

CHAPTER 227
SB 96-FN-A - FINAL VERSION

03/18/2021 0773s
04/01/2021 0996s
3Jun2021... 1391h
06/24/2021 2046EBA

2021 SESSION

21-1001
04/05

SENATE BILL ***96-FN-A***

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing a committee to study the collection of race and ethnicity data on state identification cards.

SPONSORS: Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Perkins Kwoka, Dist 21; Sen. Morse, Dist 22; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cushing, Rock. 21; Rep. M. Smith, Straf. 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.

III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing a committee to study the collection of race and ethnicity data on state identification cards.

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

1 227:1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend
2 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

3 (365) Moneys credited to the body-worn and in-car camera fund established in RSA
4 105-D:3.

5 227:2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-
6 A:3-a, CVIII to read as follows:

7 CVIII. Police, non-criminal-internal affairs investigations: [~~as required by attorney general~~
8 ~~and union contract and town personnel rules~~] ***upon the retirement or termination of the subject***
9 ***officer plus 20 years, except that the municipality shall follow the retention period for non-***
10 ***criminal internal affairs investigations as set forth in any applicable union or collective***
11 ***bargaining agreement in effect as of July 1, 2021 until such agreement expires, at which***
12 ***time the 20-year retention period in this paragraph shall apply.***

13 227:3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

14 XXXVII. School Resource Officers. Require each school district in the state to which a school
15 resource officer is assigned to develop and implement a policy which shall include, at a minimum, a
16 requirement for a signed memorandum of understanding between the school district and the law
17 enforcement agency from which the school resource officer is deployed. ***The memorandum of***
18 ***understanding shall be made available as a public document.***

19 227:4 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after
20 section 2 the following new section:

21 105-D:3 Body-Worn and In-car Camera Fund.

22 I. There is hereby established the body-worn and in-car camera fund within the department
23 of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-
24 worn cameras and agency vehicles with in-car cameras. All moneys in the fund shall be nonlapsing
25 and continually appropriated to the department of safety.

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1 II. The fund shall provide grants to local law enforcement agencies to pay up to one-half of
2 the purchase and replacement costs of body-worn and in-car cameras.

3 III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

4 IV. The fund shall be overseen by the commissioner of the department of safety and the
5 attorney general who shall, within 180 days of the effective date of this section, jointly establish a
6 process for the application for grants from the fund. Such process shall be established in rules
7 adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

8 227:5 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year
9 ending June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in
10 RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the
11 treasury not otherwise appropriated.

12 227:6 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

13 IV. "Delinquent" means a person who has committed an offense before reaching the age of
14 18 years which would be a felony or misdemeanor under the criminal code of this state if committed
15 by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be in need of
16 counseling, supervision, treatment, or rehabilitation as a consequence thereof. ***No person under 13***
17 ***years of age shall be subject to proceedings under this chapter unless such person has***
18 ***committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be***
19 ***construed to limit the filing of a petition for any minor child under RSA 169-D.***

20 227:7 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as
21 follows:

22 IV. When the felony offense charged is first degree murder, second degree murder,
23 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~
24 ~~allegation is a violation of RSA 631:2, I(d)),~~] aggravated felonious sexual assault[, kidnapping,
25 ~~criminal restraint, robbery~~] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),
26 ~~or negligent homicide under RSA 630:3, II,~~] or when the minor is charged with any felony and, prior
27 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions
28 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or
29 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a
30 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

31 227:8 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued
32 Identification Cards. There is hereby established a committee to study the inclusion of race and
33 ethnicity data on state-issued identification cards.

34 I.(a) The committee shall consist of the following members:

35 (1) Two members of the house of representatives, appointed by the speaker of the
36 house of representatives.

37 (2) One member of the senate, appointed by the president of the senate.

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1 (b) Members of the committee shall receive mileage at the legislative rate when
2 attending to the duties of the committee.

3 II.(a) The committee shall study whether the state should include race and ethnicity on any
4 state-issued identification card and whether or not the state should be collecting data on race and
5 ethnicity.

6 (b) The committee may solicit and receive advice and testimony from any individual or
7 organization with information relevant to the committee's objective.

8 III. The members of the study committee shall elect a chairperson from among the members.
9 The first meeting of the committee shall be called by a senate member. The first meeting of the
10 committee shall be held within 45 days of the effective date of this section. Two members of the
11 committee shall constitute a quorum.

12 IV. The committee shall report its findings and any recommendations for proposed
13 legislation to the president of the senate, the speaker of the house of representatives, the senate
14 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

15 227:9 Effective Date.

16 I. Sections 2, 4, and 5 of this act shall take effect July 1, 2021.

17 II. The remainder of this act shall take effect 60 days after its passage.

Approved: August 25, 2021

Effective Date:

I. Sections 2, 4 and 5 effective July 1, 2021.

II. Remainder effective October 24, 2021.

