-worn and in-car cameras.

1 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

2 IV. The fund shall be overseen by the commissioner of the department of safety and the  
3 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
4 process for the application for grants from the fund. Such process shall be established in rules  
5 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

6 5 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending  
7 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA  
8 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
9 treasury not otherwise appropriated.

10 6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

11 IV. "Delinquent" means a person who has committed an offense before reaching the age of  
12 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
13 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
14 counseling, supervision, treatment, or rehabilitation as a consequence thereof. *No person under 13*  
15 *years of age shall be subject to proceedings under this chapter unless such person has*  
16 *committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be*  
17 *construed to limit the filing of a petition for any minor child under RSA 169-D.*

18 7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

19 IV. When the felony offense charged is first degree murder, second degree murder,  
20 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~  
21 ~~allegation is a violation of RSA 631:2, I(d)),~~] aggravated felonious sexual assault[, ~~kidnapping,~~  
22 ~~criminal restraint, robbery~~] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b), [  
23 ~~or negligent homicide under RSA 630:3, II,~~] or when the minor is charged with any felony and, prior  
24 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
25 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
26 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
27 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

28 8 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification  
29 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on  
30 state-issued identification cards.

31 I.(a) The committee shall consist of the following members:

32 (1) Two members of the house of representatives, appointed by the speaker of the  
33 house of representatives.

34 (2) One member of the senate, appointed by the president of the senate.

35 (b) Members of the committee shall receive mileage at the legislative rate when  
36 attending to the duties of the committee

1 II.(a) The committee shall study whether the state should include race and ethnicity on any  
2 state-issued identification card and whether or not the state should be collecting data on race and  
3 ethnicity.

4 (b) The committee may solicit and receive advice and testimony from any individual or  
5 organization with information relevant to the committee's objective.

6 III. The members of the study committee shall elect a chairperson from among the members.  
7 The first meeting of the committee shall be called by a senate member. The first meeting of the  
8 committee shall be held within 45 days of the effective date of this section. Two members of the  
9 committee shall constitute a quorum.

10 IV. The committee shall report its findings and any recommendations for proposed  
11 legislation to the president of the senate, the speaker of the house of representatives, the senate  
12 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

13 9 Effective Date.

14 I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

15 II. The remainder of this act shall take effect 60 days after its passage.

**SB 96-FN-A- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2021-1391h)

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$1	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Body-Worn and Dashboard Camera Fund			

**COUNTY:**

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill:

- Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- Requires the memorandum of understanding between a school district and a school resource officer to be made public.
- Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

- Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.
- Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

The Judicial Council assumes any decline in the number of non-violent juvenile prosecutions brought against individuals 12 and younger would be so insignificant that it will not result in any savings to the indigent defense system. While increased use of dash or body cameras may benefit individual defendants on a case by case basis, it is assumed that this will not impact the number of cases brought by the State. The Council states the fiscal impact from this bill would be limited to the costs of handling the videos. When videos are provided through the discovery process, the Public Defender is required to store that video for at least three years. These videos take up a significant amount of server space. Depending on the level of increased camera use resulting from this bill, it could result in IT costs to the indigent defense system. Certification cases are extremely time-consuming and costly. In addition to attorney time, these cases often require services other than counsel, including mental health and adolescent brain development experts. Any reduction to these cases would mean fewer expenses in services other than counsel, but would not significantly reduce costs in this area.

The NH Municipal Association states the extended retention requirement for internal affairs records will require additional storage space, either physical or electronic, which could result in additional municipal expenditures, although the additional expenditures are not likely to be significant. The Association indicates the fund for body-worn and dashboard cameras may provide additional revenue to municipalities, which presumably would need to be matched by municipal expenditures for the purchase and maintenance of cameras and storage of data. The purchase of cameras by municipalities would be voluntary. The Association has no way of predicting how many municipalities would participate in this program, what the costs would be, or how much funding would be provided to municipalities. The other provisions of the bill are unlikely to affect municipal revenues or expenditures.

The Department of Safety indicates the body-worn and dashboard camera fund will be administered through the Commissioner's Office and the Attorney General's Office. Retention of the non-criminal internal affairs investigations for a period of 20 years will have no noticeable financial impact on the Department. The Division of State Police internal affairs investigations are stored electronically. The Department assumes there will be no fiscal impact to the Department.

The Department of Health and Human Services indicates this bill does not modify the Division for Children, Youth and Families (DCYF) obligations under RSA 169-B and does not impact the services that DCYF provides to juveniles pre- or post-adjudication.

It is assumed that any fiscal impact would occur after July 1, 2021.

**AGENCIES CONTACTED:**

Judicial Council, Departments of Health and Human Services and Safety, and New Hampshire Municipal Association

CHAPTER 227  
SB 96-FN-A - FINAL VERSION

03/18/2021 0773s  
04/01/2021 0996s  
3Jun2021... 1391h  
06/24/2021 2046EBA

2021 SESSION

21-1001  
04/05

SENATE BILL **96-FN-A**

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing a committee to study the collection of race and ethnicity data on state identification cards.

SPONSORS: Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Morse, Dist 22; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cushing, Rock. 21; Rep. M. Smith, Straf. 6

COMMITTEE: Judiciary

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AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule, for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.

III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

-----  
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.

CHAPTER 227  
SB 96-FN-A - FINAL VERSION

03/18/2021 0773s  
04/01/2021 0996s  
3Jun2021... 1391h  
06/24/2021 2046EBA

21-1001  
04/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing a committee to study the collection of race and ethnicity data on state identification cards.

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

1 227:1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
2 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

3 (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
4 105-D:3.

5 227:2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-  
6 A:3-a, CVIII to read as follows:

7 CVIII. Police, non-criminal-internal affairs investigations: [~~as required by attorney general~~  
8 ~~and union contract and town personnel rules~~] ***upon the retirement or termination of the subject***  
9 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
10 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
11 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
12 ***time the 20-year retention period in this paragraph shall apply.***

13 227:3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

14 XXXVII. School Resource Officers. Require each school district in the state to which a school  
15 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
16 requirement for a signed memorandum of understanding between the school district and the law  
17 enforcement agency from which the school resource officer is deployed. ***The memorandum of***  
18 ***understanding shall be made available as a public document.***

19 227:4 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
20 section 2 the following new section:

21 105-D:3 Body-Worn and In-car Camera Fund.

22 I. There is hereby established the body-worn and in-car camera fund within the department  
23 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
24 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
25 and continually appropriated to the department of safety.



CHAPTER 227  
SB 96-FN-A - FINAL VERSION  
- Page 2 -

1           II. The fund shall provide grants to local law enforcement agencies to pay up to one-half of  
2 the purchase and replacement costs of body-worn and in-car cameras.

3           III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

4           IV. The fund shall be overseen by the commissioner of the department of safety and the  
5 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
6 process for the application for grants from the fund. Such process shall be established in rules  
7 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

8           227:5 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year  
9 ending June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in  
10 RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
11 treasury not otherwise appropriated.

12           227:6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

13           IV. "Delinquent" means a person who has committed an offense before reaching the age of  
14 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
15 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
16 counseling, supervision, treatment, or rehabilitation as a consequence thereof. *No person under 13*  
17 *years of age shall be subject to proceedings under this chapter unless such person has*  
18 *committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be*  
19 *construed to limit the filing of a petition for any minor child under RSA 169-D.*

20           227:7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as  
21 follows:

22           IV. When the felony offense charged is first degree murder, second degree murder,  
23 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~  
24 ~~allegation is a violation of RSA 631:2, I(d)),~~] aggravated felonious sexual assault[, kidnapping,  
25 ~~criminal restraint, robbery~~] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),  
26 ~~or negligent homicide under RSA 630:3, II,~~] or when the minor is charged with any felony and, prior  
27 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
28 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
29 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
30 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

31           227:8 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued  
32 Identification Cards. There is hereby established a committee to study the inclusion of race and  
33 ethnicity data on state-issued identification cards.

34           I.(a) The committee shall consist of the following members:

35                   (1) Two members of the house of representatives, appointed by the speaker of the  
36 house of representatives.

37                   (2) One member of the senate, appointed by the president of the senate.

**CHAPTER 227**  
**SB 96-FN-A - FINAL VERSION**  
**- Page 3 -**

1           (b) Members of the committee shall receive mileage at the legislative rate when  
2 attending to the duties of the committee.

3           II.(a) The committee shall study whether the state should include race and ethnicity on any  
4 state-issued identification card and whether or not the state should be collecting data on race and  
5 ethnicity.

6           (b) The committee may solicit and receive advice and testimony from any individual or  
7 organization with information relevant to the committee's objective.

8           III. The members of the study committee shall elect a chairperson from among the members.  
9 The first meeting of the committee shall be called by a senate member. The first meeting of the  
10 committee shall be held within 45 days of the effective date of this section. Two members of the  
11 committee shall constitute a quorum.

12           IV. The committee shall report its findings and any recommendations for proposed  
13 legislation to the president of the senate, the speaker of the house of representatives, the senate  
14 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

15           227:9 Effective Date.

16           I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

17           II. The remainder of this act shall take effect 60 days after its passage.

Approved: August 25, 2021

Effective Date:

I. Sections 2, 4 and 5 effective July 1, 2021.

II. Remainder effective October 24, 2021.

# Amendments

Amendment to SB 96-FN-A

1 Amend the bill by inserting after section 13 the following and renumbering the original section 14 to  
2 read as 18:

3

4 14 Drivers' Licenses; Application for License. Amend RSA 263:5, II(b) to read as follows:

5 (b) A physical description of the applicant, including gender indicated by checking either  
6 "M" for "male," "F" for female," or "X" for "other," height, weight, eye and hair color, *race*  
7 *(optional), and ethnicity (optional)*;

8 15 Drivers' Licenses; Form of License. Amend RSA 263:40, II-III to read as follows:

9 II. Drivers' licenses compliant with Public Law 109-13 issued pursuant to RSA 263:14-b  
10 shall bear the name, address, date of birth, gender indicated as "M" for "male," "F" for "female," or  
11 "X" for "other," veteran's status for the purposes of identification for receiving benefits and services  
12 under New Hampshire law (optional), organ donor status (optional), *race (optional), ethnicity*  
13 *(optional)*, picture, and signature of the applicant. The driver's license card shall bear an approved  
14 security marking indicating that it was issued in compliance with Public Law 109-13 and is  
15 therefore acceptable for federal identification purposes.

16 III. Enhanced drivers' licenses issued pursuant to RSA 263:14-c shall bear the name,  
17 address, date of birth, gender indicated as "M" for "male," "F" for "female," or "X" for "other,"  
18 veteran's status for the purposes of identification for receiving benefits and services under New  
19 Hampshire law (optional), *race (optional), ethnicity (optional)*, organ donor status (optional),  
20 picture, and signature of the applicant. The driver's license card shall bear an approved security  
21 marking indicating that it is an enhanced driver's license.

22 16 Commercial Licensing; Application for Commercial Drivers License. Amend RSA 263:90, I(b)  
23 to read as follows:

24 (b) A physical description of the applicant, including gender indicated by checking either  
25 "M" for "male," "F" for "female," or "X" for other,' height, weight, eye and hair color, *race (optional),*  
26 *and ethnicity (optional)*;

27 17 Commercial Licensing; Commercial Driver License. Amend RSA 263:91, I(c) to read as  
28 follows:

29 (c) A physical description of the licensee including gender indicated as "M" for "male,"  
30 "F" for "female," or "X" for "other," height, weight, eye[-] and hair color, *race (optional), and*  
31 *ethnicity (optional)*;

2021-0202s

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.

III. Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and individual and commercial drivers' licenses, and requires law enforcement agencies to collect such data.

VI. Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

UNAPPROVED

Sen. Gannon, Dist 23  
March 5, 2021  
2021-0661s  
04/05

Amendment to SB 96-FN-A

1 Amend the bill by replacing section 3 with the following:

2

3 3 Duties of the State Board of Education; School, Resource Officers. Amend RSA 186:11,  
4 XXXVII to read as follows:

5 XXXVII. School Resource Officers. Require each school district in the state to which a school  
6 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
7 requirement for a signed memorandum of understanding between the school district and the law  
8 enforcement agency from which the school resource officer is deployed. *The memorandum of*  
9 *understanding shall be made available as a public document.*

2021-0661s

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a law enforcement agency to provide a school resource officer to be made public.

III. Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and requires law enforcement agencies to collect such data.

VI. Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

Sen. Carson, Dist 14  
March 8, 2021  
2021-0689s  
04/05

Amendment to SB 96-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring implicit bias training for judges; requiring the memorandum of  
4 understanding between a school district and a school resource officer to be public;  
5 establishing a body-worn and dashboard camera fund and making an  
6 appropriation therefor; relative to race and ethnicity data on driver's licenses,  
7 and relative to juvenile delinquency.  
8

9 Amend the bill by replacing section 3 with the following:

10

11 3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

12 XXXVII. School Resource Officers. Require each school district in the state to which a school  
13 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
14 requirement for a signed memorandum of understanding between the school district and the law  
15 enforcement agency from which the school resource officer is deployed. *The memorandum of*  
16 *understanding shall be made available as a public document.*

UNAPPROVED



2021-0689s

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a school resource officer to be made public.

III. Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and requires law enforcement agencies to collect such data.

VI. Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

UNAPPROVED

Amendment to SB 96-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car  
4 camera fund and making an appropriation therefor; amending juvenile delinquency  
5 proceedings and transfers to superior court; and establishing committees to study the  
6 role and scope of authority of school resource officers and the collection of race and  
7 ethnicity data on state identification cards.  
8

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

10

11 1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
12 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

13 (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
14 105-D:3.

15 2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
16 CVIII to read as follows:

17 CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general~~  
18 ~~and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject***  
19 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
20 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
21 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
22 ***time the 20-year retention period in this paragraph shall apply.***

23 3 Committee to Study the Role and Scope of Authority of School Resource Officers. There is  
24 hereby established a committee to study the role and scope of authority of school resource officers  
25 (SRO):

26 I.(a) The members of the committee shall be as follows:

27 (1) Two members of the senate, appointed by the president of the senate.

28 (2) Three members of the house of representatives, appointed by the speaker of the  
29 house of representatives.

30 (b) Members of the committee shall receive mileage at the legislative rate when  
31 attending to the duties of the committee.

32 II. The committee shall examine the following issues:

Amendment to SB 96-FN-A

- Page 2 -

1 (a) The scope of authority and involvement of SROs in school discipline, minor  
2 misconduct, and major criminal offenses.

3 (b) The scope of authority and involvement of school administrators in the investigation  
4 of minor and major criminal behavior.

5 (c) The roles of SROs and school administrators in decisions regarding detention,  
6 suspension, expulsion, and court referral.

7 (d) The availability of behavioral health services to respond to the needs of students in  
8 New Hampshire schools, including the system of care under RSA 135-F and services under RSA  
9 167:3-1, how to expand access to such services, and the specific availability of such services at schools  
10 with SROs.

11 (e) The rights of students regarding searches and interrogations by law enforcement at  
12 schools.

13 (f) Data collection on the number of incidents resulting in law enforcement intervention  
14 at schools, including the issuance of a citation, ticket, or summons, filing of a delinquency petition, or  
15 referral to a probation officer for juvenile conduct on school grounds or at a school-sponsored event,  
16 including student demographic data.

17 (g) The impact of SRO involvement on student welfare and educational outcomes,  
18 including any impact on the school-to-prison pipeline.

19 III. During its examination, the committee shall:

20 (a) Review available research and data about the impact of SROs on student behavioral  
21 health and academic performance, and school safety.

22 (b) Accept testimony from school personnel and advocacy organizations, along with  
23 experts in the fields of education, student behavioral health, and the school-to-prison pipeline.

24 (c) Accept testimony from law enforcement, including from the police standards and  
25 training council.

26 IV. Following its review, the committee shall make recommendations for further legislation  
27 regarding the role and scope of authority of SROs in schools. It shall also make recommendations for  
28 improved reporting and data collection, if its review finds that such improvements are necessary.

29 V. The members of the study committee shall elect a chairperson from among the members.  
30 The first meeting of the committee shall be called by a senate member. The first meeting of the  
31 committee shall be held within 45 days of the effective date of this section. Four members of the  
32 committee shall constitute a quorum.

33 VI. The committee shall report its findings and any recommendations for proposed  
34 legislation to the president of the senate, the speaker of the house of representatives, the senate  
35 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

36 4 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
37 section 2 the following new section:

Amendment to SB 96-FN-A

- Page 3 -

1 105-D:3 Body-Worn and In-car Camera Fund.

2 I. There is hereby established the body-worn and in-car camera fund within the department  
3 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
4 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
5 and continually appropriated to the department of safety.

6 II. The fund shall provide grants to local law enforcement agencies to assist agencies with  
7 the purchase, maintenance, and replacement of body-worn and in-car cameras and ongoing costs  
8 related to the maintenance and storage of data recorded by body-worn and in-car cameras.

9 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

10 IV. The fund shall be overseen by the commissioner of the department of safety and the  
11 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
12 process for the application for grants from the fund. Such process shall be established in rules  
13 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

14 5 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending  
15 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA  
16 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
17 treasury not otherwise appropriated.

18 6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

19 IV. "Delinquent" means a person who has committed an offense before reaching the age of  
20 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
21 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
22 counseling, supervision, treatment, or rehabilitation as a consequence thereof. ***No person under 13***  
23 ***years of age shall be subject to proceedings under this chapter unless such person has***  
24 ***committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be***  
25 ***construed to limit the filing of a petition for any minor child under RSA 169-D.***

26 7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

27 IV. When the felony offense charged is first degree murder, second degree murder,  
28 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~  
29 ~~allegation is a violation of RSA 631:2, I(d)),~~] aggravated felonious sexual assault[, kidnapping,  
30 criminal restraint, robbery] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),  
31 or negligent homicide under RSA 630:3, II,] or when the minor is charged with any felony and, prior  
32 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
33 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
34 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
35 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

Amendment to SB 96-FN-A

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1       8 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification  
2 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on  
3 state-issued identification cards.

4       I.(a) The committee shall consist of the following members:

5               (1) Two members of the house of representatives, appointed by the speaker of the  
6 house of representatives.

7               (2) One member of the senate, appointed by the president of the senate.

8               (b) Members of the committee shall receive mileage at the legislative rate when  
9 attending to the duties of the committee

10       II.(a) The committee shall study whether the state should include race and ethnicity on any  
11 state-issued identification card and whether or not the state should be collecting data on race and  
12 ethnicity.

13               (b) The committee may solicit and receive advice and testimony from any individual or  
14 organization with information relevant to the committee's objective.

15       III. The members of the study committee shall elect a chairperson from among the members.  
16 The first meeting of the committee shall be called by a senate member. The first meeting of the  
17 committee shall be held within 45 days of the effective date of this section. Two members of the  
18 committee shall constitute a quorum.

19       IV. The committee shall report its findings and any recommendations for proposed  
20 legislation to the president of the senate, the speaker of the house of representatives, the senate  
21 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

22       9 Unified Court System: Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
23 490-A:3, II to read as follows:

24       II. *The chief justice of the supreme court with the advice and consent of the chief*  
25 *justice of the superior court and the administrative judge of the circuit court, shall*  
26 *encourage the justices and judges of all courts in New Hampshire to receive annual*  
27 *training covering the topics of implicit bias and racial profiling.*

28       III. In carrying out the duties imposed by ~~paragraph I~~ *this section*, the chief justices may  
29 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
30 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

31       10 Effective Date.

32       I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

33       II. The remainder of this act shall take effect 60 days after its passage.

2021-0728s

AMENDED ANALYSIS

This bill:

- I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- II. Establishes a committee to study the role and scope of authority of school resource officers.
- III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.
- IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.
- V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.
- VI. Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.

UNAPPROVED

Amendment to SB 96-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car  
4 camera fund and making an appropriation therefor; amending juvenile delinquency  
5 proceedings and transfers to superior court; and establishing a committee to study  
6 the collection of race and ethnicity data on state identification cards.  
7

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

9

10 1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
11 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

12 (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
13 105-D:3.

14 2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
15 CVIII to read as follows:

16 CVIII. Police, non-criminal internal affairs investigations: ~~[as required by attorney general~~  
17 ~~and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject***  
18 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
19 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
20 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
21 ***time the 20-year retention period in this paragraph shall apply.***

22 3 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
23 section-2 the following new section:

24 105-D:3 Body-Worn and In-car Camera Fund.

25 I. There is hereby established the body-worn and in-car camera fund within the department  
26 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
27 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
28 and continually appropriated to the department of safety.

29 II. The fund shall provide grants to local law enforcement agencies to assist agencies with  
30 the purchase, maintenance, and replacement of body-worn and in-car cameras and ongoing costs  
31 related to the maintenance and storage of data recorded by body-worn and in-car cameras.

32 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

1 IV. The fund shall be overseen by the commissioner of the department of safety and the  
2 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
3 process for the application for grants from the fund. Such process shall be established in rules  
4 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

5 4 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending  
6 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA  
7 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
8 treasury not otherwise appropriated.

9 5 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

10 IV. "Delinquent" means a person who has committed an offense before reaching the age of  
11 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
12 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
13 counseling, supervision, treatment, or rehabilitation as a consequence thereof. **No person under 13**  
14 **years of age shall be subject to proceedings under this chapter unless such person has**  
15 **committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be**  
16 **construed to limit the filing of a petition for any minor child under RSA 169-D.**

17 6 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

18 IV. When the felony offense charged is first degree murder, second degree murder,  
19 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~  
20 ~~allegation is a violation of RSA 631:2, I(d)),~~] aggravated felonious sexual assault, [~~kidnapping,~~  
21 ~~criminal restraint, robbery~~] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b), [  
22 ~~or negligent homicide under RSA 630:3, II,~~] or when the minor is charged with any felony and, prior  
23 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions  
24 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
25 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
26 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

27 7 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification  
28 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on  
29 state-issued identification cards.

30 I.(a) The committee shall consist of the following members:

31 (1) Two members of the house of representatives, appointed by the speaker of the  
32 house of representatives.

33 (2) One member of the senate, appointed by the president of the senate.

34 (b) Members of the committee shall receive mileage at the legislative rate when  
35 attending to the duties of the committee



1 II.(a) The committee shall study whether the state should include race and ethnicity on any  
2 state-issued identification card and whether or not the state should be collecting data on race and  
3 ethnicity.

4 (b) The committee may solicit and receive advice and testimony from any individual or  
5 organization with information relevant to the committee's objective.

6 III. The members of the study committee shall elect a chairperson from among the members.  
7 The first meeting of the committee shall be called by a senate member. The first meeting of the  
8 committee shall be held within 45 days of the effective date of this section. Two members of the  
9 committee shall constitute a quorum.

