

Amendment to SB 508-FN

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

2

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.
8

9 Amend the bill by replacing all after the enacting clause with the following:

10

11 1 New Paragraphs; County Departments of Corrections; Administration of Department of
12 Corrections; Superintendent; General Duties and Powers. Amend RSA 30-B:4 by inserting after
13 paragraph VI the following new paragraphs:

14 VII. The superintendent of the county department of corrections shall require his or her
15 contracted behavioral health treatment providers to use validated screening tools for mental health
16 and substance use disorder.

17 VIII. The superintendent of the county department of corrections shall, where such
18 providers exist and meet the security criteria for access to the facility, permit licensed community-
19 based treatment providers and certified recovery support workers certified pursuant to RSA 330-
20 C:19 to have contact with people in custody for the purpose of coordinating services upon reentry
21 into the community.

22 2 New Subdivision; State Commission for Human Rights; Application and Enforcement of Anti-
23 Discrimination Laws; Definition of Antisemitism. Amend RSA 354-A by inserting after section 34
24 the following new subdivision:

25 Definition of Antisemitism in Anti-Discrimination Laws

26 354-A:35 Definition of Antisemitism. For purposes of this subdivision, the term "antisemitism"
27 means the definition of antisemitism adopted on May 26, 2016, by the International Holocaust
28 Remembrance Alliance (IHRA), including the examples of antisemitism set forth therein, and
29 incorporated by reference in Presidential Executive Order Number 13899, 84 F.R. 68779, December
30 11, 2019.

31 354-A:36 Rule of Construction for Anti-discrimination Laws.

32 I. In reviewing, investigating, or determining whether there has been a violation of this
33 chapter, RSA 651:6, I(f), or any law or regulation in the state of New Hampshire that prohibits

Amendment to SB 508-FN
- Page 2 -

1 discrimination on the basis of race, religion, creed, or national origin, and there is an allegation that
2 the discriminatory conduct or practice targeted a group or an individual based on any actual or
3 perceived connection to any aspect of Jewish identity, the relevant authorities charged with
4 enforcing the relevant anti-discrimination statutes shall take into consideration the definition of
5 antisemitism as part of the assessment of whether the alleged unlawful conduct or practice was
6 motivated by antisemitic intent.

7 354-A:37 Applicability.

8 I. Nothing in this subdivision shall be construed to diminish or infringe upon any right
9 protected under the First Amendment to the United States Constitution or Pt. I, Art. 22 of the
10 constitution of the state of New Hampshire.

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

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

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

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

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

25 354-A:38 Departmental Compliance. For the purposes of complying with this subdivision, with
26 regard to any governmental anti-discrimination training, education, or monitoring requirements
27 enforcing anti-discrimination laws that protect against discrimination on the basis of race, religion,
28 or national origin, the heads of each agency or department shall include the definition of
29 antisemitism in all relevant materials and modules dealing with discrimination and tolerance on the
30 basis of race, religion, or national origin.

31 3 Effective Date. This act shall take effect January 1, 2025.

2024-1728h

AMENDED ANALYSIS

This bill 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 and certified recovery support workers 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.

This bill further defines antisemitism for the purpose of enforcing anti-discrimination laws on the basis of race, religion, or national origin.