

HB 1805-FN - AS AMENDED BY THE HOUSE

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2026 SESSION

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09/07

HOUSE BILL

1805-FN

AN ACT relative to physical fitness performance requirements for certified law enforcement officers.

SPONSORS: Rep. Colby, Merr. 9; Rep. Damon, Sull. 8; Rep. Darby, Hills. 11; Rep. Trottier, Belk. 8; Rep. Bricchi, Merr. 15

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill makes modifications to the physical fitness requirements for law enforcement officers and requires law enforcement agencies to adopt an officer wellness program to support law enforcement officers' wellness.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to physical fitness performance requirements for certified law enforcement officers.

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

1 1 Police Standards and Training Council; Education and Training Required. Amend RSA 106-
2 L:6 to read as follows:

3 106-L:6 Education and Training Required.

4 I. The council shall provide by rule that after one year from the effective date of the rule no
5 person shall be appointed as a police officer, state corrections officer, or state probation-parole
6 officer, except on a temporary or probationary basis, unless such person has satisfactorily completed
7 a preparatory program of police, corrections, or probation-parole training appropriate to such
8 person's position at a school approved by the council. No such officer who lacks the educational and
9 training qualifications required by this section may have the temporary or probationary employment
10 extended beyond ~~[2 years]~~ **1 year; however, the council, upon a finding of good cause, may**
11 **grant an extension not to exceed an additional 6 months.**

12 II. Every elected police officer shall be required to satisfactorily complete a preparatory
13 program of police training at a school approved by the council. Any elected officer who has not
14 complied with the educational and training requirements of this paragraph within 6 months after
15 election shall be removed from office by the governing body of the governmental unit by which such
16 officer was elected; provided, however, that the council may, for such reasons as it may specify in its
17 rules, grant an extension of this time limit not to exceed an additional 6 months. A governing body
18 which has removed an elected police officer from office under the provisions of this paragraph shall
19 appoint a police officer to fill the vacant office. The appointed police officer shall continue to hold
20 office until the elected officer who was removed has complied with the educational and training
21 requirements of this paragraph or until an election is held, whichever occurs first. If any police
22 officer who has failed to comply with the educational and training requirements of this paragraph is
23 reelected, such officer shall not take office without permission of the council. If a noncomplying
24 police officer who has not obtained the permission of the council to take office is reelected, the
25 governing body of the governmental unit by which such officer was elected shall appoint a police
26 officer to fill the vacant office. The appointed police officer shall continue to hold office until the
27 elected officer has complied with the educational and training requirements of this paragraph or
28 until an election is held, whichever occurs first.

29 III. The council, by rules adopted under RSA 541-A, shall establish the standards for
30 physical and mental fitness under paragraphs ~~[IV-XI]~~ **IV through XVIII** and shall fix other

1 qualifications for the appointment of police officers, state corrections officers, and probation-parole
 2 officers, including minimum age, physical and mental standards, citizenship, good moral character,
 3 experience, and other such matters ~~[as relate]~~ **related** to the competence and reliability of persons to
 4 assume and discharge the responsibilities of their offices. The council shall prescribe the means for
 5 presenting evidence of the fulfillment of these requirements.

6 IV. The council shall require that all uncertified ~~[part-time and full-time]~~ police officers,
 7 state corrections officers, and probation-parole officers, prior to assuming their duties, successfully
 8 pass a medical examination including a drug screening administered under the direction of a
 9 licensed physician according to protocols adopted by the council. Such examination, when conducted,
 10 shall be valid for a period of one year for purposes of application for employment.

11 V. The council shall require that all uncertified ~~[part-time and full-time]~~ police officers, state
 12 corrections officers, and probation-parole officers, as a condition of admission to a basic or reciprocal
 13 certification training program successfully pass a physical fitness performance test administered
 14 according to standards adopted by the council.

