CONSENT CALENDAR

February 23, 2024

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Criminal Justice and Public Safety to which was referred HB 1038-FN,

AN ACT relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Dennis Mannion

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**HB 1038-FN**
Title:	**relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.**
Date:	**February 23, 2024**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2024-0829h**

STATEMENT OF INTENT

This bill would close a loophole in current law. The bill expands on employment restrictions and would prohibit registered sex offenders from employing, managing, supervising, or working in a one on one capacity with a minor.

Vote 20-0.

Rep. Dennis Mannion
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 1038-FN, relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis Mannion for Criminal Justice and Public Safety. This bill would close a loophole in current law. The bill expands on employment restrictions and would prohibit registered sex offenders from employing, managing, supervising, or working in a one on one capacity with a minor. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

Rep. Roy, Rock. 31
February 21, 2024
2024-0829h
08/05

Amendment to HB 1038-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Sexual Assault and Related Offenses; Prohibition From Contact With a Minor. Amend RSA 632-A:10 to read as follows:

632-A:10 Prohibition From [~~Child Care Service of Persons Convicted of Certain Offenses~~] ***Employment in Businesses Providing Direct Services to Minors or Direct Supervision or Oversight of Minors***.

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly [~~undertakes~~] ***engages in*** employment or volunteer service***,*** [~~involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type~~] ***either as the employer or provider of such service or as an employee or volunteer, that consists of acting as a public or private school teacher, school administrator, guidance counselor, coach, a worker of any kind in child athletics, a day care worker, a boy or girl scout master or leader or worker, a camp counselor, or any employment or volunteer activity that provides services exclusively or predominantly to minors, that involves direct supervision of minors, or that involves one on one work with minors, or any employment or volunteer service that involves the direct supervision of minors, or one on one work with other minor employees.***

II. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when [~~applying or volunteering for service or employment of any type involving the care, instruction, or guidance of minor children, including, but not limited to, the types of services set forth in paragraph I~~] ***offering employment or volunteer service opportunities or applying for or engaging in employment or volunteer service of the kind specified in paragraph I***.

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when making application for initial teacher certification in this state.

2 Effective Date. This act shall take effect January 1, 2025.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1038-FN

BILL TITLE: relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.

DATE: February 23, 2024

LOB ROOM: 202-204

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. D. Mannion	Seconded by Rep. A. Murray	AM Vote: 20-0

Amendment # 2024-0829h

Moved by Rep. D. Mannion	Seconded by Rep. Proulx	Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2024 SESSION

2/22/2024 2:01:48 PM
Roll Call Committee Registers Report

Criminal Justice and Public Safety

Bill #: HB 1038 **Motion:** adoption of amendment **AM #:** 0829 **Exec Session Date:** 2/23/24

Members	YEAS	Nays	NV
Roy, Terry Chairman	20		
Rhodes, Jennifer M. Vice Chairman	1		
Pratt, Kevin M.	2		
Sytek, John	3		
Proulx, Mark L.	4		
Janvrin, Jason A.	5		
Mannion, Dennis	6		
Reid, Karen A	7		
~~Stone, Jonathan F.~~ Lynn	8		
Tenczar, Jeffrey	9		
Harriott-Gathright, Linda C.	10		
Meuse, David	11		
Bouldin, Amanda C.	12		
Bradley, Amy	13		
Murphy, Nancy A.	14		
Newman, Ray E.	15		
Murray, Alissandra Clerk	16		
Newell, Jodi K	17		
Selig, Loren	18		
Wheeler, Jonah O	19		
TOTAL VOTE:	20	0	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2024 SESSION

2/22/2024 2:01:48 PM
Roll Call Committee Registers Report

Criminal Justice and Public Safety

Bill #: HB 1038 **Motion:** OTP/A **AM #:** _____ **Exec Session Date:** 2/23/24

Members	YEAS	Nays	NV
Roy, Terry Chairman	20		
Rhodes, Jennifer M. Vice Chairman	1		
Pratt, Kevin M.	2		
Sytek, John	3		
Proulx, Mark L.	4		
Janvrin, Jason A.	5		
Mannion, Dennis	6		
Reid, Karen A	7		
~~Stone, Jonathan F.~~ Lynn	8		
Tenczar, Jeffrey	9		
Harriott-Gathright, Linda C.	10		
Meuse, David	11		
Bouldin, Amanda C.	12		
Bradley, Amy	13		
Murphy, Nancy A.	14		
Newman, Ray E.	15		
Murray, Alissandra Clerk	16		
Newell, Jodi K	17		
Selig, Loren	18		
Wheeler, Jonah O	19		
TOTAL VOTE:	20	0	

