

Amendment to SB 13

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

AN ACT repealing the administrative attachment of the police standards and training council to the community college system of New Hampshire and repealing the statutes governing the New Hampshire technical institute security force.

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

1 New Chapter; Sheriffs, Constables, and Police Officers; Police Standards and Training Council. Amend RSA by inserting after chapter 106-K the following new chapter:

CHAPTER 106-L

POLICE STANDARDS AND TRAINING COUNCIL

106-L:1 Findings and Policy. The legislature finds that the administration of criminal justice is of statewide concern; that police and corrections work are important to the health, safety, and welfare of the people of this state; that police and corrections work are of such a nature as to require education and training of a professional character; and that it is in the public interest that such education and training be made available to persons who seek to become police and corrections officers, persons who are serving as police and corrections officers in a temporary or probationary capacity, and persons already in regular service.

106-L:2 Definitions. In this chapter:

I. "Police officer" means any appointed or elected employee of a police department or any appointed employee of a sheriff's department, the fish and game department, the department of safety, or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway, boating, liquor, or bingo and lucky 7 laws of this state or any of its political subdivisions.

II. "Council" means the police standards and training council.

III. "Director" means the director of the police standards and training council.

IV. "State corrections officer" means any sworn classified employee of the New Hampshire department of corrections who is responsible for the physical custody and security of inmates at a state correctional institution and is authorized by law to use force to prevent escapes from such institution.

V. "State probation-parole officer" means any sworn employee of the New Hampshire department of corrections who is responsible for the supervision of probationers and parolees, who

Amendment to SB 13
- Page 2 -

1 has an assigned caseload, and who has the authority to arrest for violations of the rules of probation
2 or parole.

3 106-L:3 Police Standards and Training Council.

4 I. There is established a police standards and training council. It shall consist of the
5 following members:

6 (a) Two members shall be chiefs of police in towns;

7 (b) Two members shall be chiefs of police in cities;

8 (c) Two members shall be county sheriffs;

9 (d) Two members shall be judges of courts with criminal jurisdiction;

10 (e) The chancellor of the community college system of New Hampshire, or designee;

11 (f) The director of the division of state police, or designee;

12 (g) The attorney general, or designee;

13 (h) The commissioner of the department of corrections, or designee; and

14 (i) Two public members, neither of whom shall be a certified police officer, lawyer, or
15 judge, and neither of whom shall have a spouse, sibling, or parent, by birth, adoption, or marriage,
16 who is a certified police officer, lawyer, or judge.

17 II. Except for the members appointed pursuant to subparagraphs I(e)-(h) who shall serve
18 during their continuance in office, members of the council shall be appointed by the governor for
19 terms of 2 years. No member shall serve beyond the time that the office or employment which
20 qualified such member for appointment. Any vacancy on the council shall be filled for the
21 unexpired term in the same manner as the original appointment is held. Persons filling vacancies
22 shall be appointed to serve out the unexpired term and shall have the same qualifications for office
23 as the member whose vacancy they are filling.

24 III. The governor shall designate a member to be the chairperson of the council, and the
25 council shall elect annually its vice chairperson from among the members of the council.

26 IV. Notwithstanding the provisions of any statute, ordinance, local law, or charter provision
27 to the contrary and except as otherwise provided in subparagraph I(i) regarding qualification of
28 public members, membership on the council shall not disqualify any member from holding any
29 other public office or employment, or cause the forfeiture of any office or employment.

30 V. Members of the council shall serve without compensation, but shall be entitled to receive
31 reimbursement for any actual expenses incurred as a necessary incident to such service.

32 VI. The council shall hold no fewer than 4 regular meetings a year. The chairperson shall
33 fix the times and places of meetings, either on the chairperson's own motion or upon written request
34 of any 5 members of the council.

35 VII. The council shall report annually to the governor and executive council on its
36 activities, and may make such other reports as it deems desirable.

37 106-L:4 Executive Branch Jurisdiction. The police standards and training council is an

Amendment to SB 13
- Page 3 -

1 executive branch council. The council, the director, and employees hired by the director performing
2 the functions required by this chapter shall be subject to RSA 7:8, RSA 541-B, and RSA 99-D, and
3 contracts by them shall be subject to attorney general review and review and approval by the
4 governor and executive council.

5 106-L:5 Powers. In addition to other powers given to the council by this chapter, it may:

6 I. Adopt rules for the administration of this chapter in accordance with the provisions of
7 RSA 541-A.

8 II. Require submission of reports and information from law enforcement and corrections
9 agencies within this state that may be pertinent to the effective functioning of the council.

10 III. For the purposes of a disciplinary hearing, subpoena and examine witnesses under
11 oath, take oaths or affirmations, and reduce to writing testimony given at any hearing. Any person
12 whose rights or privileges may be affected at such a disciplinary hearing may appear with witnesses
13 and be represented by counsel.

14 IV. Establish minimum educational and training standards for employment as a police
15 officer, state corrections officer, or state probation-parole officer either in permanent positions or in
16 temporary or probationary status.

