

HB 585-FN - AS INTRODUCED

2023 SESSION

23-0479

04/05

HOUSE BILL **585-FN**

AN ACT relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force.

SPONSORS: Rep. Love, Rock. 13

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires the employing agency to screen each candidate for a law enforcement position for the presence of testosterone boosting steroids. The bill also requires screening a law enforcement officer for steroids in complaints involving use of excessive force.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force.

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

1 1 New Subdivision; Drug Screening for Use of Excessive Force Complaints. Amend RSA 105 by
2 inserting after section 19 the following new subdivision:

3 **Drug Screening for Use of Excessive Force Complaints**

4 105:20 Drug Screening for Use of Force Complaints. As part of the agency's complaint review
5 process, a law enforcement agency shall perform a drug screening for anabolic steroids and other
6 testosterone-boosting steroids any on any officer who is the subject of a use of excessive force
7 complaint.

8 2 Police Standards and Training Council; Education and Training Required. Amend RSA 106-
9 L:6, IV to read as follows:

10 IV. The council shall require that all uncertified part-time and full-time police officers, state
11 corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a
12 medical examination including a drug screening administered under the direction of a licensed
13 physician according to protocols adopted by the council. ***The drug screening shall include
14 screening for anabolic and testosterone-boosting steroids, provided that any such officer
15 who demonstrates a medically-approved and prescribed use for an anabolic or
16 testosterone-boosting substance shall be exempt from this screening requirement. The
17 council shall forward the results of the drug screening to the officer's employing agency.
18 The employing agency shall rescind the employment offer for any officer who fails the drug
19 screening and does not have a medically-approved exception.*** Such examination, when
20 conducted, shall be valid for a period of one year for purposes of application for employment.

21 3 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0479
1/9/23

**HB 585-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to requiring steroids be tested for as part of the pre-employment drug screening process for law enforcement candidates.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the Police Standards and Training Council. The Council was contacted on 12/19/22. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Police Standards and Training Council

CONSENT CALENDAR

February 24, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 585-FN,**

**AN ACT relative to screening law enforcement officer
candidates for steroids and requiring law enforcement
officers to be screened for steroids in complaints
involving the use of excessive force. Having considered
the same, report the same with the following resolution:
RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Tenczar

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 585-FN
Title:	relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force.
Date:	February 24, 2023
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would have required that an officer be tested for anabolic steroids after an excessive force complaint is brought forward. A mere suspicion, without any other credible evidence, that excessive force was used would trigger the requirement. This is in violation of the officer's due process rights and may be violating the collective bargaining agreement between the officer and the department. Testimony was heard that the cost of a blood draw and subsequent analysis is \$275 per test. The Police Standards and Training Council stated that they would be willing to add anabolic steroids to the pre-employment drug screening list. The committee agreed that the bill was brought forward with good intent, however, it was unanimously agreed upon to find the bill inexpedient to legislate.

Vote 20-0.

Rep. Jeffrey Tenczar
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 585-FN, relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Tenczar for Criminal Justice and Public Safety. This bill would have required that an officer be tested for anabolic steroids after an excessive force complaint is brought forward. A mere suspicion, without any other credible evidence, that excessive force was used would trigger the requirement. This is in violation of the officer's due process rights and may be violating the collective bargaining agreement between the officer and the department. Testimony was heard that the cost of a blood draw and subsequent analysis is \$275 per test. The Police Standards and Training Council stated that they would be willing to add anabolic steroids to the pre-employment drug screening list. The committee agreed that the bill was brought forward with good intent, however, it was unanimously agreed upon to find the bill inexpedient to legislate. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 585-FN

BILL TITLE: relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force.

DATE: February 9, 2023

LOB ROOM: 202-204 **Time Public Hearing Called to Order:** 2:11 p.m.

Time Adjourned: 2:28 p.m.

Committee Members: Reps. Roy, Rhodes, A. Murray, Pratt, Sytek, Proulx, Janvrin, D. Mannion, Reid, Stone, Tenczar, Harriott-Gathright, Meuse, Bouldin, Bradley, N. Murphy, R. Newman, Newell, Selig and Wheeler

Bill Sponsors:
Rep. Love

TESTIMONY

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

Representative David Love introduces his bill

- This is another effort to keep police from losing qualified immunity by addressing public concerns through other checks and regulations. Officers who are on steroids are much more likely to partake in violence.

Captain Jason Smith

- Opposes the bill
- The first part of the bill the NHPA has no position on, however their hiring processes already account for this. The second part that creates a new RSA is what they oppose. There is no definition of excessive force complaint and no account for complaints that are demonstrably false. There's also no medical exceptions.
- Rep Murray asks if steroid testing is personally invasive or costly, Captain Smith says he is unsure but drug tests are typically expensive

Director John Scippa and Captain Adam Hawkins

- Opposes the bill
- Testing would require blood drawn and costs about \$275 per test
- The council does not currently receive medical information or the results of drug screening tests, but this bill would require they receive this and therefore fire the officer. Is happy to address some of these concerns with Rep. Love through administrative rules instead of legislation.
- There is no due process for the officer who has such an allegation made against him. We can't just test citizens without their consent or a warrant, we shouldn't submit officers to that. These investigations should focus on whether or not excessive or unnecessary

force was used, not on arbitrary drug tests. The presence of testosterone has no bearing on whether or not the violence was not needed.

Respectfully submitted,

Rep. Alissandra Murray, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB585 on 2023-
Support: 0 Oppose: 1 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>S</u>
Graham, Jane	Concord, NH jane.m.graham@doc.nh.gov	State Agency Staff	NH Department of Corrections	Oppose	No	No	2

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 585-FN

BILL TITLE: relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force.

DATE: February 24, 2023

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Tenczar

Seconded by Rep. Stone

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2023 SESSION

1/10/2023 9:55:43 AM
Roll Call Committee Registers
Report

Criminal Justice and Public Safety

Bill #: 585-FN Motion: ITL AM #: _____ Exec Session Date: 2/24/23

Members	YEAS	Nays	NV
Roy, Terry Chairman	20		
Rhodes, Jennifer M. Vice Chairman	1		
Pratt, Kevin M.	2		
Sytek, John Lynn	3		
Proulx, Mark L.	4		
Janvrin, Jason A.	5		
Mannion, Dennis	6		
Reid, Karen A	7		
Stone, Jonathan F.	8		
Tenczar, Jeffrey	9		
Harriott-Gathright, Linda C.	10		
Meuse, David	11		
Bouldin, Amanda C.	12		
Bradley, Amy Clerk	13		
Murphy, Nancy A.	14		
Newman, Ray E.	15		
Murray, Alissandra	16		
Newell, Jodi K	17		
Selig-toren Brennan	18		
Wheeler, Jonah O	19		
TOTAL VOTE:	20	0	0