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1038-FN

BILL TITLE: **relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.**

DATE: **February 21, 2024**

LOB ROOM: **202-204** **Time Public Hearing Called to Order:** **9:30 a.m.**

Time Adjourned: **9:48 a.m.**

Members Present: Chairman Roy, Vice Chair Rhodes, Reps Harriott-Gathright, Murphy, Pratt, Newman, Reid, Wheeler, Mannion, Bouldin, Selig, Tenczar, Newell, Stone, Meuse, Sytek, Murray
Absent: Reps Janvrin, Bradley

Bill Sponsors:
Rep. Verville

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1038-FN: relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors. Opened 9:30am, Closed 9:48am

Introduced by prime sponsor, Rep Kevin Verville

- This committee passed this bill OPT/A last session but it was then interim studied by the senate
- In the research done by the senate there were no red flags after studying what other states do
- Rep Murray asks if the senate had

Jane Graham & Abbey Simon, NH Department of Corrections

- Oppose the bill unamended but if it's going to be changed back to the amended version they have no problem with

Sgt Richard Perreault

- Concerns only as unamended but neutral on the bill as amended

Respectfully submitted,

Rep. Alissandra Murray, Clerk

SIGN UP SHEET

Register Your Opinion If Not Testifying

Committee: Criminal Justice and Public Safety

Bill #:
HB 1038

Date: 2.21.24

****Please Print All Information****

Name	Address	Phone	Representing	Pro	Con
Kevin Verrill	9 Malcom Dr Derry	603 731 0654	Rck 2	✓	
Rep David Luker	Derry		Rck 13	✓	
Rep Spillane	Rockingham 2			✓	

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1038 on 2024-02-21

Support: 7 Oppose: 1 Neutral: 1 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Lucas, Janet	Campton, NH janluca193@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2024 12:10 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast	A Member of the Public	Myself	Support	No	No	1/25/2024 10:47 AM
Davis, Tod	Nashua, NH todc.18@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/16/2024 4:52 PM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Support	No	No	2/17/2024 7:51 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	2/18/2024 9:24 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast	A Member of the Public	Myself	Support	No	No	2/20/2024 9:38 AM
Mascio, Lissa	Concord, NH Lissa.D.Mascio@childadvocate.nh.gov	State Agency Staff	NH Office of the Child Advocate	Support	No	No	2/20/2024 3:35 PM
Cresswell, Joshua	Deerfield, NH josh_cresswell@yahoo.com	A Member of the Public	Myself	Support	No	No	2/20/2024 8:49 PM
Binder, Patrick	Manchester, NH pdbinder+nhstatehouse@gmail.com	A Member of the Public	Myself	Neutral	No	No	2/21/2024 11:00 PM

HCS

New Hampshire House of Representatives
House Committee Services

Brad Greenland, Committee Researcher

(603) 271-3097
bradley.greenland@leg.state.nh.us

TO: **Representative Terry Roy, Chair, House Criminal Justice and Public Safety Committee**

FROM: **Brad Greenland, Committee Researcher**

DATE: **February 20, 2024**

SUBJ: **Duration of Sex Offender Registration**

You asked:

1. What is the duration which a sex offender must remain on the registry?
2. Does the length of the time on the registry depend on the type of offense?

NH Statutes

RSA 651-B: Registration of Criminal Offenders

Current statute requires that a criminal offender who is required to be listed on the state sex offender registry for a duration determined by if the offense is classified under tier I, II, or III.

Tier I Offenders:

- Remain registered for a "10 year-period from the date of release, provided that any such registration period does not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register".[1]
- The offender "may petition the superior court to have his or her name and other information removed from the public list. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 5 years after the date of release. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition if the offender has not been convicted of any felony, class A misdemeanor, sexual offense, or offense against a child, has successfully completed any

[1] RSA 651-B:6, II

periods of supervised release, probation, or parole, and has successfully completed an appropriate sex offender treatment program as determined by the court". [2]

Tier 1 Offenses:

RSA 632-A:4, I(a): Sexual Assault when the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2

RSA 632-A:4, I(b): Sexual Assault when the actor subjects another person who is 13 years of age or older and under 16 years of age to sexual contact where the age difference between the actor and the other person is 5 years or more.

RSA 632-A:4, III: Sexual Assault when the actor engages in sexual contact or sexual penetration with another person, or causes the person to engage in sexual contact on himself or herself in the presence of the actor, when the actor is in a position of authority over the person under any of the following circumstances:

(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed

(2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

(b) Consent of the victim under any of the circumstances set forth in this paragraph shall not be considered a defense.