17 V. Certify persons as being qualified under the provisions of this chapter to be police
18 officers, state corrections officers, state probation-parole officers, or certified border patrol agents for
19 the purposes of RSA 594:26, and establish rules under RSA 541-A for the suspension or revocation
20 of the certification of such persons in the case of egregious misconduct or failure to comply with
21 council standards.

22 VI. Establish entrance, student conduct, and curriculum requirements for preparatory, in-
23 service, and advanced courses and programs for schools operated by or for the state or its political
24 subdivisions for the specific purpose of training police, state corrections, or state probation-parole
25 recruits or officers or tuition students at such programs.

26 VII. Consult and cooperate with counties, municipalities, agencies of this state, other
27 governmental agencies, and with universities, colleges, junior colleges, and other institutions
28 concerning the development of police and corrections training schools and programs or courses of
29 instruction, and the development of standards and methodology for the voluntary accreditation of
30 police departments in the state.

31 VIII. Offer the educational material and, as appropriate, training relative to the human
32 immunodeficiency virus and related issues prepared and developed pursuant to RSA 141-F:3, II.

33 IX. Establish, maintain, certify, or approve institutions and facilities for training police
34 officers, state corrections officers, or state probation-parole officers, and recruits for such positions.

35 X. Make or cause to be made studies of any aspect of police or corrections education and
36 training or recruitment.

37 XI. Prepare and make available, upon request, model policies and procedures to assist law

Amendment to SB 13
- Page 4 -

1 enforcement agencies in preparation of written policies.

2 XII. Establish and maintain a voluntary certification program for police canines and canine
3 handlers.

4 XIII. Make recommendations concerning any matter within its purview pursuant to this
5 chapter.

6 XIV. Make such investigations as may be necessary to determine whether governmental
7 units are complying with the provisions of this chapter.

8 XV. Adopt and amend bylaws, consistent with law, for its internal management and
9 control.

10 XVI. Enter into contracts or do such things as may be necessary and incidental to the
11 administration of its authority pursuant to this chapter.

12 XVII. Accept in the name of the state any and all donations or grants, both real and
13 personal, from any governmental unit or public agency, or from any institution, person, firm, or
14 corporation. The council shall receive, utilize, and dispose of all donations and grants subject to
15 budgetary provisions and according to the rules of the council and consistent with the purposes or
16 conditions of the donation or grant. The receipt of a donation or grant shall be noted in the annual
17 report of the council. The report shall identify the donor, the nature of the donation or grant, and
18 the condition of the donation or grant, if any. Any moneys received by the council pursuant to this
19 paragraph shall be deposited in the state treasury to the account of the council and shall not lapse.

20 XVIII. Nominate and appoint a director of police standards and training for a term of 4
21 years who shall report to the police standards and training council, and who shall be an unclassified
22 employee, and whose salary shall be established by RSA 94:1-a. All other employees shall be hired
23 by the director and shall be classified employees. The director shall have practical and academic
24 knowledge in the field of law enforcement, including substantial administrative experience and a
25 degree or degrees in criminology, police administration, or other similar field or any equivalent
26 combination of education and experience.

27 XIX. The council may delegate to the director of police standards and training any powers
28 and duties enumerated in this chapter.

29 XX. The director may grant authority to any certified full-time police officer employed by
30 the council as assistant director or law enforcement training specialist, to enforce the provisions of
31 this chapter and any rules adopted under this chapter, and cooperate and exchange information
32 with any local, state, or federal law enforcement agency relative to the qualification and moral
33 fitness of applicants for employment or continued employment as police officers or corrections
34 officers.

35 XXI. The council may appoint, after consultation with the commissioner of corrections, a
36 corrections advisory committee from a list of nominees submitted by the director. The members
37 shall serve without compensation at the pleasure of the council and shall consist of one

Amendment to SB 13
- Page 5 -

1 representative of the management of each adult correctional facility operated by the department of
2 corrections, one representative each from prison industries, the secure psychiatric unit, and
3 probation-parole, one medical professional from within the correctional system, one state corrections
4 officer chosen by the New Hampshire state employees' association, and one representative of a
5 county correctional institution chosen by the New Hampshire Association of Counties. The
6 committee shall meet not less than twice in each fiscal year at the call of the director, and shall
7 advise the council as requested on issues coming before it concerning corrections standards and
8 training.

9 XXII. Adopt rules and establish fees to implement the provisions of the Law Enforcement
10 Officers Safety Act of 2004, 18 U.S.C. section 926C(d)(2)(B) in accordance with RSA 541-A.

11 106-L:6 Education and Training Required.

12 I. The council shall provide by rule that after one year from the effective date of the rule no
13 person shall be appointed as a police officer, state corrections officer, or state probation-parole
14 officer, except on a temporary or probationary basis, unless such person has satisfactorily completed
15 a preparatory program of police, corrections, or probation-parole training appropriate to such
16 person's position at a school approved by the council. No such officer who lacks the educational and
17 training qualifications required by this section may have the temporary or probationary
18 employment extended beyond 2 years.

