

Bill as Introduced

SB 500-FN - AS INTRODUCED

2010 SESSION

10-2961
04/09

SENATE BILL **500-FN**

AN ACT implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

SPONSORS: Sen. Larsen, Dist 15; Sen. Letourneau, Dist 19; Sen. Hassan, Dist 23; Sen. Bragdon, Dist 11; Sen. Reynolds, Dist 2; Rep. Norelli, Rock 16; Rep. Welch, Rock 8; Rep. Shurtleff, Merr 10; Rep. Kurk, Hills 7

COMMITTEE: Judiciary

ANALYSIS

This bill makes changes to the sentencing and hearings provisions and the nature and length of supervision used by probation and parole officers for probationers and parolees.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

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

1 1 Findings: The general court finds that:

2 I. New Hampshire is one of the safest states in the country, with a low crime rate that has
3 remained stable from fiscal years 1999 through 2009.

4 II. The state prison population has increased 31 percent and the annual department of
5 corrections budget has doubled over this same time period from \$52 million to \$104 million.

6 III. Effective supervision of individuals under probation and parole supervision impacts
7 public safety and the prison population.

8 IV. Revocations from parole have increased 50 percent since fiscal year 2000, and probation
9 and parole revocations now account for 57 percent of all admissions to state prison.

10 V. A large number of people are held in prison beyond their minimum sentence date.
11 Furthermore, 16 percent of people released from New Hampshire prisons completed their maximum
12 sentence without receiving parole supervision.

13 2 Intent. The general court intends that this act will:

14 I. Increase public safety by lowering recidivism, reducing spending on corrections, and
15 reinvesting in community-based treatment and sanction programs.

16 II. Focus community-based supervision resources on offenders under probation and parole
17 supervision who are assessed as presenting high risk to community safety.

18 III. Make probation and parole supervision tough and smart by creating tools for probation
19 and parole officers to use in reducing recidivism such as short, swift, and certain jail sanctions for
20 supervising probationers and intermediate sanction programs for parolees in lieu of revocation to
21 prison.

22 IV. Ensure everyone leaving prison receives at least 9 months of post-release supervision.

23 V. Reinvest a portion of corrections savings generated through these measures in the
24 expansion of effective addiction and mental health treatment programs to ensure that probationers
25 and parolees can have access to treatment that can reduce their likelihood to reoffend.

26 3 New Paragraph; Violation of the Terms of Probation or Parole. Amend RSA 504-A:4 by
27 inserting after paragraph II the following new paragraph:

28 III. A probation or parole officer may require any probationer, whose sentence includes a one
29 to 5 day jail sanction pursuant to RSA 651:2, V(i), to serve a county house of corrections sanction or a

1 portion thereof, provided that the probationer waives his or her right to a preliminary hearing under
2 RSA 504-A:5 and violation of probation hearing. If the probation officer intends to impose this
3 sanction, the officer shall advise the offender of the violations alleged, the date or dates of the
4 violation, and the number of days the offender shall serve. If the offender objects to the imposition of
5 the jail sanction, a violation of probation hearing shall be held. This short jail stay may not be issued
6 for any violation of probation which could warrant an additional, separate felony charge.

7 4 New Section; Probationers and Parolees; Risk Assessment and Length of Supervision. Amend
8 RSA 504-A by inserting after section 14 the following new section:

9 504-A:15 Risk Assessment and Length of Supervision.

10 I. Every person placed on probation or parole shall be assessed by the department of
11 corrections, using a valid and objective risk assessment tool, to determine that person's risk of
12 recidivating. Based on that assessment, the person shall be designated as low, medium, or high risk.

13 II. Any person placed on probation for a misdemeanor shall be subject to active supervision
14 for up to the first 9 months and thereafter be placed on administrative supervision unless the
15 probationer has been designated high risk or has been adjudicated by the court for a violation of the
16 conditions of probation during the first 9 months under supervision.

17 III. Any person placed on probation for a felony shall be subject to active supervision for up
18 to the first 12 months and thereafter be placed on administrative supervision unless the probationer
19 has been designated high risk or has been adjudicated by the court for a violation of the conditions of
20 probation during the first 12 months under supervision.

21 IV. Any person placed on parole for a felony shall be subject to active supervision for up to
22 the first 18 months and thereafter be placed on administrative supervision unless the parolee has
23 been designated high risk or has violated the conditions of parole during the first 18 months under
24 supervision.

25 5 New Paragraphs; Parole of Prisoners; Definitions. Amend RSA 651-A:2 by inserting after
26 paragraph V the following new paragraphs:

27 VI. "Nonviolent offense" shall include all criminal offenses, except those defined as violent
28 crimes in RSA 651:5, XIII.

29 VII. "Intermediate sanction program" means a community-based day or residential program
30 that is designed for use as a swift and certain sanction for a parole violation, in lieu of parole
31 revocation.

32 6 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I to read as follows:

33 I. *Any prisoner released on parole shall be given a permit by the board to be at*
34 *liberty from prison during the unexpired portion of the maximum term of his or her*
35 *sentence. The decision to release a prisoner shall be governed by the following rules:*

36 (a) A prisoner may be released on parole upon the expiration of the minimum term of
37 his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary

1 period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good
2 conduct as provided in RSA 651-A:22, provided that there shall appear to the adult parole board,
3 after having given the notice required in RSA 651-A:11, to be a reasonable probability that [he] *the*
4 *prisoner* will remain at liberty without violating the law and will conduct himself *or herself* as a
5 good citizen. [~~Any prisoner so released shall be given a permit by the board to be at liberty from~~
6 ~~prison during the unexpired portion of the maximum term of his sentence.~~]

7 *(b) A prisoner convicted of a nonviolent offense shall be released on parole upon*
8 *servng 120 percent of the minimum term of his or her sentence, minus any credits received*
9 *pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA*
10 *651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22.*

11 *(c) All prisoners who have not been previously paroled, or who were*
12 *recommitted to prison more than one year prior to the expiration of the maximum term of*
13 *his or her sentence, shall be released on parole at least 9 months prior to the expiration of*
14 *the maximum term of his or her sentence.*

15 7 Parole of Prisoners; Report Required. Amend RSA 651-A:16, I(c)-(d) to read as follows:

16 (c) Absconds from supervision for a period of 30 days or more; [∅]

17 (d) Commits 3 or more parole violations of any type within a 12 month period; *or*

18 *(e) Is placed in an intermediate sanction program by a probation/parole officer*
19 *in lieu of revocation.*

20 8 New Section; Parole of Prisoners; Intermediate Sanction Programs. Amend RSA 651-A by
21 inserting after section 16 the following new section:

22 651-A:16-a Intermediate Sanction Programs.

23 I. The commissioner shall establish one or more intermediate sanction programs, to include
24 a 7-day residential program located in a halfway house facility.

25 II. Probation/parole officers may place a parolee in an intermediate sanction program in lieu
26 of a parole revocation hearing only if the offender agrees to participate.

27 9 Parole of Prisoners; Parole Revocation. Amend RSA 651-A:17 to read as follows:

28 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a
29 hearing before the board within 45 days, in addition to any preliminary hearing which is required
30 under RSA [504-A:6] *504-A:5*. The parolee shall have the right to appear and be heard at the
31 revocation hearing. The board shall have power to subpoena witnesses, pay said witnesses such fees
32 and expenses as allowed under RSA 516:16, and administer oaths in any proceeding or examination
33 instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any
34 accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind.
35 If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the
36 law, or associated with criminal companions and in its judgment should be returned to the custody of
37 the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is

1 revoked shall be recommitted to the custody of the commissioner of corrections. *This provision*
2 *shall not apply to a parolee who has accepted an option, offered by a probation/parole*
3 *officer, to participate in an intermediate sanction program and has waived his or her right*
4 *to a preliminary hearing under RSA 504-A:5.*

5 10 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

6 651-A:19 Effect of Recommittal.

7 I. A prisoner who is recommitted [~~may, at any time before the expiration~~] *shall serve 90*
8 *days in prison before being placed back on parole or the remainder* of his or her
9 maximum sentence, [~~except as provided in RSA 651-A:18, be paroled again. If not paroled, a~~
10 ~~prisoner who is recommitted shall serve the remainder of his maximum sentence minus any~~
11 ~~credits to which he may thereafter become entitled under RSA 651-A:22 and 23 and less the~~
12 ~~period of time the prisoner was at liberty in satisfactory compliance with the terms and~~
13 ~~conditions of his parole] *whichever is shorter.* The time between the return of the parolee to
14 prison after [~~his~~] arrest and revocation of parole shall be considered as time served as a portion
15 of the maximum sentence.~~

16 II. *Prisoners who are recommitted shall be housed separately in a prison housing*
17 *unit that provides focused, evidence-based programming aimed at reengaging parolees in*
18 *their parole plan.*

19 11 Parole of Prisoners; Credits for Good Conduct. Amend RSA 651-A:22, II to read as follows:

20 II. The commissioner shall by rule determine the standards for the earning of credit for good
21 conduct. Such rules shall not be subject to the provisions of RSA 541-A. *Such rules shall*
22 *establish standards for prisoners to receive credit for participating in programs designed*
23 *to reduce recidivism of participants, as determined by the commissioner.*

24 12 New Subparagraph; Sentences and Limitations. Amend RSA 651:2, V by inserting after
25 subparagraph (h) the following new subparagraph:

26 (i) The court may include, as a condition of probation for a felony offense, a jail sentence
27 of one to 5 days that a probation/parole officer may impose in response to a violation of a condition of
28 probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county
29 jail facility closest to or in reasonable proximity to where the probationer is under supervision.

30 13 Applicability.

31 I. RSA 504-A:15 as inserted by section 4 of this act shall apply to any person placed on
32 probation or parole supervision on or after the effective date of this act.

33 II. RSA 651-A:6, I(b) as inserted by section 6 of this act shall apply to any person sentenced
34 to the state prison on or after the effective date of this act.

35 III. RSA 651-A:6, I(c) as inserted by section 6 of this act shall apply to any person
36 incarcerated in the state prison with 9 months or more remaining until the expiration of his or her
37 maximum sentence as of October 1, 2010 or thereafter.

SB 500-FN - AS INTRODUCED

- Page 5 -

1 IV. RSA 651-A:16-a as inserted by section 8 of this act, and RSA 651-A:19 as inserted by
2 section 10 of this act shall apply to any person who is on parole as of October 1, 2010 or thereafter.

3 14 Effective Date.

4 I. RSA 651-A:6, I(c) as inserted by section 6 of this act shall take effect as provided in section
5 13 of this act.

6 II. RSA 651-A:16-a as inserted by section 8 of this act, and RSA 651-A:19 as inserted by
7 section 10 of this act shall take effect as provided in section 13 of this act.

8 III. The remainder of this act shall take effect July 1, 2010.

SB 500-FN - AS INTRODUCED

- Page 6 -

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10-2961
Revised 02/09/10

SB 500-FN - FISCAL NOTE

AN ACT implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

SB 500 FISCAL NOTE

AN ACT implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

FISCAL IMPACT:

The Department of Corrections states this bill will decrease state general fund expenditures by \$22,862 in FY 2011, \$779,838 in FY 2012, \$2,513,061 in FY 2013 and \$3,210,247 in FY 2014. The Judicial Branch states this bill may decrease state general fund expenditures by an indeterminable amount in FY 2011 and each year thereafter. The New Hampshire Association of Counties states this bill may decrease county expenditures by an indeterminable amount in FY 2011 and each year thereafter. There is no fiscal impact on local expenditures or state, county, and local revenue.

METHODOLOGY:

The Department of Corrections states this bill makes changes to the sentencing and hearings provisions and supervision provided to probationers and parolees. The Department states this bill will decrease state expenditures by \$22,862 in FY 2011, \$779,838 in FY 2012, \$2,513,061 in FY 2013 and \$3,210,247 in FY 2014 as a result of marginal savings (medical, food, clothing and inmate pay), staff savings (salary and benefits), and contract housing related to the non-DOC housing for female inmates. The decrease in expenditures attributable to each category of savings is as follows:

	FY 2011	FY 2012	FY 2013	FY 2104
Marginal Savings	\$22,862	\$779,838	\$1,186,269	\$1,583,174
Staff Savings	0	0	576,792	877,073
Contract Housing Savings	0	0	750,000	750,000
Totals	\$22,862	\$779,838	\$2,513,061	\$3,210,247
Estimated decrease in inmate population	36	342	153	149

The Judicial Branch states to the extent this bill is successful in reducing recidivism the Branch may have savings resulting from fewer criminal charges being introduced into the system. The Branch is not able to estimate how many fewer criminal charges will occur as a result of this bill but does have information on the cost to process each type of criminal charge. The cost to process each charge type in FY 2011 and each year thereafter is as follows:

Type of Charge	Amount
Complex felony	\$661.17
Routine felony	\$335.98
Class A misdemeanor	\$51.14
Class B misdemeanor	\$36.89
Unspecified misdemeanor	\$35.75

Additionally, the Branch may have a savings attributable to a decrease in appeals to the Supreme Court as a result of a decrease in recidivism and less criminal charges being introduced into the system.

The New Hampshire Association of Counties states this bill may decrease county expenditures to the extent more resources are devoted to the supervision of individuals on probation or parole and community programming for substance abuse and mental health treatment increase. Additionally, the use of the sanction period of up to 5 days in the county facilities may decrease costs as those violating their probation or parole will not be detained for 10 or more days in the county facilities waiting for violation hearings. The Association is not able to determine how many individuals will not violate their probation or parole as a result of increased supervision and increased community treatment options or would be subject to the sanction period of up to 5 days in the county facilities to determine the exact fiscal impact of this bill.

SB 500-FN – AS AMENDED BY THE SENATE

03/24/10 1133s

2010 SESSION

10-2961

04/09

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19 and parole officers to use in reducing recidivism such as short, swift, and certain jail sanctions for
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25 and parolees can have access to treatment that can reduce their likelihood to reoffend.

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27 inserting after paragraph II the following new paragraph:

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1 or a portion thereof, provided that the probationer is advised of and waives his or her right to counsel
2 and to a preliminary hearing under RSA 504-A:5 and violation of probation hearing. If the probation
3 officer intends to impose this sanction, the officer shall advise the offender of the violations alleged,
4 the date or dates of the violation, and the number of days the offender shall serve. If the offender
5 objects to the imposition of the jail sanction, a violation of probation hearing shall be held. This
6 short jail stay may not be issued for any violation of probation which could warrant an additional,
7 separate felony charge.

8 4 New Section; Probationers and Parolees; Risk Assessment and Length of Supervision. Amend
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11 I. Every person placed on probation or parole shall be assessed by the department of
12 corrections, using a valid and objective risk assessment tool, to determine that person's risk of
13 recidivating. Based on that assessment, the person shall be designated as low, medium, or high risk.

14 II. Any person placed on probation for a misdemeanor shall be subject to active supervision
15 for up to the first 9 months and thereafter be placed on administrative supervision unless the
16 probationer has been designated high risk or has been adjudicated by the court for a violation of the
17 conditions of probation during the first 9 months under supervision.

