HB 1462-FN - AS INTRODUCED

2024 SESSION

24-2595
09/05

HOUSE BILL ***1462-FN***

AN ACT relative to requirements for reporting hate crimes.

SPONSORS: Rep. A. Murray, Hills. 20; Rep. M. Perez, Hills. 43; Rep. Harriott-Gathright, Hills. 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes reporting requirements for hate-based crimes.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to requirements for reporting hate crimes.

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

1 New Section; Attorneys General, Director of Charitable Trusts, and County Attorneys; Reports; Reporting of Hate-Based Crimes. Amend RSA 7 by inserting after section 37 the following new section:

7:37-a Hate-Based Crimes; Reporting Requirement.

I. The attorney general shall direct local law enforcement agencies to report to the department of justice, in a manner to be prescribed by the attorney general, any information that the attorney general deems necessary relative to hate-based crimes.

II. On or before July 1 of each year, the department of justice shall update the attorney general's website with the information obtained from local law enforcement agencies pursuant to this section.

(a) The website posting shall not include names of victims or perpetrators. It shall include the system-generated number assigned to the incident; the month and year the hate-based crime occurred or was reported; the location and county in which the hate-based crime occurred; the phone number of the reporting agency; the total number of victims; the total number of suspects, including how many are juveniles; the race of the suspects; the most serious crime charged and the category of the crime; the specific bias motivation for the most serious crime charged and the bias category the specific motivation bias falls under; the type of victim associated with the most serious crime; the type of weapon used, if any; and a denotation if the event has more than one type of bias.

(b) The department of justice shall submit its analysis of this information to the governor, senate president, and speaker of the house of representatives, which includes a summary, patterns, and conclusions, and a detailed accounting of all hate-based crimes. The first report shall be submitted on or before July 1, 2025.

III. Local law enforcement agencies shall additionally post the information required in subparagraph I(a) to their websites on a monthly basis.

IV. For purposes of this section, "hate-based crime" has the same meaning as described in RSA 651:6, I(f).

2 Effective Date. This act shall take effect July 1, 2024.

LBA
24-2595
11/29/23

HB 1462-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to requirements for reporting hate crimes.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	$93,000	$90,000	$93,000
Funding Source(s)	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill establishes reporting requirements for hate-based crimes. The Department of Justice indicates the Attorney General has issued protocols with the expectation that law enforcement will report suspected hate crimes to the Attorney General's Civil Rights Unit so that the Unit may advise law enforcement and prosecutors and exercise the Attorney General's authority under the Civil Rights Act, RSA chapter 354-B. The bill requires two sets of reporting: statistical information regarding hate crimes, and hate incidents and analysis of that data. Both requirements will increase demands placed upon the Attorney General's Office and its Civil Rights Unit. The Department of Justices states the task of updating the website with annual statistical information can likely be absorbed by existing staff. Gathering of required data from

the county attorneys and local police departments, which handle prosecutions of criminal activity and collect information about charges, outcomes, etc., could lead to a greater demand placed upon administrative staff charged with such follow up.

The Department indicates the analysis of the data, however, would likely create an increase in demand that requires at least one additional staff person with the expertise to study, assess, and produce conclusions and recommendations regarding instances of hate crimes in the State. The Department expects it would need an investigative paralegal to review and investigate complaints. The estimated cost of this position, including salary, benefits and operating expenses is $93,000 for FY2025, $90,000 for FY2026, and $93,000 for FY 2027. The bill would have no impact on state revenues.

The New Hampshire Municipal Association indicates most municipal police departments have a web page on the town website, but do not have their own website. There is no existing legal obligation for either municipal police departments or municipalities to have a website and the Association is aware of five municipalities that do not have websites. Posting on municipal web pages dedicated to police departments would require some municipalities to build websites. The Association notes that website development costs vary, and a number of state and federal rules and best practices govern website design, functionality, and security. The Association notes some municipal police forces already maintain active websites and adding a new page or section to provide information on hate-crimes may only require a few minutes of an employee's time. In addition, it is unclear whether publication of the police arrest log on the municipal website would satisfy the requirements of the bill or if an additional, separate log specifically for hate crimes would be necessary. It is also unclear if municipal law enforcement would be required to update their websites if there is no new information.

The New Hampshire Association of Counties states some sheriffs indicated they have no way of getting this information while others said they have access to some information. Some sheriffs indicated some information might not be available in the state Record Management System (RMS) and they would be need to contact the contractors. The Association states some of the crimes will likely be serious and it would be up to the Attorney General or county attorneys and prosecutors to determine what information can be released if part of an ongoing court case.

AGENCIES CONTACTED:

Department of Justice, New Hampshire Municipal Association and New Hampshire Association of Counties