RSA 644:9, I(a): Violations of privacy involving the use or installation of "any device for the purpose of observing, photographing, recording, amplifying, broadcasting, or in any way transmitting images or sounds of the private body parts of a person including the genitalia, buttocks, or female breasts, or a person's body underneath that person's clothing"

RSA 644:9, III-a: Violations of privacy "for the purpose of arousing or gratifying the person's sexual desire, he or she knowingly views another person, without that person's knowledge or consent, in a place where one would have a reasonable expectation of privacy. For purposes of this paragraph, " views " means looking at another person with the unaided eye or any device intended to improve visual acuity".

Second or subsequent violations of **RSA 645:1,I**[3] within a 5-year period

[2] RSA 651-B:6, III(a)(3)

[3] RSA 645:1,I Indecency and Lewdness

Violates a law of another state, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a).

Violates any out-of-state offense for which the offender is required to register in the state where the conviction occurred and the division determines the offender is a tier I offender.

Violates any offense not listed in subparagraph (a) where the court determined the offender is a tier I offender and required the offender to register.

Tier II Offenders:

- Registered for life.
- The offender is required to register as a result of more than one sexual offense or offense against a child[4].
- "A tier II offender may petition the superior court to have his or her name and information removed from the public list. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 15 years after the date of release. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition if the offender has not been convicted of any felony, class A misdemeanor, sex offense, or offense against a child, has successfully completed any periods of supervised release, probation, or parole, and has successfully completed an appropriate sex offender treatment program as determined by the court. If the court denies the petition, the offender shall not file another petition for 5 years from the date of denial." [5]

Tier II Offenses:

RSA 169-B:41, II: Any parent, guardian or person having custody or control of a minor, or anyone else, who shall knowingly or wilfully, encourage, aid, cause or abet, or connive at, or has knowingly done any act to produce, promote or contribute to the utilization of a minor in any acts of sexual conduct, in order to create obscene material of the minor engaged in such conduct.

RSA 632-A:3, I: Felonious Sexual Assault that subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A:2.

RSA 632-A:3, II: Felonious Sexual Assault when the person is engaged in sexual penetration with a person who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or more.

RSA 632-A:3, IV: Felonious Sexual Assault if the victim was 13 years of age or older but less than 18 years of age when the actor is a probation or parole officer or a juvenile probation and

[4] RSA 651-B:1,VIII(d)
[5] RSA 651-B:6,III(a)(2)

parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

RSA 633:2: When the person knowingly confines another unlawfully in circumstances exposing him to risk of serious bodily injury.

RSA 633:3: A person knowingly confines another unlawfully, so as to interfere substantially with the victim's physical movement.

RSA 633:7: Offenses related to trafficking in persons.

RSA 639:3, III: Endangering Welfare of Child or Incompetent with the solicitation by any person of a child under the age of 16 to engage in sexual activity for the purpose of creating a visual representation, or to engage in sexual penetration constitutes endangering the welfare of such child.

RSA 644:8-g: Offenses related to bestiality

RSA 645:1, II: Indecent exposure and lewdness when:

(a) Such person, under circumstances that may be reasonably construed as being for the purpose of sexual gratification or arousal, purposely fornicates, exposes his or her genitals, or performs any other act of gross lewdness knowing that a child who is less than 16 years of age is present.

(b) Such person purposely performs any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is less than 16 years of age.

(c) Such person purposely transmits to a child who is less than 16 years of age, or an individual whom the actor reasonably believes is a child who is less than 16 years of age, an image of himself or herself fornicating, exposing his or her genitals, or performing any other act of gross lewdness.

(d) Having previously been convicted of an offense under paragraph I, or of an offense that includes the same conduct under any other jurisdiction, the person subsequently commits an offense under paragraph I.

RSA 645:1, III: Convicted 2 or more times of indecent exposure and lewdness.

RSA 645:2: Prostitution related offenses when a person:

RSA 649-A:3: Possession of Child Sexual Abuse Images

RSA 649-A:3-a: Distribution of Child Sexual Abuse Images

RSA 649-A:3-b: Manufacture of Child Sexual Abuse Images

RSA 649-B:3: Offenses related to Computer Pornography of Children

RSA 649-B:4: Offenses related to certain uses of computer services.

RSA 650:2, II: Offenses related to obscenity involving children.

Violates a law of another state, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a).

Violates any out-of-state offense for which the offender is required to register in the state where the conviction occurred and the division determines the offender is a tier II offender.

Tier III Offenders:

- Registered for life
- Required to remain on public list for life.