18 III. Any person placed on probation for a felony shall be subject to active supervision for up
19 to the first 12 months and thereafter be placed on administrative supervision unless the probationer
20 has been designated high risk or has been adjudicated by the court for a violation of the conditions of
21 probation during the first 12 months under supervision.

22 IV. Any person placed on parole for a felony shall be subject to active supervision for up to
23 the first 18 months and thereafter be placed on administrative supervision unless the parolee has
24 been designated high risk or has violated the conditions of parole during the first 18 months under
25 supervision.

26 5 New Paragraphs; Parole of Prisoners; Definitions. Amend RSA 651-A:2 by inserting after
27 paragraph V the following new paragraphs:

28 VI. "Nonviolent offense" shall include all criminal offenses, except those defined as violent
29 crimes in RSA 651:5, XIII.

30 VII. "Intermediate sanction program" means a community-based day or residential program
31 that is designed for use as a swift and certain sanction for a parole violation, in lieu of parole
32 revocation.

33 6 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I to read as follows:

34 I. *Any prisoner released on parole shall be given a permit by the board to be at*
35 *liberty from prison during the unexpired portion of the maximum term of his or her*
36 *sentence. The decision to release a prisoner shall be governed by the following rules:*

37 (a) A prisoner may be released on parole upon the expiration of the minimum term of his *or her*

1 sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to
2 such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided
3 in RSA 651-A:22, provided that there shall appear to the adult parole board, after having given the
4 notice required in RSA 651-A:11, to be a reasonable probability that [he] *the prisoner* will remain at
5 liberty without violating the law and will conduct himself *or herself* as a good citizen. [~~Any prisoner~~
6 ~~so released shall be given a permit by the board to be at liberty from prison during the unexpired~~
7 ~~portion of the maximum term of his sentence.~~]

8 *(b) A prisoner convicted of a nonviolent offense shall be released on parole upon*
9 *servng 120 percent of the minimum term of his or her sentence, minus any credits received*
10 *pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA*
11 *651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22.*

12 *(c) All prisoners who have not been previously paroled, or who were recommitted*
13 *to prison more than one year prior to the expiration of the maximum term of his or her*
14 *sentence, shall be released on parole at least 9 months prior to the expiration of the*
15 *maximum term of his or her sentence. This provision shall not apply to any prisoner who is*
16 *the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event*
17 *that the prisoner is not civilly committed, he or she shall be released on parole for the*
18 *remainder of his or her sentence.*

19 7 Parole of Prisoners; Report Required. Amend RSA 651-A:16, I(c)-(d) to read as follows:

20 (c) Absconds from supervision for a period of 30 days or more; [e~~r~~]

21 (d) Commits 3 or more parole violations of any type within a 12 month period; *or*

22 *(e) Is placed in an intermediate sanction program by a probation/parole officer*
23 *in lieu of revocation.*

24 8 New Section; Parole of Prisoners; Intermediate Sanction Programs. Amend RSA 651-A by
25 inserting after section 16 the following new section:

26 651-A:16-a Intermediate Sanction Programs.

27 I. The commissioner shall establish one or more intermediate sanction programs, to include
28 a 7-day residential program located in a halfway house facility.

29 II. Probation/parole officers may place a parolee in an intermediate sanction program in lieu
30 of a parole revocation hearing only if the offender agrees to participate.

31 9 Parole of Prisoners; Parole Revocation. Amend RSA 651-A:17 to read as follows:

32 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a
33 hearing before the board within 45 days, in addition to any preliminary hearing which is required
34 under RSA [504-A:6] *504-A:5*. The parolee shall have the right to appear and be heard at the
35 revocation hearing. The board shall have power to subpoena witnesses, pay said witnesses such fees
36 and expenses as allowed under RSA 516:16, and administer oaths in any proceeding or examination
37 instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any

1 accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind.
2 If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the
3 law, or associated with criminal companions and in its judgment should be returned to the custody of
4 the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is
5 revoked shall be recommitted to the custody of the commissioner of corrections. ***This provision***
6 ***shall not apply to a parolee who has accepted an option, offered by a probation/parole***
7 ***officer, to participate in an intermediate sanction program and has waived his or her right***
8 ***to counsel and to a preliminary hearing under RSA 504-A:5.***

9 10 Parole of Prisoners; Effect of Recommitment. Amend RSA 651-A:19 to read as follows:

10 651-A:19 Effect of Recommitment.

11 I. A prisoner who is recommitted [~~may, at any time before the expiration~~] ***shall serve 90***
12 ***days in prison before being placed back on parole or the remainder*** of his *or her* maximum
13 sentence, [~~except as provided in RSA 651-A:18, be paroled again. If not paroled, a prisoner who is~~
14 ~~recommitted shall serve the remainder of his maximum sentence minus any credits to which he may~~
15 ~~thereafter become entitled under RSA 651-A:22 and 23 and less the period of time the prisoner was~~
16 ~~at liberty in satisfactory compliance with the terms and conditions of his parole~~] ***whichever is***
17 ***shorter.*** The time between the return of the parolee to prison after [his] arrest and revocation of
18 parole shall be considered as time served as a portion of the maximum sentence.

19 II. ***Prisoners who are recommitted shall be housed separately in a prison housing***
20 ***unit that provides focused, evidence-based programming aimed at reengaging parolees in***
21 ***their parole plan.***

22 11 Parole of Prisoners; Credits for Good Conduct. Amend RSA 651-A:22, II to read as follows:

23 II. The commissioner shall by rule determine the standards for the earning of credit for good
24 conduct. Such rules shall not be subject to the provisions of RSA 541-A. ***Such rules shall***
25 ***establish standards for prisoners to receive credit for participating in programs designed***
26 ***to reduce recidivism of participants, as determined by the commissioner.***

27 12 New Subparagraph; Sentences and Limitations. Amend RSA 651:2, V by inserting after
28 subparagraph (h) the following new subparagraph:

29 (i) The court may include, as a condition of probation for a felony offense, a jail sentence
30 of one to 5 days that a probation/parole officer may impose in response to a violation of a condition of
31 probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county
32 jail facility closest to or in reasonable proximity to where the probationer is under supervision.

33 13 Applicability.

34 I. RSA 504-A:15 as inserted by section 4 of this act shall apply to any person placed on
35 probation or parole supervision on or after the effective date of this act.

36 II. RSA 651-A:6, I(b) as inserted by section 6 of this act shall apply to any person sentenced
37 to the state prison on or after the effective date of this act.

1 III. RSA 651-A:6, I(c) as inserted by section 6 of this act shall apply to any person
2 incarcerated in the state prison with 9 months or more remaining until the expiration of his or her
3 maximum sentence as of October 1, 2010 or thereafter.

4 IV. RSA 651-A:16-a as inserted by section 8 of this act, and RSA 651-A:19 as inserted by
5 section 10 of this act shall apply to any person who is on parole as of October 1, 2010 or thereafter.

6 14 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3,
7 II to read as follows:

8 II. When a person who has committed a sexually violent offense is to be released from total
9 confinement in New Hampshire, the agency with jurisdiction over the person shall give written
10 notice to the person and the county attorney of the county where that person was last convicted of a
11 sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If
12 the person is in custody on an out-of-state or federal sexually violent offense, the agency with
13 jurisdiction shall give written notice to the person and the county attorney of the county where the
14 person plans to reside upon release or, if no residence in this state is planned, the county attorney in
15 the county where the facility from which the person to be released is located or to the attorney
16 general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written
17 notice shall be given at least 9 months prior to the anticipated release [~~from the maximum sentence~~]
18 *on parole pursuant to RSA 651-A:6, I(c)*, except that in the case of persons who are totally
19 confined for a period of less than 9 months, written notice shall be given as soon as practicable.

20 15 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total
21 Confinement. Amend RSA 135-E:4, I to read as follows:

22 I. In the event that a person who has been convicted of a sexually violent offense is eligible
23 for immediate release [~~from total confinement~~] *on parole pursuant to RSA 651-A:6, I(c)*, or upon
24 completion of the maximum term of incarceration, the agency with jurisdiction shall provide
25 immediate notice to the county attorney or attorney general of the person's release. The county
26 attorney or attorney general or the agency with jurisdiction may file a petition for an emergency
27 hearing in the superior court requesting that the person subject to immediate release be evaluated
28 by the multidisciplinary team to determine whether the person is a sexually violent predator. The
29 hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and
30 holidays. The person shall not be released from total confinement until after the hearing has been
31 held. At the hearing, the court shall determine whether there is probable cause to believe that the
32 person is a sexually violent predator. If the court finds probable cause, the person shall be held in an
33 appropriate secure facility.

34 16 Effective Date.

35 I. RSA 651-A:6, I(c) as inserted by section 6 of this act shall take effect as provided in section
36 13 of this act.

37 II. RSA 651-A:16-a as inserted by section 8 of this act, and RSA 651-A:19 as inserted by

SB 500-FN - AS AMENDED BY THE SENATE

- Page 6 -

- 1 section 10 of this act shall take effect as provided in section 13 of this act.
- 2 III. Sections 14-15 of this act shall take effect September 1, 2010 at 12:01 a.m.
- 3 IV. The remainder of this act shall take effect July 1, 2010.

SB 500-FN – AS AMENDED BY THE SENATE

LBAO
10-2961
Revised 03/11/10

SB 500 FISCAL NOTE

AN ACT implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

FISCAL IMPACT:

The Department of Corrections states this bill will decrease state general fund expenditures by \$22,862 in FY 2011, \$779,838 in FY 2012, \$2,513,061 in FY 2013 and \$3,210,247 in FY 2014. The Judicial Branch states this bill may decrease state general fund expenditures by an indeterminable amount in FY 2011 and each year thereafter. The New Hampshire Association of Counties states this bill may decrease county expenditures by an indeterminable amount in FY 2011 and each year thereafter. There is no fiscal impact on local expenditures or state, county, and local revenue.

METHODOLOGY:

The Department of Corrections states this bill makes changes to the sentencing and hearings provisions and supervision provided to probationers and parolees. The Department states this bill will decrease state expenditures by \$22,862 in FY 2011, \$779,838 in FY 2012, \$2,513,061 in FY 2013 and \$3,210,247 in FY 2014 as a result of marginal savings (medical, food, clothing and inmate pay), staff savings (salary and benefits), and contract housing related to the non-DOC housing for female inmates. The decrease in expenditures attributable to each category of savings is as follows:

	FY 2011	FY 2012	FY 2013	FY 2104
Marginal Savings	\$22,862	\$779,838	\$1,186,269	\$1,583,174
Staff Savings	0	0	576,792	877,073
Contract Housing Savings	0	0	750,000	750,000
Totals	\$22,862	\$779,838	\$2,513,061	\$3,210,247
Estimated decrease in inmate population	36	342	153	149

The Judicial Branch states to the extent this bill is successful in reducing recidivism the Branch may have savings resulting from fewer criminal charges being introduced into the system. The Branch is not able to estimate how many fewer criminal charges will occur as a result of this bill but does have information on the cost to process each type of criminal charge. The cost to process each charge type in FY 2011 and each year thereafter is as follows:

Type of Charge	Amount
Complex felony	\$661.17
Routine felony	\$335.98
Class A misdemeanor	\$51.14
Class B misdemeanor	\$36.89
Unspecified misdemeanor	\$35.75

Additionally, the Branch may have a savings attributable to a decrease in appeals to the Supreme Court as a result of a decrease in recidivism and less criminal charges being introduced into the system.

The New Hampshire Association of Counties states this bill may decrease county expenditures to the extent more resources are devoted to the supervision of individuals on probation or parole and community programming for substance abuse and mental health treatment increase. Additionally, the use of the sanction period of up to 5 days in the county facilities may decrease costs as those violating their probation or parole will not be detained for 10 or more days in the county facilities waiting for violation hearings. The Association is not able to determine how many individuals will not violate their probation or parole as a result of increased supervision and increased community treatment options or would be subject to the sanction period of up to 5 days in the county facilities to determine the exact fiscal impact of this bill.

CHAPTER 247
SB 500-FN - FINAL VERSION

03/24/10 1133s
21Apr2010... 1245h

2010 SESSION

10-2961
04/09

SENATE BILL ***500-FN***

AN ACT implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

SPONSORS: Sen. Larsen, Dist 15; Sen. Letourneau, Dist 19; Sen. Hassan, Dist 23; Sen. Bragdon, Dist 11; Sen. Reynolds, Dist 2; Rep. Norelli, Rock 16; Rep. Welch, Rock 8; Rep. Shurtleff, Merr 10; Rep. Kurk, Hills 7

COMMITTEE: Judiciary

ANALYSIS

This bill makes changes to the sentencing and hearings provisions and the nature and length of supervision used by probation and parole officers for probationers and parolees.

.....

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.

CHAPTER 247
SB 500-FN – FINAL VERSION

03/24/10 1133s
21Apr2010... 1245h

10-2961
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

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

1 247:1 Findings: The general court finds that:

2 I. New Hampshire is one of the safest states in the country, with a low crime rate that has
3 remained stable from fiscal years 1999 through 2009.

4 II. The state prison population has increased 31 percent and the annual department of
5 corrections budget has doubled over this same time period from \$52 million to \$104 million.

6 III. Effective supervision of individuals under probation and parole supervision impacts
7 public safety and the prison population.

8 IV. Revocations from parole have increased 50 percent since fiscal year 2000, and probation
9 and parole revocations now account for 57 percent of all admissions to state prison.

10 V. A large number of people are held in prison beyond their minimum sentence date.
11 Furthermore, 16 percent of people released from New Hampshire prisons completed their maximum
12 sentence without receiving parole supervision.

13 247:2 Intent. The general court intends that this act will:

14 I. Increase public safety by lowering recidivism, reducing spending on corrections, and
15 reinvesting in community-based treatment and sanction programs.

16 II. Focus community-based supervision resources on offenders under probation and parole
17 supervision who are assessed as presenting high risk to community safety.

18 III. Make probation and parole supervision tough and smart by creating tools for probation
19 and parole officers to use in reducing recidivism such as short, swift, and certain jail sanctions for
20 supervising probationers and intermediate sanction programs for parolees in lieu of revocation to
21 prison.

22 IV. Ensure everyone leaving prison receives at least 9 months of post-release supervision.

23 V. Reinvest a portion of corrections savings generated through these measures in the
24 expansion of effective addiction and mental health treatment programs to ensure that probationers
25 and parolees can have access to treatment that can reduce their likelihood to reoffend.

26 247:3 New Paragraph; Violation of the Terms of Probation or Parole. Amend RSA 504-A:4 by

CHAPTER 247
SB 500-FN - FINAL VERSION
- Page 2 -

1 inserting after paragraph II the following new paragraph:

2 III. A probation or parole officer may require any probationer, whose sentence includes a
3 one to 5 day jail sanction pursuant to RSA 651:2, V(i), to serve a county house of corrections sanction
4 or a portion thereof, provided that the probationer is advised of and waives his or her right to counsel
5 and to a preliminary hearing under RSA 504-A:5 and violation of probation hearing. If the probation
6 officer intends to impose this sanction, the officer shall advise the offender of the violations alleged,
7 the date or dates of the violation, and the number of days the offender shall serve. If the offender
8 objects to the imposition of the jail sanction, a violation of probation hearing shall be held. This
9 short jail stay may not be issued for any violation of probation which could warrant an additional,
10 separate felony charge.

