

Bill as Introduced

HB 1496 - AS INTRODUCED

2010 SESSION

10-2530
04/09

HOUSE BILL **1496**

AN ACT relative to time limits on suspended sentences.

SPONSORS: Rep. Rodd, Merr 5; Rep. Craig, Hills 9; Rep. DiFruscia, Rock 4

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides that the time limits on imposing probation shall also apply to a trial court which orders a suspended sentence.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to time limits on suspended sentences.

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

1 1 Sentences and Limitations. Amend RSA 651:2, V(a)-(b) to read as follows:

2 (a) A person may be placed on probation if the court finds that such person is in need of
3 the supervision and guidance that the probation service can provide under such conditions as the
4 court may impose. The period of probation shall be for a period to be fixed by the court not to exceed
5 5 years for a felony and 2 years for a class A misdemeanor. Upon petition of the probation officer or
6 the probationer, the period may be terminated sooner by the court if the conduct of the probationer
7 warrants it. ***The time periods for probation under this section shall also apply to any***
8 ***sentence suspended by the trial court pursuant to RSA 651:20.***

9 (b) In cases of persons convicted of felonies or class A misdemeanors, or in cases of
10 persons found to be habitual offenders within the meaning of RSA 259:39 and convicted of an offense
11 under RSA 262:23, the sentence may include, as a condition of probation, confinement to a person's
12 place of residence for not more than one year in case of a class A misdemeanor or more than 5 years
13 in case of a felony. Such home confinement may be monitored by a probation officer and may be
14 supplemented, as determined by the department of corrections or by the county department of
15 corrections, by electronic monitoring to verify compliance. ***The time periods for probation under***
16 ***this section shall also apply to any sentence suspended by the trial court pursuant to***
17 ***RSA 651:20.***

18 2 Incarceration Under Suspended Sentence. Amend the introductory paragraph of RSA 651:20,
19 I to read as follows:

20 I. ~~[Notwithstanding any other provision of law,]~~ Except as provided in subparagraphs (a),
21 (b), and (c), ***and subject to the time limitations set forth in RSA 651:2, V(a)-(b)***, the sentence to
22 imprisonment of any person may be suspended by the sentencing court at the time of imposition of
23 the sentence or at any time thereafter in response to a petition to suspend sentence which is timely
24 brought in accordance with the limitations set forth below in subparagraphs (a), (b), and (c).

25 3 Effective Date. This act shall take effect January 1, 2011.

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1496

BILL TITLE: relative to time limits on suspended sentences.

DATE: January 28, 2010

LOB ROOM: 204 **Time Public Hearing Called to Order:** 11:13 a.m.

Time Adjourned: 11:16 a.m.

Recessed until a further date.

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burrige,
Cushing, Rodd, Chandler, B. McCarthy, M. Ryder, Welch, Charron, Fesh, Weare, Stevens,
Villeneuve, Gagne, Swinford and Willette

Bill Sponsors: Rep. Rodd, Merr 5; Rep. Craig, Hills 9; Rep. DiFruscia, Rock 4


TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Rodd - Prime sponsor.

- Requested recess until a further date.

Respectfully Submitted:


Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1496

BILL TITLE: relative to time limits on suspended sentences.

DATE:

LOB ROOM: 204 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berubá, Robertson, Movsesian, Burrige, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Fesh, Weave, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Rodd, Merr 5; Rep. Craig, Hills 9; Rep. DiFruscia, Rock 4

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1496

28 Jan 2010

Start 1113
Finish 1114

Rep Rodd prime sponsor

• requested recess until a further date

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
*RECONVENED, RECESSED FROM JANUARY 28, 2010 AT 11:16 A.M.

PUBLIC HEARING ON HB 1496

BILL TITLE: relative to time limits on suspended sentences.

DATE:

LOB ROOM: 204 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burrige, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Fesh, Weare, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Rodd, Merr 5; Rep. Craig, Hills 9; Rep. DiFruscia, Rock 4

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

never reconvened

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1496

BILL TITLE: relative to time limits on suspended sentences.

