

Amendment to SB 134-FN

1 Amend section 1 of the bill, Sponsorship, by deleting Part X and renumbering the original Parts XI  
2 and XII to read as Parts X and XI, respectively.

3  
4 Amend Part II of the bill by replacing RSA 456-B:2, VII as inserted by section 4 with the following:

5  
6 VII.(a) For the purposes of this section, but only in the context of executing an estate  
7 planning instrument such as a will[, trust, or power of attorney] **or estate planning trust**, the  
8 requirement that a person appear before a notarial officer at the time of the notarial act is satisfied  
9 if the notarial officer is:

10 (1) The attorney, licensed to practice law in New Hampshire and in good standing,  
11 who drafted the estate planning instrument;

12 (2) Another attorney licensed to practice law in New Hampshire and in good  
13 standing, under the drafting attorney's supervision; or

14 (3) A paralegal under the supervision of either such attorney; and

15 (b) The person and the notarial officer can communicate simultaneously by sight and  
16 sound through an electronic device or process at the time of the notarial act.

17 (c) This paragraph shall apply only to notarial acts performed on or after March 23, 2020  
18 [~~and ending on the last day of the state of emergency declared by executive order 2020-04~~]. In  
19 addition, a notarial act performed in compliance with emergency order #11 pursuant to executive  
20 order 2020-04 from its effective date through the date of its expiration is valid.

21  
22 Amend Part II of the bill by replacing all after section 10 with the following:

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24 11 Wills; Requirements. Amend RSA 551:2, III(b) to read as follows:

25 (b) Nothing in this paragraph shall be deemed to allow an electronic will or codicil. This  
26 paragraph shall apply only to wills executed on or after March 23, 2020[~~and ending on the last day~~  
27 ~~of the state of emergency declared by executive order 2020-04~~].

28 12 Effective Date.

29 I. RSA 456-B:2, VII as inserted by section 4 of Part II of this act and section 11 of Part II of  
30 this act shall take effect upon its passage.

31 II. The remainder of Part II of this act shall take effect 180 days after its passage.  
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**Amendment to SB 134-FN**  
**- Page 2 -**

Amend Part III of the bill by replacing section 1 with the following:

1 Incarceration Under a Suspended Sentence. Amend the introductory paragraph of RSA 651:20, I(a) to read as follows:

(a) Any person sentenced to state prison for a minimum term of 6 years or more shall not bring a petition to suspend sentence until such person ~~[has served at least 4 years or 2/3 of his minimum sentence, whichever is greater,]~~ **is within 12 months of serving 2/3 of the minimum sentence**, and not more frequently than every 3 years thereafter. Any person sentenced to state prison for a minimum term of less than 6 years shall not bring a petition to suspend sentence until such person has served at least 2/3 of the minimum sentence, or the petition has been authorized by the sentencing court. For the purposes of this subparagraph:

Amend the bill by replacing Part VIII with the following:

**PART VIII**

Relative to school employee and school volunteer criminal history background checks and establishing a committee to study department of education oversight of criminal history background checks for private schools.

1 School Employee and Designated School Volunteer Criminal History Records Check. Amend RSA 189:13-a, III to read as follows:

III. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. ~~[If the criminal history records information indicates no criminal record, the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy the information received immediately following review of the information.]~~ **The superintendent of the school administrative unit, or chief executive officer of the chartered public school or public academy shall review the criminal history records information in accordance with paragraph V.** If the criminal history records information indicates that the applicant has been convicted of any crime or has been charged pending disposition for or convicted of a crime listed in paragraph V, the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall review the information for a hiring decision~~[-and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy any criminal history record information that indicates a criminal record within 60 days of receiving such information.]~~ **If the applicant's criminal history records information indicates that the applicant has been**

*charged pending disposition for or has been convicted of a crime listed in paragraph V, the superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy shall notify the department of education.*