Tier III Offenses:

RSA 630:1, I(e): Capital Murder of another before, after, while engaged in the commission of, or while attempting to commit aggravated felonious sexual assault.

RSA 630:1-a, I(b)(1): First Degree Murder of another before, after, while engaged in the commission of, or while attempting to commit felonious sexual assault.

RSA 632-A:2: Aggravated Felonious Sexual Assault

RSA 632-A:3, III: Felonious Sexual Assault when the offender engages in sexual contact with a person:

(1) Who is under 13 years of age.
(2) Thirteen years of age or older and under 18 years of age when the actor is in a position of authority over the victim and is more than 4 years older than the victim.
(3) When the actor is an employee, contractor, or volunteer at a primary or secondary educational institution and the victim is a student and up to 10 months after the student's graduation or departure.

RSA 632-A:3, IV: Felonious Sexual Assault when the offender engages in sexual contact with the person, or causes the person to engage in sexual contact on himself or herself in the presence of the actor, when the actor is in a position of authority over the person and uses that authority to coerce the victim to submit under any of the following circumstances:
(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile

detention facility where the actor is employed; or
(2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.
(b) Consent of the victim under any of the circumstances set forth in this paragraph shall not be considered a defense[6].

RSA 633:1: Offenses relating to Kidnapping.

RSA 639:2: Offenses relating to Incest.

Any sexual offense or offense against a child if the offender was sentenced to an extended term of imprisonment pursuant to RSA 651:6.

Any person civilly committed as a sexually violent predator pursuant to RSA 135-E.

Violates a law of another state, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a).

Violates any out-of-state offense for which the offender is required to register in the state where the conviction occurred, and the division determines the offender is a tier III offender.

If I can provide further information, please do not hesitate to contact me.

[6] Applies when the victim is under the age of 13.

HCS

New Hampshire House of Representatives
House Committee Services

Brad Greenland, Committee Researcher

(603) 271-3097
bradley.greenland@leg.state.nh.us

TO: **Representative Terry Roy, Chair, House Criminal Justice and Public Safety Committee**

FROM: **Brad Greenland, Committee Researcher**

DATE: **February 16, 2024**

SUBJ: **HB 1038, relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors**

You asked: What is the legislative history of employment restriction for registered sex offenders?

NH Statute:

RSA 632-A:10

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly undertakes employment or volunteer service involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type.

II. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he knowingly fails to provide information of such conviction when applying or volunteering for service or employment of any type involving the care, instruction, or guidance of minor children, including, but not limited to, the types of services set forth in paragraph I.

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he knowingly fails to

provide information of such conviction when making application for initial teacher certification in this state.

Current Legislation:

HB 1038 uses the same language as HB 107 (2023) as introduced.

Previous Legislation:

I. **HB 1462 (2020)** this bill as introduced would have prohibited a person who is convicted of a felonious offense involving child sexual abuse images, physical assault of a minor, or sexual assault from employment which provides access to a minor or involves the direct care, instruction, or guidance of a minor. The House Labor, Industrial and Rehabilitative Services committee recommended the bill Ought to Pass with Amendment 2020-0895h. The amendment added the language prohibiting a person who is convicted of the offenses in the bill from employment which includes repeat interactions with a child. The amendment also added language requiring public and private employers to either verbally or in writing to advise an applicant for a position that the position may involve contact with minors.

i. House Committee Report
Majority: Ought to Pass with Amendment, Vote 19-1

Rep. Michael Cahill for Labor, Industrial and Rehabilitative Services. The committee amendment clarified language in the statute dealing with hiring and added a notification role for the employer if minors will be present.

The recommendation of Ought to Pass with Amendment passed on the House Floor by a voice vote.

Final Disposition: Laid on Table on Senate Floor, Voice Vote

II. **HB 408 (2021)** this bill as introduced would have prohibited a person who is convicted of a felonious offense involving child sexual abuse images, physical assault of a minor, or sexual assault from employment which provides access to a minor or involves the direct care, instruction, or guidance of a minor. This bill as introduced would have also required public and private employers to either verbally or in writing to advise an applicant for a position that the position may involve contact with minors. The House Criminal Justice and Public Safety committee recommended the bill Ought to Pass with Amendment 2021-2177h. The amendment removed language

regarding notification to prospective employees of potential contact with minors and replaced it with requiring public and private employers whose primary intent is to provide direct oversight or supervision of minors to conduct a criminal background check of any prospective employee or volunteer.

i. House Committee Report
Majority: Ought to Pass with Amendment 2021-2177h, Vote 19-1

Rep. John Bordenet for Criminal Justice and Public Safety. This bill restricts people convicted of felonious sexual assault of a minor from certain types of jobs. They won't be allowed to work in positions that provide direct services to minors or be in a position supervising minors.

