

Sen. Whitley, Dist 15
Sen. Kahn, Dist 10
March 31, 2021
2021-1058s
05/10

Floor Amendment to SB 96-FN-A

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

2

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
5 delinquency proceedings and transfers to superior court; and relative to race and
6 ethnicity data on driver's licenses.
7

8 Amend the bill by replacing all after section 7 with the following:

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10 8 New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.
11 Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:

12 VIII. A local law enforcement agency acting pursuant to RSA 594:14-b and the department
13 may make available to the public aggregated statistical data containing information generated from
14 motor vehicle records, provided that no such data shall contain personal information, as defined by
15 RSA 260:14. The publicly available aggregated statistical data shall only contain information
16 regarding a person's gender, race, ethnicity, residence zip code, and whether the event involved a
17 motor vehicle accident, a fatality, and whether there was a motor vehicle stop and its disposition,
18 such as a warning, citation, arrest, and the offense charged. The commissioner of the department of
19 safety may adopt rules to implement this paragraph and any such rules shall be exempt from the
20 provisions of RSA 541-A.

21 9 Motor Vehicles; Nondriver's Picture Identification Cards. Amend RSA 260:21, III to read as
22 follows:

23 III. The identification card shall bear the name, address, date of birth, blood type (optional),
24 gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the
25 purposes of identification for receiving benefits and services under New Hampshire law (optional),
26 **race (optional), ethnicity (optional)**, picture and signature of the applicant, and in the case of a
27 card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State
28 Discount Card." The identification card shall bear an approved security marking indicating that it
29 was not issued in compliance with Public Law 109-13 and is therefore not acceptable for federal
30 identification purposes.

31 10 Motor Vehicles; Nondriver's Picture Identification Card; Public Law 109-13 Compliant
32 Identification Cards. Amend RSA 260:21-a, II to read as follows:

Floor Amendment to SB 96-FN-A
- Page 2 -

1 II. The identification card shall bear the name, address, date of birth, gender indicated as
2 "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification
3 for receiving benefits and services under New Hampshire law (optional), *race (optional), ethnicity*
4 *(optional)*, organ donor status (optional), picture, and signature of the applicant.

5 11 Motor Vehicles; Nondriver's Picture Identification Card; Enhanced Identification Card.
6 Amend RSA 260:21-b, II to read as follows:

7 II. The identification card shall bear the name, address, date of birth, gender indicated as
8 "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification
9 for receiving benefits and services under New Hampshire law (optional), *race (optional), ethnicity*
10 *(optional)*, organ donor status (optional), picture, and signature of the applicant.

11 12 New Section; Arrests in Criminal Cases; Race and Ethnicity Data Collection. Amend RSA
12 594 by inserting after section 14-a the following new section:

13 594:14-b Race and Ethnicity Data Collection.

14 I. A law enforcement agency shall, when possible, collect data from a driver's license or other
15 state-issued identification card on gender, race, and ethnicity as may be available pursuant to RSA
16 260:21, RSA 260:21-a, and RSA 260:21-b, and the town of residence of persons who are arrested,
17 cited, or subjected to a field stop or warning, including a motor vehicle stop that did not lead to a
18 citation.

19 II. A law enforcement agency shall provide on an annual basis the aggregate data collected
20 pursuant to paragraph I to the police standards and training council on January 31 for the preceding
21 calendar year. This aggregate data shall, at a minimum, include an analysis showing the numbers
22 of individuals for each race/ethnicity broken down by the following categories: persons arrests,
23 persons cited, and persons subjected to a field stop or warning. The aggregate data shall also
24 include an analysis of the percentage of the race and ethnicity of persons in each of the categories.
25 Within 30 days of receipt, the police standards and training council shall make the data and analysis
26 it receives from each law enforcement agency available on its public website in a manner that is
27 accessible.

28 III. In this section, "law enforcement agency" shall have the same meaning as in RSA 105-
29 D:1, V.

30 13 Drivers' Licenses; Application for License. Amend RSA 263:5, II(b) to read as follows:

31 (b) A physical description of the applicant, including gender indicated by checking either
32 "M" for "male," "F" for female," or "X" for "other," height, weight, eye and hair color, *race*
33 *(optional), and ethnicity (optional)*;

34 14 Drivers' Licenses; Form of License. Amend RSA 263:40, II-III to read as follows:

35 II. Drivers' licenses compliant with Public Law 109-13 issued pursuant to RSA 263:14-b
36 shall bear the name, address, date of birth, gender indicated as "M" for "male," "F" for "female," or
37 "X" for "other," veteran's status for the purposes of identification for receiving benefits and services

Floor Amendment to SB 96-FN-A
- Page 3 -

1 under New Hampshire law (optional), organ donor status (optional), ***race (optional), ethnicity***
2 ***(optional)***, picture, and signature of the applicant. The driver's license card shall bear an approved
3 security marking indicating that it was issued in compliance with Public Law 109-13 and is
4 therefore acceptable for federal identification purposes.

5 III. Enhanced drivers' licenses issued pursuant to RSA 263:14-c shall bear the name,
6 address, date of birth, gender indicated as "M" for "male," "F" for "female," or "X" for "other,"
7 veteran's status for the purposes of identification for receiving benefits and services under New
8 Hampshire law (optional), ***race (optional), ethnicity (optional)***, organ donor status (optional),
9 picture, and signature of the applicant. The driver's license card shall bear an approved security
10 marking indicating that it is an enhanced driver's license.

11 15 Commercial Licensing; Application for Commercial Drivers License. Amend RSA 263:90, I(b)
12 to read as follows:

13 (b) A physical description of the applicant, including gender indicated by checking either
14 "M" for "male," "F" for "female," or "X" for "other," height, weight, eye and hair color, ***race***
15 ***(optional), and ethnicity (optional)***;

16 16 Commercial Licensing; Commercial Driver License. Amend RSA 263:91, I(c) to read as
17 follows:

18 (c) A physical description of the licensee including gender indicated as "M" for "male,"
19 "F" for "female," or "X" for "other," height, weight, eye^[7] and hair color, ***race (optional), and***
20 ***ethnicity (optional)***;

21 17 Unified Court System; Authority Granted; Implicit Bias and Racial Profiling. Amend RSA
22 490-A:3, II to read as follows:

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

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

30 18 Effective Date.

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

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

Floor Amendment to SB 96-FN-A
- Page 4 -

2021-1058s

AMENDED ANALYSIS

This bill:

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

II. Extends the authority of a law enforcement officer to any elementary, secondary, or postsecondary educational institution pursuant to a request or written agreement with the administrator of the institution or the governing body of the school district.

III. Establishes a body-worn and dashboard 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. Adds race and ethnicity as optional information that may be included on a nondriver's picture identification card and individual and commercial drivers' licenses, and requires law enforcement agencies to collect such data.

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