11 247:4 New Section; Probationers and Parolees; Risk Assessment and Length of Supervision.
12 Amend RSA 504-A by inserting after section 14 the following new section:

13 504-A:15 Risk Assessment and Length of Supervision.

14 I. Every person placed on probation or parole shall be assessed by the department of
15 corrections, using a valid and objective risk assessment tool, to determine that person's risk of
16 recidivating. Based on that assessment, the person shall be designated as low, medium, or high risk.

17 II. Any person placed on probation for a misdemeanor shall be subject to active supervision
18 for up to the first 9 months and thereafter be placed on administrative supervision unless the
19 probationer has been designated high risk or has been adjudicated by the court for a violation of the
20 conditions of probation during the first 9 months under supervision.

21 III. Any person placed on probation for a felony shall be subject to active supervision for up
22 to the first 12 months and thereafter be placed on administrative supervision unless the probationer
23 has been designated high risk or has been adjudicated by the court for a violation of the conditions of
24 probation during the first 12 months under supervision.

25 IV. Any person placed on parole for a felony shall be subject to active supervision for up to
26 the first 18 months and thereafter be placed on administrative supervision unless the parolee has
27 been designated high risk or has violated the conditions of parole during the first 18 months under
28 supervision.

29 247:5 New Paragraphs; Parole of Prisoners; Definitions. Amend RSA 651-A:2 by inserting after
30 paragraph V the following new paragraphs:

31 VI. "Nonviolent offense" shall include all criminal offenses, except those defined as violent
32 crimes in RSA 651:5, XIII and the following:

33 (a) RSA 173-B:9, violation of protective order.

34 (b) RSA 631:2, second degree assault.

35 (c) RSA 631:3, felony reckless conduct.

36 (d) RSA 631:4, criminal threatening involving the use of a deadly weapon.

CHAPTER 247
SB 500-FN - FINAL VERSION
- Page 3 -

- 1 (e) RSA 633:3-a, stalking.
- 2 (f) RSA 635:1, burglary.
- 3 (g) RSA 641:5, tampering with witnesses and informants.
- 4 (h) RSA 650-A:1, felonious use of firearms.

5 VII. "Intermediate sanction program" means a community-based day or residential program
6 that is designed for use as a swift and certain sanction for a parole violation, in lieu of parole
7 revocation.

8 247:6 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I to read as follows:

9 I. *Any prisoner released on parole shall be given a permit by the board to be at*
10 *liberty from prison during the unexpired portion of the maximum term of his or her*
11 *sentence. The decision to release a prisoner shall be governed by the following rules:*

12 (a) A prisoner may be released on parole upon the expiration of the minimum term of
13 his *or her* sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary
14 period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good
15 conduct as provided in RSA 651-A:22, provided that there shall appear to the adult parole board,
16 after having given the notice required in RSA 651-A:11, to be a reasonable probability that [he] *the*
17 *prisoner* will remain at liberty without violating the law and will conduct himself *or herself* as a
18 good citizen. [~~Any prisoner so released shall be given a permit by the board to be at liberty from~~
19 ~~prison during the unexpired portion of the maximum term of his sentence.~~]

20 (b) *A prisoner convicted of a nonviolent offense shall be released on parole upon*
21 *servng 120 percent of the minimum term of his or her sentence, minus any credits received*
22 *pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA*
23 *651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22.*

24 (c) *All prisoners who have not been previously paroled, or who were*
25 *recommitted to prison more than one year prior to the expiration of the maximum term of*
26 *his or her sentence, shall be released on parole at least 9 months prior to the expiration of*
27 *the maximum term of his or her sentence. This provision shall not apply to any prisoner*
28 *who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the*
29 *event that the prisoner is not civilly committed, he or she shall be released on parole for the*
30 *remainder of his or her sentence.*

31 247:7 Parole of Prisoners; Report Required. Amend RSA 651-A:16, I(c)-(d) to read as follows:

32 (c) Absconds from supervision for a period of 30 days or more; [er]

33 (d) Commits 3 or more parole violations of any type within a 12 month period; or

34 (e) *Is placed in an intermediate sanction program by a probation/parole officer*
35 *in lieu of revocation.*

36 247:8 New Section; Parole of Prisoners; Intermediate Sanction Programs. Amend RSA 651-A by

CHAPTER 247
SB 500-FN – FINAL VERSION
- Page 4 -

1 inserting after section 16 the following new section:

2 651-A:16-a Intermediate Sanction Programs.

3 I. The commissioner shall establish one or more intermediate sanction programs, to include
4 a 7-day residential program located in a halfway house facility.

5 II. Probation/parole officers may place a parolee in an intermediate sanction program in lieu
6 of a parole revocation hearing only if the offender agrees to participate.

7 247:9 Parole of Prisoners; Parole Revocation. Amend RSA 651-A:17 to read as follows:

8 651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a
9 hearing before the board within 45 days, in addition to any preliminary hearing which is required
10 under RSA ~~[504-A:6]~~ **504-A:5**. The parolee shall have the right to appear and be heard at the
11 revocation hearing. The board shall have power to subpoena witnesses, pay said witnesses such fees
12 and expenses as allowed under RSA 516:16, and administer oaths in any proceeding or examination
13 instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any
14 accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind.
15 If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the
16 law, or associated with criminal companions and in its judgment should be returned to the custody of
17 the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is
18 revoked shall be recommitted to the custody of the commissioner of corrections. ***This provision***
19 ***shall not apply to a parolee who has accepted an option, offered by a probation/parole***
20 ***officer, to participate in an intermediate sanction program and has waived his or her right***
21 ***to counsel and to a preliminary hearing under RSA 504-A:5.***

22 247:10 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

23 651-A:19 Effect of Recommittal.

24 I. A prisoner who is recommitted ~~[may, at any time before the expiration]~~ ***shall serve 90***
25 ***days in prison before being placed back on parole or the remainder*** of his ***or her*** maximum
26 sentence, ~~[except as provided in RSA 651-A:18, be paroled again. If not paroled, a prisoner who is~~
27 ~~recommitted shall serve the remainder of his maximum sentence minus any credits to which he may~~
28 ~~thereafter become entitled under RSA 651-A:22 and 23 and less the period of time the prisoner was~~
29 ~~at liberty in satisfactory compliance with the terms and conditions of his parole]~~ ***whichever is***
30 ***shorter***. The time between the return of the parolee to prison after ~~[his]~~ arrest and revocation of
31 parole shall be considered as time served as a portion of the maximum sentence.

32 II. ***Prisoners who are recommitted shall be housed separately in a prison housing***
33 ***unit that provides focused, evidence-based programming aimed at reengaging parolees in***
34 ***their parole plan.***

35 247:11 Parole of Prisoners; Credits for Good Conduct. Amend RSA 651-A:22, II to read as
36 follows:

CHAPTER 247
SB 500-FN – FINAL VERSION
- Page 5 -

1 II. The commissioner shall by rule determine the standards for the earning of credit for good
2 conduct. Such rules shall not be subject to the provisions of RSA 541-A. *Such rules shall*
3 *establish standards for prisoners to receive credit for participating in programs designed*
4 *to reduce recidivism of participants, as determined by the commissioner.*

5 247:12 New Subparagraph; Sentences and Limitations. Amend RSA 651:2, V by inserting after
6 subparagraph (h) the following new subparagraph:

7 (i) The court may include, as a condition of probation for a felony offense, a jail sentence
8 of one to 5 days that a probation/parole officer may impose in response to a violation of a condition of
9 probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county
10 jail facility closest to or in reasonable proximity to where the probationer is under supervision.

11 247:13 Applicability.

12 I. RSA 504-A:15 as inserted by section 4 of this act shall apply to any person placed on
13 probation or parole supervision on or after the effective date of this act.

14 II. RSA 651-A:6, I(b) as inserted by section 6 of this act shall apply to any person sentenced
15 to the state prison on or after the effective date of this act.

16 III. RSA 651-A:6, I(c) as inserted by section 6 of this act shall apply to any person
17 incarcerated in the state prison with 9 months or more remaining until the expiration of his or her
18 maximum sentence as of October 1, 2010 or thereafter.

19 IV. RSA 651-A:16-a as inserted by section 8 of this act, and RSA 651-A:19 as inserted by
20 section 10 of this act shall apply to any person who is on parole as of October 1, 2010 or thereafter.

21 247:14 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-
22 E:3, II to read as follows:

23 II. When a person who has committed a sexually violent offense is to be released from total
24 confinement in New Hampshire, the agency with jurisdiction over the person shall give written
25 notice to the person and the county attorney of the county where that person was last convicted of a
26 sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If
27 the person is in custody on an out-of-state or federal sexually violent offense, the agency with
28 jurisdiction shall give written notice to the person and the county attorney of the county where the
29 person plans to reside upon release or, if no residence in this state is planned, the county attorney in
30 the county where the facility from which the person to be released is located or to the attorney
31 general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written
32 notice shall be given at least 9 months prior to the anticipated release [~~from the maximum sentence~~]
33 *on parole pursuant to RSA 651-A:6, I(c)*, except that in the case of persons who are totally
34 confined for a period of less than 9 months, written notice shall be given as soon as practicable.

35 247:15 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total
36 Confinement. Amend RSA 135-E:4, I to read as follows:

CHAPTER 247
SB 500-FN – FINAL VERSION
- Page 6 -

1 I. In the event that a person who has been convicted of a sexually violent offense is eligible
2 for immediate release [~~from total confinement~~] *on parole pursuant to RSA 651-A:6, I(c), or* upon
3 completion of the maximum term of incarceration, the agency with jurisdiction shall provide
4 immediate notice to the county attorney or attorney general of the person's release. The county
5 attorney or attorney general or the agency with jurisdiction may file a petition for an emergency
6 hearing in the superior court requesting that the person subject to immediate release be evaluated
7 by the multidisciplinary team to determine whether the person is a sexually violent predator. The
8 hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and
9 holidays. The person shall not be released from total confinement until after the hearing has been
10 held. At the hearing, the court shall determine whether there is probable cause to believe that the
11 person is a sexually violent predator. If the court finds probable cause, the person shall be held in an
12 appropriate secure facility.

13 247:16 Effective Date.

14 I. RSA 651-A:6, I(c) as inserted by section 6 of this act shall take effect as provided in section
15 13 of this act.

16 II. RSA 651-A:16-a as inserted by section 8 of this act, and RSA 651-A:19 as inserted by
17 section 10 of this act shall take effect as provided in section 13 of this act.

18 III. Sections 14-15 of this act shall take effect September 1, 2010 at 12:01 a.m.

19 IV. The remainder of this act shall take effect July 1, 2010.

20
21 Approved: July 1, 2010

22 Effective Date: I. RSA 651-A:6, I(c) as inserted by section 6 shall take effect as provided in
23 section 13.

24 II. RSA 651-A:16-a as inserted by section 8, and RSA 651-A:19 as inserted by section 10 shall
25 take effect as provided in section 13.

26 III. Sections 14-15 of this act shall take effect September 1, 2010 at 12:01 a.m.

27 IV. The remainder of this act shall take effect July 1, 2010.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: February 10, 2010

HEARINGS

Tuesday

2/16/2010

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

✓ 2:00 PM SB500-FN

implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

Sponsors:

SB500-FN

- ✓ Sen. Sylvia Larsen
- Sen. Deborah Reynolds
- Rep. Neal Kurk

Sen. Robert Letourneau
Rep. Terie Norelli

Sen. Margaret Hassan
Rep. David Welch

Sen. Peter Bragdon
Rep. Stephen Shurtleff

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **SB 500-FN** – *AN ACT implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.*

HEARING DATE: February 16, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Lasky, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Senator Larsen with Senators Letourneau, Hassan, Bragdon and Reynolds and Representatives Norelli, Welch, Shurtleff and Kurk

What the bill does: This bill makes changes to the sentencing and hearings provisions and the nature and length of supervision used by probation and parole officers for probationers and parolees.

Who supports the bill: Senator Larsen; His Excellency John Lynch; Chief Justice John T. Broderick; Judge Robert J. Lynn representing NH Superior Courts; Attorney General Michael Delaney; Representative Norelli; Senator Letourneau; Representative Welch; Representative Shurtleff; Marshall Clement of the Justice Center at the Council of State Governments (CSG); Senator Lasky; Senator Reynolds; Senator Houde; Senator Hassan; Representative Cushing; Senator Roberge; Assistant Attorney General Ann Rice; Assistant Commissioner William McGonagle; Attorney Catherine Cooper, NHACDL (asking for a few “tweaks”); Jean Metzger, prison volunteer; Richard Ober on behalf of the NH Charitable Foundation (as Vice President of Civic Leadership); Katie Merrill; Chris Dornin; Joe Diamant, DOC; Peter Bearse; Winston H. McCarty; Elizabeth Blanchard, Merrimack County Commissioner; Representative Kurk;

Who opposes the bill: Paul Jacques; Stephen Arnold; Theresa Meyers; Christine McKenna Justin Jardine; Scott Nahodil all representing NEPBA Local 270

Summary of testimony received:

- **Senator Larsen** introduced the legislation and spoke of her involvement with the issues as Chairperson and long-term member of the Interagency Coordinating Council for Women Offenders.
- She explained that their group was the first to invite the Justice Center to this State. She said that these policies would provide for increased public safety while reducing recidivism and that these are accomplished through probation and parole.
- She noted that New Hampshire is already one of the safest states with a low and stable crime rate, and yet we have seen an increase in recidivism and a 31% increase in prison population. Because of this population increase, our costs have nearly doubled.
- She testified that these are important policy objectives which were developed by the Council for State Governments (CSG) Justice Center and that they have been working on this since this past September.
- She asked that Committee members review the 15 page policy brief and indicated that the research shown here reinforces what is known to be true – that we cannot achieve the needed changes within the walls of the prisons alone and resources need to be redirected.
- Senator Larsen thanked the many who have been involved in bringing this forward and those who made certain that all had a voice in the development of this legislation.
- **Governor Lynch** expressed his appreciation for being able to appear in support of this important legislation that is a product of comprehensive review of our corrections system under the leadership of all three branches of our government. He explained that these policies have been fashioned specifically for our State.
- The Governor noted that spending on corrections has doubled from \$50 million to \$100 million.
- He agreed that violent people do belong in prison, but that most of our prison population increases come from individuals who have had their parole revoked. He said that there are proven ways to help this population become productive members of society.
- He testified that the legislation here can reduce recidivism, ensure public safety and focus supervision on high risk offenders. The bill would reinforce truth-in-sentencing, reinvest in behavioral health and provide treatment for those individuals with substance abuse issues.
- He asked that we look carefully at how to best implement these proposals in order to provide a timely release when prisoners complete their sentences and flexibility to prisons to keep those inmates who refuse to cooperate.
- The Governor thanked Attorney General Delaney, Commissioner Wren and all the many others who have worked together on this initiative.