19 II. Every elected police officer shall be required to satisfactorily complete a preparatory
20 program of police training at a school approved by the council. Any elected officer who has not
21 complied with the educational and training requirements of this paragraph within 6 months after
22 election shall be removed from office by the governing body of the governmental unit by which such
23 officer was elected; provided, however, that the council may, for such reasons as it may specify in its
24 rules, grant an extension of this time limit not to exceed an additional 6 months. A governing body
25 which has removed an elected police officer from office under the provisions of this paragraph shall
26 appoint a police officer to fill the vacant office. The appointed police officer shall continue to hold
27 office until the elected officer who was removed has complied with the educational and training
28 requirements of this paragraph or until an election is held, whichever occurs first. If any police
29 officer who has failed to comply with the educational and training requirements of this paragraph is
30 reelected, such officer shall not take office without permission of the council. If a noncomplying
31 police officer who has not obtained the permission of the council to take office is reelected, the
32 governing body of the governmental unit by which such officer was elected shall appoint a police
33 officer to fill the vacant office. The appointed police officer shall continue to hold office until the
34 elected officer has complied with the educational and training requirements of this paragraph or
35 until an election is held, whichever occurs first.

36 III. The council, by rules adopted under RSA 541-A, shall establish the standards for
37 physical and mental fitness under paragraphs IV-XI and shall fix other qualifications for the

Amendment to SB 13
- Page 6 -

1 appointment of police officers, state corrections officers, and probation-parole officers, including
2 minimum age, physical and mental standards, citizenship, good moral character, experience, and
3 other such matters as relate to the competence and reliability of persons to assume and discharge
4 the responsibilities of their offices. The council shall prescribe the means for presenting evidence of
5 the fulfillment of these requirements.

6 IV. The council shall require that all uncertified part-time and full-time police officers, state
7 corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a
8 medical examination including a drug screening administered under the direction of a licensed
9 physician according to protocols adopted by the council. Such examination, when conducted, shall
10 be valid for a period of one year for purposes of application for employment.

11 V. The council shall require that all uncertified part-time and full-time police officers, state
12 corrections officers, and probation-parole officers, as a condition of admission to a basic or reciprocal
13 certification training program successfully pass a physical fitness performance test administered
14 according to standards adopted by the council.

15 VI. The council shall require that all uncertified part-time and full-time police officers, state
16 corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a
17 psychological screening test battery administered under the direction of a licensed psychologist or
18 psychiatrist according to protocols adopted by the council and designed to detect behavioral traits
19 that could adversely affect the person's ability to perform the essential functions of a law
20 enforcement officer. Such an examination shall be valid for a period of one year from the date of
21 administration for purposes of application for such employment.

22 VII. Beginning January 1, 2001, the police standards and training council shall require that
23 all certified police officers, state corrections officers, and probation-parole officers, hired after that
24 date, as a condition of continued certification and employment furnish the council every 3 years
25 with a certificate from a licensed physician, physician's assistant, or registered nurse practitioner
26 who has conducted a medical examination of the officer according to protocols adopted by the
27 council, certifying that in the opinion of the examiner the officer is physically capable of
28 participating in the council's physical fitness test.

29 VIII. Any officer who is unable to meet the medical requirements of paragraph VII may
30 request an additional medical examination by a physician chosen by the council. If the officer is
31 still unable to meet the standards, such officer's certification shall be placed in a probationary
32 status for a period of up to 2 years, during which time the officer may request re-examination at any
33 time. If following the 2-year period the officer is still unable to meet the standards, the officer's
34 certification shall be suspended until such time as such officer obtains the medical certification
35 required in paragraph VII.

36 IX. Beginning January 1, 2001, the police standards and training council shall require that
37 all certified police officers, state corrections officers, and probation-parole officers, hired after that

Amendment to SB 13
- Page 7 -

1 date, as a condition of continued certification and employment every 3 years pass a physical fitness
2 performance test administered by the hiring authority or the council, according to protocols adopted
3 by the council.

4 X. Any officer who is unable to meet the physical fitness performance requirements of
5 paragraph IX may request an additional physical fitness performance test administered by the
6 council. If the officer is still unable to meet the standards, such officer's certification shall be placed
7 in a probationary status for a period of up to 2 years, during which time the officer may request re-
8 examination at any time. If, following the 2-year period, the officer is still unable to meet the
9 standards, the officer's certification shall be suspended until such time as such officer is able to pass
10 the physical performance test.

11 XI. In any case where the council has reasonable grounds to doubt that the medical
12 examination performed as required in paragraph VII was performed in accordance with the
13 appropriate protocols, the council may require the officer to submit to a separate examination by a
14 physician selected by the council, at the council's expense.