10 IV. The committee shall report its findings and any recommendations for proposed  
11 legislation to the president of the senate, the speaker of the house of representatives, the senate  
12 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

13 8 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
14 490-A:3, II to read as follows:

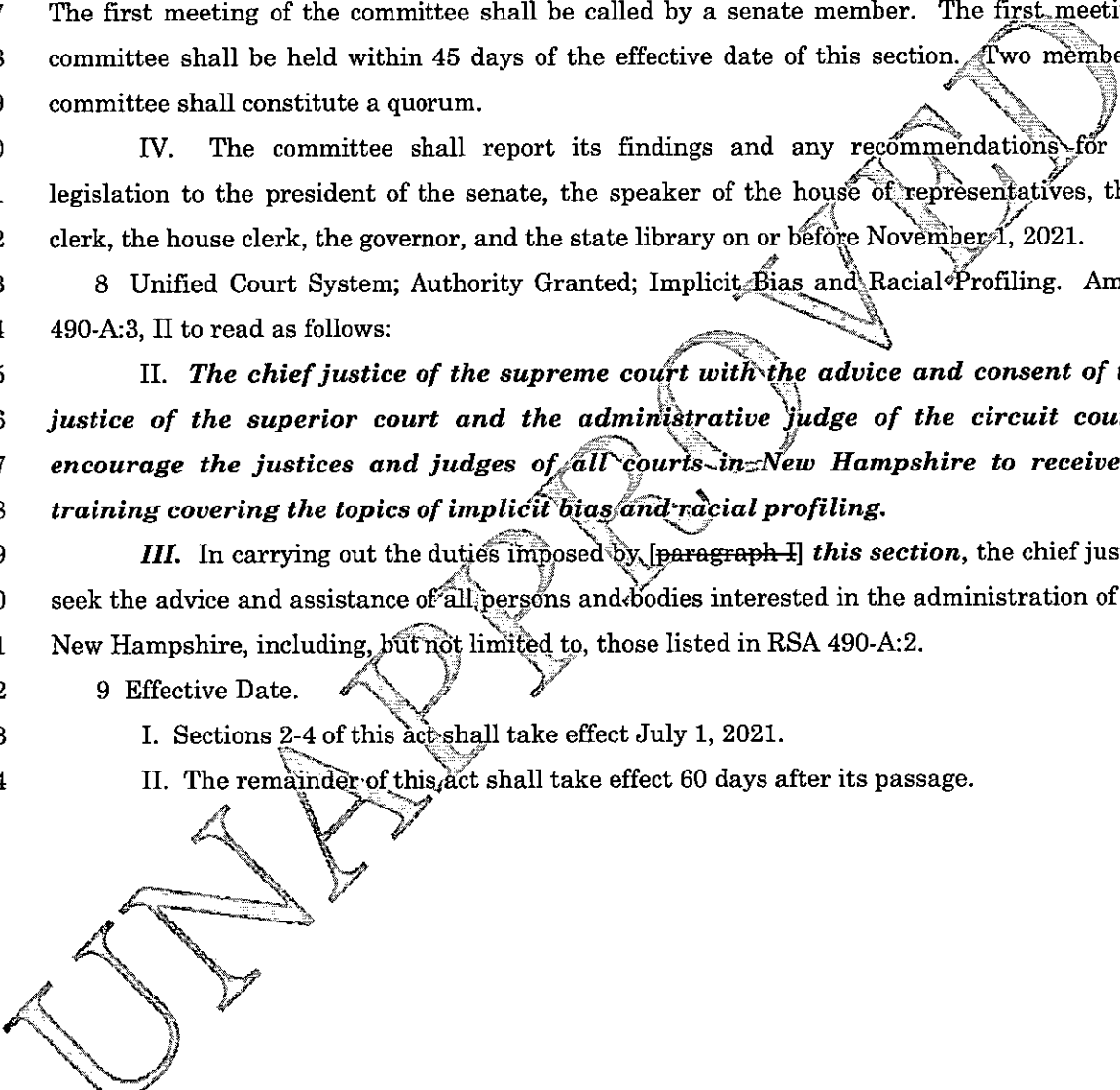
15 II. *The chief justice of the supreme court with the advice and consent of the chief*  
16 *justice of the superior court and the administrative judge of the circuit court, shall*  
17 *encourage the justices and judges of all courts in New Hampshire to receive annual*  
18 *training covering the topics of implicit bias and racial profiling.*

19 III. In carrying out the duties imposed by ~~[paragraph I]~~ *this section*, the chief justices may  
20 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
21 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

22 9 Effective Date.

23 I. Sections 2-4 of this act shall take effect July 1, 2021.

24 II. The remainder of this act shall take effect 60 days after its passage.



2021-0729s

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.

III. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

IV. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

V. Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.

UNAPPROVED

Sen. Carson, Dist 14  
Sen. Whitley, Dist 15  
March 9, 2021  
2021-0731s  
04/05

Amendment to SB 96-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring implicit bias training for judges; establishing a body-worn and  
4 dashboard camera fund and making an appropriation therefor, relative to race  
5 and ethnicity data on driver's licenses, and relative to juvenile delinquency; and  
6 establishing a committee to study the role and scope of authority of school  
7 resource officers.  
8

9 Amend the bill by replacing all after section 13 with the following:

10

11 14 Committee to Study the Role and Scope of Authority of School Resource Officers. There is  
12 hereby established a committee to study the role and scope of authority of school resource officers  
13 (SRO).

14 I.(a) The members of the committee shall be as follows:

15 (1) Two members of the senate, appointed by the president of the senate.

16 (2) Three members of the house of representatives, appointed by the speaker of the  
17 house of representatives.

18 (b) Members of the committee shall receive mileage at the legislative rate when  
19 attending to the duties of the committee.

20 II. The committee shall examine the following issues:

21 (a) The scope of authority and involvement of SROs in school discipline, minor  
22 misconduct, and major criminal offenses.

23 (b) The scope of authority and involvement of school administrators in the investigation  
24 of minor and major criminal behavior.

25 (c) The roles of SROs and school administrators in decisions regarding detention,  
26 suspension, expulsion, and court referral.

27 (d) The availability of behavioral health services to respond to the needs of students in  
28 New Hampshire schools, including the system of care under RSA 135-F and services under RSA  
29 167:3-1, how to expand access to such services, and the specific availability of such services at schools  
30 with SROs.

31 (e) The rights of students regarding searches and interrogations by law enforcement at  
32 schools.

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1 (f) Data collection on the number of incidents resulting in law enforcement intervention  
2 at schools, including the issuance of a citation, ticket, or summons, filing of a delinquency petition, or  
3 referral to a probation officer for juvenile conduct on school grounds or at a school-sponsored event,  
4 including student demographic data.

5 (g) The impact of SRO involvement on student welfare and educational outcomes,  
6 including any impact on the school-to-prison pipeline.

7 III. During its examination, the committee shall:

8 (a) Review available research and data about the impact of SROs on student behavioral  
9 health and academic performance, and school safety.

10 (b) Accept testimony from school personnel and advocacy organizations, along with  
11 experts in the fields of education, student behavioral health, and the school-to-prison pipeline.

12 (c) Accept testimony from law enforcement, including from the police standards and  
13 training council.

14 IV. Following its review, the committee shall make recommendations for further legislation  
15 regarding the role and scope of authority of SROs in schools. It shall also make recommendations for  
16 improved reporting and data collection, if its review finds that such improvements are necessary.

17 V. The members of the study committee shall elect a chairperson from among the members.  
18 The first meeting of the committee shall be called by a senate member. The first meeting of the  
19 committee shall be held within 45 days of the effective date of this section. Four members of the  
20 committee shall constitute a quorum.

21 VI. The committee shall report its findings and any recommendations for proposed  
22 legislation to the president of the senate, the speaker of the house of representatives, the senate  
23 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

24 15 Effective Date.

25 I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

26 II. Section 14 of this act shall take effect upon its passage.

27 III. The remainder of this act shall take effect 60 days after its passage.

2021-0731s

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.

III. Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and requires law enforcement agencies to collect such data.

VI. Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

VII. Establishes a committee to study the role and scope of authority of school resource officers.

UNAPPROVED

Amendment to SB 96-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car  
4 camera fund and making an appropriation therefor; amending juvenile delinquency  
5 proceedings and transfers to superior court; and establishing committees to study the  
6 role and scope of authority of school resource officers and the collection of race and  
7 ethnicity data on state identification cards.  
8

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

10

11 1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend  
12 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

13 (365) Moneys credited to the body-worn and in-car camera fund established in RSA  
14 105-D:3.

15 2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,  
16 CVIII to read as follows:

17 CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general~~  
18 ~~and union contract and town personnel rules]~~ ***upon the retirement or termination of the subject***  
19 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***  
20 ***criminal internal affairs investigations as set forth in any applicable union or collective***  
21 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***  
22 ***time the 20-year retention period in this paragraph shall apply.***

23 3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

24 XXXVII. School Resource Officers. Require each school district in the state to which a school  
25 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a  
26 requirement for a signed memorandum of understanding between the school district and the law  
27 enforcement agency from which the school resource officer is deployed. ***The memorandum of***  
28 ***understanding shall be made available as a public document.***

29 4 Committee to Study the Role and Scope of Authority of School Resource Officers. There is  
30 hereby established a committee to study the role and scope of authority of school resource officers  
31 (SRO).

32 I.(a) The members of the committee shall be as follows:

33 (1) Two members of the senate, appointed by the president of the senate.

Amendment to SB 96-FN-A

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1 (2) Three members of the house of representatives, appointed by the speaker of the  
2 house of representatives.

3 (b) Members of the committee shall receive mileage at the legislative rate when  
4 attending to the duties of the committee.

5 II. The committee shall examine the following issues:

6 (a) The scope of authority and involvement of SROs in school discipline, minor  
7 misconduct, and major criminal offenses.

8 (b) The scope of authority and involvement of school administrators in the investigation  
9 of minor and major criminal behavior.

10 (c) The roles of SROs and school administrators in decisions regarding detention,  
11 suspension, expulsion, and court referral.

12 (d) The availability of behavioral health services to respond to the needs of students in  
13 New Hampshire schools, including the system of care under RSA 135-F and services under RSA  
14 167:3-1, how to expand access to such services, and the specific availability of such services at schools  
15 with SROs.

16 (e) The rights of students regarding searches and interrogations by law enforcement at  
17 schools.

18 (f) Data collection on the number of incidents resulting in law enforcement intervention  
19 at schools, including the issuance of a citation, ticket, or summons, filing of a delinquency petition, or  
20 referral to a probation officer for juvenile conduct on school grounds or at a school-sponsored event,  
21 including student demographic data.

22 (g) The impact of SRO involvement on student welfare and educational outcomes,  
23 including any impact on the school-to-prison pipeline.

24 III. During its examination, the committee shall:

25 (a) Review available research and data about the impact of SROs on student behavioral  
26 health and academic performance, and school safety.

27 (b) Accept testimony from school personnel and advocacy organizations, along with  
28 experts in the fields of education, student behavioral health, and the school-to-prison pipeline.

29 (c) Accept testimony from law enforcement, including from the police standards and  
30 training council.

31 IV. Following its review, the committee shall make recommendations for further legislation  
32 regarding the role and scope of authority of SROs in schools. It shall also make recommendations for  
33 improved reporting and data collection, if its review finds that such improvements are necessary.

34 V. The members of the study committee shall elect a chairperson from among the members.  
35 The first meeting of the committee shall be called by a senate member. The first meeting of the  
36 committee shall be held within 45 days of the effective date of this section. Four members of the  
37 committee shall constitute a quorum.

Amendment to SB 96-FN-A  
- Page 3 -

1 VI. The committee shall report its findings and any recommendations for proposed  
2 legislation to the president of the senate, the speaker of the house of representatives, the senate  
3 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

4 5 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after  
5 section 2 the following new section:

6 105-D:3 Body-Worn and In-car Camera Fund.

7 I. There is hereby established the body-worn and in-car camera fund within the department  
8 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-  
9 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing  
10 and continually appropriated to the department of safety.

11 II. The fund shall provide grants to local law enforcement agencies to assist agencies with  
12 the purchase, maintenance, and replacement of body-worn and in-car cameras and ongoing costs  
13 related to the maintenance and storage of data recorded by body-worn and in-car cameras.

14 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

15 IV. The fund shall be overseen by the commissioner of the department of safety and the  
16 attorney general who shall, within 180 days of the effective date of this section, jointly establish a  
17 process for the application for grants from the fund. Such process shall be established in rules  
18 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

19 6 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending  
20 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA  
21 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the  
22 treasury not otherwise appropriated.

23 7 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

24 IV. "Delinquent" means a person who has committed an offense before reaching the age of  
25 18 years which would be a felony or misdemeanor under the criminal code of this state if committed  
26 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of  
27 counseling, supervision, treatment, or rehabilitation as a consequence thereof. ***No person under 13***  
28 ***years of age shall be subject to proceedings under this chapter unless such person has***  
29 ***committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be***  
30 ***construed to limit the filing of a petition for any minor child under RSA 169-D.***

31 8 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

32 IV. When the felony offense charged is first degree murder, second degree murder,  
33 attempted murder, manslaughter, first degree assault, ~~second degree assault (except when the~~  
34 ~~allegation is a violation of RSA 631:2, I(d)),~~ aggravated felonious sexual assault~~], kidnapping,~~  
35 ~~criminal restraint, robbery]~~ punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),  
36 ~~or negligent homicide under RSA 630:3, II,~~ or when the minor is charged with any felony and, prior  
37 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions



Amendment to SB 96-FN-A

- Page 4 -

1 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or  
2 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a  
3 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

4 9 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification  
5 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on  
6 state-issued identification cards.