15 VI. The council shall require that all uncertified ~~[part-time and full-time]~~ police officers,
 16 state corrections officers, and probation-parole officers, prior to assuming their duties, successfully
 17 pass a psychological screening test battery administered under the direction of a licensed
 18 psychologist or psychiatrist according to protocols adopted by the council and designed to detect
 19 behavioral traits that could adversely affect the person's ability to perform the essential functions of
 20 a law enforcement officer. Such an examination shall be valid for a period of one year from the date
 21 of administration for purposes of application for such employment.

22 VII. Beginning January 1, ~~[2001]~~ **2027**, the police standards and training council shall
 23 require that all certified police officers, state corrections officers, and probation-parole officers, hired
 24 after that date, as a condition of continued certification and employment furnish the council every 3
 25 years with a certificate from a licensed physician, physician associate, or registered nurse
 26 practitioner who has conducted a medical examination of the officer according to protocols adopted
 27 by the council, certifying that in the opinion of the examiner the officer is physically capable of
 28 ~~[participating in the council's physical fitness test]~~ **performing the essential physical functions**
 29 **of a law enforcement officer as defined by the council.**

30 VIII. Any officer who is unable to meet the medical requirements of paragraph VII may
 31 request an additional medical examination by a physician chosen by the council. If the officer is still
 32 unable to meet the standards, such officer's certification ~~[shall be placed in a probationary status for~~
 33 ~~a period of up to 2 years, during which time the officer may request re-examination at any time. If~~
 34 ~~following the 2-year period the officer is still unable to meet the standards, the officer's certification]~~
 35 shall be suspended until such time as such officer obtains the medical certification required in
 36 paragraph VII.

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1 IX. ~~[Beginning January 1, 2001, the police standards and training council shall require that~~
2 ~~all certified police officers, state corrections officers, and probation-parole officers, hired after that~~
3 ~~date, as a condition of continued certification and employment every 3 years pass a physical fitness~~
4 ~~performance test administered by the hiring authority or the council, according to protocols adopted~~
5 ~~by the council.~~

6 ~~X. Any officer who is unable to meet the physical fitness performance requirements of~~
7 ~~paragraph IX may request an additional physical fitness performance test administered by the~~
8 ~~council. If the officer is still unable to meet the standards, such officer's certification shall be placed~~
9 ~~in a probationary status for a period of up to 2 years, during which time the officer may request re-~~
10 ~~examination at any time. If, following the 2-year period, the officer is still unable to meet the~~
11 ~~standards, the officer's certification shall be suspended until such time as such officer is able to pass~~
12 ~~the physical performance test.~~

13 ~~XI.] XI.] In any case where the council has reasonable grounds to doubt that the medical~~
14 ~~examination performed as required in paragraph VII was performed in accordance with the~~
15 ~~appropriate protocols, the council may require the officer to submit to a separate examination by a~~
16 ~~physician selected by the council, at the council's expense.~~

17 ~~[XII.] X. A licensed physician, psychiatrist, psychologist, or person acting under the~~
18 ~~licensee's supervision, whose examination administered under this chapter results in an~~
19 ~~employment decision adverse to a police, corrections, or probation-parole officer shall be immune~~
20 ~~from suit resulting from such examination or decision, providing such examination is conducted in~~
21 ~~good faith, not in a wanton or reckless manner.~~

22 ~~[XIII.] XI. To the extent required to comply with federal or state law, the council may grant~~
23 ~~a waiver, with respect to employment at a specific agency, to an officer who cannot meet the~~
24 ~~standards in paragraphs [VII-X] VII and VIII.~~

25 ~~[XIV.] XII. Nothing in this section shall prevent individual hiring agencies from adopting~~
26 ~~physical fitness programs *or physical performance standards* for their officers that are more~~
27 ~~stringent or frequent than those required in this section.~~

