

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1363, relative to employee candidate background checks.

Hearing Date: April 9, 2026

Time Opened: 1:42 p.m.

Time Closed: 1:45 a.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill authorizes the commissioner of the department of safety to designate an authorized person to receive criminal conviction information during background investigations.

Sponsors:

Rep. Roy

Rep. D. Mannion

Rep. Rhodes

Rep. Devoid

Rep. Paquette

Sen. Birdsell

Rep. Lascelles

Rep. Reinfurt

Sen. Gannon

Who supports the bill: Captain Victor Muzzey (NH State Police), Cory Stone, and Daniel Richardson.

Who opposes the bill: Tami Lanzillo Zeimetz

Who is neutral on the bill: None.

Summary of the testimony presented:

Senator Abbas introduced the bill and deferred questions.

Captain Victor Muzzy of the Justice Information Bureau of the New Hampshire State Police stated his support for the bill and explained that the bureau is responsible for several functions, including the handling of CJIS information, also referred to as SEIS data, that flows through the agency.

- He explained that the bill, or amendment to the bill, arises from an audit finding conducted by the FBI.

- He stated that under current law, the commissioner is designated as the recipient of federal criminal history record information for the purpose of vetting employees.
- He explained that, in practice, the commissioner does not personally review each background check and instead relies on designated hiring managers across departments and divisions to make determinations regarding employment suitability.
- He stated that the audit finding highlighted the need to clarify or expand statutory language to reflect this existing practice. He explained that while the practice is acceptable, it must be explicitly supported in statute to comply with federal requirements. He stated that this need for clarification is the reason for the bill and expressed full support for it.
- He noted that there is also a Senate bill related to this issue, though he stated he was unsure of its current status. He explained that in his role as the state's CSA, or CJIS Systems Agency representative, appointed by the commissioner and recognized by the FBI, he is responsible for ensuring compliance with federal standards regarding access to criminal history information.
- He recommended a specific amendment to the bill, suggesting that the phrase "federal authorities" be removed. He stated that while he understands the intent behind the phrase, it could create confusion. He explained that the FBI requires that authority to disseminate criminal history records be clearly established in state statute, but that this authority is administered at the state level.
- He stated that the state determines which individuals are authorized to receive and review this information and that including "federal authorities" in the language could create ambiguity. He suggested that the statute instead read that the information may be provided to individuals designated by the commissioner within the Department of Safety who are authorized to receive criminal conviction information.
- He stated that this change would align with FBI Criminal Justice Information Services legal requirements and would likely satisfy federal review under the audit findings. He emphasized that the existing language is not necessarily incorrect but could lead to confusion during federal review.