15 XII. A licensed physician, psychiatrist, psychologist, or person acting under the licensee's
16 supervision, whose examination administered under this chapter results in an employment decision
17 adverse to a police, corrections, or probation-parole officer shall be immune from suit resulting from
18 such examination or decision, providing such examination is conducted in good faith, not in a
19 wanton or reckless manner.

20 XIII. To the extent required to comply with federal or state law, the council may grant a
21 waiver, with respect to employment at a specific agency, to an officer who cannot meet the
22 standards in paragraphs VII-X.

23 XIV. Nothing in this section shall prevent individual hiring agencies from adopting physical
24 fitness programs for their officers that are more stringent or frequent than those required in this
25 section.

26 XV. Except as provided in paragraph XI and notwithstanding other provisions of law to the
27 contrary, a hiring authority may assess a testing fee to cover all or part of the cost of any medical or
28 psychological examination in cases where the person has been given a conditional offer of
29 employment. A hiring authority may also make repayment of a testing fee part of any training or
30 hiring contract that establishes a minimum term of employment for such an officer.

31 XVI. The council shall issue a certificate evidencing satisfaction of the requirements of
32 paragraphs I, II, and III to any applicant who presents such evidence as may be required by its
33 rules of satisfactory completion of a program or course of instruction in another jurisdiction
34 equivalent in content and quality to that required by the council for approved police, corrections, or
35 probation-parole, as appropriate, education and training programs in this state.

36 XVII. Any special agent of the state liquor commission who has the power to enforce the
37 criminal laws under RSA title XIII and rules of the state liquor commission and who was serving

Amendment to SB 13
- Page 8 -

1 under a permanent appointment prior to August 13, 1985, shall not be required to meet the
2 requirements of paragraphs I and III; however, any special agent referred to in this paragraph shall
3 complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the
4 police standards and training council under this section within one year of the date the programs
5 are required. Should any special agent exempted from the requirements of paragraphs I and III of
6 this section by this paragraph terminate employment with the state liquor commission and be hired
7 as a police officer by another police department of the state or a political subdivision thereof, the
8 special agent's certification shall lapse and may be reinstated upon completion of such necessary
9 additional training courses as the police standards and training council may prescribe by rule
10 adopted under RSA 541-A.

11 106-L:7 Additional Training of Peace Officers. The director of the police standards and training
12 council shall develop appropriate training programs and methods to instruct peace officers in the
13 proper techniques for dealing with intoxicated and incapacitated persons and to encourage the
14 maximum utilization by peace officers of detoxification facilities, alcohol counselors, and licensed
15 general hospitals for such purposes.

16 106-L:8 Alzheimer's Disease and Other Related Dementia Training. The director of the police
17 standards and training council shall provide education and training to the law enforcement
18 community on Alzheimer's disease and other related dementia. The director may use the
19 educational program developed in conjunction with the department of health and human services
20 under RSA 126-A:5, XXVII and may include such additional components as may be appropriate to
21 effectively assist law enforcement officers in responding to incidents involving persons with
22 Alzheimer's disease and other related dementia.

23 106-L:9 Reimbursement of Expenses. The council may reimburse political subdivisions or the
24 state for, or may pay for a portion of, the expenses incurred by the officers in attendance at police
25 training programs conducted or approved by the council.

26 106-L:10 Penalty Assessment; Waiver of Penalty.

27 I. Every court shall levy a penalty assessment of \$2 or 24 percent, whichever is greater, on
28 each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a
29 violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal
30 ordinance relating to motor vehicles unlawfully left or parked. Notwithstanding any law or rule to
31 the contrary, the penalty assessment shall be levied in addition to the amount of the fine or penalty
32 imposed by the court.

33 II. If multiple offenses are involved, the penalty assessment shall be imposed on the total
34 fine.

35 III. If a fine is suspended in whole or in part, the penalty assessment shall be reduced in
36 proportion to the suspension.

37 IV. The clerk of each court shall collect all penalty assessments and shall transmit the

Amendment to SB 13
- Page 9 -

1 amount collected under paragraphs I-III to the state treasurer for deposit in the following funds.
2 The state treasurer shall deposit 66.66 percent of the amount collected in the state general fund,
3 16.67 percent of the amount collected in the victims' assistance fund, and 16.67 percent of the
4 amount collected in the judicial branch information technology fund.

5 V. If it is determined by a court that the payment of all or any part of a penalty assessment
6 would work a hardship on the person convicted or on such person's immediate family, the court may
7 suspend the payment of all or any part of the assessment.

8 106-L:11 Attendance by Persons Other Than Police Officers. Persons who are not police
9 officers as defined in RSA 106-L:2 may attend courses given by the police standards and training
10 council under such conditions and for such tuition as may be established by the council. Certain
11 courses may be closed to persons who are not police officers on recommendation of the director and
12 approval by the council.

13 106-L:12 Tuition Students.

14 I. The council may set tuition, selection procedures, and fees for acceptance of tuition
15 students at its programs and for the use of its facilities. Such fees shall be credited, with the
16 approval of the department of administrative services, to the operating accounts of the council to
17 offset additional expenditures necessitated by the acceptance of the additional students.