- **Chief Justice Broderick** appeared in support and acknowledged Judge Lynn's active participation on the committee and his presence here. He congratulated the Governor on his leadership and acknowledged the AG's outstanding participation as well as Commissioners Toumpas, McGonagle and Wren, among many others.
- He testified that the current corrections system is not sustainable: and that the recidivism rate in NH is higher than the national average. He noted that reducing costs and increasing outcomes are not mutually exclusive. However, he noted, that doing nothing is not an option.
- The Chief Justice noted that the primary issue has been to address recidivism and that we should be smart about crime, not just tough on crime.
- In commenting on mental health and mental illness, he remarked that success is possible – that lives can be saved and families can be restored. He said that there are more people in our prisons with serious mental illness than there are in our clinics and hospitals – and that we are trying to deal with this population through our Mental Health Courts. Currently 14% of our male inmates and 30% of our female inmates have serious mental illness – and said that it is not a coincidence that people with mental illnesses or substance abuse problems end up in prison. Mental illness too often means joblessness, homelessness, family dysfunction and sometimes prison. He remarked that this legislation brings the subject to the sunlight where it belongs.
- He commented about the 10 mental health centers here in NH who receive 75% of their revenue from Medicaid reimbursement – and that we know far more about heart disease than we do mental illness.
- He said that he particularly hopes we can reinvest some of our savings into services and reminded Committee members that it costs \$32,000 per year per inmate to keep them incarcerated.
- The Chief Justice reminded all present that for every single person in jail or prison, there are a lot of lives connected to them. He said that he knows that recovery is possible.
- He reminded everyone that when we emptied the State Hospital, these individuals did not just go away – but they came back.
- He indicated that the legislation before the Committee today has been very thoughtfully reviewed and that he has not felt more strongly in his 15 years of public life that this bill will affect more people and can save more lives. He closed by noting that the risk here is *de minimis*.
- **Senator Letourneau** appeared in support and thanked the CSG for their assistance. He noted that never before have we had available so much helpful data. He said that NH is the safest state in the union and commented that risk assessment has been around for quite a while. He said that the time is now to stop the alarming

trend of recidivism – that NH does not have more crime and yet the prison population continues to increase.

- He noted that this legislation will provide for better conditions. Instead of dropping individuals out of prison at the end of their sentence, starting 9 months ahead of time, they will be worked with in order to successfully transition back into society.
- **Speaker Norelli** acknowledged the great number of individuals here today in support of this legislation and the fact that as a State we are fortunately to have been able to work with CSG to make some very good policy decisions.
- She said that this legislation is bi-partisan, bi-cameral, multi-branch and multi-agency with the benefit of significant cost savings while improving public safety.
- **Representative Welch** spoke of his background in both the House Criminal Justice Committee as well as prior service at the county level with the Jail Sub-Committee for Rockingham County.
- He said that he became very aware that the recidivism rate was increasing and that there was a lack of progress both within the prison and outside. He said that we need to begin programs on the inside and then continue them when they get out.
- **Attorney General Delaney** testified in support and “boiled the legislation down” stating that Justice Reinvented is fundamentally a public safety initiative here in NH and perhaps the most important policy we’ve undertaken. He said that it will increase public safety by making us smarter and tougher on how we deal with prisoners. It will help us deal with prisoners who have co-occurring disorders such as substance abuse and mental illness.
- He noted he had served as chairperson for the past five months and the work that the committee had accomplished through development of strong state partnerships. He spoke of the data made available through the NH Center for Public Policy Studies and that they committee had sought input from hundreds of groups, including county attorneys, victim advocates, sheriffs and many others.
- **Marshall Clement** explained the work that has been undertaken and how they took a hard look at the challenges our state faces.
- He noted three key factors have contributed to the growth of NH’s prison population:
 1. Rising recidivism rates (has increased 50% since 2000);
 2. Few resources to sanction and to treat people under community supervision;
 3. Inefficiencies in the parole process (holding people in prison after they have completed their minimum sentence, resulting in an estimated cost of \$20 million annually).
- He testified that there has been no increase in the number of new sentences since 2000, but that the increased numbers in prison are from parole violations.

- Two-thirds of our prisoners are non-violent criminals, mostly property and drug offenses.
- Two counties – Belknap and Sullivan – send a significantly disproportionate number of people to prison each year. Belknap County has 5% of the residential population and 8% of prisoners; Sullivan County has 3% of residents and 11% of prisoners.
- He also noted that with probation supervision, where individuals are revoked to county facilities, they have also seen a significant increase in numbers.
- The number of individuals on probation supervision has increased 26% between 2000 and 2009 and the number on parole has experienced a 93% increase during the same period – and yet the PPO staff has not increased at all causing a significant increase in caseloads.
- In NH, no state dollars are appropriated for electronic monitoring, rapid drug testing, substance use treatment or intermediate sanction facilities to monitor, treat or sanction people on parole and probation.
- In 2009, 224 individuals were released from prison with no supervision whatsoever – the worst possible situation. These are individuals who did not participate in programs and therefore served their entire sentence.
- He explained that the legislation has three goals:
 1. Reduce the costs spent on corrections;
 2. Reduce recidivism;
 3. Increase public safety.
- He said that there are six prongs here:
 - A. Focus community-based supervision resources on high-risk offenders;
 - B. Use short, swift and certain sanctions, including jail time, to reduce crime and revocation rates among people sentenced to felony probation;
 - C. Establish an intermediate sanction program and a designated parole revocation facility to respond more effectively to parole violations;
 - D. Ensure that high-risk probationers and parolees with serious addiction and/or mental health disorders are monitored with rapid drug tests and have access to treatment programs;
 - E. Ensure everyone leaving prison receives at least nine months of post-release, community-based supervision;
 - F. Reinforce truth-in-sentencing by requiring nonviolent, property, and drug offenders to serve 100 to 120% of their minimum sentence.
- The outcomes will be to decrease the population by 590 men and 56 women and 50% of the savings to be invested in treatment and supervision.
- Senator Reynolds asked about the Arizona experience. Mr. Clement responded that they have data for 12 states now: in

Kansas and Texas, the programs were instituted in 2007 and they have experienced a drop in parole violations and reconvictions with a total savings among the 12 states of around \$80 million over 7 years.

- Senator Reynolds asked what happens to the crime rate. Mr. Clement responded that it has continued to decline.
- Senator Letourneau asked if the proposal is wrapped around non-violent offenders. Mr. Clement responded yes, that Option F deals with non-violent offenders.
- **Assistant Attorney General Ann Rice** walked the committee through the legislation. She explained that section 1 contains the findings with section 2 outlining the intent. Section 3 provides substance in order to allow short and swift sanctions, it authorizes probation officers to require specific days and dates to serve in a house of correction – and the offender agrees to waive their due process rights. Section 4 deals with option A, in order to target supervision: only those who are not high risk offenders and have not offended during their supervision. Section 5 has a definition of terms and 6 expands the conditions when someone is paroled (minimum sentence). She noted that violent crimes such as kidnapping, incest with a minor, child pornography and others will not be eligible under this program. Section 7 has intermediate sanctions (option C) and 8 establishes the committee to set up one or more places of intermediate sanctions for the community-based program. Section 9 is how the program would work, spelling out that the parolee is entitled to an immediate hearing and then a due process hearing which they would have to waive in order to participate; Section 10 deals with if the person is recommitted to the prison; section 11 is how a prisoner can gain credits; section 12 provides for the sentencing court Judge to authorize swift and certain sanctions for not following probation requirements; section 13 has multiple effective dates.
- Senator Letourneau asked Mr. Clement to respond about the most common types of violations. Mr. Clement said that these are failure to complete programs and drug and/or alcohol use.
- Senator Lasky asked about the number of halfway houses. Attorney Rice responded that we have two for men and one for women. Mr. Clement remarked that they will be setting aside 20 beds that would allow for 1,000 parolees annually.
- **Representative Kurk** appeared in support and articulated that as drafted, this bill provides for no additional costs. He noted that were we to adopt other treatment segments in the future, it is with the full understanding that as put forward, there are no additional costs – and there is no mandate in this bill that requires treatment.
- **Assistant Commissioner William McGonagle** testified in support and noted that the Justice Center is not a neophyte to this considerable problem we are facing. He noted that the efforts of this group could not possibly come at a better time.

- Last summer the Division of Community Corrections was created and Joe Diament is the Director. Within this, counselors and positions are being created to augment the PPOs in district offices.
- The funding came because they were named as a winner of a Second Chance Act. This is administered through the NH Charitable Foundation who allows them to test out some of the concepts in Merrimack County. He acknowledged that staff cannot be everything to everyone, especially without much-needed tools. This will enable them to use resources more effectively and provide services to this clientele.
- As they work toward their goals of reducing corrections costs by reducing the prison population, they hope this can result in planned closures of certain units. They can then reinvest some of these savings and a primary impact would be in enhanced safety to our communities.
- **Paul Jacques**, speaking on behalf of a number of Probation and Parole Officers, appeared in opposition. He said that his group is not opposed to releasing offenders but that they are concerned with the availability of resources. He explained that their caseloads are astronomical and that they are supervising around 150 inmates each. He said that when cost-savings resulted in losing case technicians and secretaries, they picked up additional duties.
- He said that the concern is that this legislation will result in them being expected to do more with less – with no added resources to supervise these offenders.
- In responding to drug or alcohol violations, he commented that he can guarantee there will be many instances of these violations and that they usually are a precursor to a violent crime. Yes, these are technical violations, but their occurrence does not mean in every instance, the inmate will be sent back to prison.
- He noted that it can take as long as six or eight weeks to get someone into a treatment facility and that this can be complicated by new criminal activity.
- He reminded the Committee that they must supervise these individuals with no resources available.
- Senator Reynolds asked him about the “collection piece.” Mr. Jacques responded that they are now required to collect moneys from fines and restitutions, in addition to supervising the parolees. He said that with recent cutbacks, this burden fell to them. He acknowledged that they do support trying to find new ways to reduce the taxpayers’ burden.
- **Attorney Catherine Cooper**, NHACDL, testified that overall they do support this legislation and the rationale behind it. She was a bit cautious and noted that giving treatment to low-risk offenders can actually cause them to reoffend in some cases.
- Attorney Cooper pointed out a couple of concerns with the current wording and noted that anytime someone could be given jail time, they are entitled to legal counsel, a fundamental principle that

never goes away. She asked that the language be amended on pages 2 (1-6) and 4 (lines 1-4 and 26 – 29) to reflect this. She requested that this please be addressed before the bill passes.

- She acknowledged that it is certainly possible to waive the right to counsel.
- She said that they have some issues with 1 to 5 day incarceration with the elimination of judicial oversight on most violations.
- On page 2, line 2, “before he or she is incarcerated” needs to be inserted at the end of the sentence.
- She asked that the person be brought back to court to take out the treat of incarceration from the decision-making – but that immediate incarceration can still be done by the court.
- She again stated that other than these “tweaks,” they do overall support this legislation.
- Senator Reynolds asked about the right to counsel. Attorney Cooper responded that the defendants need to be told that they have the right to counsel, otherwise they may not think of their attorney being there to act on their behalf.
- Senator Letourneau noted that there is nothing in the bill that says that don’t have the right to counsel. Attorney Cooper responded that when they are waiving their right to a due process hearing, they could also waive their right to counsel at the same time – but it needs to be articulated.
- **Jean Metzger** testified in support based on her experience as a religious volunteer in prisons since 1991. She congratulated those who have brought this forward and spoke about the costs of reprocessing people and the incentives to “shape up” quickly. She spoke of the importance of community support services, and emphasized the need for drug and alcohol and mental health programs, especially at a time when many of these programs are in trouble financially.
- She said that it would be very helpful if these people could get life skills training and decision making process skills before they are released.
- She noted that too often it becomes easier to just send these people back to prison, rather than help them work out their issues.
- **Richard Ober** testified in support and as a member of the Citizens Committee on the Courts. He said that they have seen first-hand how increased correctional costs have crowded out funding for other needed programs here. He noted that resources for the non-profit organizations are just as strapped in this economy.
- Through the work at the Charitable Foundation, they have determined that addiction is a major driving factor – and that this legislation comes forward at a watershed moment.
- He noted that together they can apply for federal grants to establish support for people coming out of prison. He said that these grants are time-limited.

- The Justice Center will continue to be involved during the next two years as this program unfolds. He was concerned that if we fail to take advantage of this opportunity now, it is not likely to happen again.
- In response to Mr. Jacques' testimony, he emphasized the importance of reinvesting savings back into community treatment.
- He said that a critical part of the legislation is to assure that reforms are in place.
- **Chris Dornin** testified as a retired State House reporter who has become active in criminal justice reform. He commented that Jean Metzger recruited him to volunteer at the prison.
- He had two suggestions to the Committee: to use all of the savings back into the system and noted that preventing the construction of a new prison wing in Berlin or a new prison elsewhere is unsustainable – And that if this works in the next few years, then consider opening this up to others within the prison population. He said that if the Committee wants to prevent recidivism, then we need to afford this opportunity to those individuals we are afraid of.
- Senator Letourneau asked if Mr. Clement could please come back to respond to the comments by Mr. Jacques.
- Mr. Clement said that he echoes the concerns that the current caseloads are much too high. He said under Option A, this is tailored to address those concerns (where supervision is front-loaded). He said that under this scenario, it is estimated that ¼ to 1/3 would no longer need active supervision. He said that this will bring caseloads down somewhat and would address some of the concerns.
- Senator Reynolds, in acknowledging that she does know some folks in PPO and corrections who have been expected to do more with less and asked if this will change. Mr. Clement noted that in the last ten years, there has been a significant increase in numbers with no increase in the number of positions but that this has been a long-term problem which has been growing for years. He said that there will be a graduate impact.
- Senator Reynolds asked if this is enacted, does CSG continue to help. Mr. Clement responded that if the legislation is enacted, they do have resources available for analysis and implementation of phase 2, then tracking intermediate outcomes.
- Senator Reynolds asked how long do they usually stay. Mr. Clement responded one to three years.
- Senator Letourneau commented that if we do nothing, the caseloads for probation and parole officers will only continue to go up. Mr. Clement agreed.
- **Peter Bearse** testified in strong support. He said that there is a sore need for transition assistance. He asked the Committee members to please view this as a demonstration program and that

they realize the need for the new Division of Community Corrections to establish linkages with this initiative.

- He challenged the Committee that as this moves forward, rather than focusing attention on the transfer program, they begin to focus attention on the internal prison system.
- He closed by saying that the prison system as a whole serves as a vehicle of punishment and not as a vehicle of reform.

Fiscal Impact: See Fiscal Note.

Action: Senator Letourneau moved "Ought to Pass." Senator Roberge seconded the motion. The Committee voted 5 to 0 in support of the OTP motion. Senator Reynolds will report the bill out of Committee.

