

HB 154 - AS AMENDED BY THE HOUSE

7Mar2019... 0345h

2019 SESSION

19-0095

04/01

HOUSE BILL **154**

AN ACT prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

SPONSORS: Rep. Berch, Ches. 1; Rep. Amanda Bouldin, Hills. 12; Rep. McGuire, Merr. 29; Rep. Spillane, Rock. 2; Rep. Eaton, Ches. 3; Rep. Tanner, Sull. 9; Rep. Backus, Hills. 19; Rep. K. Murray, Rock. 24; Rep. Horrigan, Straf. 6; Sen. Watters, Dist 4

COMMITTEE: Judiciary

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AMENDED ANALYSIS

This bill prohibits and renders unenforceable the inclusion of a non-disparagement clause in a settlement agreement involving a governmental unit.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

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

1            1 Actions Against Governmental Units. Amend RSA 507:17 to read as follows:

2            507:17 Actions Against Governmental Units; Definition; Court Records.

3            I. "Governmental unit" means the state and any political subdivision within the state  
4 including any county, city, town, precinct, school district, chartered public school, school  
5 administrative unit, or departments or agencies thereof.

6            II. In any action ***or claim*** against a governmental unit ***or any former or current elected***  
7 ***official, appointed official, officer, or employee***, where the governmental unit has agreed to a  
8 settlement of such action ***or claim***, the complete terms of the settlement and the decree of the court  
9 judgment shall be available as a matter of public record pursuant to RSA 91-A.

10           III. ***A non-disparagement clause or other language which either prevents the***  
11 ***parties from discussing the facts of the underlying claim or speaking negatively about***  
12 ***each other shall not be included in any settlement agreement involving a governmental***  
13 ***unit. Any such language included in a settlement agreement involving a governmental***  
14 ***unit shall be unenforceable.***

15           IV. The court may redact the names of minor children or any other person the court  
16 determines to be entitled to privacy.

17           2 Effective Date. This act shall take effect 60 days after its passage.