

Floor Amendment to HB 1636

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT establishing a committee to study teacher preparation and education programs,
4 relative to chartered public school use of unused school district facilities, and
5 establishing a death benefit for a school employee killed in the line of duty.
6

7 Amend the bill by replacing all after section 6 with the following:

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9 7 New Chapter; Death Benefit for School Employee Killed in Line of Duty. Amend RSA by
10 inserting after chapter 189 the following new chapter:

11 CHAPTER 189-A

12 Death Benefit for School Employee Killed in Line of Duty

13 189-A:1 Death Benefit for School Employee Killed in Line of Duty.

14 I. In this section:

15 (a) "Family" means the surviving spouse of the school employee; or, if there is no
16 surviving spouse, the surviving dependent child or dependent children, of such school employee or,
17 if there is no surviving dependent child, a surviving person qualifying as a common-law spouse
18 pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or
19 adult children, or if there is no surviving adult child or adult children, the surviving parent or
20 parents of such school employee. A surviving dependent child shall include a dependent step-child
21 whose expenses of daily living were substantially paid for by the decedent at the time of the death.

22 (b) "School employee" means any person, full or part time, who is employed by a public
23 school in the state of New Hampshire.

24 (c) "Public school" means any public school or public academy approved by the state of
25 New Hampshire pursuant to state laws and regulations, including the university system of New
26 Hampshire and the community college system of New Hampshire.

27 (d) "Killed in the line of duty" means the death of a school employee while in the
28 performance of his or her duties as a result of violence by another, who purposely causes that death
29 or purposely causes serious bodily injury which is the direct or proximate cause of the death of the
30 school employee.

31 II. In addition to any other benefit for which the school employee or family is eligible, the
32 state treasurer shall pay a \$100,000 death benefit to the family of a school employee killed in the
33 line of duty; provided that under no circumstance shall a family member responsible for the school

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1 employee's death be eligible for such benefit. Payment to a dependent child shall be made to the
2 child's trustee for the benefit of the child. The governor, with the consent of the executive council,
3 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
4 appropriated.

5 III. The attorney general or a designee from the department of justice shall review the
6 records that relate to the circumstances of the employee's death and shall render a determination
7 whether the incident qualifies as a line-of-duty death as defined in subparagraph I(d).

8 (a) Such determination shall be rendered within 45 days of documented notice of the
9 incident.

10 (b) If the death of the school employee is determined to qualify as a line-of-duty death as
11 defined in subparagraph I(d), the attorney general or a designee from the department of justice
12 shall notify the commissioner of the department of education, who shall adopt the attorney general's
13 recommendation and submit a request to the governor for payment of the benefit.

14 (c) Any records received in order to make the determination if the school employee's
15 death qualifies as a line-of-duty death as defined in subparagraph I(d) shall be exempt from RSA 91-

16 A. Upon the request of the decedent's family, any medical records or other records which otherwise
17 are nonpublic shall be destroyed following the vote by the governor and executive council on this
18 matter.

19 IV. Neither the state nor its agencies or employees shall be civilly liable for any improper
20 payment of the line-of-duty death benefit as provided in this section.

21 8 Effective Date.

22 I. Section 6 of this act shall take effect July 1, 2019.

23 II. Section 7 of this act shall take effect January 1, 2019.

24 III. The remainder of this act shall take effect upon its passage.

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2018-1898s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs, makes unused school district facilities available to chartered public schools, and establishes a death benefit for a school employee killed in the line of duty.