7 I.(a) The committee shall consist of the following members:

8 (1) Two members of the house of representatives, appointed by the speaker of the  
9 house of representatives.

10 (2) One member of the senate, appointed by the president of the senate.

11 (b) Members of the committee shall receive mileage at the legislative rate when  
12 attending to the duties of the committee

13 II.(a) The committee shall study whether the state should include race and ethnicity on any  
14 state-issued identification card and whether or not the state should be collecting data on race and  
15 ethnicity.

16 (b) The committee may solicit and receive advice and testimony from any individual or  
17 organization with information relevant to the committee's objective.

18 III. The members of the study committee shall elect a chairperson from among the members.  
19 The first meeting of the committee shall be called by a senate member. The first meeting of the  
20 committee shall be held within 45 days of the effective date of this section. Two members of the  
21 committee shall constitute a quorum.

22 IV. The committee shall report its findings and any recommendations for proposed  
23 legislation to the president of the senate, the speaker of the house of representatives, the senate  
24 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

25 10 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
26 490-A:3, II to read as follows:

27 II. *The chief justice of the supreme court with the advice and consent of the chief*  
28 *justice of the superior court and the administrative judge of the circuit court, shall*  
29 *encourage the justices and judges of all courts in New Hampshire to receive annual*  
30 *training covering the topics of implicit bias and racial profiling.*

31 III. In carrying out the duties imposed by ~~paragraph I~~ **this section**, the chief justices may  
32 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
33 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

34 11 Effective Date.

35 I. Sections 2, 5, and 6 of this act shall take effect July 1, 2021.

36 II. The remainder of this act shall take effect 60 days after its passage.

2021-0773s

AMENDED ANALYSIS

This bill:

- I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.
- II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.
- III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.
- IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.
- V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.
- VI. Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.

Sen. Giuda, Dist 2  
March 23, 2021  
2021-0959s  
04/05

# Committee Amendment

## Amendment to SB 96-FN-A

1 Amend RSA 105-D:3, II as inserted by section 4 of the bill by replacing it with the following:

2

3 II. The fund shall provide grants to local law enforcement agencies to pay <sup>up to</sup> one-half of the  
4 purchase and replacement costs of body-worn and in-car cameras.

UNAPPROVED

Senate Finance  
March 24, 2021  
2021-0996s  
04/05

Amendment to SB 96-FN-A

1 Amend RSA 105-D:3, II as inserted by section 4 of the bill by replacing it with the following:

2

3 II. The fund shall provide grants to local law enforcement agencies to pay up to one-half of  
4 the purchase and replacement costs of body-worn and in-car cameras.

Sen. Whitley, Dist 15  
Sen. Kahn, Dist 10  
March 31, 2021  
2021-1058s  
05/10

Floor Amendment to SB 96-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car  
4 camera fund and making an appropriation therefor; amending juvenile  
5 delinquency proceedings and transfers to superior court; and relative to race and  
6 ethnicity data on driver's licenses.  
7

8 Amend the bill by replacing all after section 7 with the following:

9

10 8 New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.

11 Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:

12 VIII. A local law enforcement agency acting pursuant to RSA 594:14-b and the department  
13 may make available to the public aggregated statistical data containing information generated from  
14 motor vehicle records, provided that no such data shall contain personal information, as defined by  
15 RSA 260:14. The publicly available aggregated statistical data shall only contain information  
16 regarding a person's gender, race, ethnicity, residence zip code, and whether the event involved a  
17 motor vehicle accident, a fatality, and whether there was a motor vehicle stop and its disposition,  
18 such as a warning, citation, arrest, and the offense charged. The commissioner of the department of  
19 safety may adopt rules to implement this paragraph and any such rules shall be exempt from the  
20 provisions of RSA 541-A.

21 9 Motor Vehicles; Nondriver's Picture Identification Cards. Amend RSA 260:21, III to read as  
22 follows:

23 III. The identification card shall bear the name, address, date of birth, blood type (optional),  
24 gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the  
25 purposes of identification for receiving benefits and services under New Hampshire law (optional),  
26 **race (optional), ethnicity (optional)**, picture and signature of the applicant, and in the case of a  
27 card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State  
28 Discount Card." The identification card shall bear an approved security marking indicating that it  
29 was not issued in compliance with Public Law 109-13 and is therefore not acceptable for federal  
30 identification purposes.

31 10 Motor Vehicles; Nondriver's Picture Identification Card; Public Law 109-13 Compliant  
32 Identification Cards. Amend RSA 260:21-a, II to read as follows:

Floor Amendment to SB 96-FN-A

- Page 2 -

1 II. The identification card shall bear the name, address, date of birth, gender indicated as  
2 "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification  
3 for receiving benefits and services under New Hampshire law (optional), *race (optional), ethnicity*  
4 *(optional)*, organ donor status (optional), picture, and signature of the applicant.

5 11 Motor Vehicles; Nondriver's Picture Identification Card; Enhanced Identification Card.  
6 Amend RSA 260:21-b, II to read as follows:

7 II. The identification card shall bear the name, address, date of birth, gender indicated as  
8 "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification  
9 for receiving benefits and services under New Hampshire law (optional), *race (optional), ethnicity*  
10 *(optional)*, organ donor status (optional), picture, and signature of the applicant.

11 12 New Section; Arrests in Criminal Cases; Race and Ethnicity Data Collection. Amend RSA  
12 594 by inserting after section 14-a the following new section:

13 594:14-b Race and Ethnicity Data Collection.

14 I. A law enforcement agency shall, when possible, collect data from a driver's license or other  
15 state-issued identification card on gender, race, and ethnicity as may be available pursuant to RSA  
16 260:21, RSA 260:21-a, and RSA 260:21-b, and the town of residence of persons who are arrested,  
17 cited, or subjected to a field stop or warning, including a motor vehicle stop that did not lead to a  
18 citation.

19 II. A law enforcement agency shall provide on an annual basis the aggregate data collected  
20 pursuant to paragraph I to the police standards and training council on January 31 for the preceding  
21 calendar year. This aggregate data shall, at a minimum, include an analysis showing the numbers  
22 of individuals for each race/ethnicity broken down by the following categories: persons arrests,  
23 persons cited, and persons subjected to a field stop or warning. The aggregate data shall also  
24 include an analysis of the percentage of the race and ethnicity of persons in each of the categories.  
25 Within 30 days of receipt, the police standards and training council shall make the data and analysis  
26 it receives from each law enforcement agency available on its public website in a manner that is  
27 accessible.

28 III. In this section, "law enforcement agency" shall have the same meaning as in RSA 105-  
29 D:1, V.

30 13 Drivers' Licenses; Application for License. Amend RSA 263:5, II(b) to read as follows:

31 (b) A physical description of the applicant, including gender indicated by checking either  
32 "M" for "male," "F" for female," or "X" for "other," height, weight, eye and hair color, *race*  
33 *(optional), and ethnicity (optional)*;

34 14 Drivers' Licenses; Form of License. Amend RSA 263:40, II-III to read as follows:

35 II. Drivers' licenses compliant with Public Law 109-13 issued pursuant to RSA 263:14-b  
36 shall bear the name, address, date of birth, gender indicated as "M" for "male," "F" for "female," or  
37 "X" for "other," veteran's status for the purposes of identification for receiving benefits and services

1 under New Hampshire law (optional), organ donor status (optional), *race (optional), ethnicity*  
2 *(optional)*, picture, and signature of the applicant. The driver's license card shall bear an approved  
3 security marking indicating that it was issued in compliance with Public Law 109-13 and is  
4 therefore acceptable for federal identification purposes.

5 III. Enhanced drivers' licenses issued pursuant to RSA 263:14-c shall bear the name,  
6 address, date of birth, gender indicated as "M" for "male," "F" for "female," or "X" for "other,"  
7 veteran's status for the purposes of identification for receiving benefits and services under New  
8 Hampshire law (optional), *race (optional), ethnicity (optional)*, organ donor status (optional),  
9 picture, and signature of the applicant. The driver's license card shall bear an approved security  
10 marking indicating that it is an enhanced driver's license.

11 15 Commercial Licensing; Application for Commercial Drivers License. Amend RSA 263:90, I(b)  
12 to read as follows:

13 (b) A physical description of the applicant, including gender indicated by checking either  
14 "M" for "male," "F" for "female," or "X" for "other," height, weight, eye and hair color, *race*  
15 *(optional), and ethnicity (optional)*;

16 16 Commercial Licensing; Commercial Driver License. Amend RSA 263:91, I(c) to read as  
17 follows:

18 (c) A physical description of the licensee including gender indicated as "M" for "male,"  
19 "F" for "female," or "X" for "other," height, weight, eye[,] and hair color, *race (optional), and*  
20 *ethnicity (optional)*;

21 17 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA  
22 490-A:3, II to read as follows:

23 II. *The chief justice of the supreme court with the advice and consent of the chief*  
24 *justice of the superior court and the administrative judge of the circuit court, shall*  
25 *encourage the justices and judges of all courts in New Hampshire to receive annual*  
26 *training covering the topics of implicit bias and racial profiling.*

27 III. In carrying out the duties imposed by ~~[paragraph I]~~ *this section*, the chief justices may  
28 seek the advice and assistance of all persons and bodies interested in the administration of justice in  
29 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

30 18 Effective Date.

31 I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

32 II. The remainder of this act shall take effect 60 days after its passage.

2021-1058s

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.

III. Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and individual and commercial drivers' licenses, and requires law enforcement agencies to collect such data.

VI. Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.



# 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: January 26, 2021

### HEARINGS

Tuesday		02/02/2021
(Day)		(Date)
Judiciary	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	SB 93-FN	relative to permanency planning under the child protection act.
1:20 p.m.	SB 95-FN	adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.
1:40 p.m.	SB 92-FN	relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks.
2:00 p.m.	SB 96-FN-A	requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

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/94823525179>
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,,94823525179# or +13017158592,,94823525179#
4. Webinar ID: [948 2352 5179](https://www.zoom.us/j/94823525179)
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](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 93-FN**

Sen. Carson  
Sen. Soucy

Sen. Avard  
Rep. Rice

Sen. Bradley

Sen. D'Allesandro

**SB 95-FN**

Sen. Daniels

**SB 92-FN**

Sen. Bradley  
Sen. D'Allesandro

Sen. Avard  
Sen. Ricciardi

Sen. Carson  
Sen. Giuda

Sen. Hennessey  
Sen. Cavanaugh

**SB 96-FN-A**

Sen. Bradley  
Sen. Kahn  
Sen. Hennessey  
Sen. Soucy

Sen. Gray  
Sen. Prentiss  
Sen. Perkins Kwoka  
Rep. Cushing

Sen. Watters  
Sen. Rosenwald  
Sen. Morse  
Rep. M. Smith

Sen. Whitley  
Sen. D'Allesandro  
Sen. Sherman

Jennifer Horgan 271-7875

Sharon M Carson  
Chairman

# Senate Judiciary Committee

*Jennifer Horgan 271-7875*

**SB 96-FN-A**, requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

**Hearing Date:** February 2, 2021

**Time Opened:** 3:45 p.m.

**Time Closed:** 5:05 p.m.

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.

III. Establishes a body-worn and dashboard camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and requires law enforcement agencies to collect such data.

