

HB 1222-FN - AS INTRODUCED

2022 SESSION

22-2292

04/05

HOUSE BILL ***1222-FN***

AN ACT prohibiting coercion or interference in grading and assessment procedures in public schools, colleges, and universities.

SPONSORS: Rep. Ford, Rock. 4

COMMITTEE: Education

ANALYSIS

This bill establishes a criminal penalty for interference with or falsification of student records.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting coercion or interference in grading and assessment procedures in public schools, colleges, and universities.

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

1 1 New Section; Falsification in Official Matters; Interference With or Falsification of Student
2 Records. Amend RSA 641 by inserting after section 8 the following new section:

3 641:9 Interference With or Falsification of Student Records.

4 I. In this section:

5 (a) "Educational institution" means any public elementary or secondary school or public
6 college, university, or other postsecondary institution operating in this state.

7 (b) "Instructor" means any full-time or part-time employee working as a substitute, or
8 adjunct teacher or administrator at an educational institution.

9 II. A person shall be guilty of a class B felony if such person intimidates, coerces, persuades,
10 or otherwise interferes with, or attempts to intimidate, coerce, persuade, or otherwise interfere with
11 an official assessment or grading process in an educational institution, including any effort or
12 attempted effort to change or cause the student's instructor to change a legitimate, earned grade
13 from the student's earned grade or to a higher grade.

14 III. Any instructor who acquiesces to an effort to intimidate, coerce, persuade, or otherwise
15 interfere with an official assessment or grading process in an educational institution, or who is
16 aware of such effort and fails to report it to the proper authorities, shall be guilty of a class B felony.

17 IV. A person shall be guilty of a class B felony if such person causes a student to believe that
18 benefits will accrue to a student that such person is not authorized to offer, or that such person can
19 modify the student's official academic transcript to reflect academic success regardless of academic
20 performance.

21 V.(a) Any person convicted under paragraph II or III shall be suspended from employment
22 as an instructor at an educational institution in New Hampshire for a period of one year and shall
23 have their professional credentials suspended by the appropriate licensing board for one year. If the
24 convicted offender is not employed at an educational institution, the person shall be sentenced to a
25 minimum of 7 days of incarceration.

26 (b) Any person convicted under paragraph IV shall be suspended from employment as an
27 instructor at an educational institution in New Hampshire for a period of 3 years and shall have
28 their professional credentials suspended by the appropriate licensing board for 3 years. If the
29 convicted offender is not employed at an educational institution, the person shall be sentenced to a
30 minimum of 7 days of incarceration.

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1 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1222-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT prohibiting coercion or interference in grading and assessment procedures in public schools, colleges, and universities.

FISCAL IMPACT: ☒ **State** ☒ **County** ☐ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	☒ General	☐ Education	☐ Highway	☐ Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill establishes a criminal penalty relative to coercion or interference with grading and assessment procedures in public schools, colleges, and universities, which 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, if any, in FY 2023 and each year thereafter. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
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. Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. 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%). 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. The situation may improve by the bill becomes law, but at this time criminalizing new conduct will have a significant fiscal impact on an over-burdened system.		
Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of Incarcerating an Individual	\$54,386	\$54,386
FY 2021 Annual Marginal Cost of a General Population Inmate	\$5,715	\$5,715
FY 2021 Average Cost of Supervising an Individual on Parole/Probation	\$603	\$603
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

This bill contains penalties that may have an indeterminable impact on the Judicial Branch system. 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. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

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.

AGENCIES CONTACTED:

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