



GOLD STANDARD



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SENATE SESSION - THURSDAY, APRIL 12, 2018

HB 1217, amending the certification requirements for school nurses.

HB 1217

Education: OTP 4-0

PRO-LIBERTY: This bill expands who may qualify for a job as a school nurse, provided they are a registered nurse.

**YEA
OTP**

- In 2016 the legislature added a requirement for all school nurses to be certified by the State Board of Education, which created issues in hiring school nurses.
- This bill removes the changes from HB 1193 that created this issue.

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

HB 1807

Health and Human Services: OTP 3-0

ANTI-LIBERTY: This bill enables vulnerable adults to seek protective orders for abuse, exploitation, and neglect.

**NAY
OTP**

- The majority of this bill is intended to protect vulnerable adults from exploitation and abuse, including financial exploitation. While this is well-meaning, the bill in its current form is flawed due to an incomplete definition of neglect and for enabling seizure of firearms for neglect findings.
- The bill allows a vulnerable adult to seek a protective order for neglect, which is defined by new section 173-D:2 VIII as *"an act or omission which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional, or physical health and safety of a vulnerable adult."*
- Other states with similar laws require that the person being accused of neglect have a caregiver role (e.g. Alabama Title 38-9-2, Montana 52-3-803, New Jersey 52:27D-407). The New Hampshire definition would allow a parent to seek a protective order for neglect against an estranged child who maintains no contact with the parent.
- A simple finding of neglect under this bill would require the defendant's firearms to be seized and held by the police for the duration of the protective order (173-D:6 I).
- An amendment that adjusts the definition of "Neglect" to *an act or omission by a caretaker which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional, or physical health and safety of a vulnerable adult* would improve the bill; however even with this change the bill would still enable the seizure of firearms for a finding of neglect. Further, the decision to seize firearms and prohibit future purchases is made in a proceeding where the normal rules of evidence need not apply as 173-D:4 VI, as proposed, includes *"In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material."*