VI. Requires all judges to receive annual training covering the topics of implicit bias and racial profiling.

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**Sponsors:**

Sen. Bradley

Sen. Whitley

Sen. Rosenwald

Sen. Perkins Kwoka

Sen. Soucy

Sen. Gray

Sen. Kahn

Sen. D'Allesandro

Sen. Morse

Rep. Cushing

Sen. Watters

Sen. Prentiss

Sen. Hennessey

Sen. Sherman

Rep. M. Smith

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**Who supports the bill:** Senator Bradley; Governor Christopher Sununu; Senator Perkins Kwoka; Senator Rosenwald; Senator Gray; Senator Watters; Senator Hennessey; Rep. Cody Belanger; Rep. Amanda Bouldin; Rep. Andrew Bouldin; Rep. Laura Telerski; Matthew Broadhead, NH Department of Justice; Moira O'Neill, The Office of the Child Advocate; Commissioner Quinn, Department of Safety; Commissioner Hanks, Department of Corrections; Will Stewart, Stay Work Play NH; Joseph Lascaze, American Civil Liberties Union; Mark Morrison, NHPA; Joseph Hoebeke, NH Association of Chiefs of Police; Ken Norton, NAMI NH; Michelle Wangerin, New Hampshire Legal Assistance; Dan Weeks, ReVision Energy; Katherine Cooper, NH Association of Criminal Defense Lawyers; Ahni Malachi; Keryn Anderson; Annie Rettew; Nancy Brennan; Shira Hoffer; Adrian Coss; Karen Guggisberg; Martha Hennessey; Amy Manzelli; Christine Pattison; Lilian Carter; Ruth Perencevich; Alix Olson; Jen Lyon; Catherine Bushueff; Elizabeth Corell; Maura Willing; Julian Jefferson; Jeanne Torpey; Troy Hartmann; Doris Hampton; Jake Pierog; Elizabeth-Anne Platt; Marueen Ellermann; Mel Hinebauch; Betsey Neville; Sara Persechino; Louise Spencer; Marie Straiton; Margery Phillips; Chrisinda Lynch; Jennifer Jones; Charlene Kennedy; Kathy Spielman; James Spielman; Ann Podlipny; Faith Sillars

**Who opposes the bill:** No one

**Who is neutral on the bill:** John Scippa, NH Police Standards and Training; Richard Head, Judicial Branch; Marc Beaudoin, NH Troopers Association

**Summary of testimony presented in support:**

**Senator Bradley**

- Was asked to introduce this by the Governor and the Attorney General's Office.
- This bill seeks to implement some of the provisions of the Law Enforcement Accountability, Community, and Transparency (LEACT) Commission.
- This bill encompasses the recommendations from the LEACT Commission that appear to have broad agreement.
- Presented Amendment 0202s to make a technical correction.
- Section 3 of the bill may not be necessary. There is a provision in the LEACT recommendations that there should be a memorandum of understanding (MOU) between school resource officers (SROs) and police departments.
- Understands that RSA 186:11 already requires that MOU, so that section may not be necessary.

**Senator Rosenwald**

- Applauds the LEACT Commission's work with their diverse membership coming together to make these recommendations.
- This bill will result in much needed data collection on police interactions in NH and help police departments expand the use of body and dash cams and extend implicit bias training to judges.

- It is responsive to the thousands of demonstrators from last summer who urged police reform.

**Matthew Broadhead (Attorney General's Office)**

- In June 2020, the LEACT Commission was established for developing recommendations for reform.
- The Attorney General served as chair of that commission and in August they released a report with 48 recommendations.
- Many of those recommendations did not require legislation and have been implemented.
- This bill adopts all but two of those recommendations that require legislation.
- Continuing to work on drafting the language for those final two recommendations.
- This bill increases transparency, provides a funding source for local agencies to adopt body cameras, allows the collection of key demographic data for driver's licenses, and requires law enforcement agencies to collect and distribute aggregated data.
- Presented Amendment 0202s
- The intent of Sections 9-11 was to fulfill the recommendation from the LEACT Commission to have an optional field on the driver's license to allow someone to put their race or ethnicity.
- The bill as drafted only allows that on non-driver's license ids.
- This amendment corrects that by adding commercial driver's licenses, enhanced driver's license IDs, and to regular driver's licenses.
- On page 4, lines 2-3 it states 'pursuant to RSA 260:21, RSA 260:21-a, and RSA 260:21-b,' thinks that it is duplicative and would recommend striking that. It does reference at the top of the paragraph 'collect data from a driver's license or other state-issued identification card'
- Thinks we would be open to amending Section 3.
- RSA 186:11 talks about the duties of the State Board of Education and paragraph 37 talks about SROs.
- The main thrust of this recommendation was to make sure MOUs are public.
- If Section 3 was struck but the last line was kept to ensure those records are public or add it to RSA 186:11 directly that would both meet the recommendation.
- Has no objection to the amendment from the Judicial Branch.
- Senator Kahn asked about the costs of making these changes to driver's licenses and instituting the non-driver's license ID card.
  - The Department of Safety did offer a note on the cost of body worn cameras but not on the license change. Happy to reach out to the DMV on this. The non-driver id program does exist and this is just amending what is contained on the ID. Knows that there is some concern from the DMV about where they would add this line, but the Commissioner did not mention a concern about the cost of it.

**Moira O'Neil (Child Advocate) (submitted written testimony)**

- Section 6 creates a minimum age for delinquency at 13 years.
- Children do not have adequate brain function for competency to understand their actions or the legal process due to the development of the frontal lobe.
- Restricting young children from the delinquency statute forgoes the time and expense of competency assessments and makes a presumption of incompetency based on the science of brain development.
- This also reduces the harmful exposure of the juvenile justice system.
- The science has demonstrated a high potential for harm with any involvement with the system at all.
- Any involvement at all with the juvenile justice system at any stage is the greatest predictor of recidivism.
- These children are more likely to experience depression, anxiety, poor school performance, eventual employment difficulties, and involvement in the adult criminal justice system as well.
- Learned we can do a lot better by children with different interventions.
- Met a young girl placed in the SYSC at the age of 12. Since then, has seen a remarkable maturing in response to others and her circumstances, but unfortunately her risk of recidivism has been realized. Have witnessed withdrawal and poor self-esteem; the longer she remains in the system the greater those harms are going to magnify.
- Section 7 removes certain offenses as a basis for transfer to the superior court/treating children as adults.
- This is based on the same understanding as to the development of children's brains.
- A child was at the SYSC after committing a serious offense at a very young age but did mature and was doing well in school. He then moved on to the adult system at 18. His future haunts her.
- There is an initiative underway to transfer juvenile probation and the entire system.
- This initiative is aiming to understand children's needs as a means to mitigate any risk they may present to the community.
- This minimizes the focus on offenses and instead focuses on their needs.
- This bill acknowledges the advances in the field and allows for small changes.
- Senator Whitley asked if she aware of the data that children in the juvenile justice system have a high instance of behavioral health disorders and if she has seen in her work that children that do end up in the juvenile justice system do so because of an unmet behavioral health need.
  - Absolutely sees that. The majority of the children, particularly those that are confined, detained, or in a residential program, do have a behavioral disorder. Last year the SYSC did hire a forensic psychologist. Often it is communications disorder or developmental disability as a result of abuse or neglect. Sees a huge number of crossover youth who have been abused

and neglected chronically and their behavior in response and they end up being held accountable in the juvenile justice system rather than their parents. The movement in the field is to look at where the behavior is coming from and how best to treat it. SB94 emphasizes that diversion program.

- Senator Gannon asked if she was alluding to restorative justice and NH not being ready for that.
  - Thinks NH is positioned to be very ready for it, but in the conversations, we are having around certain offenses children may be accused of there is still disagreement on focusing on children's needs rather than focusing on the offense. In a perfect world we would ignore the offense and just look at the child's needs, does not think NH is quite ready for that, which is within reason because this is a lot of change happening to a system.

**Chief Joseph Hoebeke (NH Chiefs of Police)**

- Served on the legislative work group for LEACT.
- Agrees that Section 3 may be somewhat duplicative and supports adding language to RSA186:11 to include that public disclosure of the MOUs.
- Knows HB108 has very detailed content relative to the structure of SRO programs.
- Would suggest changing the words 'dashboard cameras' to 'in-car cameras' in order to cover the different kinds of cameras that may be used.
- Supports the release of demographic information relative to citizens contacts.
- Thinks the language as written may be problematic.
- If police try to populate this for every traffic stop and citizen contact there is no way the records management systems can do that.
- It would require manual entry, which would take months, tying up considerable resources.
- Has a small town with about 5000 traffic stops a year alone, not including arrests or field interviews.
- Wholly supports that this information is public.
- His department is a nationally accredited agency, so it is already required of them that they make this information public, and it is on their website.
- Happy to work on this to make it workable.
- There will be a need, if the legislation stands as is, to have a state database to collect this specific data.
- It would be incredibly costly to equip their system with that and is not even sure if the company would do it.
- Senator Kahn asked if Hollis has purchased any in-car cameras.
  - In 2016, they were one of the first agencies in their area to use body cameras and this year marks the end of that service agreement. Decided to upgrade their system so that they are now integrated with in car cameras. Each patrol car now has in-car cameras and each officer has body cameras.



- Senator Kahn asked if he believe the in-car cameras are beneficial for citizens and law enforcement.
  - Absolutely, as it ensures transparency. Would not operate an agency without them in the current climate. It is a different time for policing and the cameras help to build trust and legitimacy for our agencies.
- Senator Whitley asked if an update to the software the state uses would alleviate the data collection concerns.
  - Each agency uses their own records management system. His department uses IMC which is one of the more popular systems, and those capabilities are just not present. Thinks this should be amended to be workable until we can implement a statewide system like Vermont has. In order to modify records management systems, is not sure they would even do this, it would be a significant cost. Currently, his agency pays \$17,000 a year for licensing and fees. Any time you tweak or add features it adds to the cost. Not sure they would be able to meet the requirements of this bill if it passed tomorrow.
- Senator French asked if this bill would increase the number of citations given just so officers would not have to fill out this report.
  - The way records management systems work is that any time an officer conducts a stop regardless of the disposition of the stop, they must enter mandatory fields in the system. If he misread the number on an inspection sticker and stopped someone, he would still have to populate a record in the system, which includes a requirement to complete demographic information. This is why there was a push to get the ethnicity and race on driver's licenses, so officers don't have to ask what someone's race is. Does not want to put his officers in the position of asking someone what their race or ethnicity is on the side of the road, so often officers have to guess, resulting in a margin of error.

#### **Joseph Lascaze (ACLU)**

- Served on the LEACT Commission.
- Enacting this bill will strengthen NH's credibility as we work towards more transparency.
- NH has a lack of comprehensive data when it comes to law enforcement and NH communities of color.
- If we wish to better our current system, we need to have data to analyze and see how the system is working.
- The MOU recommendation was put forward to ensure it was public.
- Many Granite State parents has concerns about not knowing what the MOUs say.
- The implicit bias training recommendation was set as a floor for the training to be at least two hours with the option of increasing if necessary.

- Everyone is inherently biased, which reflected in the NH supreme court case State v. Ernest Jones where race was an element that could be added to how decisions were made.
- Biases are formed from experiences and experiences happen to everyone.
- If you ever purchased a product that did not work to your expectations, the next time you go to buy something you would have a bias towards that product.
- The problem is when those biases are occurring in a system that is allowing it to be human behavior and is it controlled by racial and implicit biases.
- Hears the concerns Chief Hoebeker has around the addresses and happy to continue working on that with him and the Committee.
- Feels that the address is necessary because of the thematic concern they kept receiving from law enforcement over how they were interpreting racial disparities that were reflected in the courts and whether or not there were really disparities in the system because an individual's residence was out of state or in NH.
- In order to address that felt that information was necessary and should be provided on the driver's license.

**Mark Morrison (NH Police Association)**

- Served on the LEACT Commission.
- Supports the recommended changes from Senator Bradley and from Attorney Broadhead.
- For the collection of the data, concerned with clarifying the language because race and ethnicity seem to be being used synonymously.
- Would suggest just using 'race' as that was the recommendation of the LEACT Commission.
- This would also limit the physical space needed on the driver's licenses.
- Senator Carson asked if the data collection should capture 'race' and not 'ethnicity'.
  - Capturing both could be a challenge for the Department of Safety, especially considering how varied some ethnic backgrounds can be. Thinks race is a smaller group of categories. Is not against capturing any information, but to be able to comply with the statute thinks it would be helpful to have race.
- Senator Whitley pointed out that Latinos are captured under ethnicity and not necessarily under race. Asked how it would be possible to collect data on Latinos if ethnicity was excluded.
  - Is not really the one to answer that. It is a statistical challenge. To try and comply with this, thinks this would make it easy to comply and be the most beneficial at the same time to have race. Only bring this up because the LEACT Commission only recommended 'race', not looking to exclude ethnicity, but wants everyone to be on the same page.
- Senator Whitley raised concerns about excluding any community of color that has been impacted in the past.

