

CHAPTER 2
HB 427 - FINAL VERSION

24Feb2021... 0149h

2022 SESSION

21-0603
05/04

HOUSE BILL **427**

AN ACT prohibiting corporal punishment of children in state agency programs.

SPONSORS: Rep. Altschiller, Rock. 19; Rep. Toll, Ches. 16; Rep. Grote, Rock. 24; Rep. Snow, Hills. 19; Rep. Berch, Ches. 1

COMMITTEE: Children and Family Law

ANALYSIS

 This bill requires state agencies to provide in their policies and procedures related to children that all forms of corporal punishment are prohibited.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 corporal punishment of children in state agency programs.

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

1 2:1 New Section; Human Service; Use of Corporal Punishment Prohibited. Amend RSA 161 by
2 inserting after section 13 the following new section:

3 161:14 Use of Corporal Punishment Prohibited.

4 I. Each state agency shall provide in its policies and procedures related to children that all
5 forms of corporal punishment are prohibited.

6 II. In this section:

7 (a) "Agency" means any executive branch department, institution, bureau, or office of
8 the state, engaged in providing services to or for children. Agency shall include any public or private
9 entity under contract or agreement with the department of health and human services or the
10 department of education to provide services to or for a child or children.

11 (b) "Child" or "children" means a person under 18 years of age who has not been
12 transferred to the adult criminal justice system, and includes a person under 22 years of age who is
13 attending school and who has not received a high school diploma.

14 (c) "Corporal punishment" means any punishment in which physical force is issued and
15 intended to cause some degree of pain or discomfort, and is exclusive of restraint as defined in RSA
16 126-U:1, IV or physical force used to protect self or others.

17 2:2 Physical Force by Persons with Special Responsibilities. Amend RSA 627:6, II(a) to read as
18 follows:

19 II.(a) A teacher or person otherwise entrusted with the care or supervision of a minor for
20 special purposes is justified on the premises in using necessary force against any such minor, when
21 the minor creates a disturbance[⁷] or refuses to leave the premises, or when it is necessary [for the
22 maintenance of discipline] **to prevent injury to self or others.**

 2:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: January 26, 2022
Effective Date: March 27, 2022