

CHAPTER 250
HB 295 – FINAL VERSION

6Mar2013... 0450h
27Mar2013... 1021h
05/23/13 1703s
26June2013... 2107CofC

2013 SESSION

13-0547
05/04

HOUSE BILL **295**

AN ACT requiring criminal background checks for volunteers and employees at youth skill camps.

SPONSORS: Rep. LeBrun, Hills 32; Rep. Harding, Graf 13

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill requires youth skill camp operators to certify to the department of environmental services that their employees and volunteers have undergone a criminal background check. The bill also establishes a recreation camp and youth skill camp fund and increases the license fee for recreation camps.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 250
HB 295 – FINAL VERSION

6Mar2013... 0450h
27Mar2013... 1021h
05/23/13 1703s
26June2013... 2107CofC

13-0547
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT requiring criminal background checks for volunteers and employees at youth skill camps.

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

1 250:1 Safety Regulations; Subdivision Heading Amended. Amend the subdivision heading
2 preceding RSA 485-A:23 to read as follows:

3 **Safety Regulations *for Camps, Pools, and Bathing Places***

4 250:2 Definition of Recreation Camp and Youth Skill Camp. RSA 485-A:23 is repealed and
5 reenacted to read as follows:

6 485-A:23 Definitions. In this subdivision:

7 I. "Recreation camp" means any place set apart for recreational purposes for boys and girls.
8 It shall not be construed to apply to private camps owned or leased for individual or family use, or to
9 any camp operated for a period of less than 10 days in a year.

10 II. "Youth skill camp" means a nonprofit or for-profit program that lasts 8 hours total or
11 more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited
12 to, the teaching of sports, the arts, and scientific inquiry.

13 250:3 Recreation Camp Licensing and Youth Skill Camp Certification; Criminal Background
14 Check Required. Amend RSA 485-A:24 and RSA 485-A:25 to read as follows:

15 485-A:24 ***Recreation Camp*** License; [~~Fee~~] ***Youth Skill Camp Certification of Criminal***
16 ***Background Check***.

17 I. No person shall for profit or for charitable purposes operate any ***recreation*** camp, ***as***
18 ***defined in RSA 485-A:23, I***, designed or intended as a vacation or recreation resort, without a
19 license issued by the department. Said license is to be conditioned upon the maintenance of clean,
20 healthful sanitary conditions and methods, as determined and approved by said department, good
21 only for the calendar year in which it is issued and subject to suspension or revocation at any time
22 for cause. The fee for such license shall be [~~\$50 to~~] ***\$200 which shall*** be paid into the [~~state~~
23 ~~treasury~~] ***recreation camp and youth skill camp fund established in RSA 485-A:24-a***.

24 II.(a) ***No person or entity shall for profit or for charitable purposes operate any***
25 ***youth skill camp, as defined in RSA 485-A:23, II, without maintaining an appropriate***
26 ***policy regarding background checks for camp owners, employees and volunteers who may***

CHAPTER 250
HB 295 – FINAL VERSION
- Page 2 -

1 *be left alone with any child or children. Certification of background checks shall be made*
2 *to the department demonstrating that no individual has a criminal conviction for any*
3 *offense involving:*

4 (1) *Causing or threatening direct physical injury to any individual; or*

5 (2) *Causing or threatening harm of any nature to any child or children.*

6 (b) *Any person or entity required to perform background checks and provide*
7 *certification to the department pursuant to subparagraph (a) shall pay a fee of \$25 to the*
8 *department. All such fees collected by the department shall be deposited into the*
9 *recreation camp and youth skill camp fund established in RSA 485-A:24-a.*

10 (c) *Subparagraphs (a) and (b) shall not apply to any person or entity which*
11 *owns property used to operate a youth skill camp or any buildings or structures on such*
12 *property used in the operation of a youth skill camp, provided such person or entity obtains*
13 *written certification signed by the youth skill camp operator stating that background*
14 *checks in accordance with this paragraph have been completed.*

15 (d) *Nothing in this section shall preclude more stringent requirements for*
16 *background checks on the part of camp owners, directors, or operators.*

17 (e) *Such policies shall be made available to the department and shall include*
18 *the frequency of the background checks and the sources used to conduct the background*
19 *checks. The department shall provide information on each youth skill camp's policy on the*
20 *department's website.*

21 (f) *If an employee or volunteer has been the subject of a background check*
22 *performed by another person or entity within 12 months, the previous background check*
23 *may, with the signed and written consent of the employee or volunteer, be shared with the*
24 *operator of the youth skill camp and may be used to satisfy the requirements of this*
25 *paragraph, notwithstanding any other law providing for the confidentiality of such*
26 *information.*

27 485-A:25 Rulemaking.