*III-a. The superintendent of the school administrative unit or chief executive officer of the chartered public school or public academy shall destroy any criminal history record information within 60 days of receipt. The superintendent of the school administrative unit or chief executive officer of the chartered public school or public academy shall destroy any criminal history record information that indicates a criminal record within 60 days of receiving said information.*

2 School Employee and Designated School Volunteer Criminal History Records Check. Amend RSA 189:13-a, VI to read as follows:

VI. *In accordance with paragraphs I-V*, this section shall apply to any employee, *including substitute teachers*, selected applicant for employment, designated volunteer, [or] volunteer organization, *or individual or entity* which contracts with a school administrative unit, school district, chartered public school, or public academy to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district, chartered public school, or public academy. The employing school administrative unit, school district, or chartered public school shall be responsible for completing the criminal history records check on the people identified in this paragraph, except for school bus drivers and transportation monitors, as provided in RSA 189:13-b. The cost for criminal history records checks for employees or selected applicants for employment with such contractors shall be borne by the contractor.

3 School Employee and Designated School Volunteer Criminal History Records Check. Amend RSA 189:13-a, IX to read as follows:

IX.(a) [~~Substitute teachers and other educational staff, not otherwise addressed in this section, shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check, as established in paragraph II, and, upon completion, shall issue a report to the applicant. The report shall be valid for 30 days from the date of issuance and shall constitute satisfactory proof of compliance with this section.~~

(b) ~~Upon enrollment in an educator preparation program at an institution of higher education, a candidate shall submit to a criminal history records check. The institution of higher education in which the candidate is enrolled shall conduct the criminal history records check.]~~ Upon placement of a candidate, *as defined in RSA 189:13-c*, as a student teacher, the receiving school administrative unit, school district, or chartered public school shall conduct [another] *a* criminal history records check of the candidate and shall follow the same procedures for assessing the candidate's criminal history background as for applicants for employment. [~~The governing body of~~

**Amendment to SB 134-FN**  
**- Page 4 -**

~~the institution of higher education may adopt a policy relative to how often a candidate shall submit to a criminal history records check. In this subparagraph, "candidate" shall mean a student who is enrolled in an educator preparation program at an institution of higher education in New Hampshire.]~~

***(b) A receiving school administrative unit, school district, or chartered public school may conduct a criminal history records check upon a candidate, as defined in RSA 189:13-c.***

4 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by inserting after section 13-b the following new section:

189:13-c Credentialing Applicant and Candidate Criminal History Records Check.

I. Definitions:

(a) "Credentialing applicant" means a first-time applicant for a New Hampshire teaching credential.

(b) "Candidate" means a student at an institution of higher education in New Hampshire who has been selected to participate in a K-12 educator preparation program.

II.(a) The department shall complete a confidential criminal history records check on all first-time applicants for a teaching license, under RSA 21-N:9, II(s), as shall school administrative units, school districts, and chartered public schools pursuant to RSA 189:13-a.

(b) The department shall complete a confidential criminal history records check on all candidates as shall school administrative units, school districts, and chartered public schools pursuant to RSA 189:13-a. The department shall adopt rules pursuant to RSA 541-A relative to coordination with institutions of higher education in New Hampshire on procedures for conducting clearances for candidates for K-12 educator preparation programs.

(c) The criminal history records check on a candidate shall valid for a period of 3 years.

III.(a) The credentialing applicant or candidate shall submit to the department a criminal history records release form, as provided by the division of state police, which authorizes the division of state police to conduct a criminal history records check through its state records and through the Federal Bureau of Investigation and to release a report of the credentialing applicant's or candidate's criminal history record information, including confidential criminal history record information, to the background check coordinator of the department, as described in RSA 21-N:8-a, I-a.

(b) The credentialing applicant or candidate shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of education. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be taken in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearance from every city, town, or county where an applicant or candidate has lived during the past 5 years.

**Amendment to SB 134-FN**  
**- Page 5 -**

1 IV.(a) The department shall maintain the confidentiality of all criminal history records  
2 information received pursuant to this paragraph. The department shall destroy all criminal history  
3 record information within 60 days of receiving said information.

