

SB 22-FN - AS INTRODUCED

2025 SESSION

25-0309

11/05

SENATE BILL            **22-FN**

AN ACT                relative to disclosure of criminal history and criminal records to the child care licensing unit of the department of health and human services.

SPONSORS:            Sen. Pearl, Dist 17

COMMITTEE:          Children and Family Law

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ANALYSIS

This bill allows the child care licensing unit of the department of health and human services to access directly from the state police an applicant's criminal history and record information and use such information as a factor to determine an applicant's eligibility.

The bill is a request of the department of health and human services.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT                    relative to disclosure of criminal history and criminal records to the child care licensing unit of the department of health and human services.

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

1            1    Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of  
2    Registration and Withholding of State Funds. Amend RSA 170-E:7, II(b) to read as follows:

3            (b) Under the authority of the Child Care and Development Block Grant Act of 2014, the  
4    division of state police shall conduct the criminal history records check pursuant to paragraph I-a,  
5    through its records and through the Federal Bureau of Investigation, to include a check of the  
6    National Sex Offender Registry file in the National Crime Information Center records. Upon  
7    completion of the [~~background investigation~~] **criminal history report**, the division of state police  
8    shall release [~~copies of the criminal conviction record~~] **a report of the applicant's criminal**  
9    **history and record information, including confidential criminal history record**  
10 **information**, to the department and shall indicate whether the individual is registered on the  
11 National Sex Offender Registry file in the National Crime Information Center records. The  
12 department shall maintain the confidentiality of all criminal history records information received.

13           2    Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of  
14 Registration and Withholding of State Funds. Amend the introductory paragraph of RSA 170-E:7,  
15 III to read as follows:

16           III. The department shall make a determination regarding the individual's eligibility for  
17 employment no later than 45 days from submission of all required information as described in  
18 paragraphs I and I-a. If any individual whose name has been submitted for a check under this  
19 section is registered or required to be registered on a state sex offender registry or repository, or the  
20 National Sex Offender Registry, or has been **charged pending disposition or** convicted of a felony  
21 consisting of murder, child abuse or neglect, an offense involving child sexual abuse images,  
22 trafficking, spousal abuse, a crime involving rape or sexual assault, kidnapping, arson, physical  
23 assault or battery, or a drug-related offense committed during the previous 5 years, or any other  
24 violent or sexually-related misdemeanor against a child, including child abuse, child endangerment,  
25 sexual assault, or a misdemeanor involving child sexual abuse images, or of a crime which shows  
26 that the person might be reasonably expected to pose a threat to a child, such as a violent crime or a  
27 sexually-related crime against an adult, the department shall:

28           3    Residential Care and Child-Placing Agency Licensing; State Registry and Criminal Records  
29 Check for Child Care Institutions and Child Care Agencies. Amend RSA 170-E 29-a, II(b) to read as  
30 follows:

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1 (b) Under the authority of the Child Care and Development Block Grant Act of 2014, the  
2 division of state police shall conduct the criminal history records check pursuant to paragraph I-a,  
3 through its records and through the Federal Bureau of Investigation, to include a check of the  
4 National Sex Offender Registry file in the National Crime Information Center records. Upon  
5 completion of the ~~[background investigation]~~ **criminal history report**, the division of state police  
6 shall release ~~[copies of the criminal conviction records]~~ **a report of the applicant's criminal**  
7 **history and record information, including confidential criminal history record**  
8 **information**, to the department and shall indicate whether the individual is registered on the  
9 National Sex Offender Registry file in the National Crime Information Center records. The  
10 department shall maintain the confidentiality of all criminal history records information received.

11 4 Residential Care and Child-Placing Agency Licensing; State Registry and Criminal Records  
12 Check for Child Care Institutions and Child Care Agencies. Amend the introductory paragraph of  
13 RSA 170-E:29-a,V to read as follows:

14 V. The department shall make a determination regarding the individual's eligibility for  
15 employment no later than 45 days from submission of all required information as described in  
16 paragraphs I and I-a. If any person whose name has been submitted for a check under this section is  
17 registered or required to be registered on a state sex offender registry or repository, or the National  
18 Sex Offender Registry, or has been **charged pending disposition** or convicted of a felony consisting  
19 of murder, child abuse or neglect, an offense involving child sexual abuse images, trafficking, spousal  
20 abuse, a crime involving rape or sexual assault, kidnapping, arson, physical assault or battery, or a  
21 drug-related offense committed during the previous 5 years, or any other violent or sexually related  
22 misdemeanor or against a child, including child abuse, child endangerment, sexual assault, or a  
23 misdemeanor involving child sexual abuse images, or of a crime which shows that the person might  
24 be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related crime  
25 against an adult, the department shall:

26 5 Child Care Licensing Fund; Lapse to General Fund. Any funds remaining in the child care  
27 licensing fund, established in RSA 170-E:7-a, on June 30, 2025 shall lapse into the state general  
28 fund.

29 6 Repeal. The following are repealed:

30 I. RSA 6:12, I(b)(349), relative to the child care licensing fund.

31 II. RSA 170-E:7-a, establishing the child care licensing fund.

32 7 Effective Date.

33 I. Section 5 of this act shall take effect June 30, 2025.

34 II. The remainder of this act shall take effect July 1, 2025.

LBA  
25-0309  
1/1/25

**SB 22-FN- FICAL NOTE  
AS INTRODUCED**

AN ACT relative to disclosure of criminal history and criminal records to the child care licensing unit of the department of health and human services.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2025 through 2028.

**AGENCIES CONTACTED:**

Departments of Safety and Health and Human Services