

CHAPTER 164  
HB 140 - FINAL VERSION

05/20/2021 1425s

2021 SESSION

21-0265  
06/04

HOUSE BILL **140**

AN ACT relative to private rights of action regarding pupil safety.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. Boehm, Hills. 20; Rep. Verville, Rock. 2; Rep. Shaw, Hills. 16; Rep. A. Lekas, Hills. 37; Rep. J. Osborne, Rock. 4; Rep. Layon, Rock. 6; Sen. Ward, Dist 8

COMMITTEE: Education

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ANALYSIS

This bill creates a private right of action for bullying and cyberbullying.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 private rights of action regarding pupil safety.

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

1           164:1 Safety and Violence Prevention; Pupil Safety Private Right of Action. RSA 193-F:9 is  
2 repealed and reenacted to read as follows:

3           193-F:9 Private Right of Action Permitted. Any person aggrieved as a result of gross negligence  
4 or willful misconduct in violation of any provision of RSA 193-F:4 may initiate an action against a  
5 school district or chartered public school and may recover court costs and reasonable attorney's fees  
6 as the prevailing party. For the purposes of this chapter, "gross negligence" means deliberate  
7 indifference. Nothing in this section shall supercede or replace existing rights or remedies under  
8 any other law.

          164:2 Effective Date. This act shall take effect upon its passage.

Approved: July 30, 2021  
Effective Date: July 30, 2021