

HB 1156-FN - AS INTRODUCED

2022 SESSION

22-2434

04/08

HOUSE BILL ***1156-FN***

AN ACT requiring certain public servants to receive a copy of a pre-employment background investigation.

SPONSORS: Rep. Trottier, Belk. 6; Rep. Bordes, Belk. 3

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires a public employer that requires a candidate for employment to undergo a background check to furnish the candidate with a copy of the report used in making the employment decision.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring certain public servants to receive a copy of a pre-employment background investigation.

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

1 1 Labor; Protective Legislation; Access to Personnel Files. Amend the subdivision heading
2 preceding RSA 275:56 to read as follows:

3 Access to Personnel Files **and Pre-Employment Background Check Report**

4 2 New Section; Labor; Protective Legislation; Access to Pre-Employment Background Check
5 Report. Amend RSA 275 by inserting after section 56 the following new section:

6 275:56-a Access to Pre-Employment Background Check Report.

7 I. Any public employer that requires a candidate for employment as a public servant to
8 submit to a pre-employment background check as a condition of employment shall provide, once such
9 report is available to the employer and upon request of the candidate, a copy of the pre-employment
10 background report used by the employer to determine the candidate's suitability for employment.
11 The source of any information used by the employer to determine a candidate's suitability for
12 employment shall be in writing and shall not be based on hearsay. The employer shall not use any
13 prior arrest, charge, detention information in determining a candidate's of suitability if such arrest
14 or charge was dropped, or if the candidate was found not guilty at trial or annulled by a court. This
15 information shall not be considered as an internal investigation by the employer conducting the pre-
16 employment investigation.

17 II. In this section:

18 (a) "Public employer" shall mean the state and any political subdivision thereof, the
19 judicial branch of the state, any quasi-public corporation, council, commission, agency, or authority,
20 the state community college system, and the state university system.

21 (b) "Public servant" shall mean any officer or employee of the state or any political
22 subdivision thereof, including, but not limited to, law enforcement officers, fire fighters, emergency
23 medical services personnel, judges, legislators, consultants, and persons otherwise performing a
24 governmental function. A person is considered a public servant upon his or her election,
25 appointment, or other designation as such, although he or she may not yet officially occupy that
26 position. A person is a candidate for electoral office upon his or her public announcement of his or
27 her candidacy.

28 3 Effective Date. This act shall take effect 60 days after its passage.

LBA
22-2434
10/18/21

**HB 1156-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring certain public servants to receive a copy of a pre-employment background investigation.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2022 through 2025.

AGENCIES CONTACTED:

None