

CHAPTER 226  
HB 530 - FINAL VERSION

2021 SESSION

21-0540  
08/04

HOUSE BILL           **530**

AN ACT               relative to candidate background checks for law enforcement officers.

SPONSORS:          Rep. Dolan, Rock. 5; Rep. T. Lekas, Hills. 37

COMMITTEE:        Criminal Justice and Public Safety

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ANALYSIS

This bill allows an employer to share certain information with a law enforcement agency about a candidate for a position as a peace officer or other position within a law enforcement agency.

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

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

AN ACT                   relative to candidate background checks for law enforcement officers.

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

1           226:1 New Section; Law Enforcement Candidate Background Checks. Amend RSA 41 by  
2 inserting after section 9-b the following new section:

3           41:9-c Law Enforcement Candidate Background Checks.

4           I. In order to perform a background investigation for a candidate to be employed as a peace  
5 officer or in the case of an applicant for a position other than a sworn peace officer within a law  
6 enforcement agency, an employer shall disclose employment information relating to a current or  
7 former employee or applicant, upon request of a law enforcement agency, if all of the following  
8 conditions are met:

9                   (a) The request is made in writing;

10                   (b) The request is accompanied by a notarized authorization by the candidate releasing  
11 the employer of liability; and

12                   (c) The request and the authorization are presented to the employer by a sworn officer or  
13 other authorized representative of the employing law enforcement agency.

14           II. In the absence of fraud or malice, an employer shall not be subject to any civil liability for  
15 any relevant cause of action by virtue of releasing employment information required pursuant to this  
16 section. This section shall not in any way or manner abrogate or lessen the existing privileges and  
17 immunities of an employer.

18           III. For purposes of this section, "employment information" means written information in  
19 connection with job applications, performance evaluations, attendance records, disciplinary actions,  
20 eligibility for rehire, and other information relevant to the performance of a peace officer or other  
21 law enforcement agency applicant, except information prohibited from disclosure by any other state  
22 or federal law or regulation.

23           IV. An employer's refusal to disclose information to a law enforcement agency in accordance  
24 with this section shall constitute grounds for a civil action for injunctive relief requiring disclosure  
25 on the part of an employer.

26           V. Employment information disclosed by an employer to an initial requesting law  
27 enforcement agency shall be deemed confidential. However, the initial requesting law enforcement  
28 agency may disclose this information to another authorized law enforcement agency that is also  
29 conducting a background investigation into a peace officer or other law enforcement agency  
30 applicant. If this information is disclosed to another law enforcement agency, that agency shall

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1 utilize the information for investigative leads only and the information shall be independently  
2 verified by that agency in order to be used in determining the suitability of a peace officer or other  
3 law enforcement agency applicant.

4 VI. An employer may charge reasonable fees to cover actual costs incurred in copying and  
5 furnishing documents to law enforcement agencies as required by this section.

226:2 Effective Date. This act shall take effect 90 days after its passage.

Approved: August 25, 2021

Effective Date: November 23, 2021