

CHAPTER 147
HB 204-FN-LOCAL – FINAL VERSION

13Mar2013... 0649h
05/02/13 1394s

2013 SESSION

13-0599
10/03

HOUSE BILL ***204-FN-LOCAL***

AN ACT relative to the removal of social security and other numbers from registry of deeds documents available on the Internet, and relative to background checks for county employees.

SPONSORS: Rep. Watrous, Merr 16; Rep. Kurk, Hills 2

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill requires the registers of deeds to remove social security numbers, armed forces service numbers, credit card numbers, and deposit account numbers discovered by registers in the ordinary course of business from documents made available on the Internet. The bill also authorizes background checks on candidates for employment with the county.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the removal of social security and other numbers from registry of deeds documents available on the Internet, and relative to background checks for county employees.

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

1 147:1 Registers of Deeds; Social Security Numbers and Financial Information. Amend RSA
2 478:4-b to read as follows:

3 478:4-b Records; Social Security Numbers and Financial Information.

4 I. The preparer of a document shall not include an individual's social security number,
5 armed forces service number, credit card number, or deposit account numbers in a document that is
6 prepared and presented for recording in the office of the register of deeds. This paragraph shall not
7 apply to state or federal tax liens[~~;~~ **and** certified copies of death certificates~~], and other documents~~
8 ~~required by law to contain such information that are]~~ filed or recorded in the office of the register of
9 deeds. For the purpose of this section, "preparer" shall mean the person who drafts the documents
10 that are recorded with the register of deeds. Preparer shall not include any person who hires,
11 requires, refers, pays, or requests that the documents be drafted or recorded.

12 II. If a deed or instrument that includes an individual's social security number, armed forces
13 service number, credit card number, or deposit account numbers, was filed with the register of deeds
14 and is available on the Internet, ~~[the individual may request that the register of deeds]~~ **and if the**
15 **information is discovered by the register of deeds in the ordinary course of business after**
16 **the effective date of this section, the register of deeds shall** redact such information from the
17 Internet record. The register of deeds shall **also** establish a procedure by which individuals may
18 request that such information be redacted from its files which are available on the Internet. Upon
19 request, the information shall be redacted.

20 III. The register of deeds shall comply with an individual's request to redact his or her social
21 security number, armed forces service number, credit card number, or deposit account numbers
22 within 5 business days of the receipt of the request, or sooner, if ordered to do so by a court, for good
23 cause shown.

24 147:2 New Section; County Commissioners; Employee Candidate Background Checks. Amend
25 RSA 28 by inserting after section 10-b the following new section:

26 28:10-c Employee Candidate Background Checks.

27 I. The county commissioners may require a background investigation and a criminal history

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1 records check on any candidate for employment, prior to a final offer of employment. A county may
2 request only a state records check or both a federal and state records check, to be conducted through
3 the division of state police. The county may extend a conditional offer of employment to a candidate,
4 with a final offer of employment subject to a successfully completed criminal history records check.

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

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

26 IV. The county commissioners may require the candidate to pay the actual costs of the
27 background investigation and the criminal history records check.

28 V. In this section, "candidate for employment" shall include candidates for volunteer
29 positions in the county.

30 147:3 Effective Date. This act shall take effect 60 days after its passage.

31 Approved: June 28, 2013

32 Effective Date: August 27, 2013