28 ~~[XV.] XIII. Except as provided in paragraph [XI] IX and notwithstanding other provisions of~~
29 ~~law to the contrary, a hiring authority may assess a testing fee to cover all or part of the cost of any~~
30 ~~medical or psychological examination in cases where the person has been given a conditional offer of~~
31 ~~employment. A hiring authority may also make repayment of a testing fee part of any training or~~
32 ~~hiring contract that establishes a minimum term of employment for such an officer.~~

33 ~~[XVI.] XIV. The council shall issue a certificate evidencing satisfaction of the requirements~~
34 ~~of paragraphs I, II, and III to any applicant who presents such evidence as may be required by its~~
35 ~~rules of satisfactory completion of a program or course of instruction in another jurisdiction~~
36 ~~equivalent in content and quality to that required by the council for approved police, corrections, or~~
37 ~~probation-parole, as appropriate, education and training programs in this state.~~

1 ~~[XVII. Any special agent of the state liquor commission who has the power to enforce the~~
2 ~~criminal laws under RSA title XIII and rules of the state liquor commission and who was serving~~
3 ~~under a permanent appointment prior to August 13, 1985, shall not be required to meet the~~
4 ~~requirements of paragraphs I and III; however, any special agent referred to in this paragraph shall~~
5 ~~complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police~~
6 ~~standards and training council under this section within one year of the date the programs are~~
7 ~~required. Should any special agent exempted from the requirements of paragraphs I and III of this~~
8 ~~section by this paragraph terminate employment with the state liquor commission and be hired as a~~
9 ~~police officer by another police department of the state or a political subdivision thereof, the special~~
10 ~~agent's certification shall lapse and may be reinstated upon completion of such necessary additional~~
11 ~~training courses as the police standards and training council may prescribe by rule adopted under~~
12 ~~RSA 541-A.]~~

13 ***XV. Within 9 months of the effective date of this section, each law enforcement***
14 ***agency shall adopt an officer wellness program to support that agency's law enforcement***
15 ***officers' wellness throughout their careers.***

16 ***XVI. An officer wellness program shall include all of the following:***

17 ***(a) A written policy that defines physical and mental wellness for the agency's***
18 ***law enforcement officers and the agency's internal process to support and promote each***
19 ***aspect of officer wellness.***

20 ***(b) A defined fitness test, if such test is adopted by the agency, that establishes***
21 ***performance standards and minimum passing scores.***

22 ***(c) A written policy, or provisions in the applicable collective bargaining***
23 ***agreement, that outlines for its officers the ongoing standards enumerated in this chapter,***
24 ***the expectations of employment under the policy, and the due process rights for its officers.***

25 ***XVII. The chief executive officer of every law enforcement agency in the state shall***
26 ***be responsible for the implementation of this section and shall file copies of all written***
27 ***policies required by this section with the police standards and training council.***

28 ***XVIII. The council shall create an officer wellness program model policy that may***
29 ***be used by law enforcement agencies to meet the requirements of this section.***

30 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1805-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0658h)

AN ACT relative to physical fitness performance requirements for certified law enforcement officers.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable, Possibly No Impact		
<i>Funding Source(s)</i>	General Fund, Highway Fund, and Various Agency Funds			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable, Possibly No Impact		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable, Possibly No Impact		

METHODOLOGY:

This bill eliminates the requirement for incumbent New Hampshire certified police, corrections, and probation/parole officers (PPOs) to undergo fitness testing every three years and to report those results to the Police Standards and Training Council (PSTC). Instead, the bill requires that such officers be examined by a health care provider every three years to determine whether they are able to perform the physical functions required of a certified officer, as established by the Council, and that the results of such examinations be reported to the Council.

The bill also requires each law enforcement agency to develop an officer wellness policy and file the policy with the Council. In addition, the Council is required to develop and make available a model officer wellness policy that agencies may adopt or use as guidance.

The Police Standards and Training Council states this bill has no impact on its budget to implement. Costs to state, county, and local law enforcement agencies, if any, to comply with this bill are indeterminable and would vary by agency.

AGENCIES CONTACTED:

Police Standards and Training Council