

HB 433 – AS INTRODUCED

2013 SESSION

13-0608

05/01

HOUSE BILL 433

AN ACT relative to procedures for juvenile delinquency petitions filed by a school district or school official and establishing a committee to study the children in need of services (CHINS) program.

SPONSORS: Rep. Pitre, Straf 2

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that, unless an incident presents a serious threat to school safety, the school district shall attempt to resolve the issue through available educational interventions before filing a juvenile delinquency petition. The bill also establishes a committee to study the children in need of services (CHINS) program.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

13-0608

05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to procedures for juvenile delinquency petitions filed by a school district or school official and establishing a committee to study the children in need of services (CHINS) program.

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

1 New Paragraph; Juvenile Delinquency; Definition of Serious Threats to School Safety. Amend RSA 169-B:2 by inserting after paragraph XIII the following new paragraph:

XIV. "Serious threats to school safety" means acts involving weapons; acts involving the possession, sale, or distribution of controlled substances; acts that cause serious bodily injury to other students or school employees; threats to cause bodily injury to students or school employees, where there is a reasonable probability that such threats will be carried out; acts that constitute felonious sexual assault or aggravated felonious sexual assault under RSA 632-A; arson under RSA 634:1; robbery under RSA 636:1; and criminal mischief under RSA 634:2, II and RSA 634:2, II-a.

2 New Paragraphs; Juvenile Delinquency Petition. Amend RSA 169-B:6 by inserting after paragraph II the following new paragraphs:

III. Absent serious threats to school safety, when a delinquency petition is filed by a school official, including school resource officers assigned to a school district pursuant to a contract agreement with the local police department, or when a petition is filed by a local police department as a result of a report made by a school official or school resource officer, based upon acts committed on school grounds during the school day, information shall be included in the petition which shows that the legally liable school district has sought to resolve the expressed problem through available educational approaches, including the school discipline process, if appropriate, that the school has sought to engage the parents or guardian in solving the problem but they have been unwilling or unable to do so, that the minor has not responded to such approaches and continues to engage in delinquent behavior, and that court intervention is needed.

IV. When a school official, including school resource officers assigned to a school district pursuant to a contract agreement with the local police department, or a local police department as a result of a report made by a

school official or school resource officer, files a petition involving a minor with a disability pursuant to RSA 186-C, information shall be included which demonstrates that the legally liable school district:

- (a) Has determined that the minor has a disability;
- (b) Has determined whether the conduct leading to the juvenile petition is a manifestation of the minor's disability; and
- (c) Has reviewed for appropriateness the minor's current individualized education program (IEP), behavior intervention plan, and placement, and has made modifications where appropriate.

3 Committee Established. There is established a committee to study the child in need of services (CHINS) program.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.

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

IV. The committee shall study the CHINS program under RSA 169-D. The study shall include examination of the purpose of the program, consequences of recent changes to the program's scope and funding, how the CHINS process can be used to address truancy, and how costs in individual cases can be controlled. The committee shall solicit information and testimony from individuals and organizations with experience and expertise relevant to the study.

V. 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 house 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.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of the act shall take effect January 1, 2014.