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[file: SB 500-FN]

Date: February 22, 2010

JAB

New Hampshire is one of the safest states in the country and we have had a low and stable crime rate over the past decade. Yet, during this timeframe, we have seen rising recidivism rates and a decline in resources available to provide mental health and substance abuse treatment for parolees and probationers. New Hampshire's prison population increased by 31% and our state spending on corrections nearly doubled between 1999 and 2009.

Late last spring, I joined Governor Lynch, Speaker Norelli, Chief Justice Broderick and then-Attorney General Ayotte in requesting intensive technical assistance from the Justice Center at the Council of State Government. The Justice Center has a successful track record of working with states to develop state-specific research, analysis and policy options that reduce spending on corrections and reinvests those savings on better public safety outcomes. Since September, I have had the privilege to work with the Justice Center staff and with an inter-branch work group whose diverse and talented members you see represented today. Senator Letourneau, in fact, was also an active member of the group and I thank him for his continued commitment to work in a constructive and bi-partisan manner.

The result of our work over the past five months is represented in the policy framework enabled by SB 500. I urge you to review the 15-page policy brief entitled "Justice Reinvestment in New Hampshire". This report underlies changes for which I am asking your support. The research enforces what we all know to be true – the solutions to criminal justice problems we face cannot be addressed within the side walls of our jails and prisons alone, but instead we need resources directed to our communities with appropriate support and supervision. While the bill does not put immediately dramatic community support increases in place, this legislation puts us on a path to achieve more effective corrections outcomes. Savings are there to be had, but I would remind all of us that this is justice reinvestment to bring about long-term wise expenditures of our corrections policies.

I want to further recognize the dedicated and collaborative leadership of all of our state's leaders – the Governor, Speaker, Chief Justice and, in particular, Attorney General Michal Delaney, who has chaired the Justice Reinvestment work group, has been diligent in keeping us moving forward with an ambitious work plan toward the goal of improved public safety and more effective corrections involvement and investment, and who has made certain that all affected constituencies – police chiefs, sheriffs, judges, prosecutors, defense attorneys, victims' advocates and county officials – have had a voice in the development of these recommendations.

I look forward to continuing this work with both Republican and Democratic colleagues in the Legislature in moving SB 500 forward. I thank you for your

attention and, in the spirit of inter-branch cooperation, I would move aside to allow our experienced, supportive and good Governor, John Lynch and I thank you all. I will be around to answer questions and happy to answer any immediate questions right now.

Senator Deborah R. Reynolds, D. 2: Thank you, Senator Larsen. Any questions? Seeing none, thank you very much.

Senator Sylvia B. Larsen, D. 15: Thank you.

Senator Deborah R. Reynolds, D. 2: I would like to call the Honorable John Lynch, Governor of the State of New Hampshire. Welcome, Governor.

John Lynch, Governor: Well, good afternoon, everybody. Good afternoon, Madam Chair and members of the Judiciary Committee. I appreciate Senator Larsen's remarks and I appreciate the opportunity to appear before you today in support of SB 500.

This legislation, as Senator Larsen has just noted, is really the product of a comprehensive and data-based review of our corrections system that began last fall through the generous support of the Justice Center of the Council of State Governments and the PEW Foundation, with the involvement of a bipartisan state leadership team that draws from all three branches of state government.

My primary goal from this process has been to improve the safety of our citizens and to ensure that we are using taxpayer dollars as efficiently as possible. The work of the leadership team to date and the work that is now ahead of all of us is fashioning and implementing the policy recommendations that are right for New Hampshire. We must keep New Hampshire one of the safest states in the nation.

Even though New Hampshire's crime rates have remained low and stable for the past decade, the prison population has increased by over 25%. At the same time, as Senator Larsen said, spending on corrections has nearly doubled from \$50 million to \$100 million. Now, let's be clear. Violent felons belong in prison and some criminals should and will stay in prison the rest of their lives. But, most people who enter New Hampshire's prison system will complete their sentence and be released at some point. But, right now, more than half of the State's prison admissions in 2009 were people whose probation or parole supervision was revoked. To make New Hampshire safe and to reduce corrections costs, we have to do more to ensure that released offenders become productive members of our society and do not return to prison. Spending our dollars indefinitely into the future to withstand prison

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capacity, as I underscored in my state of the state address, will not accomplish these goals.

The Justice Reinvestment Center leadership team headed by Attorney General Delaney has recommended SB 500 as the framework for implementing strategies that will reduce recidivism and at the same time advance public safety. The policy recommendations reflected in SB 500 provide a strong starting point for reforming New Hampshire's laws to improve public safety and at the same time to reduce recidivism, focus supervision of high-risk offenders, application of swift and certain jail sanctions for probation and parole violations, reinforcement of truth-in-sentencing by requiring all offenders to serve no less than one hundred to one hundred and twenty percent of their minimum sentences, and reinvestment in behavioral health and treatment programs for high-need and high-risk parolees and probationers. These and other recommendations are all measures that we need to examine as we work to make New Hampshire safer and our corrections system more cost effective.

We need to look carefully at how these recommendations should best be implemented so that they work for New Hampshire. For example, it makes sense to ensure that most inmates are released on a timely basis when they complete their sentences. However, I would encourage you to provide some flexibility to the Commissioner of Corrections to keep in the prison system inmates who refuse to participate in the programming or who may represent a risk to their community.

I expect that corrections and law enforcement communities, the judiciary and others will provide their own input to this committee and I know you will provide your best judgment on this legislation as well. I wish to extend my appreciation for the considerable efforts of the Justice Center, the New Hampshire Charitable Foundation, Chief Justice John Broderick, Commissioner Wrenn and his staff, the Attorney General and all of the members of the Justice Reinvestment leadership team who have devoted their time and attention over the past several months to focus on the steps that we should be taking as a state to reduce recidivism in our prisons. I particularly wish to acknowledge the hard work and the long hours put into this effort by Marshall Clements and Marc Pelka at the Justice Center.

We can't delay making progress and reducing recidivism. We should move forward, I believe this legislative session, in a bi-partisan effort with those recommendations that are right and appropriate for New Hampshire. If we continue to focus our efforts and work together, I believe that we can take advantage of the good work and generous support of the Justice Center and

the PEW Foundation and make real progress in further enhancing public safety here in the great state of New Hampshire.

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Thank you very much, Madam Chair. I am happy to answer any questions that people have.

Senator Deborah R. Reynolds, D. 2: Thank you, Governor Lynch. Any questions?

Senator Robert J. Letourneau, D. 19: I think I will pass on that opportunity.

Senator Deborah R. Reynolds, D. 2: Seeing none, thank you, Governor Lynch.

Governor Lynch: Okay. Thank you all very much for all that you do. Thank you.

Senator Deborah R. Reynolds, D. 2: Our next speaker is Chief Justice Broderick. Welcome, Chief.

Chief Justice John Broderick: Good afternoon. For the record, my name is John Broderick and I am the Chief Justice of the State Supreme Court. I haven't looked behind me since I came into the room, but I think Judge Lynn may well be with us. He is the Chief Justice of the Superior Court that has been active on this committee.

Let me begin by congratulating Governor Lynch and thanking him for his leadership on this very important matter. I want to thank the Attorney General who has been outstanding, Senate President, the Speaker, Senator Hassan, Commissioner Toumpas and especially Commissioner Wrenn and Deputy Commissioner McGonagle. I have come to know them both and I have just enormous respect for them. New Hampshire is lucky to have both of them.

Today, I think is an illustration of something I believed all my life – real change, meaningful change, never happens in the shadow of a small idea. The idea here today is a large idea and I support it fully.

I want to thank the members of the Justice Center of New York, Marshall Clement and Marc Pelka and Mike Thompson, without whom none of us would be here today.

Having studied this issue with my colleagues for some time, I feel comfortable in saying to you that the current corrections system, as currently designed and operating is not sustainable, is not sustainable. Recidivism rates in our state are increasingly higher than national average. I'm almost persuaded that it is possible to lower costs while improving public safety. Those are not mutually exclusive ideas; indeed, they go hand in glove, as the Governor indicated. Doing nothing, I respectfully suggest, would be a very bad idea. The costs will go up, new jails will be built. It is like Field of Dreams - if you build them, they will come. They will come.

The principle issue of this task force has been to address recidivism, which is a costly thing. I think it is time for everyone to be smart about crime, not just tough on crime. I am here today to generally support the legislation, but most especially I am here today on issues affecting and dealing with mental health and mental illness. I know something, sadly, about those issues. I also know that success is possible, that lives can be saved with attention and that families can be restored with intelligence.

There are more people in our jails and prisons across the United States of America with serious mental illness than there are in mental health hospitals and facilities. It is a huge driver of costs, a huge driver of recidivism. People with mental illness, sadly, are the last often to know that they have mental illness. We are trying to deal with it in the court system, as you may know, with mental health courts. The problem is huge and the cost is growing larger every day. We have a name for people with mental illness in our society. We call them brother, father, mother, sister, son, daughter, cousin, aunt, uncle and sometimes injuries. And, sometimes, me. It is everywhere, folks.

Nationally, fourteen percent of male inmates in the United States have serious mental health problems. Over thirty percent of female inmates are so afflicted. Think about that number. 2.2 million people in our jails and prisons. It is not a coincidence that people with mental illness and substance abuse end up in the same place - jail or prison. They self-identify and I respectfully suggest that the problem can be addressed more efficiently than it has been today.

Mental illness often leads to homelessness, joblessness, family dysfunction, and sometimes prison. We can all pretend that doesn't happen or that it won't happen to us or respectfully we can finally bring mental illness into the sunlight where it belongs and deal with it, deal with it. The State Corrections budget is about \$104 million a year, about \$1.5 million to \$2 million spent on mental health. Most of the people in the state prison go home in two to four years. Often they don't have a job or place to live, a

community mental health center that can deal with them and they come back. How would you do without a job, mental illness and felony record and no mental health treatment? It is not a shock. To me, it is not a shock.

We have ten community health centers in New Hampshire and the Justice Center people will tell you, as the report suggests, that mental health is best dealt with in the community. We have ten community mental health centers in New Hampshire to my knowledge. 75% of their revenue comes from medicaid reimbursement and the State of New Hampshire is cutting the rate of reimbursement. There is no free lunch. You will pay for it later. You will pay for it later.

Mental illness is the leading cause of disability in the United States and Canada for people between the ages of fifteen and forty-four. We know more about heart disease than we know about mental illness, but nobody wants to talk about it because then you have to deal with it. This report that I'm here to support today is making a genuine effort to deal with it and I hope it is successful. I particularly hope that when you look at this report, you see that you can save more money if you don't reinvest some of your savings, but I urge you to reinvest some of your savings because, if you don't, you will be missing opportunities and you will pay the cost of those missed opportunities at \$32,000 a year to incarcerate folks.

I also know, I also know that, for every single person with mental illness, in jail or not, there are a lot of lives connected to their lot, a lot of lives that love those lots and I also know from my personal experience in life that recovery is possible, that diableries are conflicted with mental illness and we see them in a one dimensional way as inmates. That doesn't mean they are all nice people, but it does mean a lot of them are ill. When we emptied our state hospitals, they didn't go away; they came back, many of them, because they are homeless or they are in jail. That foundation is not a winning formula for the 21st Century.

Let me conclude by saying the legislation before you has been thoughtfully reviewed. The primary goal of this commission from my vantage point has been to make serious reform while ensuring, if not improving, public safety. I think the Attorney General has paid close attention to that and I credit him for it. I have not felt more strongly in my fifty years in public life that any piece of legislation that I have had the privilege to testify on is more important than this, will affect more lives than this, and will save more futures than this bill. So, I encourage to respectfully give it your full attention and to take some risk. Safety is costing everyone too much money. We can't be so risk aversive that we won't take a risk. The risk here is de minimis. The upside gain is enormous. Thank you for listening.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Mr. Chief Justice. Any questions? Seeing none, thank you for your testimony. The next person I would like to call is Senator Robert Letourneau, one of the co-sponsors.

Senator Robert J. Letourneau, D. 19: Good afternoon, Madam Chairman, members of the Committee. For the record, I am Senator Bob Letourneau, representing District 19, the Towns of Derry, Hampstead and Windham. I would like to begin by saying thank you to the CSG Justice Center, particularly Marshall Clement and Marc Pelka who worked tirelessly and almost took up residence in our state over the past six or so months. They have done an amazing job. Never before have we had as much data as we have now to observe our shortfalls. While we are the safest state in the union and have been for quite a while, we have doubled our spending, as you have heard previously, in corrections over the past decade. Risk assessment has been around for quite a while and this risk assessment is improving with the computers and the modern digital age, being able to crunch numbers, but still human hands have to put it all together. I can tell you that Marc and Marshall did an amazing job putting those numbers together. Some of the records were very, very difficult to get out of the lockers, shall we say.

This bill will provide us with an opportunity to correct the problems that we have identified as a result of this data. We can probably stop this alarming trend of continuous recidivism. We are not having more crime in the State, but yet we are sending more people back to prison for parole violations and probation violations. This is costing both the state and the counties an incredible amount of money.

The Justice Center has provided us with a package that is balanced and will, it seeks to increase public safety by reducing the number of people who fail to complete their probation or their parole. The conditions are going to be a lot better. Instead of just dropping somebody out of the prison system at the end of their maximum sentence, we will let them go nine months ahead of time and have a program to watch and follow them as they go along. This will greatly improve their chances of being able to stay out of prison in the future.

There is a lot more data that is going to be presented by speakers behind me. I don't want to steal everybody's thunder and I certainly can't compete with the articulate discussions we just had from the Chief Justice and the Governor, but I can tell you that the committee, the leadership committee on this particular issue, has worked hard and long on this issue and come up with what I think is a very good program. Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Senator Letourneau. Any questions? Seeing none, thank you for your testimony. I would like to next welcome and recognize Speaker Terri Norelli.

Speaker Terri Norelli: Thank you, Madam Chair and members of the Committee. As Representative Letourneau said, there are a lot of people here with lots of information. So, I want to take just a minute to say that here in New Hampshire we are extremely fortunate that we had the resources through a grant to work with the Center for Justice at CSG to take a really hard look at data and analyze that data to be able to share with us important information that would allow us to make some very good policy decisions.

I am very, very pleased that we now stand with an opportunity that is not only bipartisan and bicameral, but multi-branch and multi-agency opportunity to really do something very positive for our state, positive in the sense that we have an opportunity to improve our public safety and positive because, in addition to that, we have the benefit of being able to save significant dollars. So, what could be better than a package that has Democratic and Republican support, that has Judicial and Attorney General and Executive Branch and Legislative Branch and county level and corrections level support that will improve our public safety and that will save us dollars? I think this is an opportunity that we should not pass up. That's it.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Madam Speaker. Any questions? Seeing none, thank you very much for your testimony. I would like to call Representative David Welch.

Representative David Welch: Thank you, Madam Chair. For the record, I'm Representative David A. Welch and I represent Rockingham District 8. I have been for quite a while, twenty-six years, to be exact. I started my service at the county level as a jail subcommittee member back when the jail was less than \$4 million and now this year it is \$11 and it goes on from there.