18 II. Tuition students at police and corrections academy programs shall be required to comply
19 with background investigation requirements no less stringent than for persons hired as police or
20 corrections officers by units of government.

21 III. Certain courses may be closed to persons who are not police or corrections officers on
22 recommendation by the director and approval by the council.

23 106-L:13 Volunteers; Liability Limited.

24 I. Any volunteer of a nonprofit organization or government entity assisting the council in
25 its training programs shall be immune from civil liability in any action brought on the basis of any
26 act or omission resulting in damage or injury to any person if:

27 (a) The volunteer had prior written approval from the organization to act on behalf of
28 the organization; and

29 (b) The volunteer was acting in good faith and within the scope of the volunteer's
30 official functions and duties with the organization; and

31 (c) The damage or injury was not caused by willful, wanton, or grossly negligent
32 misconduct by the volunteer.

33 II. In this section:

34 (a) "Damage or injury" includes physical, nonphysical, economic, and noneconomic
35 damage.

36 (b) "Nonprofit organization" shall include, but not be limited to, a not for profit
37 organization, corporation, community chest, fund or foundation, and an organization exempt from

Amendment to SB 13

- Page 10 -

1 taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this
2 state or having a principal place of business in this state.

3 106-L:14 Firearms Instructors; Liability Limited. Members of the council, council employees,
4 or persons currently certified as firearms instructors by the council pursuant to Pol 404.05, having
5 certified a person as being proficient with their weapons and meeting the standards established in
6 Pol 404.03 to qualify under the provisions of 18 U.S.C. section 926C(d)(2)(B), shall be immune from
7 liability for any action taken by such person subsequent to their certification, unless the employee
8 or firearms instructor knew that the person certified was not qualified under 18 U.S.C. section
9 926C(d)(2)(B) to have received such certification.

10 106-L:15 Prior Certification. Any police officer previously certified by the police standards and
11 training council prior to the effective date of this chapter shall be considered certified under this
12 chapter and shall continue to be subject to the jurisdiction of the police standards and training
13 council.

14 2 Application of Receipts. Amend RSA 6:12, I(b)(23) to read as follows:

15 (23) The assessments collected under [~~RSA 188-F:31~~] **RSA 106-L:10** and 651:63, V
16 and the surcharges on state commissary purchases under RSA 622:7-b designated for the victims'
17 assistance fund which shall be credited to the victims' assistance fund until that fund exceeds
18 \$900,000, at which time moneys in excess of \$900,000 shall be credited to the general fund.

19 3 General Fund Income Accounts for Higher Education. Amend RSA 9:4-e, II(a) to read as
20 follows:

21 (a) Beginning with fiscal year 2012, for the community college system of New
22 Hampshire (06-58), the state operating budget shall show only general fund income accounts. This
23 subparagraph shall not apply to the police standards and training council established in [~~RSA 188-~~
24 ~~F:24~~] **RSA 106-L:3** or the McAuliffe-Shepard discovery center established in RSA 12-L.

25 4 Pease Development Authority; Additional Duties. Amend RSA 12-G:42, III to read as follows:

26 III. Be authorized and empowered to appoint and compensate a chief harbor master, a
27 deputy chief harbor master, and one or more harbor masters for communities within the confines of
28 which there are ports or state tidal waters who will enforce the directives of the authority and the
29 division, including but not limited to the placement of moorings, the assignment of anchorage areas,
30 and the movement of traffic. The authority may appoint one or more assistant harbor masters at
31 any such place to assist the chief harbor master, the deputy chief harbor master, or one or more
32 harbor masters in carrying out any of their duties. Any person appointed by the authority as a
33 chief harbor master or deputy chief harbor master shall hold a valid and current certification as a
34 full-time police officer in accordance with [~~RSA 188-F:27~~] **RSA 106-L:6** and any rules adopted
35 thereunder.

36 5 Legislative Security; Authority. Amend RSA 14:50, IV to read as follows:

37 IV. Legislative security staff members shall not be required to meet the training and

Amendment to SB 13

- Page 11 -

1 certification requirements of ~~[RSA 188-F:27]~~ **RSA 106-L:6** but may attend and participate in
2 training programs at the police standards and training council and upon successfully completing
3 such programs shall receive the same academic credits or certifications as other peace officers
4 attending such programs.

5 6 Department of Justice; Attorney General. Amend RSA 21-M:3, VII to read as follows:

6 VII. The attorney general may nominate, subject to confirmation by the governor and
7 council, criminal justice investigators and consumer protection investigators within the limits of the
8 appropriations made for the appointments, each of whom shall have statewide law enforcement
9 authority, shall be a peace officer as defined by RSA 594:1, III, and shall serve for a 5-year term.
10 Any person nominated for such a position shall be certified or eligible for certification as a police
11 officer pursuant to ~~[RSA 188-F:26]~~ **RSA 106-L:5, V**. A criminal justice investigator or a consumer
12 protection investigator shall be removed if he or she fails to achieve certification or if he or she is
13 decertified by the police standards and training council, otherwise a criminal justice investigator or
14 a consumer protection investigator may be removed only as provided by RSA 4:1.

