

SB 272-FN – AS AMENDED BY THE HOUSE

03/21/12 1275s  
25Apr2012... 1778h  
25Apr2012... 1844h

2012 SESSION

12-2893  
04/09

SENATE BILL **272-FN**

AN ACT relative to truancy and relative to negotiations for contracts for county employees.

SPONSORS: Sen. Boutin, Dist 16

COMMITTEE: Judiciary

AMENDED ANALYSIS

I. Authorizes a municipality to adopt an ordinance prohibiting truancy and specifies procedures for the hearing of truancy cases.

II. Requires that all costs associated with truancy proceedings shall be paid by the municipality in which the truant child resides.

III. Allows for a member of the county convention to be an observer in the negotiations for a county employee contract in order to provide advice on the cost items in any contract to be approved by the convention.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twelve*

AN ACT relative to truancy and relative to negotiations for contracts for county employees.

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

1 1 New Paragraph; Truant Officers; Truancy Defined. Amend RSA 189:35-a by inserting after  
2 paragraph VI the following new paragraph:

3 ***VII. A municipality may adopt an ordinance prohibiting truancy. All truancy cases***  
4 ***shall be heard separately from the trial of criminal cases, and hearings shall be held***  
5 ***wherever possible in rooms not used for criminal trials. Notwithstanding RSA 169-B:32,***  
6 ***only the parties, one or more parents or guardians of the child accused of truancy, their***  
7 ***witnesses, their counsel, if any, and school or school district officials shall be admitted.***  
8 ***Case records shall be treated as confidential.***

9 2 School Attendance; Bylaws as to Nonattendance. Amend RSA 193:16 to read as follows:

10 193:16 Bylaws as to Nonattendance. Districts may make bylaws, not repugnant to law,  
11 concerning habitual truants and children between the ages of 6 and 18 years not attending school or  
12 who are not participating in an alternative learning plan under RSA 193:1, I(h), and to compel the  
13 attendance of such children at school; failure to comply with such bylaws shall constitute a violation  
14 for each offense. ***All truancy cases shall be heard separately from the trial of criminal cases,***  
15 ***and hearings shall be held wherever possible in rooms not used for criminal trials.***  
16 ***Notwithstanding RSA 169-B:32, only the parties, one or more parents or guardians of the***  
17 ***child accused of truancy, their witnesses, their counsel, if any, and school or school district***  
18 ***officials shall be admitted. Case records shall be treated as confidential.***

19 3 New Subparagraph; Truant Officers; Appointment of Truant Officers. Amend RSA 189:34, II  
20 by inserting after subparagraph (b) the following new subparagraph:

21 (c) A requirement that once a truant child reaches 18 years of age, all court and police  
22 records relating to his or her truancy shall be destroyed, and a process for considering exceptions to  
23 this requirement.

24 4 New Section; Truant Officers; Costs of Truancy Proceedings. Amend RSA 189 by inserting  
25 after section 37 the following new section:

26 189:37-a Costs of Truancy Proceedings. Regardless of whether a municipality has adopted an  
27 ordinance prohibiting truancy, all costs associated with truancy proceedings against a child who has

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1    been deemed truant shall be borne by the municipality in which the child resides.

2           5   New Section; Counties; Commissioners Negotiations; Convention Representative. Amend  
3    RSA 28 by inserting after section 10-b the following new section:

4           28:10-c   Collective Bargaining with Employee Bargaining Units.   The county executive  
5    committee or the county convention may designate a member of the convention to observe collective  
6    bargaining negotiating sessions for the purpose of advising the convention regarding the cost items  
7    contained in any proposed contract to be approved by the county convention. Such advice shall only  
8    occur after a proposed contract is approved by the parties and sent to the convention for approval.  
9    The convention designee shall be a silent observer only and shall not participate in the negotiations  
10   in any way. The convention designee shall be subject to the same legal requirements as the  
11   employer negotiating team, including, but not limited to, confidentiality requirements.

12           6   Effective Date. This act shall take effect upon its passage.

**SB 272 FISCAL NOTE**

AN ACT                    relative to truancy and relative to negotiations for contracts for county employees.

**FISCAL IMPACT:**

The Department of Education, Judicial Branch, and New Hampshire Municipal Association state this bill may increase state or local revenue and expenditures by an indeterminable amount in FY 2013 and each year thereafter. There is no impact on county revenue or expenditures.

**METHODOLOGY:**

The Department of Education and the New Hampshire Municipal Association state this bill establishes that a minor who is twelve years of age or older and who violates the state's truancy laws shall be guilty of a violation and shall be fined not more than \$25 for each offense. Both entities feel this bill is unclear as to who would be responsible for enforcing these provisions and collecting the fine revenue, but they assume revenue from fine collection and expenditures due to enforcing and processing the violations will both increase by indeterminable amounts in FY 2013 and each year thereafter. The Department of Education does not collect data on the age of students who are truant, but it states 13,709 were reported truant during the 2010-2011 school year. The Department states the majority of truant students are over the age of 12, so, assuming a rate of 90% over 12, if the truancy violation fine was in place during the 2010-2011 school year, then the Department estimates fines charged of \$308,453 (90% x 13,709 truant students x \$25 fine). However, the Department also states the existence of a truancy fine may have a significant deterrent effect on truancy rates and collection of the fines may prove difficult.

The Judicial Branch has no information on which to estimate the increase in violations as a result of this bill, although it can provide the average per case cost for processing these types of cases. The Branch states all costs are estimated based on case weight information from the last needs assessment completed in 2005. The Branch states a violation will cost \$41.92 per case in FY 2013 and \$43.20 per case in FY 2014 and each year thereafter. The possibility of appeals increases the likelihood the fiscal impact on the Branch will exceed \$10,000.

The Department of Justice states such violations are typically handled by local prosecutors, so it assumes this bill will have no fiscal impact on the Department.

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The Department of Health and Human Services states this bill exempts truancy from the application of Delinquent Children and Children in Need of Services statutes. The Department states truancy is not currently within the scope of either set of statutes, so specifically exempting it in this bill should have no fiscal impact to the Department.