

Amendment to SB 508-FN

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

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3 AN ACT relative to the duties of the superintendent of the county department of corrections  
4 concerning mental health and substance use disorder screening of inmates and  
5 coordination for services upon reentry into the community and relative to  
6 enforcement of New Hampshire anti-discrimination laws as they relate to Jewish  
7 people.  
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9 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to  
10 read as 3:

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12 2 New Subdivision; State Commission for Human Rights; Application and Enforcement of Anti-  
13 Discrimination Laws; Definition of Antisemitism. Amend RSA 354-A by inserting after section 34  
14 the following new subdivision:

15 Definition of Antisemitism in Anti-Discrimination Laws

16 354-A:35 Definition of Antisemitism. For purposes of this subdivision, the term "antisemitism"  
17 means the definition of antisemitism adopted on May 26, 2016, by the International Holocaust  
18 Remembrance Alliance (IHRA), including the examples of antisemitism set forth therein, and  
19 incorporated by reference in Presidential Executive Order Number 13899, 84 F.R. 68779 22  
20 December 11, 2019.

21 354-A:36 Rule of Construction for Anti-discrimination Laws.

22 I. In reviewing, investigating, or determining whether there has been a violation of this  
23 chapter, RSA 651:6, I(f), or any law or regulation in the state of New Hampshire that prohibits  
24 discrimination on the basis of race, religion, creed, or national origin, and there is an allegation that  
25 the discriminatory conduct or practice targeted a group or an individual based on any actual or  
26 perceived connection to any aspect of Jewish identity, the relevant authorities charged with  
27 enforcing the relevant anti-discrimination statutes shall take into consideration the definition of  
28 antisemitism as part of the assessment of whether the alleged unlawful conduct or practice was  
29 motivated by antisemitic intent.

30 354-A:37 Applicability.

31 I. Nothing in this subdivision shall be construed to diminish or infringe upon any right  
32 protected under the First Amendment to the United States Constitution or Pt. I, Art. 22 of the  
33 Constitution of the State of New Hampshire.

**Amendment to SB 508-FN**  
**- Page 2 -**

1           II. Nothing in this subdivision shall be construed to diminish or infringe upon an  
2 individual's right to engage in legally protected conduct or expressive activity pertaining to any  
3 matter of United States foreign policy or international affairs.

4           III. Nothing in this subdivision shall be construed to conflict with local, federal, or state  
5 discrimination laws.

6           IV. Nothing in this subdivision shall be construed to alter the evidentiary requirements  
7 pursuant to which an agency or department makes a determination that conduct, including  
8 harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights  
9 protected under any other provision of law.

10          V. Nothing in this subdivision shall be construed to impair or otherwise affect the authority  
11 granted by law to a department or agency.

12          VI. This subdivision is not intended to and does not create any right or benefit, substantive  
13 or procedural, enforceable at law or in equity by any party against the state, its departments,  
14 agencies, or entities, its officers, employees, or agents.

15          354-A:38 Departmental Compliance. For the purposes of complying with this subdivision, with  
16 regard to any governmental anti-discrimination training, education, or monitoring requirements  
17 enforcing anti-discrimination laws that protect against discrimination on the basis of race, religion,  
18 or national origin, the heads of each agency or department shall include the definition of  
19 antisemitism in all relevant materials and modules dealing with discrimination and tolerance on the  
20 basis of race, religion, or national origin.

2024-1645h

AMENDED ANALYSIS

This bill:

I. Requires the superintendent of the county department of corrections to require his or her contracted behavioral health treatment providers to use validated screening tools for mental health and substance use disorder and to, where such providers exist, permit licensed community-based treatment providers who meet the security criteria for access to the facility to have contact with people in custody for the purpose of coordinating services upon reentry into the community.

II. Defines antisemitism for the purpose of enforcing anti-discrimination laws on the basis of race, religion, or national origin.