15 7 Department of Safety; Authority of Hospital Security Force Officers. Amend RSA 21-P:7-c, I
16 to read as follows:

17 I. All security officers of the hospital security force shall possess such police powers as are
18 granted to them by the commissioner of safety pursuant to RSA 21-P:4, XI. All officers of the
19 hospital security force hired after the effective date of this paragraph shall be required to meet the
20 training standards required generally of police officers by the police standards and training council
21 pursuant to ~~[RSA 188-F]~~ **RSA 106-L** and in addition shall receive additional training in dealing
22 with persons with mental illness as specified by the commissioner of safety after consultation with
23 the chief executive officer of the New Hampshire hospital.

24 8 Choice and Duties of Town Officers; Tenure of Office. Amend RSA 41:48 to read as follows:

25 41:48 Tenure of Office. Any permanent constable or police officer who is either elected under
26 the provisions of RSA 41:47 or appointed for full-time duty under the provisions of RSA 105:1, and
27 who is in compliance with the requirements of ~~[RSA 188-F:27]~~ **RSA 106-L:6**, shall continue to hold
28 such office during good behavior, unless sooner removed for cause by the selectmen, after notice and
29 hearing, or unless the town has rescinded its action as provided in RSA 41:47. Any such elected
30 permanent constable or police officer shall be deemed to be a permanent policeman, and entitled to
31 benefits under the provisions of RSA 103 if otherwise qualified.

32 9 New Hampshire Retirement System; Membership. Amend RSA 100-A:3, III-b to read as
33 follows:

34 III-b. Notwithstanding the provisions of RSA 100-A:1, VII, any permanent police officer
35 certified under ~~[RSA 188-F:22-30]~~ **RSA 106-L** as a full-time police officer, who has been a group II
36 member for at least 5 years and who becomes a law enforcement training specialist or who has been
37 a group II member for at least 10 years and becomes assistant director or director of the police

Amendment to SB 13
- Page 12 -

standards and training council and as a job requirement has satisfied minimum standards as determined by the police standards and training council for physical condition, education and training shall be construed to be a permanent policeman for purposes of membership in group II and shall remain in the system for the duration of his or her service in that capacity with the police standards and training council.

10 Auxiliary State Police. Amend RSA 106-B:19 to read as follows:

106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an auxiliary state police force of not more than 16 persons for the purpose of providing emergency services throughout the state for peacetime or wartime emergencies or threatened emergencies and for augmenting the state police force in such manner as the director may deem appropriate. Notwithstanding other provisions the director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall at all times be under the direction and control of the said director and shall be subject to rules adopted by the director under RSA 541-A and shall be limited to specific hours in any given calendar year for part-time police officers adopted in rules under RSA 541-A by the police standards and training council, pursuant to ~~[RSA 188-F:27, III]~~ **RSA 106-L:6, III.**

11 Liquor Investigator; Training. Amend RSA 176:9, II to read as follows:

II. Any new liquor investigator employed by the commission under this section after August 13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training program as provided by ~~[RSA 188-F:27]~~ **RSA 106-L:6**, unless he *or she* has already completed such a program.

12 Fish and Game; Powers of Executive Director and Conservation Officers. Amend the introductory paragraph of RSA 206:26 to read as follows:

206:26 Powers. The executive director, if certified as a police officer in accordance with ~~[RSA 188-F:26, IV]~~ **RSA 106-L:5, V**, and each conservation officer, shall have the power:

13 Fish and Game; Authority and Powers of Executive Director and Conservation Officers. Amend RSA 206:26-b, IV to read as follows:

IV. The provisions of paragraphs I, II and III as they pertain to the executive director shall not apply to any executive director who has not been certified as a police officer in accordance with ~~[RSA 188-F:26, IV]~~ **RSA 106-L:5, V.**

14 Forestry; Validity of Prosecutions; Training of Forest Rangers. Amend RSA 227-G:8 and 9 to read as follows:

227-G:8 Validity of Prosecutions. Forest rangers and officials of the division appointed to enforce this title and other laws provided for in RSA 227-G:7 are authorized, upon successful completion of the preparatory training programs for full-time or part-time police officers established by the police standards and training council under ~~[RSA 188-F]~~ **RSA 106-L** and their subsequent certification as full-time or part-time police officers, to prosecute these laws within the jurisdiction

Amendment to SB 13
- Page 13 -

1 of municipal and district courts, unless the prosecutorial jurisdiction over a particular case or class
2 of cases is preempted by the county attorney or the attorney general. Prosecutions for violations of
3 any provisions of this title are declared to be valid and proper, notwithstanding the existence of any
4 law of this state dealing with matters that may be the same as or similar to those covered by this
5 title.

