

CHAPTER 259
HB 1311 - FINAL VERSION

16Feb2022... 0201h
05/05/2022 1834s
26May2022... 2103EBA

2022 SESSION

22-2605
10/04

HOUSE BILL **1311**

AN ACT prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school or being granted teaching credentials.

SPONSORS: Rep. Mullen, Hills. 7; Rep. Tanner, Sull. 9; Rep. Rombeau, Hills. 7

COMMITTEE: Education

AMENDED ANALYSIS

This bill adds the prohibition of persons convicted of first degree assault or possession of a controlled drug with the intent to sell at a felony level within the last 10 years from employment in a public school and from being granted a teaching credential.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school or being granted teaching credentials.

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

1 259:1 School Employee and Designated School Volunteer Criminal History Records Check;
2 Violations Added. Amend RSA 189:13-a, V to read as follows:

3 V. Any person who has been charged pending disposition for or convicted of any violation or
4 attempted violation of ***RSA 318-B:2 for possession of a controlled drug with the intent to sell, felony level,***
5 ***within the last 10 years;*** RSA 630:1; 630:1-a; 630:1-b; 630:2; ***631:1;*** 632-A:2; 632-A:3; 632-A:4; 633:1;
6 633:7; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any
7 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
8 obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or
9 possession of the United States, shall not be hired by a school administrative unit, school district,
10 chartered public school, or public academy. The superintendent of the school administrative unit or the
11 chief executive officer of the chartered public school or public academy may deny a selected applicant a
12 final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in
13 addition to those listed above. The governing body of a school district, chartered public school, or public
14 academy shall adopt a policy relative to hiring practices based on the results of the criminal history
15 records check and report of misdemeanors and felonies received under paragraph II. Such policy may
16 include language stating that any person who has been convicted of any misdemeanor, or any of a list of
17 misdemeanors, may not be hired. Such policy may also include language stating that any person who
18 has been convicted of any felony, or any of a list of felonies, shall not be hired.

19 259:2 Credentialing Applicant and Candidate Criminal History Records Check; Violations Added.
20 Amend RSA 189:13-c, V to read as follows:

21 V. Any person who has been charged pending disposition for or convicted of any violation or
22 attempted violation of ***RSA 318-B:2 for possession of a controlled drug with the intent to sell, felony level,***
23 ***within the last 10 years,*** RSA 630:1; 630:1-a; 630:1-b; 630:2; ***631:1;*** 632-A:2; 632-A:3; 632-A:4; 633:1;
24 633:7; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any
25 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
26 obscene in this state, or under any statute prohibiting the same conduct in another state, territory, or
27 possession of the United States, shall not be granted a teaching credential by the department nor shall
28 candidates be granted clearance.

259:3 Effective Date. This act shall take effect January 1, 2023.

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Approved: June 24, 2022
Effective Date: January 01, 2023