

HB 83 - AS AMENDED BY THE HOUSE

7Apr2021... 0369h

2021 SESSION

21-0060

04/05

HOUSE BILL

**83**

AN ACT prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

SPONSORS: Rep. Berch, Ches. 1; Rep. Schultz, Merr. 18; Rep. M. Smith, Straf. 6; Rep. Sylvia, Belk. 6; Rep. Meuse, Rock. 29; Rep. McGuire, Merr. 29; Rep. Amanda Bouldin, Hills. 12; Rep. Stevens, Hills. 34; Rep. DiLorenzo, Rock. 17

COMMITTEE: Judiciary

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ANALYSIS

This bill prohibits and renders unenforceable the inclusion of a non-disparagement clause in a settlement agreement involving a governmental unit.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

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

AN ACT prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

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

1 1 Actions Against Governmental Units. Amend RSA 507:17 to read as follows:

2 507:17 Actions Against Governmental Units; Definition; Court Records.

3 I. "Governmental unit" means the state and any political subdivision within the state  
4 including any county, city, town, precinct, school district, chartered public school, school  
5 administrative unit, or departments or agencies thereof.

6 II. In any action ***or claim by or*** against a governmental unit ***or any former or current***  
7 ***elected official, appointed official, officer, or employee***, where the governmental unit has  
8 agreed to a settlement of such action ***or claim***, the complete terms of the settlement and the decree  
9 of the court judgment shall be available as a matter of public record pursuant to RSA 91-A.

10 III. ***A non-disparagement clause or other language which either prevents the***  
11 ***parties from discussing the facts of the underlying claim or speaking negatively about each***  
12 ***other shall not be included in any settlement agreement involving a governmental unit.***  
13 ***Any such language included in a settlement agreement involving a governmental unit***  
14 ***shall be unenforceable.***

15 IV. The court may redact the names of minor children or any other person the court  
16 determines to be entitled to privacy.

17 2 Effective Date. This act shall take effect 60 days after its passage.