During my years on the Criminal Justice Committee, in dealing with prison issues, I became very much aware of the fact that the recidivism rate was increasing and that there was a lack of programming within the prison and certainly outside of the prison. What this bill will do is initiate programming for those people who are about to get out and continue it when they do get out, which I think will make a big difference in our future in this state.

I know the folks who are going to follow me will walk you through the bill, so I think I will end right here. Thank you very much.

JRB

JMB

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Any questions? Seeing none, thank you for your testimony.

I just want to note there are a number of other legislators who have signed in in support. Senator Bette Lasky has signed in in support, does not wish to speak. Senator Reynolds, myself, signed in in support, does not wish to speak. Senator Hassan is signed in in support, does not wish to speak. Representative Robert Cushing is here signed in, but does not wish to speak. Are there any other House members who I have not listed or identified? If not. I'm sorry. Representative Shurtleff, welcome. I apologize. Signed in in support, does not wish to speak.

At this point, I would like to welcome Attorney General Mike Delaney and Attorney Rice. Please feel free to come forward together. And, Marshall Clements of the Justice System, who I think is here. Welcome, Marshall and thank you for all of your help to us in New Hampshire; we really appreciate it. Welcome.

Attorney General Mike Delaney: Thank you. Good afternoon, Madam Chair and members of the Committee. My name is Attorney General Mike Delaney. I am pleased to be joined this afternoon by Associate Attorney General Ann Rice and Marshall Clements of the Justice Center. I am going to speak briefly regarding this legislation and then turn it over to Ann and Marshall to walk you through some of the nuts and bolts of both the legislation and the policy framework from which it originated.

In connection with the proposed legislation that you are considering this afternoon, if I were asked to boil the proposed legislation down to its essence, I would say that justice reinvestment is fundamentally a public safety initiative in the State of New Hampshire and arguably one of the most important public safety initiatives pending before the General Court this session. We will improve our public safety in New Hampshire if we reduce our recidivism rate so that people are not re-offending in our communities. We will improve public safety if we are smarter and tougher in how we supervise individuals on probation and parole, and we will improve public safety if we help our law enforcement community to more effectively deal with the often co-occurring disorders of substance abuse and mental illness in our communities and in our criminal justice system. This legislation can do just that.

I have been pleased and honored to serve as the Chair of the Justice Reinvestment leadership group that has been actively working on this initiative for the past five months. You have heard that it has been truly a

bipartisan effort, an inter-ranch process. It has been an intensive process for five months, and just to lay some of the groundwork for the presentation by Ann and Marshall, we have developed strong state partnerships. Governor Lynch mentioned our collaboration with the New Hampshire Charitable Foundation, which has been a key partner in this initiative. We have conducted intensive data analysis that has looked at the Department of Corrections, at our county data. We have reached out to the New Hampshire Center of Public Policy studies to gather the data and input that they have generated over the years.

In addition to reviewing the data, we have really sought the input from hundreds of state, county and local law enforcement, public safety and criminal justice officials throughout our communities. We have met and have conducted focus groups with the county attorneys, with the victim advocates, the county superintendents, the public defenders, legislators, Superior Court and District Court judges, probation and parole officers, policy chiefs, sheriffs, behavioral health treatment providers in our communities, our wardens at both the state and the county level and we have incorporated their thoughts and considerations in working with the Justice Center evaluating our policy options in New Hampshire and we are very pleased to be here this morning to overview the proposed legislation that has been submitted for your consideration and the policy framework from which it comes.

Thank you very much for your time.

Senator Deborah R. Reynolds, D. 2: Thank you very much.

Marshall Clement: Thank you, Madam Chair and members of the Committee for your time and attention. Certainly, as the previous speaker has noted, one of the reasons why myself, Marshall Clement, the Justice Center and my colleagues are so excited to work here is simply because of them and the type of leadership from all three branches and both parties and both chambers of the Legislature to take a hard look at the challenges that your state faces in the criminal justice system and make data driven and research based improvements to that system to advance public safety and reduce recidivism and reduce costs.

I want to talk quickly. Attorney General Delaney reviewed some of the process that group has gone through in reviewing data and considering input from a wide range of criminal justice stakeholders. In some, as you have heard, although your crime rate has been low and stable over the past ten years, your prison population has increased 31% and spending on corrections has doubled. Three key factors we identified driving that growth in the state

correctional system. First, you have seen rising recidivism rates. The number of parolees who fail on supervision and are revoked by state prison, I think reached 50% since 2000. Second, there are few resources available in the community for probation and parole officers to utilize in order to sanction and to treat people who are on probation and parole supervision. Resources to provide substance abuse and mental health services, as well as to have drug testing and monitor compliance and conditions are scarce. Third, inefficiencies in the parole processes leave many people to be held in prison unnecessarily after they have served 100% of their minimum sentence, creating enormous cost to taxpayers.

Additional key data that hasn't been mentioned to date, a number of people sentenced to prison for committing a crime as opposed to a prison mission for parole or probation revocation has not increased significantly. There has not been any increase in people sentenced for new crimes to state prison since 2000 and that is not a driver of your system. The only areas in which we have seen increases in admissions since 2000 have been around primarily for revocation. A number of people on parole supervision have already served their term of incarceration for failing under supervision and return, either for violating conditional supervision or for new act of criminal behavior.

Overall, New Hampshire's prison population is made up mostly of non-violent offenders. Nearly two-thirds of people who are sentenced to prison for committing crimes in 2009 were convicted of a non-violent property or drug offense in part due to your low crime rate. Most of the crime in New Hampshire is property and drug offenses. People who are revoked from parole supervision are the fastest category of admission; much faster growth in that category than most other states during this time period. People on parole or probation supervision who have not been sentenced to a term of incarceration in state prison are revoked at high numbers as well. Most are revoked to the county facilities.

So, when we look at the success or failure of people on probation and parole supervision, most parolees from the state prison, most probationers come to county houses of correction or jails, imposing significant cost for county jails and superintendents where they have seen significant increases over the same time period in their prison population. The extent of people who have failed, either for revocation or for a new crime from 2003 to 2005, according to Department of Corrections data have increased from 40% to 51%. Nationwide, the average recidivism rate and the number of people who have failed within that three-year period after being released from prison is about 40%, about where you were in 2003. But, in just two short years, the number of people that were returned to prison after being released in 2005 increased to 51%, a much higher rate than we see nationwide.

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Unlike many other states that we have worked in and other states we have examined, New Hampshire is unique in that no state dollars, no general fund dollars are appropriated to the Department of Corrections for electronic monitoring, for rapid drug testing, for substance abuse treatment or for intermediate sanctions. It is a wide range of tools of treatment and supervision tools that we know are necessary from the research in order to reduce recidivism and reduce the risk that these individuals pose to public safety. Without those resources and provisions, parole officers have few options other than to ignore behavior or to revoke someone to a county facility or to the state prison.

Finally, we found that 224 individuals were released from prison in 2009 without any supervision or follow-up because they have maxed out their entire sentence in state prison, either serving their entire term without being released or having been released and returned on parole revocations. In either case, it is the worst possible scenario for public safety when you have an individual who has been held that long for one or more reasons, either because they were not compliant with their parole officer, they did not want to be on supervision and preferred to serve their term in prison, or they did not participate in programs to be released back into the community without any ability of the State to monitor that individual, to require them to attend programs or be able to sanction them if they do not comply with conditions of supervision.

In summary, we established a policy based on this data and the research that we know works and has been successful in other states. The three goals and policy framework established by the leadership team were to reduce spending on corrections. Second, to reinvest in sanction and treatment programs that we know will increase the probation and parole officers' ability to reduce recidivism and third, to increase public safety through those means. There are six policy options outlined in the report and in the legislation. The first is to focus on high-risk offenders. Currently, we know people under supervision, some pose little risk to public safety and are less likely to reoffend; others are high risk. Through the use of objective and validated risk assessment tools, probation officers can focus supervision of resources on those that are most likely to reoffend.

Second, policy application B is to use short, swift and certain jail sanctions for probation violators. Currently, people who are on probation supervision who violate the conditions of supervision are held in county jail facilities pending a probation revocation hearing. Two-thirds of those cases, after ten or thirty days in jail, the judge puts that person back on probation supervision. We know from the research and work in Georgia and Hawaii

and other states a short, swift jail sentence imposed through administrative mechanisms, not by the judge, but rather by the probation officer, would have a better impact on public safety and at a lower cost to the county facilities.

Policy Action C would establish intermediate sanction programs and designated parole revocation facilities and a standard period of parole for parole revocation in the state prison. It would take ten beds of your state prison facility and halfway houses and designate them as an intermediate sanction program to apply the same swift and certain sanctions to parole violators who have minor violations of supervision. And, it would designate a particular portion of your facility as a parole revocation facility where anyone brought back to prison for parole revocation would serve a ninety-day stay with targeted treatment program designed to get them reengaged in parole in the community.

Policy Action D would reinvest in treatment for high-risk, high-need probationers and parolees. We did an analysis of what treatment dollars would be required if you were to serve all high-risk, high-needs probationers and parolees in the state that we provided the leadership team.

Policy Action E would ensure that everyone released from prison receive at least nine months of supervision. So, instead of having a scenario in which two hundred plus individuals are released from the state prison without any supervision, to sort of require a period of time prior to that max out date to be served in the community under intensive supervision.

Finally, Policy Action F would require only non-violent offenders to serve 100 to 120 percent of their minimum sentence plus any disciplinary time that the Commissioner of Corrections has discretion to impose on top of that.

The outcome from these policy options we estimate would first, it would reduce the prison population by 595 men and 56 women by 2015, a fairly low and gradual decline as these policies have an impact and the reduction of recidivism sends less offenders back to the state facilities. Second, it would suggest that 50% of the savings this plan generates be reinvested in treatment and supervision to further increase public safety and third, it would result in reduction of revocations from parole by 40% and probation by 20% by 2015.

I would be happy to answer any questions. Thank you.

Please see Justice Center's submission "Justice Reinvestment in New Hampshire", attached hereto and referred to as Attachment #1.

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Senator Deborah R. Reynolds, D. 2: Thank you very much, Marshall. Thank you for all the work that the Council of State Government does. I just wanted to ask a couple quick questions. I think the CSG's work in Arizona; you had a similar project in Arizona is my recollection.

Mr. Clement: Right.

Senator Deborah R. Reynolds, D. 2: Could you maybe speak to that briefly, what the success of that was? Wasn't that a really high crime state in the country?

Mr. Clement: Right. It is one of the highest crime rates in the country. We worked in twelve states in addition to New Hampshire applying the same kind of data-driven analysis and policy process with a similar type of bipartisan group that you have established here in New Hampshire.

In Kansas and Texas, where we worked in 2007, two states we worked initially, both have seen significant positive benefits from applying this data and policy work to the challenges they are facing.

In Kansas, parole revocations dropped 48% and reconviction rates for people on parole supervision dropped 26% over the time period studied. They were able to see a 7% decline in their prison population instead of what it was projected to do, which was grow 26% over the next ten years at a cost of half a billion dollars. As a result, they are saving about \$80 million over the five-year period since the legislation has been enacted. They have reinvested \$7.9 million in expanding treatment services and supervision at the local level.

In Arizona, as you mentioned, a high crime rate state and a high rate of people on probation supervision who were failing and coming into the state prison. There they applied a policy action similar to Policy Option A which really focused supervision resources during the initial period of supervision, as well as on the highest risk offenders. We also applied an incentive credit for people on probation who comply with their conditions could shorten their period of probation. Both policies have helped probation departments there sort of on the local level reduce revocation by 13% in just one year since the policy was enacted.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Also, could you speak to the crime rate? What happens to the crime rate in states where they have followed the CSG model?

Mr. Clement: In all the states we have tracked where they have applied this model, crimes rates overall, which obviously are a much bigger pool of

individuals than the individuals on probation and parole supervision, have continued to decline in those states or remain stable. There has been no uptake or increase in the overall crime rate that we have seen as a result of any of these policies.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any other questions from any of the Committee members? Senator Letourneau?

Senator Robert J. Letourneau, D. 19: Just one. Just to make sure that we get it on the record. I know the Governor alluded to it with his remarks. This program is basically wrapped around primarily non-violent offenders.

Mr. Clement: Correct. Policy Option F, which is focused on creating a more determined period of time for a person to be released from prison 100 – 120% of their sentence, minimum sentence, is only targeted at non-violent offenders and still allows for the Commissioner of Corrections to apply up to 41% of time to that sentence in addition to that for any misconduct in prison or for other reasons.

Senator Robert J. Letourneau, D. 19: Thank you.

Senator Deborah R. Reynolds, D. 2: Any further questions? Thank you very much, Marshall. And, we would like to hear from Attorney Ann Rice. Welcome.

Associate Attorney General Ann Rice: Thank you. I would like to walk through the bill sort of section by section with you to talk about what each of the sections are doing.

Beginning with section 1, which is the Findings and that is basically the findings that Marshall just outlined, the findings that the Council of State Government made in their data analysis.

Section 2, which is the intent. This lays out the policy options that Marshall just went over, the six policy options.

Section 3 is where we get into the real meat or substance of it in terms of making changes to our law. The first section, Section 3, deals with the policy option on short and swift sanctions and basically what it does is it would authorize a probation officer to require someone to serve a one to five-day sentence in a house of corrections in lieu of going through the formal process of probation revocation. So, it would be a very quick process, swift and certain. It requires the probation or parole officer to inform the offender of the dates and a detail of the violation that he or she is being accused of and

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the number of days that are required and then the person would be required to go serve it in the house of corrections. But, it will only apply if the offender agrees and waives his or her right to a hearing because, under our current law, before there is a violation of probation finding, there has to be a due process hearing. So, this is something that an offender would have to agree to go along with.

Section 4 implements Option A, which is targeting community supervision to high-risk, high-need offenders. What it would do is require that every person who is placed on probation or parole to be given a risk assessment by the Department of Corrections, an evidence based objective risk assessment. The person would be designated as a low, medium or high-risk offender. Then it would set limits on the amount of time that a person would have to serve under active supervision on either probation or parole. There was a period of time where it would be active and much more intensive supervision, after which the person would remain under supervision, but it would be much less active and less intense. What those limits would be is for a person who is placed on probation for a misdemeanor, it would be up to nine months of active probation and then, because there is a maximum term of two years probation for a misdemeanor, any term beyond that would be inactive supervision. Up to nine months because, if a person does well on probation and the probation parole officer feels that they don't need that active supervision, there is some discretion left to the probation parole officer.

For someone on probation for a felony, it would be twelve months of active supervision and then the rest of that would back off on the supervision level. For someone who is on parole for a felony, it would be eighteen months of active supervision. Now, these apply only to people who are not considered high-risk offenders or people who have not violated their terms during the active supervision part. So, someone is on probation and during that nine-month period, even if they are a low or medium risk offender, if they violate their terms of parole, they can be continued on active supervision for a longer period of time. So, again, it leaves the discretion to the probation parole officer.