- Certainly, that is not the point of the recommendation. It is just about wanting to make sure we can comply.

**Ken Norton (NAMI-NH)**

- Was a member of the LEACT Commission.
- There is a lot of overlap with law enforcement and individuals with mental illness.
- There are high rates of arrest and incarceration for those with mental illness.
- 45% of the officer involved shootings in NH involve people with known mental illness according to the Attorney General's Office.
- Supports the amendments proposed by Senator Bradley and Attorney Broadhead.
- Cautions against making any other significant changes to the legislation.

**Will Stewart (Stay Work Play NH)**

- Attracting and retaining more young people to NH is critical to the future of the state.
- NH is the second oldest state in the country with one of the lowest unemployment rates.
- NH is the number one exporter of graduates seeking a four-year degree.
- 62% of NH graduates leave the state each year.
- Spoke to the importance of young people to the community.
- About three years ago Stay Work Play commissioned a survey conducted of young people in NH about why they leave and one of the top three reasons was the lack of diversity.
- This bill will increase trust in the judicial system as a whole and with law enforcement in particular.
- Both of those things are important if we want to attract and retain more people of color in NH.

**Ahni Malachi**

- Is the Director of the Commission on Human Rights.
- Was a member of the LEACT Commission.
- Supports the bill and the amendments discussed.
- If an ID does not identify someone's race/ethnicity, law enforcement has to guess.
- Even if the interaction between an officer and an individual is a positive one, the individual is ready to move on once the interaction is done.
- If it is a less than positive interaction, then how do you ask someone how they self-identify.
- Data collection is important.
- There is a variety of ways that someone can self-identify within a particular cultural/ethnic group, and there has to be some consensus as to what those identification markers would be.
- Maybe something as small as a letter on the ID would be that marker to identify someone's race and ethnicity.

- Race is primarily a misnomer and ethnicity speaks more accurately to who we are as individuals.
- Some of those who are of Latin American descent consider themselves to be white and some don't.

**Commissioner Helen Hanks (Department of Corrections)**

- Requests the Committee consider changing the section on body cameras by deleting the word 'local' in front of 'law enforcement', so that agencies like the DOC may utilize it.
- This would give the DOC the opportunity to enhance their already existing body worn cameras.

**Julian Jefferson**

- Served as a member of the LEACT Commission.
- Worked on the legislative working group to draft language and fully supports the bill.
- In terms of the discussion about IDs and race or ethnicity, would be supportive of one field just for race as long as one of those options was Hispanic or Latino.
- In his research found that initially Latino was not listed as a race, but a lot of governmental organizations are now listing that as a race or ethnicity.
- Thinks the legislation should include the six universal races of which Hispanic and Latino are one of.
- Senator Kahn asked about individuals who have a multi-racial identity.
  - Does not think there is an easy answer to that one but should not let the imperfect get in way of the good. Would suggest leaving it at the six, understanding that biracial individuals may identify as one or the other. This is an optional requirement, so if someone does not want to identify they do not have to.

**Summary of testimony presented in opposition:**

None

**Neutral Information Presented:**

**Richard Head (Judicial Branch) (submitted written testimony)**

- Proposed an amendment to Section 12 of the bill, to bring it in line with actual practices in the court in terms of training.
- The amendment also recognizes that for several years now the Judicial Branch has been doing implicit bias training for its judges.
- The Branch determines training not through rulemaking but through collaboration between the Supreme Court, the Chief Justice of the Superior Court, and the Administrative Judge of the circuit court.
- It is his understanding that the Department of Justice has no objection to this amendment.
- Senator Kahn asked if there is annual implicit bias training.

- The training that is being done and has been done for a number of years on a regular basis for sitting judges and is part of on-boarding for new judges. It is an evolving training that gets revised as more research on this is done.
- Senator Gannon asked if having this training is saying there is an assumption that all judges are biased or that there is just a possibility that they are biased; where is the factual data coming from that this is a science.
  - There is a great deal of research and study on this. Did not sit in on the training last year but did do the Attorney General's implicit bias training a couple months ago. Took from that that there is a great deal of science relative to how the human mind interacts with people. The science exists relative to implicit bias and racial prejudices that are not overt and not easily recognized by us but do exist. It should be a part of any judges thought process when dealing with a criminal defendant. The training in this bill is for everyone involved in law enforcement and not just the judges. Returning to this training regularly is warranted and worthwhile.

**John Scippa** (Police Standards and Training Council)

- Served on the LEACT Commission.
- Supports Senator Bradley's proposed amendment.
- Under the Governor's Mandate 13-C, the PSTC was mandated to work with the Department of Education and stakeholders to develop a model memorandum of understanding that could be used for any community/police department to clearly define the roles and expectations of an SRO.
- The model is posted on the PSTC website.
- Supports striking Section 3 and adding language to RSA186:11 to ensure the MOUs are public.
- PSTC is ready to move all these recommendations forward.
- In terms of the data collection, the PSTC is working with a vendor to develop a statewide record management and learning management system to regulate certifications of officers and ensuring that they are receiving appropriate training.
- Would be ready to speak with that vendor about developing a statewide data collection system that speaks to this bill.
- Senator Kahn asked if he could get the Committee information regarding implementation costs from his vendor.
  - Will forward that information to the Committee.

**SENATE CALENDAR NOTICE**  
**Finance**

Sen Gary Daniels, Chair  
Sen John Reagan, Vice Chair  
Sen Bob Giuda, Member  
Sen Erin Hennessey, Member  
Sen Chuck Morse, Member  
Sen Lou D'Allesandro, Member  
Sen Cindy Rosenwald, Member

Date: March 17, 2021

**EXECUTIVE SESSION**

Tuesday	03/23/2021	
(Day)	(Date)	
Finance	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.     ~~EXECUTIVE SESSION ON PENDING LEGISLATION~~

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To join the webinar: <https://www.zoom.us/j/98219364180>
2. Or 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: 13017158592,,98219364180# or 13126266799,,98219364180#
4. Webinar ID: [982 1936 4180](https://www.zoom.us/j/98219364180)
5. To view on YouTube, click here: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

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](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

Deb Martone 271-4980

Gary L. Daniels  
Chairman

# Speakers

**Judiciary Committee Testify List for Bill SB96 on 2021-02-02**

**Support: 60 Oppose: 0 Neutral: 3 Total to Testify: 14**

Name	Title	Representing	Position	Testifying	Signed Up
Perkins Kwoka Sen Rebecca	An Elected Official	Myself (SD 21)	Support	Yes	1/29/2021 13:18
Malachi Ahni	A Member of the Public	Myself	Support	Yes	1/28/2021 19:15
Broadhead Matthew	State Agency Staff	NH Department of Justice	Support	Yes	1/29/2021 16:04
Bradley Jeb	An Elected Official	SD 3 Senator Jeb Bradley	Support	Yes	1/27/2021 15:01
Stewart Will	A Lobbyist	Stay Work Play NH	Support	Yes	2/1/2021 11:42
Lascaze Joseph	A Lobbyist	American Civil Liberties Union	Support	Yes	1/30/2021 20:50
O&#39;Neill Moira	State Agency Staff	The Office of the Child Advocate	Support	Yes	2/1/2021 22:10
Rosenwald Cindy	An Elected Official	SD 13	Support	Yes	1/30/2021 11:55
Morrison Mark	A Member of the Public	NHPA	Support	Yes	2/2/2021 12:12
Scippa John	State Agency Staff	NH Police Standards and Training	Neutral	Yes	2/2/2021 13:07
Hoebeke Joseph	State Agency Staff	NH Association of Chiefs of Police	Support	Yes	2/1/2021 10:12
Hanks Helen	State Agency Staff	Myself	Support	Yes	2/2/2021 13:03
Head Richard	State Agency Staff	Judicial Branch	Neutral	Yes	2/1/2021 12:10
Norton Kenneth	A Lobbyist	NAMI NH The National Alliance on Mental Illness	Support	Yes	2/2/2021 9:06
Belanger Cody	An Elected Official	Myself	Support	No	2/2/2021 10:59
Anderson Keryn	A Member of the Public	Myself	Support	No	2/1/2021 12:39
Rettew Annie	A Member of the Public	Myself	Support	No	2/2/2021 7:55
Wangerin Michelle	A Lobbyist	New Hampshire Legal Assistance	Support	No	2/2/2021 9:54
Brennan Nancy	A Member of the Public	Myself	Support	No	2/2/2021 9:56
Hoffer Shira	A Member of the Public	Myself	Support	No	2/2/2021 10:11
Coss Adrian	A Member of the Public	Myself	Support	No	2/2/2021 10:27
Guggisberg Karen	A Member of the Public	Myself	Support	No	2/3/2021 9:51



Hennessey Martha	A Member of the Public	Myself	Support	No	2/2/2021 20:29
Manzelli Amy	A Member of the Public	Myself	Support	No	2/1/2021 10:33
Beaudoin Marc	A Member of the Public	NH Troopers Association	Neutral	No	2/2/2021 11:50
Pattison Christine	A Member of the Public	Myself	Support	No	2/2/2021 14:41
Quinn Robert	State Agency Staff	Dept of Safety	Support	No	2/1/2021 14:10
Carter Lilian	A Member of the Public	Myself	Support	No	2/1/2021 14:53
Perencevich Ruth	A Member of the Public	Myself	Support	No	2/1/2021 17:31
Olson Alix	A Member of the Public	Myself	Support	No	2/1/2021 20:27
Bouldin Amanda	An Elected Official	Hillsborough District 12	Support	No	2/2/2021 13:27
Bouldin Andrew	An Elected Official	Hillsborough District 12	Support	No	2/2/2021 13:27
Lyon Jen	A Member of the Public	Myself	Support	No	2/2/2021 13:27
Bushueff Catherine	A Member of the Public	Myself	Support	No	1/31/2021 14:50
Corell Elizabeth	A Member of the Public	Myself	Support	No	2/1/2021 8:24
Willing Maura	A Member of the Public	Myself	Support	No	2/1/2021 8:54
Jefferson Julian	A Member of the Public	Myself	Support	No	2/1/2021 9:22
Torpey Jeanne	A Member of the Public	Myself	Support	No	2/1/2021 10:11
Hartmann Troy	A Member of the Public	Myself	Support	No	2/2/2021 12:25
Hampton Doris	A Member of the Public	Myself	Support	No	2/1/2021 15:40
Pierog Jake	A Member of the Public	Myself	Support	No	2/1/2021 20:07
Platt Elizabeth-Anne	A Member of the Public	Myself	Support	No	2/2/2021 6:59
Ellermann Maureen	A Member of the Public	Myself	Support	No	2/2/2021 8:12
Hinebauch Mel	A Member of the Public	Myself	Support	No	2/1/2021 15:47
Sununu - cje Governor Christopher	An Elected Official	Executive Branch	Support	No	2/1/2021 15:52
Weeks Dan	A Member of the Public	ReVision Energy	Support	No	2/2/2021 8:15
Katherine Cooper	A Lobbyist	NH Association of Criminal Defense Lawyers	Support	No	2/2/2021 8:55
Neville Betsey	A Member of the Public	Myself	Support	No	2/1/2021 11:46
Persechino Sara	A Member of the Public	Myself	Support	No	1/31/2021 17:40
Spencer Louise	A Member of the Public	Myself	Support	No	1/31/2021 22:29
Straiton Marie	A Member of the Public	Myself	Support	No	2/1/2021 13:49
Gray Senator James	An Elected Official	Senate District 6	Support	No	1/29/2021 12:58
Phillips Margery	A Member of the Public	Myself	Support	No	1/30/2021 7:18

Watters Senator David	An Elected Official	Myself (SD 4)	Support	No	1/27/2021 15:10
Hennessey Erin	An Elected Official	SD1	Support	No	1/28/2021 14:19
Lynch Chrisinda	A Member of the Public	Myself	Support	No	1/30/2021 12:04
Telerski Laura	An Elected Official	Hillsborough 35	Support	No	1/31/2021 15:42
Jones Jennifer	A Member of the Public	Myself	Support	No	1/31/2021 19:12
Kennedy Charlene	A Member of the Public	Myself	Support	No	1/30/2021 20:22
Spielman Kathy	A Member of the Public	Myself	Support	No	2/1/2021 6:42
Spielman James	A Member of the Public	Myself	Support	No	2/1/2021 6:44
Podlipny Ann	A Member of the Public	Myself	Support	No	2/1/2021 6:54
Sillars Faith	A Member of the Public	Myself	Support	No	1/30/2021 7:34

# Testimony

## Jennifer Horgan

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**From:** Allan MacDonald <amac1950@comcast.net>  
**Sent:** Monday, March 22, 2021 8:43 AM  
**To:** Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan  
**Subject:** SB 96 amendment - citizen feedback

Dear All,

Your committee's amendment removing the gathering of police data on race puts Republicans again on the wrong side of history. George Floyd? LEACT? Once again you choose to kick the can down the road with another foot-dragging committee. 400 years is long enough to wait for racial justice.