6 227-G:9 Training of Forest Rangers.

7 I. Any forest ranger of the division appointed to enforce the provisions of this title and other
8 laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for part-time
9 police officers established by the police standards and training council pursuant to ~~[RSA 188-F]~~
10 **RSA 106-L** no later than one year from the date of hire. Upon successful completion of the training
11 program, such forest ranger shall be certified as a part-time police officer.

12 II. Any forest ranger of the division hired after January 1, 2005 appointed to enforce the
13 provisions of this title and other laws provided for in RSA 227-G:7, shall successfully complete the
14 preparatory training for full-time police officers established by the police standards and training
15 council pursuant to ~~[RSA 188-F]~~ **RSA 106-L** no later than one year from the date of hire. Upon
16 successful completion of the training program, such forest ranger shall be certified as a full-time
17 police officer.

18 III. Any forest ranger of the division hired before January 1, 2005 shall be certified as a
19 full-time police officer upon successful completion of the preparatory training for full-time police
20 officers established by the police standards and training council pursuant to ~~[RSA 188-F]~~ **RSA 106-**
21 **L.**

22 15 Waiver in Lieu of Court Appearance. Amend RSA 262:44, I to read as follows:

23 I. Such defendant shall receive, in addition to the summons, a uniform fine schedule
24 entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for
25 violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The
26 defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment
27 at the time the summons is issued; except if, for cause, the summoning authority wishes the
28 defendant to appear personally. Defendants summoned to appear personally shall do so on the
29 arraignment date specified in the summons, unless otherwise ordered by the court. Defendants
30 who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall
31 enter their plea on the summons and return it with payment of the fine plus penalty assessment to
32 the director of the division of motor vehicles within 30 days of the date of the summons. The
33 director of the division of motor vehicles may accept payment of the fine by credit card in lieu of
34 cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of
35 the portion of the fine amount which is credited as agency income and not out of the penalty
36 assessment charged by the district court. The director of the division of motor vehicles shall remit
37 the penalty assessments collected to the state treasurer to be credited and continually appropriated

Amendment to SB 13

- Page 14 -

1 to the state general fund and to the victims' assistance fund and the judicial branch information
2 technology fund in the percentages and manner prescribed in ~~[RSA 188-F:31]~~ **RSA 106-L:10**. Fines
3 shall be paid over to the state treasurer, and shall be credited as agency income by the department
4 of safety within 14 days of their receipt and shall not lapse to the general fund until the second year
5 of each biennium.

6 16 State Police Duties Relative to Vehicle Inspections. Amend RSA 266:1-a, I to read as follows:

7 I. The director of the division of state police, with the approval of the commissioner of safety
8 shall assign a suitable complement of state troopers to assist the director of motor vehicles in
9 enforcing the motor vehicle inspection laws and rules. A state trooper assigned pursuant to this
10 section shall have the powers of a peace officer, certified under ~~[RSA 188-F:26]~~ **RSA 106-L:5, V**, and
11 shall have as a primary function statewide enforcement duties related to the inspection process,
12 including inspection station auditing, investigation of alleged inspection station malfeasance,
13 rejected vehicle follow-up, and sticker monitoring. A state trooper assigned under this section shall
14 have the authority to enter any motor vehicle inspection station authorized under RSA 266:1,
15 during the station's business hours, to fulfill his or her duties, and shall be assigned other
16 enforcement duties as determined by the commissioner.

17 17 Railroad Police; Qualifying for Commission. Amend RSA 381:4 to read as follows:

18 381:4 Qualifying for Commission. Any person who was a railroad police officer on August 21,
19 1979, in order to qualify for an appointment as a railroad police officer pursuant to RSA 381:2, must
20 have been employed on a full-time basis by a railroad police department, municipal police
21 department or a state police department, or combination thereof, for a minimum of 3 years. Such
22 employment shall have been in performing the duties of a police officer. Any person who was not a
23 railroad police officer on August 21, 1979, or who was so employed but did not have the 3 years of
24 employment required by this section, shall be required to be certified as a police officer in
25 accordance with ~~[RSA 188-F]~~ **RSA 106-L** in order to qualify for appointment pursuant to RSA 381:2.
26 Any person employed as a railroad police officer after August 21, 1979, shall complete such training
27 as the police standards and training council shall determine, which, together with his prior training
28 and experience in this or any other jurisdiction, is the equivalent required for certification as a
29 police officer in accordance with ~~[RSA 188-F]~~ **RSA 106-L** in order to qualify for appointment
30 pursuant to RSA 381:2.