Section 5 gives a couple of definitions which apply to the terms that are used in Sections 6 through 9, so I will just jump to Section 6. First off, this would expand the conditions when a person is paroled. Currently, a person may be paroled as soon as they reach their minimum sentence. At that point, they are provided with a permit by the Parole Board to be at liberty. What the amendments to the current law would be is it still leaves in the portion that a person may be paroled at the minimum sentence and then subparagraph (b) of that section, which is on page 3 starting at line 7, if there is a prisoner or inmate convicted of a non-violent offense shall be released on parole after

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serving 120% of their minimum term plus any disciplinary period. This goes to Options E and F that Marshall spoke of.

When I say non-violent offense, that is defined in Section 5 and basically a non-violent offence means anything that doesn't fall within these crimes: murder, any kind of murder, Class A negligent homicide, first degree assault, aggravated felonious sexual assault, felonious sexual assault, kidnapping or criminal restraint, a Class A felony arson, robbery, incest involving a minor, endangering the welfare of a minor by soliciting a child to engage in sexual activities, and child pornography. If a person is convicted of one of those offenses, they are considered to have been convicted of a violent crime and they would not be eligible for that 120% parole date.

Subparagraph (c) of that section which is on page 3, line 11, provides that all prisoners who have not been previously paroled or were recommitted, these are the folks that are going to max out, they have to be released at least nine months prior to the expiration of that maximum term. So, there is an assurance that people are not walking out of the prison without any supervision whatsoever. They will get at least nine months worth of community supervision.

Sections 7 and 8 deal with intermediate sanctions for parolees, which is Option C. Right now, when a person is considered to have violated their parole, the option is to basically send them back to the prison. But, this would provide for intermediate sanctions. Section 8 would require the Commissioner of the Department of Corrections to establish one or more intermediate sanction programs, to include a seven-day residential program and a halfway house facility. Basically, an intermediate sanction program is some sort of community based day or residential program that can be used to implement swift and certain sanctions for parole violations. So, it is some sort of community-based program, but it will not be in the prison and can be used quickly.

Section 9 deals with how the intermediate sanctions program would work. Under current law, a parolee who is arrested for violations of parole is entitled to an immediate hearing. There is an immediate hearing and then there is a later due process hearing to establish whether or not they have violated their parole. A person that agrees to an intermediate sanction that I have just spoken of, needs to waive their right to those hearings in order to be put in an intermediate sanction program. So, if a parolee is told that they believe that they have violated the conditions of their parole and they are told that one of their options is the intermediate sanction program instead of going back to prison, which can be very lengthy stay, this would allow them

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to go into a much more short-term incarceration as long as they waive their right to those hearings.

Section 10 deals with when a parolee is in fact recommitted to a prison, that they don't go back for an intermediate sanction, but are recommitted to the prison. Under the current law, a person goes back to prison and there is a wide range in terms of how long someone may stay. It could be a very short-term stay or it could be a number of years, up to their maximum sentence. This would require that a prisoner who is recommitted shall serve ninety days in prison before being placed on parole or the remainder of his sentence, whichever is shorter. But, when that person goes back into prison, they are going to be housed in a separate facility or a separate housing unit that is focused on folks that are coming back into prison because of probation revocation and there will be treatment programs focused on trying to reengage these folks in their parole plan so that they can avoid again violating their parole.

Section 11 requires that the Department of Corrections, the Commissioner, to establish standards for prisoners that would allow them to receive credit for participating in programs while in prison that are designed to reduce recidivism. This would just establish standards that the inmates can understand how they can gain good time. It's not good-time credit, but they lose some of their disciplinary if they involve themselves in anti-recidivism programs.

Section 12 gives the sentencing court the option of including as a condition of probation for a felony offense a jail sentence of one to five days. Now, this is the swift and certain sanction that we talked about earlier where a probation officer can say, "You violated your conditions of probation. I think that you should go into the House of Corrections for two days." In order to do that, we need to give judges the authority to impose the options that a probation officer would have of imposing that incarceration up to five days. That is dealt with in Section 12.

Section 13 talks about when each of these provisions would apply. Because of the need to build in the capacity in the Department of Corrections and in community corrections, each one of these provisions will apply at a slightly different time. I'm happy to go over those with you if you would like me to. They do get a little confusing.

I'm happy to take questions.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Committee members? Senator Letourneau?

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Senator Robert J. Letourneau, D. 19: Thank you. I'm not sure who wants to answer this question, but just to get it on the record. The most common type of violations of parole or probation are?

Mr. Clement: We examined the data. We looked at three months of parole revocations and actually went to the paper files and looked at the reasons for revocation. First and foremost was failure to complete programs and drug use or alcohol use by a person on probation supervision.

Senator Robert J. Letourneau, D. 19: Thank you.

Senator Deborah R. Reynolds, D. 2: Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Thank you all for being here and for this ... (inaudible)

My question goes to page 3 in the intermediate sanction program and the halfway house facilities. How many halfway houses do we have now in the state?

Attorney Rice: My understanding is we have three. There are two men's facilities – one in Manchester, one in Concord – and there is a women's facility in Concord.

Senator Deborah R. Reynolds, D. 2: Follow up?

Senator Bette R. Lasky, D. 13: How many do you envision would be necessary to implement this program?

Mr. Clement: Senator, only ten of those beds, a small fraction of the overall capacity in the halfway houses, would enable the probation parole officers to put as many as almost a thousand parolees into those beds for only a one-week stay in that type of sanction over the course of a year. So, as many as half of all parolees could go through that sanction with just ten beds. It would have a very small impact on the overall capacity of the halfway houses in the state.

Senator Bette R. Lasky, D. 13: Thank you.

Mr. Clement: Twenty beds. Excuse me.

Senator Bette R. Lasky, D. 13: Okay. So, in other words, I guess what I was getting at, and thank you for your indulgence, was that, if it were

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needed, that perhaps some enabling legislation might be companion to induce communities to want to increase the number of halfway houses. It seems like it is not needed, so, thank you.

Senator Deborah R. Reynolds, D. 2: Senator Houde?

Senator Matthew Houde, D. 5: Thank you very much, Madam Chair. It is related to Senator Lasky's question, but from a different. On page 4, there is a reference to programs designed to reduce recidivism and I think we had a general conversation about what exactly programs exist today. So, is this future looking or is this the programs as they exist today?

Mr. Clement: Senator, the section you are referring to on page 4, I believe is around the type of program the Commissioner can apply back to the disciplinary credits that are imposed at the beginning of sentencing. There are two types of primary programs beyond educational programs and mental health treatment that is offered in the correctional facility, and the Assistant Commissioner should be answering this question. Two types up here are particularly, (1) cognitive behavioral programs which are evidence based as being able to reduce recidivism, for a change is the most common program model out by the national corrections and applied here in New Hampshire. Second is substance abuse educational programming where they will address substance abuse.

Senator Deborah R. Reynolds, D. 2: Any further questions? Thank you all very much for your testimony. I would like to call Mr. McGonagle, but before I do, I know Representative Neal Kurk has come in and I didn't know if you had signed in to speak or if you just wanted us to note that you are here.

Representative Kurk: Just for a moment, if I may.

Senator Deborah R. Reynolds, D. 2: Yes. Feel free, Representative. Thank you.

Representative Kurk: Thank you. I'm Neal Kurk, representing Hillsborough District 7, the towns of Goffstown and Weare and I am a sponsor and supporter of this bill.

The only additional information that I would like to address has to do with the cost, and although this is not the Finance Committee, I assume you are all concerned about cost. As I understand the way this bill is drafted, there would be no additional cost to the State of New Hampshire. We are simply redeploying existing assets in more effective ways to get the results anticipated. The only time there will be an additional cost were we to, at

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some future time, adopt one of the recommendations for mental health treatment and substance abuse treatment. That would cost additional money and, except in a couple of cases, the additional savings would just about equal the additional cost, but beyond those two, the additional savings would be less than the additional cost. I mention that so that you folks have a full understanding of where this bill might lead. But, as the bill is currently put forward, there is no additional cost and, as a practical matter, any additional costs in future bienniums will be handled through the normal budgeting appropriation. There is no mandate in this bill that those kinds of treatments be provided.

Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Any questions? Thank you for your testimony. I just want to note that Chief Justice Robert Lynn of the New Hampshire Superior Court is here. Chief, did you want to testify?

Chief Justice Lynn: I would really echo what other people said. I'm in support of it. Unless the Committee has any questions.

Senator Deborah R. Reynolds, D. 2: Thank you for being here, Chief. Next is William McGonagle of the New Hampshire Department of Corrections. Welcome.

Assistant Commissioner William McGonagle: Good afternoon, Madam Chair and distinguished members of the Committee. For the record, my name is Bill McGonagle. I am the Assistant Commissioner of the Department of Corrections, sitting in for Bill Wrenn, who is out of town.

As you have heard from Marshall, the Justice Center and the Council of State Governments are not neophytes to this area of policy review and they have worked diligently around the country in states with much larger systems and arguably much more serious problems than we're facing. But, there are certainly considerable problems that we face now in this budget time. So, the effort of the Justice Center couldn't come at a better time for us.

I also want to say that this activity that the Justice Center has been working with us on is not a stand alone activity. It is part of a group of things that are happening around the Department of Corrections that all work together. I will bring you back to budget session last summer where we convinced legislators to allow us to redirect some of the funds from other parts of our budget to create a Division of Community Corrections. The Director of that Division, Mr. Joe Diament, is in the audience with me today.

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What that Division of Community Corrections is designed to do is to provide a lot of the infrastructure around which a lot of the initiatives that the Justice Center is proposing to actually occur. There are counselors who are in the process of being, of positions being created that will be placed in a number of our district offices to help augment the work of our probation parole officers, help them with accessing services and, in some cases, providing direct substance abuse counseling services right out of the district offices. So, that's another activity that is already undergoing.

Subsequent to that, we found that we were named as a winner of a Second Chance Act Prisoner Re-entry Grant from the Department of Justice's Bureau of Justice Assistance. You have heard during earlier testimony that the New Hampshire Charitable Foundation has been involved in other things where they were front and center on our Second Chance Act Grant application. What that grant allows us to do is to test out some of the concepts that are being talked about in the Justice Reinvestment Initiative in Merrimack County with the use of federal dollars, in terms of assistance working with offenders who are struggling with employment issues, housing issues, accessing community-based services. These counselors would be there to help them make that transition and make those connections that they need to make.

So, all of these things are happening together, which I would say are evidence of a significant and profound review by the Department of Corrections on how we do business and how we can do the job more effectively and cost-efficiently while still maintaining public safety.

As you have heard, the prime driver of our recidivism rate is the high percentage of offenders who go into the community and are returned to custody for violations of their conditions of probation or parole. If I were one of the members of our parole probation officer staff, several who are sitting behind me today, what I would be hearing is we have a problem. I'm here to say that that's not the case. We have a dedicated staff, but a finite staff who we have asked to try to be all things for all offenders under all levels of supervision. We would ask them to do that without a lot of the tools and resources necessary to do their jobs effectively.

So, the initiatives that you have heard today, a lot of those are aimed at, first of all, using our resources more effectively so that we are targeting those offenders who are the most, who represent the highest risk and the highest need, to provide those probation parole officers with access to services for their clientele that up until now have not been available to them in adequate supply.

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You have heard lots of talk about swift and certain alternatives to returning to prison and talk about what it is like to be a parent if your child is acting out today, sending them back to their bedroom two weeks from now probably doesn't have as much of an impact as if you ground them today and see what the problem is. So, swift and certain response is the key part of all of this.

Implementation of all of the elements of this whole package of options will, as evidenced by the previous speakers, provide better public safety outcomes; reduce the population of New Hampshire's prisons and subsequently lower costs incurred by the Department of Corrections. The reductions in population will allow the Department to eliminate the current serious overcrowding in its facilities which, if allowed to persist, will present significant risk to staff and offenders alike. Reductions in population will allow the Department to reduce costs associated with medical care, feeding of offenders, and providing clothing for offenders. Further reductions in population will allow for planned closures of selected units, resulting in reduced operational costs. Reductions in our female population will allow for the elimination of a contract that we currently run with the Strafford County Jail for additional housing to deal with overcrowding at that facility.

The final point that I would like to make is that these reductions in cost, if we are able to reinvest some of that savings, as Representative Kurk said, there is a point where the balance between that savings and the cost of those services may shift a bit, but I would argue that the primary impact of providing those services is in the enhanced safety to our community. Given that, I'm ready to answer questions.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your testimony. Any questions? Seeing none, thank you very much for coming in today.

Commissioner McGonagle: Thank you very much.

Senator Deborah R. Reynolds, D. 2: I just want to note some people have signed in and don't wish to speak. I'm just going to read off some of the people who are here. Stephen Arnold from the New England Police Beneficial Association has signed in in opposition, does not wish to speak. We have Paul Jacques, who has signed in opposed, also from the NEPBA Local 270, has signed in to speak in opposition. If you're here, come forward, sir. Welcome. If you could just state your full name for the record.

Paul Jacques: Paul Jacques. J-a-c-q-u-e-s. Good afternoon. Thank you for the opportunity to speak this afternoon. I'm here representing the New

England Police Benevolent Association, Local 270, Probation Parole Supervisors and Local 265, Probation and Parole Officers.

While we are here today, we are not opposed to releasing certain offenders into the community. What concerns us is the availability of resources. This bill, as it stands, provides no added resources for us. Our case loads are astronomical. We supervise probably about 150 cases. This past fall, we received budget reductions where we lost secretaries and case technicians. Those case technicians carried a large amount of cases. Currently, right now, an average officer is carrying an additional 100 to 200 collection cases in addition to their already 150. Our concern about this bill is that what it says to probation and parole officers is that we're going to continue to do more with less. We are the line staff that will be implementing what happens here today. We have no added resources to supervise these offenders.

What we would like to see is that this matter be continued later for further study with input directly from the line staff, probation and parole officers. We are the ones that bring people back before the courts and back before the Parole Board.

We can explain to you why certain people go back to the prison and go back to jail. Contrary to population belief, it is not because they had a beer. There are many reasons why somebody may or may not go back to prison. When somebody is violated for drug or alcohol, I can almost guarantee you it is not the first time or the first time that they have been out. They may have been given two, three or four warnings and that may also be coupled with their behavior that may not have risen to the level of a new crime, but their behavior, they are acting in such a way that it is a precursor to their criminal activity. It is hard to walk into an apartment when you are doing a home visit and that person is on supervision for assaulting his wife and that person is highly intoxicated. What do I do with that person? My option at that point is to take them out of the situation. Does that become a technical violation? Yes, it does. But, that also doesn't mean I send them to prison for a year. There are alternatives that we use. We may release people to treatment programs. That's what we do all the time. So, we do implement alternative sanctions every day, several times a day.

What our concern is here is we don't have the resources to do that. If we want to put somebody into a treatment program, it can take six weeks to eight weeks and where do we house that person until then? So, along lines with parole warrants and new criminal charges. Although one of the violations, speaking to the main cause for probation parole violations is drug and alcohol, on that same parole warrant is a new criminal activity. He may or may not have had prior drug and alcohol violations. So, that aspect of

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their violations does pile up. But, that also may be coupled with new criminal activity. So, it is not simply drug and alcohol.