We need police accountability NOW.

You sure make it easy to brand Republicans as the white privilege party.

Allan MacDonald  
1194 King Hill Road  
New London

12 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA 490-A:3, II to read as follows:

II. The chief justice of the supreme court, with the advice and consent of the chief justice of the superior court and administrative judge of the circuit court, shall issue rules requiring shall encourage the justices and judges of all courts in New Hampshire to receive at least 2 hours of annual training covering the topics of implicit bias and racial profiling. ~~Such rules shall be issued no later than January 1, 2021 and may be updated by the chief justices as necessary.~~



02/16/2021

Senate Judiciary Committee  
SH Room 100  
107 North Main Street  
Concord, NH 03301

Dear Members of the Senate Judiciary Committee,

Standing for equality is one of our core values at AT&T, and it's the driving force behind our goal to make diversity and inclusion both a business and a moral imperative, inside and outside our walls. Part of that commitment means being honest about the history of violence and racism in some of our public institutions that makes the members of our community – including law enforcement officers who dutifully serve – less safe.

This issue is important to all people, but particularly for Black Americans who have disproportionately been subject to injustices, some with tragic consequences.

Today, we are faced with a unique opportunity to make important strides in the struggle to ensure equal justice and outcomes for all. The tragic deaths of too many Black Americans show that patterns of discrimination still exist in our society and can yield catastrophic outcomes that may have been avoided.

The change needed to ensure equal justice and outcomes for all starts with the actions of every one of us here in New Hampshire. But our commitment to racial justice must also be reflected in our policies and laws.

Consistent with our long-held values, AT&T supports legislative reforms that advance racial equality and social justice for all. We are committed to standing up for justice, elevating diverse voices, and working collaboratively with community members, elected leaders, and law enforcement stakeholders in our local conversation about the future of policing.

We therefore applaud the swift action of New Hampshire's legislative leaders to address, through legislative action, the disparities that remain. We believe SB 96 – an act requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund for law enforcement; authorizing collection and reporting of race and ethnicity data from driver's licenses after arrests and traffic stops by law enforcement; and excluding children under the age of 13 from juvenile delinquency laws except in the case of violent crimes – will take steps to improve accountability, transparency and safety, and we support the passage of this bill.

Your continued attention to this issue and commitment to meaningful and sustained dialogue with the Black community, law enforcement and other stakeholders will be essential for improving accountability, transparency, and safety — here and across the country.



Together, we can embrace a future where all individuals in New Hampshire are treated equally and empowered to thrive.

Sincerely,

Owen M Smith Jr.  
President—NH  
External Affairs  
AT&T Services Inc.

# The State of New Hampshire

## ADMINISTRATIVE OFFICE OF THE COURTS

Christopher Keating  
Director

1 Granite Place, Suite N400  
Concord, NH 03301  
(603) 271-2521  
Fax: (603) 513-5454  
eMail: aoc@courts.state.nh.us  
TTY/TDD Relay: (800) 735-2964

February 1, 2021

The Honorable Sharon Carson, Chair  
Senate Judiciary Committee  
State House, Room 100  
Concord, New Hampshire 03301

RE: SB 96 (requiring implicit bias training for judges)

Dear Senator Carson and Members of the Senate Judiciary Committee:

I am writing to request an amendment be adopted to Section 12 of Senate Bill 96 which, as written, would require the New Hampshire Judicial Branch (NHJB) to issue rules providing for at least two hours of annual implicit bias and racial profile training.

Senate Bill 96 comes out of the New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency (LEACT Commission). Page 18 of the LEACT Commission's Report includes the following recommendation: "To promote equal justice under the law in all aspects of the criminal justice system, the Commission strongly encourages implicit bias and racial profiling training for all prosecutors, including all police prosecutors, all criminal defense attorneys, and all judges."

Even before the Commission was formed, the NHJB was incorporating implicit bias and racial profiling into its training for judges. In 2020, the NHJB expanded its training and contracted with Kimberly Papillon, a nationally recognized expert on medical, legal and judicial decision-making, to provide six hours of implicit bias and racial profiling training over the course of three days. The program was extremely well received, and the NHJB intends to continue providing implicit bias training for judges. In addition, implicit bias training is a part of training programs for new judges.

It is not the current practice of the NHJB to develop training programs through rules, as would be required by the current language in Senate Bill 96. Instead, training programs are developed by the Supreme Court, the Chief Justice of the Superior Court and/or the Administrative Judge of



Senate Judiciary Committee

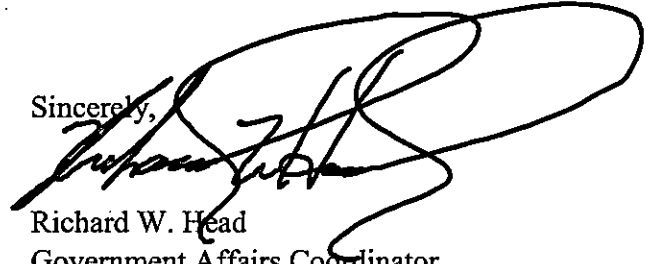
February 1, 2021

Page 2

the Circuit Court. The proposed amendment to Section 12 that is attached to this letter is in line with current practice, accounts for the fact the NHJB has already incorporated implicit bias training into its programs, is in line with how rules for the NHJB are promulgated, and is consistent with the recommendation of the LEACT Commission.

Thank you for your work on this bill. Please let me know if you have any questions or if you need any additional information.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Richard W. Head', is written over the word 'Sincerely,'.

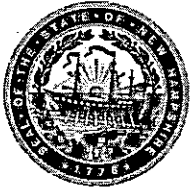
Richard W. Head

Government Affairs Coordinator

Email: [rhead@courts.state.nh.us](mailto:rhead@courts.state.nh.us)

Cell: 603-716-8235

cc: Matthew Broadhead, Senior Assistant Attorney General  
(via email)



Moira O'Neill  
Child Advocate

# State of New Hampshire

Office of the Child Advocate



**Testimony of  
Moira O'Neill, PhD  
The Child Advocate  
before  
The New Hampshire Senate Judiciary Committee  
February 2, 2021**

Good afternoon Chair Carson, Vice Chair Gannon and esteemed members of the Judiciary Committee. My name is Moira O'Neill and I am the State's Child Advocate. The Office of the Child Advocate is an independent state oversight agency. Recently the jurisdiction of the office expanded by RSA 21-V, to all children's services provided or arranged for by the State. Thank you for the opportunity to speak to you today in support of **Senate Bill 96-FN-A requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefore; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.**

Senate Bill 96-FN-A proposes a number of changes to the law. The Office of the Child Advocate supports the bill in general but I limit comment to Items 6 and 7 amending the juvenile delinquency statutes. Specifically, this bill excludes children under the age of 13 years from the definition of delinquency with exceptions; and removes certain offenses as the basis for transferring a child to adult proceedings. This bill responds to standards set by worldwide experts, grounded in the growing body of knowledge about the development of children's brains.

With regard to creating a minimum age of delinquency at 13 years, I have two points supporting this proposal. Both have to do with a child's underdeveloped brain. In the first and most practical point, children may not have adequate brain function for competency to understand their actions or the legal process. Elegant imaging studies and other research has demonstrated the frontal lobe of the brain, including the prefrontal cortex, is still developing well in the mid-20s. The prefrontal cortex is the center of executive function. That is where the capacity for critical thought, cause and effect, and basic reasoning skills come from. Establishing a minimum age for delinquency reduces harmful exposure to the juvenile justice system. As a practical step, it foregoes the time and expense of competency assessment by presumption of incompetency based on the science of development.

The harm by exposure I mention is the second point that supports a minimum age of delinquency. Historically, a separate juvenile justice system was based on the observations that children are vulnerable persons and can be more easily rehabilitated from antisocial behavior than adults can. The scientific developments of the past few decades have confirmed the need for a separate system that, as New Hampshire's statute mandates, focuses on counseling, supervision, treatment or rehabilitation. At the same time, the science has demonstrated significant harm to children and interruption of their development at the least involvement in

the juvenile justice system. Children involved in the system at any stage are far more likely to experience depression, anxiety, poor school performance, eventual employment difficulties and involvement in the adult criminal system. Essentially, we have learned that the system is not effective. Better understanding of the brain has improved understanding of better ways to rehabilitate children.

The Office of the Child Advocate has had the privilege of working with several children whose experiences confirm these two points. In one case, we worked with a bright, young girl who was placed at the Sununu Youth Services Center at the age of twelve. Since that time we have seen this young girl mature in her response to others and to her circumstances. At the same time, however, we have witnessed times of withdrawal and expression of poor self-esteem. The longer she remains in the system the greater the risk that these harms will magnify. Her experience exemplifies the need for a system that treats children with an understanding of their needs and developmental capacity.

Item 7 of SB 96-FN-A would remove certain offenses as a basis for transfer to superior court. The Office of the Child Advocate supports this change based on the same understanding of children's brains, their capacity to learn, and the potential harm of the wrong intervention. I encountered a child at the Sununu Youth Services Center who committed a serious offense at very young age. Despite the hardship of living at the SYSC for a long time, the child grew to a young adult, did well in school, assisted teachers, and was generally a kind and respectful person. After years of growth and good behavior, the young person went off to adult prison because of the system having the ability to transfer the case to superior court despite the potential for growth and development. The future of that young person haunts me.

Over the past year, I have had the privilege to work with a multi-disciplinary team representing juvenile justice authorities, defense attorneys, prosecutors, and the district court on a project supported by the Annie E. Casey Foundation, the leading charitable organization promoting juvenile justice reform. Our project proposes a transformation of juvenile probation that is based on the science I reference above. A key tenet of effective intervention in this transformative science is identifying children's needs and assessing whether mitigating need will mitigate risk. If we can treat a child to the point of them no longer being a risk to society, regardless of their offense, then there is no need for system involvement. I understand New Hampshire may not be ready for this way of thinking as relates to some offenses. However, this bill acknowledges advances in the field and provides an opportunity for us to learn from small changes. **I encourage you to support Senate Bill 96-FN-A to do so.**

Thank you for taking my testimony. I welcome questions if you have them.



DEPARTMENT OF CORRECTIONS  
STATE OF NEW HAMPSHIRE

P. O. BOX 1806

CONCORD, NH 03302-1806

*Office of the Commissioner*

**FROM:** Helen E. Hanks  
Commissioner

**DATE:** February 2, 2021

**SUBJECT:** SB96 requiring implicit bias training for judges; establishing a body worn camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

**OFFICE:** Commissioner's Office

**TO:** The Honorable Members of the Senate  
Judiciary Committee

Phone: 271-5603  
Fax: 271-5643

.....

The New Hampshire Department of Corrections is in support of SB96, specifically with regards to establishing a body worn camera fund and making an appropriation therefor, with the hopes that sponsors would consider an amendment as outlined below that would explicitly include the Department of Corrections and its personnel as beneficiaries of that fund.

In review of SB96, we first want to thank Senator Bradley and the other Legislative members for bringing these important issues forward.

