CONSENT CALENDAR

March 10, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Criminal Justice and Public Safety to which was referred HB 107-FN,

AN ACT relative to employment restrictions for registered sex offenders. 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 107-FN**
Title:	**relative to employment restrictions for registered sex offenders.**
Date:	**March 10, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0586h**

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 107-FN, relative to employment restrictions for registered sex offenders. **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. D. Mannion, Rock. 25
Rep. Verville, Rock. 2
February 16, 2023
2023-0586h
05/10

Amendment to HB 107-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, 2024.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 107-FN

BILL TITLE: relative to employment restrictions for registered sex offenders.

DATE: March 10, 2023

LOB ROOM: 202-204

MOTIONS: OUGHT TO PASS WITH AMENDMENT

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

Amendment # 2023-0586h

Moved by Rep. D. Mannion	Seconded by Rep. Rhodes	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

1/10/2023 9:55:43 AM
Roll Call Committee Registers Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: 107-FN **Motion:** OTP-A **AM #:** 0586 **Exec Session Date:** 3/10/23

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.	8		
Tenczar, Jeffrey	9		
Harriott-Gathright, Linda C.	10		
Meuse, David	11		
Bouldin, Amanda C.	12		
Bradley, Amy Clerk	13		
Murphy, Nancy A.	14		
Newman, Ray E.	15		
Murray, Alissandra	16		
Newell, Jodi K	17		
~~Selig, Loren~~ Howard	18		
~~Wheeler, Jonah O~~ Vogt	19		
TOTAL VOTE:	20	0	

OFFICE OF THE HOUSE CLERK

2/8/2023 2:28:37 PM
Roll Call Committee Registers Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: 107-FN **Motion:** adoption of ammendment **AM #:** 0586 **Exec Session Date:** 3/10/23

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.	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~~ Howard	18		
~~Wheeler, Jonah O~~ Vlogt	19		
TOTAL VOTE:	20	0	

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 107-FN

BILL TITLE: relative to employment restrictions for registered sex offenders.

DATE:

Subcommittee Members:

Comments and Recommendations: Work session recessed until 2/21/23 w/order to give REp. Verville and REp. Lynn an opportunity to write an amendment

Respectfully submitted,

Rep. Dennis Mannion
Subcommittee Chairman

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 107-FN

BILL TITLE: relative to employment restrictions for registered sex offenders.

DATE: February 21, 2023

Subcommittee Members: Reps. D. Mannion, Meuse, Bouldin and Newell

Comments and Recommendations:

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Meuse	Seconded by Rep. Newell	AM Vote: 4-0

Amendment # 2023-0586h

Moved by Rep. Meuse	Seconded by Rep. Newell	Vote: 4-0

Respectfully submitted,

Rep. Dennis Mannion
Subcommittee Chairman

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 107-FN

BILL TITLE: relative to employment restrictions for registered sex offenders.

DATE:

Subcommittee Members:

Comments and Recommendations: Work session recessed until 2/21/23 w/order to give REp. Verville and REp. Lynn an opportunity to write an amendment

Respectfully submitted,

Rep. Dennis Mannion
Subcommittee Chairman

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 107-FN

BILL TITLE: **relative to employment restrictions for registered sex offenders.**

DATE: **January 18, 2023**

LOB ROOM: **202-204** **Time Public Hearing Called to Order:** **10:46 a.m.**

Time Adjourned: **12:35 p.m.**

Committee Members: Reps. Roy, Rhodes, A. Murray, Sytek, Proulx, D. Mannion, Reid, Stone, Tenczar, Harriott-Gathright, Meuse, Bouldin, Bradley, N. Murphy, R. Newman, Newell, Selig and Wheeler

Bill Sponsors:
Rep. Verville **Rep. Roy** **Rep. Alexander Jr.**

TESTIMONY

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

Chairman Roy hands the gavel to Vice Chair Rhodes to chair this hearing as Chairman Roy is a cosponsor on this bill

Rep Kevin Verville introduces his bill, passes out news articles detailing two cases in Deerfield where sex offenders were not charged with a crime for working closely with children

