

Senate Executive Departments and Administration Committee

Deb Chroniak 271-1403

SB 133-FN, relative to security screening at state correctional facilities.

Hearing Date: February 1, 2017

Time Opened: 9:00 a.m.

Time Closed: 9:22 a.m.

Members of the Committee Present: Senators Carson, Reagan and Gannon

Members of the Committee Absent : Senators Soucy and Woodburn

Bill Analysis: This bill makes changes to the security screening procedure at state correctional facilities.

This bill is a request of the department of corrections.

Sponsors:

Sen. D'Allesandro

Who supports the bill: Senator D'Allesandro; Helen Hanks, Assistant Commissioner, New Hampshire Department of Corrections; Samuel Langley, self

Who opposes the bill: No one

Who is neutral on the bill: Mike Dumond, Division of Public Health and Augie Ong, Section Administrator for Radiological Health Program (to provide information, if needed)

Summary of testimony presented in support:

Senator D'Allesandro prime sponsor said this bill was a request by the Department of Corrections.

- SB 133 is brought forward to amend RSA 622:6-a, relative to the security screening at state correctional facilities, which law was effective on July 1, 2016 requiring all who enter a state correction facility be subject to a security screening by a full body security scanner.
- This bill mandated the Department of Corrections to get a series of devices for screening people, not knowing what effects they could have on those people being screened.
- Department of Corrections researched this equipment in preparation of this requirement. During their research they determined the current law, as written, provided extreme burdensome requirements.
- Some issues include:

- o By having to scan all individuals entering a correction's facility will develop in long lines at the beginning of each shift, increasing overtime costs and also the amount of time in getting their employees to their posts. It was noted that last year the Department of Correction's overtime costs were \$ 9 million.
- o Have been informed companies do not recommend scanning pregnant women and children, in addition to those who are under medical treatments, such as radiation.
- o All those being scanned will have to disclose medical information prior to being scanned.
- o All people, including women, would have to disclose the use of personal hygiene devices.
- o Scanners are going to record and display an individual's private body parts in order to be effective in detecting contraband.
- o The way the law is presently written, does not allow private body parts to be displayed.
- o Images should be retained so that a current image, which may show some suspicious abnormality, could be compared to a previous image.
- o The current law will not allow for images to be retained for more than 24 hours.
- If scanning equipment causes other associated problems, those problems should be rectified.

Senator Reagan stated the bill has a fiscal note attached, but yet this is not an appropriation. Senator D'Allesandro stated that was correct because the money has already been appropriated.

Helen Hanks, Assistant Commissioner, New Hampshire Department of Corrections (testimony provided) (in support):

- There are three primary scanning technologies used for detecting contraband; Backscatter, Millimeter Wave, and X-ray.
- Testimony provided shows images each piece of equipment produces.
- Current law does not allow them to look at a body part.
- X-ray technology is the best technology to use in a correctional facility because of the way drugs are brought into the facility.
- The state did not have radiological rules on the use of security screening x-ray technology until recently, when passed out of JLCAR at the end of 2016.
- The standards published nationally are federal and are called the American National Standards and they have established standards pertaining to exposure of x-ray technological equipment.
- Changes requesting will allow them to use radiological technology in a more effective way; not screening everyone, but screening those individuals who would be taking contraband into the institution.
- A canine program has been implemented to screen visitors and other individuals.
- Body screening would be more effective for people exiting a visit who are incarcerated in screening them, or other situations of concern with investigative

information, rather than screening “every” person as the law is currently written. **Senator Carson** said, on line 4 where the language changes from “shall” to “may”, what is the criterion for “may”, and who is going to determine who goes through the scanner? Assistant Commissioner Hanks said where there is suspicion of bringing contraband into the facility. **Senator Carson** said there was discussion on the word “shall” when the bill came through last year, where contraband was being brought into the prison through employees and visitors coming into the facility, which is why the bill was passed the way it was. Now, a year after this legislation went through, you are asking for an amendment, and there is no criteria stated as to when the x-ray will be used. Someone somewhere is going to make a decision as to who will and will not be scanned. She believes this should be enumerated within the bill, i.e., under what circumstances is x-ray going to be used, as opposed to leaving the decision up to just anyone. **Assistant Commissioner Hanks stated they would augment the use of the scanner in policy, but if it needs to be clarified in law, they can provide additional language that would assist in clarifying.**

Mr. Samuel Langley, Boscawen, NH:

- Inclined to support the legislation. There is a need to tighten security to keep drugs out of prisons.
- Should not make it difficult for family and friends to come in to visit in prisons.

Senator Carson stated that this piece of legislation is to deal with the subject of the bill only.

Summary of testimony in opposition: No one

Summary of testimony in neutral position:

Mike Dumond, Division of Public Health and Augie Ong, Section Administrator for Radiological Health Program:

- Responsible for regulating the use of radioactive machines.
- Became aware of this legislation after it passed last year and have had contact with the Department of Corrections.
- Here to speak to any questions the committee may have on regulation of screening.

Senator Carson asked that they work with the Department of Corrections to come up with a set of protocols. If the word “may” is used, there should be a set of protocols in place as to when the scanner/x-ray will be used and as to when the scanner/x-ray will not be used.

Mr. Augie Ong addressed this issue by stating that these machines have software which is capable of randomly scanning a person.

- In terms of frequency, would be managed by the person who has the authority to make changes to the software. The elimination of a human factor in the determination of who is going to be scanned or not scanned would be machine generated. Those being scanned will not know if they truly are being scanned. This would definitely create a deterrence of carrying something into the facility.

Hearing closed at 9:23 a.m.

Future Action: Pending

dac

Date Hearing Report completed: February 3, 2017

[SB0133-FN-F]