DATE: February 9, 2010

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Beth Rodd

Seconded by Rep. Lori A. Movsesian

Vote: 20-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

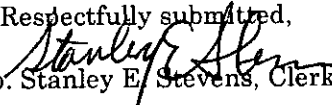
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 20-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1496

BILL TITLE: relative to time limits on suspended sentences.

DATE: 2-9-10

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Rodd*

Seconded by Rep. *Morse*

Vote: *20-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *20-0*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 1496 Title: Relative to time limits on suspended sentences.

PH Date: 01 / 28 / 2010 Exec Session Date: 2 / 9 / 10

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman	✓	
Pantelakos, Laura C, V Chairman	✓	
Berube, Roger R	✓	
Robertson, Timothy N	✓	
Movsesian, Lori A	✓	
Burridge, Delmar D	✓	
Cushing, Robert R	✓	
Rodd, Beth	✓	
Chandley, Shannon E	✓	
McCarthy, Barbara A	✓	
Ryder, Mark R	✓	
Welch, David A	✓	
Charron, Gene P	✓	
Fesh, Robert M	✓	
Weare, Everett A	✓	
Stevens, Stanley E, Clerk	✓	
Villeneuve, Moe	✓	
Gagne, Larry G	✓	
Swinford, Elaine B	✓	
Willette, Robert F	✓	
	20	0

TOTAL VOTE:

Committee Report

CONSENT CALENDAR

February 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1496,

AN ACT relative to time limits on suspended sentences.

Having considered the same, report the same with the following Resolution: **RESOLVED**, That it is **INEXPEDIENT TO LEGISLATE**.

Rep. Beth Rodd

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB1496
Title:	relative to time limits on suspended sentences.
Date:	February 9, 2010
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill stems from a constituent concern regarding a court case where a defendant continued to be serving a suspended sentence eleven years after the crime. The objective was to align suspended sentence guidelines with parole/probation time limits. However, the attorney general's office advised that with such limits, recommended sentences would have to be increased. The current suspended sentence practices allow the AG's office more latitude in giving the accused a second chance.

Vote 20-0.

Rep. Beth Rodd
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB1496, relative to time limits on suspended sentences. **INEXPEDIENT TO LEGISLATE.**
Rep. Beth Rodd for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill stems from a constituent concern regarding a court case where a defendant continued to be serving a suspended sentence eleven years after the crime. The objective was to align suspended sentence guidelines with parole/probation time limits. However, the attorney general's office advised that with such limits, recommended sentences would have to be increased. The current suspended sentence practices allow the AG's office more latitude in giving the accused a second chance. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HB 1496 relative to time limits on suspended sentences.

This bill stems from a constituent concern regarding a court case where a defendant continued to be serving a suspended sentence eleven years after the crime. The objective was to align suspended sentence guidelines with parole/probation time limits. However, the attorney general's office advised that with such limits, recommended sentences would have to be increased. The current suspended sentence practices allow the AG's office more latitude in giving the accused a second chance.

**Rep. Beth Rodd
For the Committee
20-0 ITL CC**

HB 1496 relative to time limits on suspended sentences.

This bill stems from a constituent concern regarding a court case where a defendant continued to be serving a suspended sentence eleven years after the crime. The objective was to align suspended sentence guidelines with parole/probation time limits. However, the attorney general's office advised that with such limits, recommended sentences would have to be increased. The current suspended sentence practices allow the AG's office more latitude in giving the accused a second chance.

**Rep. Beth Rodd
For the Committee
20-0 ITL CC**



COMMITTEE REPORT

COMMITTEE: CJP5

BILL NUMBER: HB 1496

TITLE: Relative to time limits on suspended sentences

DATE: 2/9/10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.


STATEMENT OF INTENT:

This bill stems from a constituent concern regarding a court case where a defendant ~~was~~ continued to be ~~serving~~ serving a suspended sentence eleven years after the crime. The objective was to ~~bring~~ align suspended sentence guidelines with parole/probation time limits. However, the AG's office advised that with such limits, recommended sentences would have to be increased. The current suspended sentence practices allow the AG's office more latitude in giving the accused a second chance

COMMITTEE VOTE: 20-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Beth Rodde 
For the Committee