

Amendment to SB 254

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

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3 AN ACT relative to controlled substance inventories and relative to surrogate parent criminal  
4 history records checks.

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6 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to  
7 read as 3:

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9 2 Special Education; Surrogate Parents. Amend RSA 186-C:14, III-a to read as follows:

10 III-a.(a) The department shall complete a criminal history records check of each surrogate  
11 parent ~~[as it would a credentialing applicant pursuant to RSA 189:13-e]~~. The department shall  
12 adopt rules under RSA 541-A, relative to the procedures for conducting criminal history records  
13 checks of surrogate parents.

14 *(b) The criminal history records check of a surrogate parent shall be valid for a*  
15 *period of 5 years from the day they are deemed qualified by the department to serve as a*  
16 *surrogate parent.*

17 *(c) The department shall maintain the confidentiality of all criminal history*  
18 *records information received pursuant to this paragraph. The department shall destroy*  
19 *all criminal history record information within 60 days of receiving said information.*

20 *(d) The department may require the surrogate parent applicant to pay the*  
21 *actual costs of the criminal history records check.*

22 *III-b.(a) The surrogate parent applicant shall submit to the department a criminal*  
23 *history records release form, as provided by the division of state police, which authorizes*  
24 *the division of state police to conduct a criminal history records check through its state*  
25 *records and through the Federal Bureau of Investigation and to release a report of the*  
26 *surrogate parent applicant's criminal history record information, including confidential*  
27 *criminal history record information, to the background check coordinator of the*  
28 *department, as described in RSA 21-N:8-a, I-a.*

29 *(b) The surrogate parent applicant shall submit with the release form a*  
30 *complete set of fingerprints taken by a qualified law enforcement agency or an authorized*  
31 *employee of the department of education. In the event that the first set of fingerprints is*  
32 *invalid due to insufficient pattern, a second set of fingerprints shall be taken in order to*

1 *complete the criminal history records check. If, after 2 attempts, a set of fingerprints is*  
2 *invalid due to insufficient pattern, the department may, in lieu of the criminal history*  
3 *records check, accept police clearance from every city, town, or county where an applicant*  
4 *or candidate has lived during the past 5 years.*

5 *(c) Any person who has been charged pending disposition for or convicted of any*  
6 *violation or attempted violation of RSA 318-B:2 for possession of a controlled drug with the*  
7 *intent to sell, felony level, within the last 10 years, RSA 630:1; 630:1-a; 630:1-b; 630:2; 631:1;*  
8 *632-A:2; 632-A:3; 632-A:4; 633:1; 633:7; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a;*  
9 *649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA*  
10 *650:2 where the act involves a child in material deemed obscene in this state, or under any*  
11 *statute prohibiting the same conduct in another state, territory, or possession of the United*  
12 *States, shall not qualify for selection as a surrogate parent.*

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AMENDED ANALYSIS

This bill removes the requirement that controlled substance inventories be done in the odd-numbered year.

This bill further amends the requirements for a criminal history records check for educational decision-making surrogate parents, and makes certain criminal offenses disqualifying.