

Amendment to SB 96-FN-A

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

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3 AN ACT relative to implicit bias training for judges; establishing a body-worn and in-car
4 camera fund and making an appropriation therefor; amending juvenile delinquency
5 proceedings and transfers to superior court; and establishing committees to study the
6 role and scope of authority of school resource officers and the collection of race and
7 ethnicity data on state identification cards.
8

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

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11 1 New Subparagraph; Application of Receipts; Body Worn and In-car Camera Fund. Amend
12 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

13 (365) Moneys credited to the body-worn and in-car camera fund established in RSA
14 105-D:3.

15 2 Disposition of Municipal Records; Disposition and Retention Schedule. Amend RSA 33-A:3-a,
16 CVIII to read as follows:

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

23 3 Duties of the State Board of Education. Amend RSA 186:11, XXXVII to read as follows:

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

29 4 Committee to Study the Role and Scope of Authority of School Resource Officers. There is
30 hereby established a committee to study the role and scope of authority of school resource officers
31 (SRO).

32 I.(a) The members of the committee shall be as follows:

33 (1) Two members of the senate, appointed by the president of the senate.

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1 (2) Three members of the house of representatives, appointed by the speaker of the
2 house of representatives.

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

5 II. The committee shall examine the following issues:

6 (a) The scope of authority and involvement of SROs in school discipline, minor
7 misconduct, and major criminal offenses.

8 (b) The scope of authority and involvement of school administrators in the investigation
9 of minor and major criminal behavior.

10 (c) The roles of SROs and school administrators in decisions regarding detention,
11 suspension, expulsion, and court referral.

12 (d) The availability of behavioral health services to respond to the needs of students in
13 New Hampshire schools, including the system of care under RSA 135-F and services under RSA
14 167:3-1, how to expand access to such services, and the specific availability of such services at schools
15 with SROs.

16 (e) The rights of students regarding searches and interrogations by law enforcement at
17 schools.

18 (f) Data collection on the number of incidents resulting in law enforcement intervention
19 at schools, including the issuance of a citation, ticket, or summons, filing of a delinquency petition, or
20 referral to a probation officer for juvenile conduct on school grounds or at a school-sponsored event,
21 including student demographic data.

22 (g) The impact of SRO involvement on student welfare and educational outcomes,
23 including any impact on the school-to-prison pipeline.

24 III. During its examination, the committee shall:

25 (a) Review available research and data about the impact of SROs on student behavioral
26 health and academic performance, and school safety.

27 (b) Accept testimony from school personnel and advocacy organizations, along with
28 experts in the fields of education, student behavioral health, and the school-to-prison pipeline.

29 (c) Accept testimony from law enforcement, including from the police standards and
30 training council.

31 IV. Following its review, the committee shall make recommendations for further legislation
32 regarding the role and scope of authority of SROs in schools. It shall also make recommendations for
33 improved reporting and data collection, if its review finds that such improvements are necessary.

34 V. The members of the study committee shall elect a chairperson from among the members.
35 The first meeting of the committee shall be called by a senate member. The first meeting of the
36 committee shall be held within 45 days of the effective date of this section. Four members of the
37 committee shall constitute a quorum.

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

4 5 New Section; Body-Worn and In-car Camera Fund. Amend RSA 105-D by inserting after
5 section 2 the following new section:

6 105-D:3 Body-Worn and In-car Camera Fund.

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

11 II. The fund shall provide grants to local law enforcement agencies to assist agencies with
12 the purchase, maintenance, and replacement of body-worn and in-car cameras and ongoing costs
13 related to the maintenance and storage of data recorded by body-worn and in-car cameras.

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

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

19 6 Appropriation; Body-Worn and In-car Camera Fund. The sum of \$1 for the fiscal year ending
20 June 30, 2022 is hereby appropriated to the body-worn and in-car camera fund established in RSA
21 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the
22 treasury not otherwise appropriated.

23 7 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

24 IV. "Delinquent" means a person who has committed an offense before reaching the age of
25 18 years which would be a felony or misdemeanor under the criminal code of this state if committed
26 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
27 counseling, supervision, treatment, or rehabilitation as a consequence thereof. ***No person under 13***
28 ***years of age shall be subject to proceedings under this chapter unless such person has***
29 ***committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be***
30 ***construed to limit the filing of a petition for any minor child under RSA 169-D.***

31 8 Delinquent Children; Transfer to Superior Court. Amend RSA 169-B:24, IV to read as follows:

32 IV. When the felony offense charged is first degree murder, second degree murder,
33 attempted murder, manslaughter, first degree assault, [~~second degree assault (except when the~~
34 ~~allegation is a violation of RSA 631:2, I(d));~~] aggravated felonious sexual assault[~~-, kidnapping,~~
35 ~~criminal restraint, robbery~~] punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b),
36 ~~or negligent homicide under RSA 630:3, II,~~] or when the minor is charged with any felony and, prior
37 to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions

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1 and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or
2 felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a
3 presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

4 9 Committee to Study the Inclusion of Race and Ethnicity Data on State-issued Identification
5 Cards. There is hereby established a committee to study the inclusion of race and ethnicity data on
6 state-issued identification cards.

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

8 (1) Two members of the house of representatives, appointed by the speaker of the
9 house of representatives.

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

11 (b) Members of the committee shall receive mileage at the legislative rate when
12 attending to the duties of the committee

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

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

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

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

25 10 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA
26 490-A:3, II to read as follows:

27 II. *The chief justice of the supreme court with the advice and consent of the chief*
28 *justice of the superior court and the administrative judge of the circuit court, shall*
29 *encourage the justices and judges of all courts in New Hampshire to receive annual*
30 *training covering the topics of implicit bias and racial profiling.*

31 III. In carrying out the duties imposed by ~~[paragraph I]~~ **this section**, the chief justices may
32 seek the advice and assistance of all persons and bodies interested in the administration of justice in
33 New Hampshire, including, but not limited to, those listed in RSA 490-A:2.

34 11 Effective Date.

35 I. Sections 2, 5, and 6 of this act shall take effect July 1, 2021.

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

2021-0773s

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.

VI. Encourages all judges to receive annual training covering the topics of implicit bias and racial profiling.