28 I. The commissioner shall adopt rules under RSA 541-A relative to:

29 (a) Issuance of licenses to **recreation** camp operators under RSA 485-A:24, I.

30 (b) **Requirements for performing criminal background checks at youth skill**
31 **camp and certifying acceptable results as required under RSA 485-A:24, II(a) and**
32 **establishing appropriate sanctions and penalties for failing to perform the required**
33 **background checks.**

34 (c) Water quality-related issues for the protection of persons using **recreation** camp
35 facilities regulated under ~~[this subdivision]~~ **RSA 485-A:24, I.**

36 II. The commissioner, in consultation with the department of health and human services,

CHAPTER 250
HB 295 – FINAL VERSION
- Page 3 -

1 shall adopt all other necessary rules under RSA 541-A, relative to public health and safety issues for
2 the protection of persons [~~using camp facilities regulated under this subdivision~~] **attending**
3 **recreation camps regulated under RSA 485-A:24, I.**

4 250:4 New Section; Water Pollution and Waste Disposal; Fund Established. Amend 485-A by
5 inserting after section 24 the following new section:

6 485-A:24-a Recreation Camp and Youth Skill Camp Fund. There is established in the office of
7 the state treasurer a nonlapsing fund to be known as the recreation camp and youth skill camp fund
8 to be administered by the commissioner of the department of environmental services, and which
9 shall be kept distinct and separate from all other funds. All moneys in the fund shall be continually
10 appropriated to the commissioner of the department of environmental services for the purpose of
11 paying costs associated with administering the provisions of RSA 485-A:24 and 485-A:25.

12 250:5 Safety Regulations; Injunction. Amend RSA 485-A:27 to read as follows:

13 485-A:27 Injunction. Any person operating or maintaining a [~~youth~~] **recreation camp, youth**
14 **skill camp**, [~~or~~] public swimming pool, or bathing place without the same having been approved by
15 the department may be enjoined by the superior court or any justice of the court upon petition
16 brought by the attorney general.

17 250:6 New Subparagraph; Application of Receipts; Recreation Camp and Youth Skill Camp
18 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

19 (311) Moneys deposited into the recreation camp and youth skill camp fund
20 established in RSA 485-A:24-a.

21 250:7 School Employee and Volunteer Criminal Background Check; Sharing Information with
22 Municipality. Amend RSA 189:13-a, III to read as follows:

23 III. The school administrative unit, school district, chartered public school, or public
24 academy shall submit the criminal history records release form to the New Hampshire state police
25 which shall conduct a criminal history records check through its records and through the Federal
26 Bureau of Investigation. The state police shall examine the list of crimes constituting grounds for
27 non-approval of employment, or non-acceptance of volunteer services in that school administrative
28 unit, school district, chartered public school, or public academy, and shall report the presence or
29 absence of any such crime to the school administrative unit, school district, chartered public school,
30 or public academy. Under no circumstances shall the criminal records be released to the school
31 administrative unit, school district, chartered public school, or public academy. The school
32 administrative unit, school district, chartered public school, or public academy shall maintain the
33 confidentiality of all criminal history records information received pursuant to this paragraph,
34 **except as provided in RSA 485-A:24, II(f).** If the criminal history records information indicates no
35 criminal record, the school administrative unit, school district, chartered public school, or public
36 academy shall destroy the information received immediately following its review of the information.

CHAPTER 250
HB 295 – FINAL VERSION
- Page 4 -

1 If the criminal history records information indicates that the applicant has been convicted of a felony
2 or has been charged pending disposition for or convicted of a crime listed in paragraph V, the school
3 administrative unit, school district, chartered public school, or public academy shall review the
4 information for a hiring decision, and the division of state police shall notify the department of
5 education of any such charges pending disposition or convictions. The school administrative unit,
6 school district, chartered public school, or public academy shall destroy any criminal history record
7 information that indicates a criminal record within 30 days of receiving such information.

8 250:8 Effective Date.

9 I. RSA 485-A:25, as amended by section 3 of this act, shall take effect 30 days after its
10 passage.

11 II. The remainder of this act shall take effect January 1, 2014.

12

13 Approved: July 24, 2013

14

15 Effective Date: I. RSA 485-A:25, as amended by section 3 shall take effect August 23, 2013.

16 II. Remainder shall take effect January 1, 2014.