31 18 Standards for Weights and Measures; Training of Inspectors. Amend RSA 438:15-a to read
32 as follows:

33 438:15-a Training of Inspectors. Any inspector of the department of agriculture, markets, and
34 food appointed to enforce the laws and rules pertaining to weights and measures under RSA 438
35 shall successfully complete the preparatory training program for part-time police officers
36 established by the police standards and training council pursuant to ~~[RSA 188-F]~~ **RSA 106-L** no
37 later than 2 years from the date of hire. Upon successful completion of the training program such

Amendment to SB 13

- Page 15 -

1 inspector shall be certified as a part-time police officer. Inspectors serving under permanent
2 appointment on April 27, 1990 who have the power to enforce the laws and rules pertaining to
3 weights and measures under RSA 438 shall also successfully complete the preparatory training
4 program for part-time police officers within one year of April 27, 1990 and shall, upon completion,
5 be certified as part-time police officers.

6 19 Standards for Weights and Measures; Validity of Prosecutions. Amend RSA 438:43 to read
7 as follows:

8 438:43 Validity of Prosecutions. Inspectors and officials appointed to enforce this chapter or
9 any other laws dealing with weights and measures are hereby empowered, upon their successful
10 completion of the preparatory training program for part-time police officers established by the police
11 standards and training council under ~~[RSA 188-F]~~ **RSA 106-L**, to prosecute these laws within the
12 jurisdiction of municipal and district courts, unless the prosecutorial jurisdiction over a particular
13 case or class of cases is preempted by the county attorney or the attorney general. Prosecutions for
14 violations of any provision of this chapter are declared to be valid and proper, notwithstanding the
15 existence of any law of this state dealing with matters that may be the same as or similar to those
16 covered by this chapter.

17 20 Judicial Branch Information Technology Fund. Amend RSA 490:26-h, I(a) to read as
18 follows:

19 (a) Thirty percent of each entry fee collected in the supreme, superior, and circuit
20 courts and 16.67 percent of the penalty assessment collected pursuant to ~~[RSA 188-F:31]~~ **RSA 106-**
21 **L:10** shall be deposited in the judicial branch information technology fund.

22 21 Probationers and Parolees: Qualification and Certification of Probation or Parole Officers.
23 Amend RSA 504-A:12-a to read as follows:

24 504-A:12-a Qualification and Certification of ~~[Probation or Parole]~~ **Probation-Parole** Officers.
25 Every probation-parole officer shall meet the educational and training standards for employment as
26 **a** probation-parole officer as established by the police standards and training council under ~~[RSA~~
27 ~~188-F:26]~~ **RSA 106-L:6**, and shall be certified by the council as being qualified to be a probation-
28 parole officer.

29 22 Administrative Procedure Act; Exceptions. Amend RSA 541-A:21, I(s) to read as follows:

30 (s) ~~[RSA 188-F:26, V]~~ **RSA 106-L:5, VI**, relative to educational, training, and
31 evidentiary standards and curriculum requirements for police and corrections personnel and
32 courses and tuition students at such courses.

33 23 Jurisdiction and Procedure; Complaints. Amend RSA 592-A:7, I(a) to read as follows:

34 (a) Criminal proceedings before a circuit court shall be begun by complaint, signed and
35 under oath, addressed to such court, briefly setting forth, by name or description, the party accused
36 and the offense charged, provided that a complaint filed by a police officer, as defined in ~~[RSA 188-~~
37 ~~F:23, I,]~~ **RSA 106-L:2, I** for a violation-level offense or a class B misdemeanor shall not require an

Amendment to SB 13
- Page 16 -

1 oath. All complaints filed by a police officer shall include the officer's signature and printed name
2 and notice that making a false statement on the complaint may result in criminal prosecution.

3 24 Office of the Chief Medical Examiner; Affiliation and Training. Amend RSA 611-B:8, II to
4 read as follows:

5 II. The chief medical examiner and, at the chief medical examiner's direction, other medical
6 examiners shall assist in the training of police officers in police training programs authorized by the
7 police standards and training council under ~~[RSA 188-F:22 through RSA 188-F:32]~~ **RSA 106-L**.

8 25 Detention Powers of County Fair Security Guards. Amend RSA 627:8-b, II to read as
9 follows:

10 II. Only security guards who have completed a program of police training for part-time
11 police officers, meeting standards established by the New Hampshire police standards and training
12 council pursuant to ~~[RSA 188-F:26]~~ **RSA 106-L:5** and appropriate to a security guard's exercise of
13 limited police powers, shall have the powers of detention granted in paragraph I.

14 26 Rulemaking; Transfer of Rules. Existing rules of the police standards and training council
15 under RSA 188-F shall continue in effect and be enforced by the council under RSA 106-L until they
16 expire or are repealed or amended in accordance with applicable law.

17 27 Repeal. The following are repealed:

18 I. RSA 188-F:22 through RSA 188-F:32-d, relative to the police standards and training
19 council.

20 II. RSA 188-F:33 through RSA 188-F:36, relative to the New Hampshire technical institute
21 security force.

22 28 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 13
- Page 17 -

2017-1452h

AMENDED ANALYSIS

This bill dissolves the administrative attachment of the police standards and training council to the community college system of New Hampshire and establishes the police standards and training council as an executive branch council. The bill also repeals the statutes relating to the New Hampshire technical institute security force.