

SB 227-FN - AS AMENDED BY THE HOUSE

02/03/2022 0454s
4May2022... 1330h
4May2022... 1915h

2022 SESSION

22-2946
05/04

SENATE BILL **227-FN**

AN ACT relative to death benefits of police officers to include corrections officers, probation-parole officers, and correctional line personnel, and including death from suicide, and relative to forfeiture of personal property.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Prentiss, Dist 5; Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Rep. S. Pearson, Rock. 6

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill adds death by suicide under the definition of "killed in the line of duty" when considering eligibility for death benefits of police officers, and includes corrections officers, probation-parole officers, and correctional line personnel to persons eligible for the death benefits. The bill also limits the conditions under which seized property may be transferred to a federal agency.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to death benefits of police officers to include corrections officers, probation-parole officers, and correctional line personnel, and including death from suicide, and relative to forfeiture of personal property.

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

1 1 Death Benefit for Police Officer or Firefighter Killed in Line of Duty; Corrections Personnel.
2 Amend RSA 21-I:29-a, I(g) to read as follows:

3 (g) "Police officer" means:

4 (1) Any law enforcement officer with the power of arrest, including auxiliary,
5 intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are
6 employed by a city, town, village district, county, or precinct within the state of New Hampshire[5].

7 (2) Police officers employed by the university system of New Hampshire[5].

8 (3) Court security officers and bailiffs[~~and~~].

9 (4) ***Corrections officers, probation-parole officers, and correctional line***
10 ***personnel meeting the definition of permanent policemen under RSA 100-A:1, VII.***

11 (5) Any state law enforcement officer employed by the state of New Hampshire who
12 has power of arrest as determined by state law.

13 2 Killed in the Line of Duty; Suicide Included. Amend RSA 21-I:29-a, I(f) to read as follows:

14 (f) "Killed in the line of duty" means a death, ***including suicide***, of a police officer,
15 firefighter, emergency medical technician, or rescue squad member while in the performance of his
16 or her duties as a result of incident, accident, or violence causing death or injuries which are the
17 direct or proximate cause of death. ***Death by suicide shall be considered a work related cause***
18 ***of death.*** "Incident" shall include any death that is determined to be occupationally related by the
19 worker's compensation insurance carrier, a self-insured worker's compensation plan, or by the labor
20 commissioner for workers' compensation purposes pursuant to RSA 281-A.

21 3 New Section; Forfeiture of Personal Property. Amend RSA 617 by inserting after section 12
22 the following new section:

23 617:13 Limiting Adoptions by the Federal Government of Property Seized Under State Law.

24 I. A state or local law enforcement agency shall not offer for transfer or adoption property,
25 seized under state law, to a federal agency for the purpose of forfeiture under the federal Controlled
26 Substances Act, Public Law 91-513.

27 II. Paragraph I shall only apply to a seizure by a state or local law enforcement agency
28 pursuant to its own authority under state law and without involvement of the federal government in

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- Page 2 -

1 the seizure. Nothing in paragraph I shall be construed to limit state and local law enforcement
2 agencies from participating in a joint task force with the federal government.

3 III. The state or local law enforcement agency shall not accept payment of any kind or
4 distribution of forfeiture proceeds from the federal government if the state or local law enforcement
5 agency violates paragraph I. All proceeds received shall be transferred and deposited to the state's
6 general fund.

7 4 Effective Date.

8 I. Section 3 of this act shall take effect January 1, 2023.

9 II. The remainder of this act shall take effect 60 days after its passage.

SB 227-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-0454s)

AN ACT relative to death benefits for first responders who die from suicide.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	Indeterminable	Indeterminable	Indeterminable
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill expands the eligibility of a \$100,000 line-of-duty death benefit for first responders and correction officers who die from suicide. To the extent an eligible individual is determined to have been killed in the line of duty, general fund appropriations and expenditures would increase.

It is assumed the fiscal impact would not occur until FY 2023.

AGENCIES CONTACTED:

None