

HB 685 – AS AMENDED BY THE SENATE

05Apr2007... 0795h

05/24/07 1822s

2007 SESSION

07-0297

03/10

HOUSE BILL **685**

AN ACT prohibiting New Hampshire from participating in a national identification card system, and establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.

SPONSORS: Rep. Kurk, Hills 7; Rep. Phinizy, Sull 5; Rep. Winters, Hills 17; Rep. L. Christiansen, Hills 27; Rep. Almy, Graf 11; Sen. Burling, Dist 5

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill prohibits New Hampshire from participating in a national identification card system and establishes additional limitations on the release of data by the department of safety.

This bill also establishes a death benefit to be paid to the family of a state or local police officer or firefighter killed in the line of duty. The bill establishes a committee to study the policies and methods for determining eligibility for, and the award of, the death benefit.

 Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seven

AN ACT prohibiting New Hampshire from participating in a national identification card system, and establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.

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

1 Prohibition Against Participation in National Identification System.

I. The general court finds that the public policy established by Congress in the Real ID Act of 2005, Public Law 109-13, is contrary and repugnant to Articles 1 through 10 of the New Hampshire constitution as well as Amendments 4 through 10 of the Constitution for the United States of America. Therefore, the state of New Hampshire shall not participate in any driver's license program pursuant to the Real ID Act of 2005 or in any national identification card system that may follow therefrom.

II. The department of safety shall not amend procedures for applying for a driver's license under RSA 263 or an identification card under RSA 260:21 in order to comply with the goals or standards set forth in the Real ID Act of 2005, or in any rules or regulations promulgated thereunder, or in any requirements adopted by the American Association of Motor Vehicle Administrators for such purposes.

III. The department of safety shall not expand the motor vehicle records data it shares with other states, the federal government, or other agencies, or provide motor vehicle records data to any additional states or state or federal agencies unless authorized by statute.

IV. Nothing in this act shall prohibit the department of safety from making ongoing improvements to the driver licensing system, drivers' licenses, or the driver license database for the purpose of making licenses and nondriver's identification cards more secure or reliable or changing their physical appearance and design, or from sharing necessary driver's license and driver history information with other states and Canadian provinces or continuing to provide driver's license and driver history information to other agencies entitled to receive the information in the form in which it was provided prior to the effective date of this act for the purpose of determining eligibility for licensure or verifying the identity of applicants for licenses or nondriver's identification cards.

2 New Section; Death Benefit for Police Officer or Firefighter Killed in Line of Duty. Amend RSA 21-I by inserting after section 29 the following new section:

21-I:29-a Death Benefit for Police Officer or Firefighter Killed in Line of Duty.

I. In this section:

(a) "Family" means the surviving spouse of the police officer or firefighter, or if there is no surviving spouse, the child or children of such police officer or firefighter or, if there is no surviving child, the parent or parents of such police officer or firefighter.

(b) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city or town within the state of New Hampshire, or any firefighter employed by the state of New Hampshire.

(c) "Killed in the line of duty" means a death of a police officer or firefighter while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death.

(d) "Police officer" means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers who are employed by a city or town within the state of New Hampshire, or any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. This section shall be known as "Michael's Law," in honor of Manchester Police Officer Michael Briggs who was shot while on duty.

3 Committee Established. There is established a committee to study the policies and methods for determining eligibility for, and the award of, benefits under section 2 of this act.

4 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study the policies and methods for determining eligibility for, and the award of, benefits under section 2 of this act.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named

senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

8 Effective Date. This act shall take effect upon its passage.

LBAO

07-0297

Amended 05/30/07

HB 685 FISCAL NOTE

AN ACT prohibiting New Hampshire from participating in a national identification card system, and establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.

FISCAL IMPACT:

The Office of Legislative Budget Assistant indicates this bill, **as amended by the Senate (Amendment #2007-1822s)**, may increase state general fund expenditures by an indeterminable amount in FY 2008 and each year thereafter. There will be no fiscal impact on county and local expenditures or state, county and local revenue.

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill will provide a \$100,000 death benefit for police officers and firefighters killed in the line of duty and establishes a committee to study the eligibility for and award of the benefit. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. There may be an increase in general fund expenditures if a police officer or firefighter is killed in the line of duty and eligibility criteria established by the committee are met.