The Department of Corrections hopes that the bill sponsors and this Committee would consider the following amendment:

New Section; Body-Worn Cameras. Amend RSA 105-D by inserting after section 2 the following new section:

105-D:3 Body-Worn and Dashboard Camera Fund.

I. There is hereby established the body-worn and dashboard camera fund within the department of safety for the purpose of encouraging ~~local~~ law enforcement agencies, to equip officers with body-worn cameras and agency vehicles with dashboard cameras. All moneys in the fund shall be nonlapsing and continually appropriated to the department of safety.

II. The fund shall provide grants to ~~local~~ law enforcement agencies to assist agencies with the purchase, maintenance, and replacement of body-worn and dashboard cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn and dashboard cameras.

III. All ~~local~~ law enforcement agencies shall be eligible to apply for grants from the fund.

IV. The fund shall be overseen by the commissioner of the department of safety and the attorney general who shall, within 180 days of the effective date of this section, jointly establish a process for the application for grants from the fund. Such process shall be established in rules adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

5 Appropriation; Body-Worn and Dashboard Camera Fund. The sum of \$1 for the fiscal year ending June 30, 2022 is hereby appropriated to the body-worn and dashboard camera fund established in RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

The NH Department of Corrections is seeking the amendment to clarify any ambiguity that it is created by the word "local" as it relates to a law enforcement agency, which has the authority to apply for and use grant funds under this section to purchase, maintain, and store data related to a body-worn camera system. The word "local" in the proposed text of Section E:3, is not found in the current definition of law enforcement as found in RSA 105-D:1. The NHDOC has just finalized its policy and procedure related to body-worn cameras, and pursuant to the current RSA 105-D:1 and D:2 is considered law-enforcement relating to body-worn camera systems. Body-worn camera systems are an essential tool in the Corrections arena as it allows specific encounters to be recorded and eliminates needless litigation given the data and video collected and stored in the system. Officers wearing the body-worn cameras inside the facilities would be protected from baseless claims that can arise, where the standard mounted camera system does not cover all areas, including inside cells.

References: <https://www.corrections1.com/products/body-cameras/>

<https://www.revealmedia.com/body-cameras-in-corrections>

Limiting the ability to apply and obtain grant funding by including the word "local" in the new section weakens the NHDOC's ability to operate on par with local law enforcement, where DOC corrections and probation and parole officers, often encounter some of the same behaviors as do municipal law enforcement. Currently a similar bill in the house, HB 253, which requires the use of "police body-worn cameras" we are seeking a similar amendment to ensure inclusion of all "certified law enforcement officers" to ensure access to correctional law enforcement officers.

Again, thank you for your review our request to amend, we look forward to discussing this further and answering additional questions.

Thank you for your service to the State of NH.

# Voting Sheets

**Senate Judiciary Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # **SB96**

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: 0689 Vote: 5-0

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Comm (SROs) Vote: 5-0

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Comm (Body cams) Vote: 5-0

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Senate Judiciary Committee

## EXECUTIVE SESSION RECORD

### 2021-2022 Session

Bill # **SB96**

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: 0202s Vote: 2-3

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

Motion of: 0728s (race comm) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: Reconsider ↑ Vote: ~~5-1~~ 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

0728s (race comm) Chairman Gannon - French GFC 3-2 WK

Reported out by: \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**Senate Judiciary Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # 3396

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: 07285 (Chief Justice) Vote: 3-2

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: Comm Vote: 3-2

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: OTPA Vote: 5-0

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Senate Finance Committee

## EXECUTIVE SESSION

Bill # SB 96-FN-A

Hearing date: N/A

Executive session date: 03/23/21

Motion of: Amend # 09595 ~~Amended~~

*Withdrawn!*

VOTE: \_\_\_\_\_

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: Amended 09595 - Amended!

VOTE: 5-2 → Reagan Rosenwald

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input checked="" type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Amendments: 096/A - Giuda - Motion  
Rosenwald - Seconded  
6-1

Notes: \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, March 10, 2021

THE COMMITTEE ON Judiciary

to which was referred SB 96-FN-A

AN ACT

requiring implicit bias training for judges;  
establishing a body-worn and dashboard camera  
fund and making an appropriation therefor;  
relative to race and ethnicity data on driver's  
licenses, and relative to juvenile delinquency.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2021-0773s

Senator Sharon Carson  
For the Committee

Jennifer Horgan 271-7875

**JUDICIARY**

**SB 96-FN-A**, requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

Ought to Pass with Amendment, Vote 5-0.

Senator Sharon Carson for the committee.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, March 24, 2021

THE COMMITTEE ON Finance

to which was referred **SB 96-FN-A**

AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 6-1

AMENDMENT # 0996s

Senator Bob Giuda  
For the Committee

Deb Martone 271-4980

## Docket of SB96

Docket Abbreviations

**Bill Title:** (2nd New Title) relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

## Official Docket of SB96.:

Date	Body	Description
1/26/2021	S	<b>Introduced</b> 01/06/2021 and Referred to Judiciary; <b>SJ 3</b>
1/27/2021	S	Remote <b>Hearing:</b> 02/02/2021, 02:00 pm; Links to join the hearing can be found in the Senate Calendar; <b>SC 9</b>
3/10/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0773s</b> , 03/18/2021; <b>SC 15</b>
3/18/2021	S	Sen. Bradley Moved to divide the Question on Committee Amendment <b>#2021-0773s</b> , Sections 4 and 11, and then the Remainder of the Committee Amendment and the Effective Date; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	The Chair ruled the Question Divisible; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	Committee Amendment <b>#2021-0773s</b> , Sections 4 and 11, <b>RC 9Y-15N</b> , AF; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	Committee Amendment <b>#2021-0773s</b> , Remainder of the Committee Amendment and the Effective Date, and the Clerk is instructed to make the administrative corrections, <b>RC 14Y-10N</b> , AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	<b>Ought to Pass with Amendment</b> 2021-0773s, <b>RC 24Y-0N</b> , MA; Refer to Finance Rule 4-5; 03/18/2021; <b>SJ 8</b>
3/24/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0996s</b> , 04/01/2021; <b>SC 17</b>
4/1/2021	S	Committee Amendment <b>#2021-0996s</b> , <b>RC 21Y-3N</b> , AA; 04/01/2021; <b>SJ 10</b>
4/1/2021	S	Sen. Whitley Floor Amendment <b>#2021-1058s</b> , <b>RC 10Y-14N</b> , AF; 04/01/2021; <b>SJ 10</b>
4/1/2021	S	<b>Ought to Pass with Amendment</b> 2021-0996s, <b>RC 24Y-0N</b> , MA; OT3rdg; 04/01/2021; <b>SJ 10</b>
4/13/2021	H	Introduced (in recess of) 04/09/2021 and referred to Judiciary <b>HJ 7 P. 99</b>
4/20/2021	H	Public Hearing: 05/11/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/91800169870">https://www.zoom.us/j/91800169870</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/12/2021	H	Public Hearing on non-germane Amendment <b>#2021-1244h</b> : 05/18/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95146852385">https://www.zoom.us/j/95146852385</a>
4/20/2021	H	==TIME CHANGE== Executive Session: 05/18/2021 09:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95146852385">https://www.zoom.us/j/95146852385</a>
5/24/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-1391h</b> (Vote 20-1; CC) <b>HC 26 P. 9</b>
6/3/2021	H	Amendment <b>#2021-1391h</b> : AA VV 06/03/2021
6/3/2021	H	<b>Ought to Pass with Amendment</b> 2021-1391h: MA VV 06/03/2021
6/10/2021	S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 06/10/2021; <b>SJ 19</b>

7/12/2021	H	Enrolled Bill Amendment #2021-2046e: AA VV (in recess of 06/24/2021
7/13/2021	S	Enrolled Bill Amendment #2021-2046e Adopted, VV, (In recess of 06/24/2021); <b>SJ 20</b>

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NH House	NH Senate
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**Docket of SB96**

Docket Abbreviations

**Bill Title:** (2nd New Title) relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

*Official Docket of SB96.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/26/2021	S	<b>Introduced</b> 01/06/2021 and Referred to Judiciary; <b>SJ 3</b>
1/27/2021	S	Remote <b>Hearing:</b> 02/02/2021, 02:00 pm; Links to join the hearing can be found in the Senate Calendar; <b>SC 9</b>
3/10/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0773s</b> , 03/18/2021; <b>SC 15</b>
3/18/2021	S	Sen. Bradley Moved to divide the Question on Committee Amendment <b>#2021-0773s</b> , Sections 4 and 11, and then the Remainder of the Committee Amendment and the Effective Date; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	The Chair ruled the Question Divisible; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	Committee Amendment <b>#2021-0773s</b> , Sections 4 and 11, <b>RC 9Y-15N</b> , AF; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	Committee Amendment <b>#2021-0773s</b> , Remainder of the Committee Amendment and the Effective Date, and the Clerk is instructed to make the administrative corrections, <b>RC 14Y-10N</b> , AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	<b>Ought to Pass with Amendment</b> 2021-0773s, <b>RC 24Y-0N</b> , MA; Refer to Finance Rule 4-5; 03/18/2021; <b>SJ 8</b>
3/24/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0996s</b> , 04/01/2021; <b>SC 17</b>
4/1/2021	S	Committee Amendment <b>#2021-0996s</b> , <b>RC 21Y-3N</b> , AA; 04/01/2021; <b>SJ 10</b>
4/1/2021	S	Sen. Whitley Floor Amendment <b>#2021-1058s</b> , <b>RC 10Y-14N</b> , AF; 04/01/2021; <b>SJ 10</b>
4/1/2021	S	<b>Ought to Pass with Amendment</b> 2021-0996s, <b>RC 24Y-0N</b> , MA; OT3rdg; 04/01/2021; <b>SJ 10</b>
4/13/2021	H	Introduced (in recess of) 04/09/2021 and referred to Judiciary <b>HJ 7 P. 99</b>
4/20/2021	H	Public Hearing: 05/11/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/91800169870">https://www.zoom.us/j/91800169870</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/12/2021	H	Public Hearing on non-germane Amendment <b>#2021-1244h</b> : 05/18/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95146852385">https://www.zoom.us/j/95146852385</a>
4/20/2021	H	==TIME CHANGE== Executive Session: 05/18/2021 09:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95146852385">https://www.zoom.us/j/95146852385</a>
5/24/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-1391h</b> (Vote 20-1; CC) <b>HC 26 P. 9</b>
6/3/2021	H	Amendment <b>#2021-1391h</b> : AA VV 06/03/2021
6/3/2021	H	<b>Ought to Pass with Amendment</b> 2021-1391h: MA VV 06/03/2021
6/10/2021	S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 06/10/2021; <b>SJ 19</b>

7/12/2021	H	Enrolled Bill Amendment <b>#2021-2046e</b> : AA VV (in recess of 06/24/2021)
7/13/2021	S	Enrolled Bill Amendment <b>#2021-2046e</b> Adopted, VV, (In recess of 06/24/2021); <b>SJ 20</b>

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NH House

NH Senate

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# Other Referrals

June 24, 2021  
2021-2046-EBA  
10/06

Enrolled Bill Amendment to SB 96-FN-A

The Committee on Enrolled Bills to which was referred SB 96-FN-A

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to SB 96-FN-A

This enrolled bill amendment corrects the title of the bill to reflect its contents.

Enrolled Bill Amendment to SB 96-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing a committee to study the collection of race and ethnicity data on state identification cards.

**Senate Inventory Checklist for Archives**

Bill Number: SB 96-FN-A

Senate Committee: FINANCE - 2ND  
COMMITTEE

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 # 0959s       - amendment # \_\_\_\_\_

- amendment # 0996s       - 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 # 1056       - 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:

Deb Martore  
Committee Aide

07/20/21  
Date

Senate Clerk's Office \_\_\_\_\_

**Senate Inventory Checklist for Archives**

Bill Number: SB96

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 # 0202

- amendment # 0689S

0731S

- amendment # 0661S

- amendment # 0728S

0773S

Executive Session Sheet

0729S

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)

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

Jennifer Horgan  
Committee Aide

8/12/21  
Date

Senate Clerk's Office \_\_\_\_\_