

Floor Amendment to SB 130-FN

1 Amend RSA 194-E:4 as inserted by section 2 of the bill by inserting after paragraph XVII the
2 following new paragraph:

3
4 XVIII. The scholarship organization shall require, from an organization that qualifies as an
5 education service provider under RSA 194-E:1, V, a criminal history background check pursuant to
6 RSA 194-E:12 on every employee or volunteer who has contact with a pupil served by the education
7 service provider.

8
9 Amend RSA 194-E as inserted by section 2 of the bill by inserting after section 11 the following new
10 section:

11
12 194-E:12 Criminal History Record Checks.

13 I.(a) An employee, selected applicant for employment, or designated volunteer with an
14 education service provider, shall submit to the education service provider a criminal history records
15 release form, as provided by the division of state police, authorizing the division of state police to
16 conduct a criminal history records check through its state records and through the Federal Bureau of
17 Investigation, and to release, for the purposes of determining if such person has been charged
18 pending disposition for or convicted of any violation or attempted violation of crimes covered in RSA
19 189-13-A.V, including RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2;
20 639:3; 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
21 any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in
22 this state, or under any statute prohibiting the same conduct in another state, territory, or
23 possession of the United States, as defined under this section. The education service provider shall
24 deny employment or a volunteering role to a person if such person has been charged pending
25 disposition or convicted of any crime, misdemeanor, or felony listed in this paragraph.

26 (b) The applicant shall submit with the release form a complete set of fingerprints taken
27 by a qualified law enforcement agency. In the event that the first set of fingerprints is invalid due to
28 insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal
29 history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts,
30 a set of fingerprints is invalid due to insufficient pattern, the education service provider may, in lieu
31 of the criminal history records check, accept police clearances from every city, town, or county where
32 an applicant has lived during the past 5 years.

Floor Amendment to SB 130-FN
- Page 2 -

1 II. The education service provider shall maintain the confidentiality of all criminal history
2 records information received pursuant to this section. If the criminal history records information
3 indicates that the applicant has been convicted of any crime or has been charged pending disposition
4 for or convicted of a crime listed in paragraph I, the education service provider shall review the
5 information for a hiring decision.

6 III. If the applicant's criminal history records information indicates that the applicant has
7 been charged pending disposition for or has been convicted of a crime listed in paragraph I, the
8 education service provider shall notify the department of education.

9 IV. The scholarship organization shall adopt a policy relative to assurance from an
10 educational service provider of their agreement to conduct criminal history records checks under this
11 section prior to authorizing reimbursement and disbursement of funds to the education service
12 providers. Such policy shall also state that an education service provider shall not employ or place
13 into a volunteer role any person who has contact with a pupil served by the education service
14 provider who has been charged pending disposition or convicted of any crime, misdemeanor or felony
15 listed in paragraph I.