The recommendation of Ought to Pass with Amendment passed on the House Floor by a voice vote.

The Senate Judiciary committee recommended the bill be Referred for Interim Study

ii. Senate Committee Report
Majority: Refer for Interim Study, Vote 5-0

Senator Carson for the committee. This bill would prohibit a person convicted of certain sexual assault offenses from hiring or otherwise engaging in any employment or volunteer service which provides direct services to a minor, or supervision or oversight of a minor. Although this issue is worthy of consideration, the language is in need of further review before it can be implemented.

Final Disposition: Referred for Interim Study, Voice Vote

III. **HB 107 (2023)** would have prohibited a person who is convicted of a felonious offense involving child sexual abuse images, physical assault of a minor, or sexual assault from employment or volunteer service which provides direct services to, supervision of, or oversight of minors. This bill would have also required public and private employers and organizations whose primary intent is to provide direct oversight or supervision of minors to conduct a criminal background check of any prospective employee or volunteer. The House Criminal Justice and Public Safety committee recommended the bill Ought to Pass with Amendment 2024-0586h. The amendment added more specific language requested by both the State Police and Department of Corrections.

i. House Committee Report
Majority: Ought to Pass with Amendment, Vote 20-0

Rep. Dennis Mannion for Criminal Justice and Public Safety. This bill would close a loophole in current law. The bill expands on employment restrictions and would prohibit registered sex offenders from employing, managing, supervising, or working in a one-on-one capacity with a minor.

The recommendation of Ought to Pass with Amendment passed on the House Floor by a voice vote.

The Senate Judiciary committee recommended the bill be Referred for Interim Study.

ii. Senate Committee Report
Majority: Refer for Interim Study, Vote 5-0

Senator Sharon Carson for the committee: House Bill 107 would prohibit a person convicted of certain sexual assault offenses from hiring or otherwise engaging in any employment or volunteer service which provides direct services to a minor, or supervision or oversight of a minor. The Committee felt that while the intention of this bill was worthwhile, more work needs to be done on it before final consideration.

Final Disposition: Referred for Interim Study, Voice Vote

If I can provide additional information, please do not hesitate to contact me.

Lissa Mascio

This bill appears to be narrowly tailored to protect at-risk children without unnecessarily limiting the employment opportunities for released felons.

Joshua Cresswell

As a private citizen and NH taxpayer I support this bill.

How this is not already a statute in NH is beyond my comprehension. We as a community need to do all we can to protect our children from predators and others who have intent to harm them. By prohibiting convicted sex offenders and pedophiles from being able to be allowed into positions of influence over children is a step in that direction.

Respectfully Submitted,
Joshua Cresswell

I'm wary of this due to the factual flaws of the justice system. Having personally seen documentaries decrying the injustices of the label of "sex offender". I'd hope to see some layer of appeals in this at the very least, but am generally against this idea due to the aforementioned flaws.

HB 1038-FN - AS INTRODUCED

2024 SESSION

24-2484
11/10

HOUSE BILL ***1038-FN***

AN ACT relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.

SPONSORS: Rep. Verville, Rock. 2

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.

- -

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.

24-2484
11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.

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

1 Sexual Assault and Related Offenses; Prohibition from Employment Providing Direct Services to Minors. Amend RSA 632-A:10 to read as follows:

632-A:10 Prohibition From [~~Child Care Service of Persons Convicted of Certain Offenses~~] ***Employment in Businesses Providing Direct Services to Minors or Direct Supervision or Oversight of Minors***.

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly [~~undertakes~~] ***engages in any*** employment or volunteer service [~~involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type.~~] ***that provides direct services to minors, or supervision or oversight of minors.***

II.***(a)*** A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when applying or volunteering for [~~service or~~] ***any*** employment [~~of any type involving the care, instruction, or guidance of minor children, including, but not limited to, the types of services set forth in paragraph I.~~] ***or volunteer activity that provides direct services to minors, or supervision or oversight of minors.***

(b) A public or private employer or organization, whose primary intent is to provide direct services to minors, or whose employees provide supervision or oversight of minors, shall conduct a criminal history records check of any prospective employee or volunteer.

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, [~~he~~] ***they*** knowingly fail to provide information of such conviction when making application for initial teacher certification in this state.

2 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2484
10/5/23

HB 1038-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund				
Expenditures	Indeterminable			
Funding Source	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	Indeterminable			
Local Revenue	$0	$0	$0	$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/FiscalNotes/JudicialCorrectionalCosts.pdf.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association