

**HB 767-FN - AS INTRODUCED**

2025 SESSION

25-0139

11/05

HOUSE BILL            **767-FN**

AN ACT                expanding requirements for reports to law enforcement by the department of health and human services.

SPONSORS:            Rep. Love, Rock. 13

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill requires the department of health and human services to immediately verbally report a complaint of crime, abuse, or neglect of a child directly to an on duty law enforcement officer and create a written report within 24 hours of the complaint. The bill also refines requirements for entry into public places by law enforcement and trained case workers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT expanding requirements for reports to law enforcement by the department of health and human services.

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

1 1 Department Reporting Requirements. Amend RSA 169-C:38, I to read as follows:

2 I.(a) The department shall [~~immediately~~], by telephone or in person, **immediately** [~~refer~~  
3 **verbally report to an on duty officer of the local law enforcement agency in the community**  
4 **in which the acts of abuse are believed to have occurred** all cases in which there is reason to  
5 believe that any person under the age of 18 years has been:

6 [(a)] (1) [~~sexually molested~~] **Subjected to sexual contact or sexual penetration**  
7 **which can be reasonably construed as being for the purpose of sexual arousal or**  
8 **gratification or the humiliation of the person being touched, or serious personal injury, as**  
9 **defined in RSA 632-A:1, III.**

10 [(b)] (2) [~~sexually~~] **Sexually** exploited;

11 [(c)] (3) [~~intentionally~~] **Intentionally** physically injured so as to cause serious bodily  
12 injury;

13 [(d)] (4) [~~physically~~] **Physically** injured by other than accidental means so as to cause  
14 serious bodily injury; [~~or~~]

15 (5) **Physically injured by a parent or legal guardian by other than**  
16 **accidental means such that there are visible contusions inconsistent with reasonable**  
17 **physical discipline; or**

18 [(e)] (6) [a] A victim of a crime [~~, to the local law enforcement agency in the community in~~  
19 ~~which the acts of abuse are believed to have occurred~~].

20 (b) **If no on duty officer is available to receive the verbal report, the department**  
21 **shall verbally report to the state police.** The department shall also make a written report to the  
22 law enforcement agency within [48] **24** hours, Saturdays, Sundays and holidays [~~excluded~~]  
23 **included.** A copy of this report shall be sent to the office of the county attorney.

24 (c) **Law enforcement shall not rely on the department to gather information for**  
25 **its investigation unless such reliance is required or necessitated by the standardized**  
26 **protocol for investigation developed under RSA 169-C:38-a.**

27 2 Investigation; Reasons For Entry. Amend RSA 169-C:38, IV to read as follows:

28 IV. Law enforcement personnel or department employees who are trained caseworkers shall  
29 have the right to enter any public place, including but not limited to schools and child care agencies,

1 for the purpose of conducting an interview with a child, with or without the consent or notification of  
2 the parent or parents of such child, if there is reason to believe that the child has been:

3 (a) ~~[Sexually molested.]~~ ***Subjected to sexual contact or sexual penetration which***  
4 ***can be reasonably construed as being for the purpose of sexual arousal or gratification or***  
5 ***the humiliation of the person being touched, or serious personal injury, as defined in RSA***  
6 ***632-A:1, III.***

7 (b) Sexually exploited.

8 (c) Intentionally physically injured so as to cause serious bodily injury.

9 (d) Physically injured by other than accidental means so as to cause serious bodily  
10 injury.

11 (e) A victim of a crime.

12 (f) ***Physically injured by a parent or legal guardian by other than accidental***  
13 ***means such that there are visible contusions inconsistent with reasonable physical***  
14 ***discipline.***

15 (g) Abandoned.

16 ~~(g)~~ (h) Neglected.

17 3 Effective Date. This act shall take effect January 1, 2026.

**HB 767-FN- FISCAL NOTE**  
AS INTRODUCED

AN ACT expanding requirements for reports to law enforcement by the department of health and human services.

**FISCAL IMPACT:** This bill does not provide funding, nor does it authorize new positions.

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	\$1.6 million DHHS; Indeterminable impact on Department of Safety	\$2.1 million DHHS; Indeterminable impact on Department of Safety	\$2.2 million DHHS; Indeterminable impact on Department of Safety
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	\$0	\$0	\$0
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill expands on an existing requirement that the Department of Health and Human Services immediately report certain suspected acts of abuse against minors. In place of the current statutory language, which requires an immediate referral of such acts to local law enforcement, the bill requires the Department to "immediately verbally report to an on duty officer of the local law enforcement agency," or to the state police if no local officer is available. In addition, the bill requires the Department to issue a written report to law enforcement within 24 hours (as opposed to the current 48), and no longer excludes Saturdays, Sundays, and holidays from the specified timeframe.

The Department assumes the bill will result in a change to current practice, in that all calls of suspected abuse will be reported immediately to law enforcement. Currently, many such calls (5,701 out of 6,789 made in FY24) are initially handled by the Department's Division for Children, Youth, and Families (DCYF). While such cases are investigated jointly by DCYF and law enforcement, referrals to law enforcement do not necessarily occur within the timeframes specified by the bill. The Department therefore anticipates a need for additional staff, as well as changes to its contract with the Home for Little Wanderers, which operates DCYF's central intake hotline after hours and during weekends and holidays. The Department has analyzed existing caseloads to conclude that the bill will require an additional five child protective service workers (CPSW) and one executive secretary, as well as overtime for existing personnel. The Department summarizes these costs as follows:

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>
Salary & Benefits for 5 CPSWs & 1 Exec Secretary	316,000.00	643,000.00	665,000.00
Change in contract with Little Wanderers	1,219,800.00	1,305,186.00	1,396,549.02
Overtime for n-Call Personnel	79,557.75	166,069.50	173,992.50
<b>Total</b>	<b>1,615,357.75</b>	<b>2,114,255.50</b>	<b>2,235,541.52</b>

The Department of Safety states that while the bill is likely to increase the number of reports of suspected abuse that are brought to law enforcement, the extent of this increase is indeterminable. The number of law enforcement officers required to meet the demand is likewise indeterminable. The Department notes that, with respect to the direct impact on the State Police, the limitations on its jurisdiction under RSA 106-B:15 prevent it from taking primary jurisdiction over most reports triggered by the bill. The fiscal impact to the Department is therefore indeterminable.

The Office of the Legislative Budget assistant assumes that, as with the state police, the bill will have an indeterminable impact on costs to municipalities.

**AGENCIES CONTACTED:**

Departments of Safety and Health and Human Services