- This bill was requested by a constituent in Deerfield, third time attempting to pass it. It attempts to prevent sexual offenders from supervising or providing direct services to minors. Closes a loophole in existing law.
- Language was approved by State Police, Prosecutors Office, Victim and Offender advocates. Came from a subcommittee last session.
- Rep Meuse asks if the bill includes language that was requested from Rep Lynn in last year's amendment. Rep Verville shares that Rep Lynn offered a floor amendment in a House Session that in his opinion would leave the loophole open. Last year the amendment was defeated on the floor of the house and so the language was not included this years legislation
- Rep Bouldin mentions possible different levels of being a sex offender. Asks if this bill differentiates between those. Rep Verville responds that when we get too specific with the language in the bill it makes it harder to implement. Acknowledges that the hesitancy to support this bill comes from a concern of available jobs for sex offenders.
- Rep Newell asks about the cases in the handouts and how one of the sex offenders got off the registry, Rep Verville is unsure
- Chairwoman Rhodes requested more information from the committee researcher regarding whether there are different levels of sexual offenders on the registry

- Rep Newman asks if the language “direct services” is appropriate, Rep Verville assures that it is encompassing of the intent of this legislation and would rather err on the side of caution instead of erring on the side of “what ifs”. Rep Newman asks if there are any existing laws that define the term “direct services”, there are not
- Rep Proulx posits that this vague language still leaves a loophole open
- Rep Sytek asks what the issue is with the present law, Rep Verville says it is too narrow and still allows for a sex offender to supervise minors

Jane Graham, strategic communications director for Department of Corrections

- neutral on HB 107-FN but the DoC would prefer more specific language
- Employment is vital to successful reintegration into the community. Restricting access to employment increases the likelihood of unemployment and more offenses.
- Rep Bouldin asks if it is currently permissible for sex offenders to supervise minors in businesses like grocery stores. Graham responds that those types of businesses are not typically running criminal background checks and therefore, in theory, yes.
- Rep Syzek asks for these remarks to be emailed to the committee
- Rep Meuse asks if the language in the existing law is sufficient, the DoC supports adding more language but not broadening it as much as in the current bill text
- Chairwoman Rhodes asks for statistics regarding the percentage of sex offenders that reoffend, Graham will email numbers to the committee

Richard Perrault, Sergeant NH State Police

- State Police is neutral on proposed law, but the current language is too vague and open to interpretation. No definitions for “direct services” or “criminal background check”
- Not all individuals who committed sex crimes are required to register as sex offenders
- Rep Selig asks what language would be helpful, Perrault unsure, bill should make clear that those not on the registry are not held to these restrictions

Chairman Roy assigns a subcommittee to continue work on this legislation. Subcommittee to be chaired by Rep Mannion, and includes Reps Newell, Meuse, Bouldin, and Proulx.

Respectfully submitted,

Rep. Alissandra Murray, Clerk

Daniel Richardson

Replacing the specification of occupation with the generic specification of authority is more satisfactorily encompassing.

This places a new mandate on private employers and private organizations to perform a criminal background check. While many already do and consumers may opt to select these businesses, we should not be placing new costs on NH businesses beyond those that the market demands.

Patricia Anastasia

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB107 on 2023-

Support: 2 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	S
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No	1
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 107-FN Date: 1/18/23

Committee: Criminal Justice and Public Safety

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

Name	Address	Phone	Representing	Pro	Con

HB 107-FN - AS INTRODUCED

2023 SESSION

23-0045
05/04

HOUSE BILL ***107-FN***

AN ACT relative to employment restrictions for registered sex offenders.

SPONSORS: Rep. Verville, Rock. 2; Rep. Roy, Rock. 31; Rep. Alexander Jr., Hills. 29

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits 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.

- -

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.

23-0045
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to employment restrictions for registered sex offenders.

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

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 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 background 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 ***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, 2024.

LBA
23-0045
10/31/22

HB 107-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to employment restrictions for registered sex offenders.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill prohibits 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. This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Routine Criminal Case	$644	$657	$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024

Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	$825/Case $105 administrative fee $200 incarceration fee (If applicable)	$825/Case $105 administrative fee $200 incarceration fee (If applicable)
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	$90/Hour up to $5,500	$90/Hour up to $5,500
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

Department of Corrections	FY 2023	FY 2024
FY 2022 Average Cost of Incarcerating an Individual	$64,223	$64,223
FY 2022 Annual Marginal Cost of a General Population Inmate	$6,123	$6,123
FY 2022 Average Cost of Supervising an Individual on Parole/Probation	$688	$688

The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the NH State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

The Department of Safety, Division of State Police indicates this bill would increase state and local expenditures by an indeterminable amount. The Division assumes local government police departments would be impacted with more criminal work related to having to track where offenders may be working with minors. The Division also assumes the bill would create

additional work within the Sex Offender Registry talking calls and notifying local jurisdictions on specifics related to where offenders work and provide services for minors.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections, Justice and Safety, Judicial Council, and New Hampshire Association of Counties