4 (b) The department may require the credentialing applicant or candidate to pay the  
5 actual costs of the criminal history records check.

6 V. Any person who has been charged pending disposition for or convicted of any violation or  
7 attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2;  
8 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or  
9 any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene in  
10 this state, or under any statute prohibiting the same conduct in another state, territory, or  
11 possession of the United States, shall not be granted a teaching credential by the department nor  
12 shall candidates be granted clearance.

13 VI. The department shall adopt rules, pursuant to RSA 541-A, governing the rights of a  
14 credentialing applicant and candidate and their ability to appeal a denial of a teaching credential or  
15 clearance pursuant to a charge pending disposition for or a conviction of any of the offenses under  
16 paragraph V.

17 VII. If a credentialing applicant had submitted to a criminal history records check within  
18 the prior 6 months as a candidate, that check shall be deemed valid for purposes of this section.

19 5 Committee Established. There is established a committee to study department of education  
20 oversight of criminal history background checks by private schools.

21 6 Membership and Compensation.

22 I. The members of the committee shall be as follows:

23 (a) Three members of the house of representatives, appointed by the speaker of the  
24 house of representatives.

25 (b) Two members of the senate, appointed by the president of the senate.

26 II. The commissioner of the department of education, or designee, shall serve as a non-  
27 voting, ex officio member of the committee.

28 III. Members of the committee shall receive mileage at the legislative rate when attending  
29 to the duties of the committee.

30 7 Duties. The committee shall:

31 I. Review current statutes regarding criminal history background checks in private schools.

32 II. Review department of education rules and oversight of private schools regarding criminal  
33 history background checks.

34 III. Review annual reporting on criminal history background checks to the department of  
35 education by private schools.

36 IV. Review other states' statutes and rules regarding criminal history background checks in  
37 private schools.

**Amendment to SB 134-FN**  
**- Page 6 -**

V. Make recommendations for updating statutes and department of education rules regarding criminal history background checks in private schools.

8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

10 Effective Date.

I. Sections 1-4 of Part VIII of this act shall take effect January 1, 2022.

II. The remainder of Part VIII of this act shall take effect upon its passage.

Amend the bill by replacing all after Part IX with the following:

**PART X**

Relative to employer access to motor vehicle records.

1 New Paragraph; Motor Vehicle Records; Employer Access. Amend RSA 260:14 by inserting after paragraph IV the following new paragraph:

IV-a.(a) Except for a person's photograph, computerized image, and social security number, motor vehicle records and at least monthly electronic bulk files indicating changes in driving violations and driver license status shall be made available upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the records will be strictly limited to one or both of the following described uses:

(1) For use by an entity that employs drivers in the course of their business, or an authorized agent of such an entity, which requires a motor vehicle record or a monthly notification of changes to motor vehicle records in connection with pre-employment or continued employment screening of employees for driver safety reasons; or

(2) For use with respect to requests as to whether a driver meets the requirements of RSA 376-A:12.

(b) No motor vehicle records made available under this paragraph shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person, except that an authorized agent may make such records available to any principal on whose behalf the records were sought if the name of that principal was provided to the department at the time the records were sought.



**Amendment to SB 134-FN**  
**- Page 8 -**

2021-0775s

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Prohibiting certain uses of laser pointing devices.
- II. The revised uniform law on notarial acts and the uniform real property electronic recording act.
- III. Incarceration under a suspended sentence.
- IV. Civil liability for damage to highways.
- V. Procedures for structured settlements.
- VI. Establishing the New Hampshire collaborative law act.
- VII. Probate administration, distribution upon intestacy, and powers of attorney and adopting the uniform disclaimer of property interests act.
- VIII. School employee and school volunteer criminal history background checks and establishing a committee to study department of education oversight of criminal history background checks for private schools.
- IX. Making an appropriation funding mental health intervention training programs.
- X. Employer access to motor vehicle records.
- XI. Authorization to grow industrial hemp.