

HB 1529-FN - AS INTRODUCED

2022 SESSION

22-2229

10/11

HOUSE BILL            ***1529-FN***

AN ACT                requiring prospective employees and volunteers of public libraries to obtain a background check prior to commencing employment or volunteer service.

SPONSORS:            Rep. Love, Rock. 6; Rep. Roy, Rock. 32; Rep. Potucek, Rock. 6

COMMITTEE:          Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill establishes procedures for library trustees of public libraries to require a background investigation and a criminal history records check on any candidate for librarian or other employment, including candidates for volunteer service.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    requiring prospective employees and volunteers of public libraries to obtain a background check prior to commencing employment or volunteer service.

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

1            1 New Section; Public Libraries; Employee Candidate Background Checks. Amend RSA 202-A  
2 by inserting after section 11-b the following new section:

3            202-A:11-c Library Employee Candidate Background Checks.

4            I. The trustees of each public library shall require a background investigation and a criminal  
5 history records check on any candidate for librarian or other candidate for employment under RSA  
6 202-A:11, V, prior to a final offer of employment. The trustees shall request a federal records check,  
7 to be conducted through the division of state police. The trustees may extend a conditional offer of  
8 employment to a candidate, with a final offer of employment subject to a successfully completed  
9 criminal history records check.

10           II. A candidate for employment in a position that the trustees determine requires a  
11 background investigation and a criminal history records check shall submit to the trustees a  
12 criminal history records release form, as provided by the division of state police, which authorizes  
13 the release of the person's criminal records, if any. The candidate shall submit with the release form  
14 a complete set of fingerprints taken by a law enforcement agency as directed by the trustees. In the  
15 event that the first set of fingerprints is invalid due to insufficient pattern and a second set of  
16 fingerprints is necessary in order to complete the criminal history records check, the conditional offer  
17 of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to  
18 insufficient pattern, the trustees may, in lieu of the criminal history records check, accept police  
19 clearances from every city, town, or county where a candidate has lived during the past 5 years.

20           III. To obtain the federal records check, the trustees shall submit the criminal history  
21 records release form and applicant fingerprint card to the division of state police, which shall  
22 conduct a criminal history records check through the Federal Bureau of Investigation. Upon  
23 completion of the background investigation, the division of state police shall report any criminal  
24 conviction information to the library trustees. The trustees may submit fingerprint information  
25 electronically, in accordance with procedures established by the division of state police. The trustees  
26 shall maintain the confidentiality and security of all criminal history records information received  
27 pursuant to this paragraph.

28           IV. The trustees may require the candidate to pay the actual costs of the background  
29 investigation and the criminal history records check.

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1           V. In this section, "candidate for employment" shall include candidates for volunteer service  
2 for the library.

3           2 Effective Date. This act shall take effect January 1, 2023.

LBA  
22-2229  
Redraft 12/3/21

**HB 1529-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT requiring prospective employees and volunteers of public libraries to obtain a background check prior to commencing employment or volunteer service.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2023 through 2025.

**AGENCIES CONTACTED:**

Department of Natural and Cultural Resources and New Hampshire Municipal Association