So, I wanted to make sure that the Committee understands that we are out there supervising offenders with very little resources. If this bill does go forward, we are the ones that will have to work within this bill and we have no resources and our case loads are going to dramatically increase. Public safety does become an issue for us.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Could you speak to the collection piece? You're talking about collecting fines.

Mr. Jacques: Collecting fines and restitutions for victims and so forth. Last fall, we had all of our case technicians, on a case technician supervised bail cases, collection of monies, fines and restitutions. Okay? These people that had these types of case loads carried close to a 1,000 plus if not more. I believe in Rockingham County she had about 1,600. When that position was removed, the burden of those cases fell upon us. I myself as a chief, I supervise about 70 cases, because I also run the office. But, I also now have 225 administrative cases of collections. All of the phone calls that go along with that with the victims and so forth, and rightfully so. They want to know where their money is. But, those are all added burdens that have come down upon us. While we support trying to find new ways of reducing the burden for the taxpayers of New Hampshire, we just would like to be included more and explain why certain things may or may not work. That's why we would like to see this matter studied further.

Senator Deborah R. Reynolds, D. 2: And, just another question, a follow-up on the collection piece. Someone can be violated for non-payment?

Mr. Jacques: They can be violated based on a violation of order. We don't arrest them. We don't even do field work, meaning going out to their residence. It is strictly administrative case loads. If they don't pay when they are supposed to or they have been delinquent for a number of months, we file a violation with the court and a court hearing will occur. That really won't necessarily impact the House bill, but it is an added case load that we have.

Senator Deborah R. Reynolds, D. 2: Well, thank you very much for your testimony. Any other questions of the Committee of Mr. Jacques? Thank you. Thank you for being here today.

Mr. Jacques: Thank you for your time.

JRB

Senator Deborah R. Reynolds, D. 2: I just want to note. There are a couple other representatives from NEPBA Local 270 here. Theresa Meyers is signed in in opposition, does not wish to speak. I think it is Christine Mullen, and if I didn't pronounce your last name correctly, I apologize, also, NEPBA Local 270, does not wish to speak, but is in opposition. The next person I have on our list is Katherine Cooper who has signed in in support on behalf of the New Hampshire Association of Criminal Defense Lawyers. If you could come forward Katherine, that would be good.

Attorney Katherine Cooper: Thank you, Madam Chair. Good afternoon, Committee. My name is Katherine Cooper. I am the Executive Director of the New Hampshire Association of Criminal Defense Lawyers and overall we support this legislation and the rationale behind it.

Evidence based programs have been shown in many other states to be effective in reducing recidivism and there has been ample evidence that shows that evaluating defendants leads to targeted treatment, which is also more effective treatment. Although it is counterintuitive, there are also studies that show that giving treatment or programming to low-risk offenders actually increases the likelihood of recidivism and makes them more likely to reoffend and also get into additional trouble. That's a pure waste of money and also a threat to public safety in that, unfortunately, it is something that does go on on a regular basis in the State of New Hampshire right now. So, overall, we support this legislation and the change that it makes because it improves outcome and it increases fairness in the system.

We do have some concerns though with the language of this specific statute when considering the day-to-day applicability of these statutory changes. To begin with, when a person is exposed to jail time, they are entitled to counsel. You're not entitled to counsel when you actually go to jail; you are entitled to counsel when you are exposed to jail time. That is a fundamental principle and even though your rights do decrease and become lessened once you are convicted of something and sentenced, that fundamental right to counsel never goes away. There are areas within this Senate bill that should recognize this right to counsel. On page 2, lines 1 through 6; page 4, lines 1 through 4; and also on line 26 through 29.

Senator Deborah R. Reynolds, D. 2: Katherine, could you slow down just a little so we can capture the record? Page 4, what lines?

Attorney Cooper: Page 2, lines 1 through 6; page 4, lines 1 through 4 and also lines 26 through 29.

Senator Deborah R. Reynolds, D. 2: Thank you.

DUB

Attorney Cooper: We would request that the fee addressed in this bill before it passed in order to avoid the violation of defendants' rights and also to avoid unnecessary litigation that will surely take place if there is not a systemic way that this is put into effect. It is certainly possible to waive your right to counsel, but this should be addressed before this law goes into effect.

In addition, there are issues with the concept of this one to five day sentence. The reality of this sort of streamlining sentence is that you will have numerous people who are incarcerated and they will simply waive their right to a hearing in order to get out. If you are incarcerated on a Friday night and your probation officer says you can get out in three days, you are going to plead and waive your hearing in order to get out and go to work on Monday. People can't afford to lose their jobs. So, in effect what this does is it eliminates judicial oversight of most violations because we know that most violations are minor and technical violations.

So, what we would request is to input the additional language on page 2, line 2 at the end of the sentence that says "and violation of probation hearings", to insert the language "before he or she is incarcerated". What this would do is it would set up a situation where, if your probation officer wanted to violate you, they would need to meet with you, give the opportunity while you are out, before you are incarcerated, to waive your right to a hearing, to waive your right to counsel and to make that decision without the fact of being incarcerated coming into play.

Senator Deborah R. Reynolds, D. 2: Katherine? I apologize.

Attorney Cooper: Yes.

Senator Deborah R. Reynolds, D. 2: I just want to make sure. Have we captured the comments, Susan and Gail? We have?

Susan Duncan: No.

Senator Deborah R. Reynolds, D. 2: Please restate that for the record.

Attorney Cooper: I will. Thank you. On page 2, line 1 and 2, at the end of that sentence which ends.

Ms. Duncan: At the end?

Attorney Cooper: Yes. And violation of probation hearing.

JMB

Ms. Duncan: Before?

Attorney Cooper: Yes. Insert the language "before he or she is incarcerated".

Ms. Duncan: Got it now. I just didn't catch where to put it. Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much.

Attorney Cooper: And, the reality of this is, if the person is facing a probation violation where they are going to be incarcerated for longer than the one to five days, that is going to be a more serious matter, a new offense, someone who is on probation for a domestic violence offense committed while they were intoxicated and their probationer shows up or probation officer shows up and they are intoxicated and in a dangerous situation. That person is going to be incarcerated immediately and will end up most likely remaining incarcerated for a longer period of time. Those more serious probation violations need to go back to court and have judicial evaluation, have the entire sentence evaluated.

So, it makes sense to take out the threat of actual incarceration from the decision making of people who have minor infractions by making that meeting take place before they are incarcerated. And, more serious infractions, certainly probation officers can still do their immediate incarcerations when there is an immediate public safety issue or a serious violation.

So, those are our requests for tweaking this bill, but overall we do support the legislation and the rationale behind it.

Senator Deborah R. Reynolds, D. 2: Thank you very much. So, just going back to the right to counsel issue, your concern is that somebody who is violated, then the court would probably have the Public Defender's Office get involved, assign counsel and that that all might not happen as quickly as one might want it to happen. Right? Is that your concern?

Attorney Cooper: That's part of the issue. But, also, defendants need to be told that they have a right to counsel. It is not a right that is instinctive to most people. Particularly, when you are on probation and you're under the supervision and jurisdiction of a probation parole officer, that is not something that is in the forefront of people's minds. They don't think about their lawyers as someone who can necessarily act as an intermediary for them. Certainly your more sophisticated defendants will, but that is not most of the people who are on probation. So, they need to be advised that they have a right to counsel and that they are waiving it before they do that.

RMB

Senator Deborah R. Reynolds, D. 2: There is nothing in here that says that somebody doesn't have a right to counsel. I guess you want the parole or probation officer to have to advise them of that. I'm not sure what your concern is.

Attorney Cooper: For example, when they give them the option of waiving the hearing, they also should have to inform them that they are waiving their right to counsel.

Senator Deborah R. Reynolds, D. 2: But that could be done administratively through this, I think.

Attorney Cooper: It absolutely could and I'm just bringing this up to try and avoid administrative nightmares that could potentially happen later because this is the kind of thing that isn't often or isn't always recognized when you're dealing with the day to day operations of the imposition of justice.

Senator Deborah R. Reynolds, D. 2: Thank you. Any other questions? Thank you very much for your testimony.

Attorney Cooper: Thank you very much.

Senator Deborah R. Reynolds, D. 2: I would like to next call Jean Metzger, who has signed in in favor and wishes to speak. Welcome, Jean.

Jean Metzger: Thank you.

Senator Deborah R. Reynolds, D. 2: Please state your full name for the record.

Ms. Metzger: My name is Jean Metzger and I have been a religious volunteer in the prison since 1991. I was also on the founding board of Christian Aftercare Ministries and we follow people, helping them get situated in the community when they come out from prison.

I congratulate the commission for their bold and well studied bill to allow this release of non-violent prisoners when they complete their minimum sentences. Too often this doesn't seem to happen, in spite of the fact that people don't have rights in prison, it seems that there is often a delay which, of course, increases the high cost of housing in the prisons. But, safely reducing the prison population in a wise and appropriate way is certainly a way to reduce these costs. If they fall into either jail or halfway house or program would not only save the cost of reprocessing people and reissuing

prison garb to them. But, if possible, if it would help them to maintain their jobs and what they have gained while they were out, it would be an incentive to shape up quickly, I would think.

Certainly, what is important is that community support services, and I heard the Commissioner say that he is working with the Commissioner of Health and Human Services because many of the drug and alcohol programs, as well as the mental health programs, are in trouble financially and so this needs a great deal of attention. I certainly resonated with the Chief Justice's comment on the mental health problems in the prison, having had a background in adult psychiatric nursing, a master's prepared clinical nurse specialist.

One of the things I think would be helpful is before men get out, and I'm not sure how much of this they get, but life skills training and decision making because sometimes the decisions seem to be completely lacking. The decision making process is somewhere missing. So, that would be helpful when they come out in the community.

Before hearing about the difficulty that these parole officers are already in, I was thinking of some kind of an optimum number of supervisees would be necessary because they have extra. I would think it would be easier just to send somebody back rather than to work on providing the essential kind of help that they need.

But, hopefully, we will see success in this program and then the principle could be applied and revisited for others who are not currently being non-violent, but who have done well in their prison sentences and completed them. They have never had any infractions during their time in prison, but are kept beyond their minimum and sometimes I question the purpose of a minimum sentence when nothing happens at that point.

Thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Jean, for all your work in the courts. It is very much appreciated. Any questions for Jean at all? Thank you very much for coming today.

Winston McCarty is signed in in favor, does not wish to speak. Winston, is that correct? Okay. Thank you, Winston. I also have Richard Ober of the New Hampshire Charitable Foundation. Welcome, Richard.

Richard Ober: Thank you, Madam Chair, members of the Committee. My name is Richard Ober. I am Vice President for Civic Leadership with the

New Hampshire Charitable Foundation and I have submitted copies of my testimony in the form of a letter from our President, Lew Feldstein. I am speaking on behalf largely of my colleague Katie Merrill, who has been deeply involved with this project and is a member of the Justice Reinvestment Team, but was unable to attend today.

The New Hampshire Charitable Foundation respectfully encourages your close consideration and support of SB 500. We extend our admiration to Governor Lynch, to Attorney General Delaney and former Attorney General Ayotte, to Chief Justice Broderick, Commissioner Wrenn, Commissioner Toumpas, Senator President Larsen, Speaker Norelli and legislative leaders from both parties for the extraordinary work that has led to this bill.

Over the years, the Foundation has funded and collaborated on a number of efforts to inform and improve the State's justice and corrections systems. These include the Citizens Commission on the Courts. We have funded research on correction policies and trends and, most recently, working very closely on the Justice Reinvestment Initiative that has produced this proposed legislation.

As an organization that is active in every community in New Hampshire, we see firsthand how rising corrections costs have crowded out support for other essential services, even as recidivism continues to rise. As you can imagine, as with municipalities and state agencies, the number of New Hampshire residents seeking support from non-profit organizations is rising dramatically and, as the largest funder of non-profits in the State, we are seeing those services and those demands for services going up and too often being unmet because those non-profit resources are just as strapped as the public.

Our support for this bill and the larger Justice Reinvestment initiative is also motivated by our work on substance use disorders. Unknown to many is the fact that the largest single fund at the New Hampshire Charitable Foundation is dedicating the restoring, to reducing the harm from substance abuse. It makes up a very significant amount of the grants we make, thanks to the support of a generous donor, and this work has shown us that addiction is a major factor driving up incarceration rates and that the State could do a better job treating and supervising non-violent offenders with substance use disorders in the community.

As you have heard from so many speakers, starting with the Governor and the very eloquent testimony from others, perhaps most notably Chief Justice, this initiative and the legislation comes before you at a watershed moment and presents a tangible opportunity for meaningful action. The skyrocketing corrections costs, unprecedented fiscal restraints have united state leaders

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from the three branches of government and both sides of the aisle to advance these reforms. Working together, they have secured one-time federal grants to provide upfront funding to establish supports for people coming out of prison until savings can later be generated to support these efforts longer term. While the Foundation has been very pleased to help leverage these funds through our investments of both time and money, and will continue our efforts to do that, these grants are all time-limited opportunities. In particular, the intensive technical support and data analysis provided by the Justice Center of the Council of State Governments to help guide and track these efforts for the next two years is time-limited. New Hampshire is among a very select group of states, as you heard before, including Texas, Michigan, Kansas, Arizona, to be awarded this critical assistance. This combination of these unique circumstances is not likely to happen again.

In closing, and with respect to the testimony of Mr. Jacques representing parole officers a moment ago, we would emphasize for the Committee the critical importance of reinvesting a significant portion of the savings generated by this bill into community treatment, the intent of which is stated in the legislation. This aspect of the recommendation is essential to ensure the reforms are effective and long-lasting and have the greatest impact on public safety. This aspect of the bill in particular has our strongest support.

Thank you for your consideration and the work in front of you.

Please see prepared testimony from Lewis Feldstein, President, New Hampshire Charitable Foundation, attached hereto and referred to as Attachment #2.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your testimony. Any questions? Seeing none, thank you very much for being here today. Chris Dornin is here and would like to speak in support of the bill. Welcome, Chris.

Chris Dornin: Thank you. I have some written testimony for you and I won't say most of it because other people have spoken very well on a lot of the ground I was going to cover. For the record, I'm Chris Dornin. I'm a retired state house reporter and, in my retirement, my hobby is to work for criminal justice reform. I wouldn't be here without Jean Metzger. A decade ago, she recruited me to be a volunteer at the prison and I watched our criminal laws for about a decade being made with that unusual vantage point. It makes you see it differently.

This is a beautiful bill and comes after an amazing process that I don't think anybody could have imagined a year ago. Two suggestions. One, consider,

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you're not going to make the decision this year whether you are going to spend, where you are going to spend all of the reinvestment money. Whether you use half of it for the general fund, half of it for new community programs, I would ask you to consider using all of it to reinvest it back into community programs. You have heard...

I have been a case manager and my case load was thirty-five people with developmental disabilities. I was burned out at that rate. I don't know how they do a hundred and fifty. If you are asking to increase their case loads with these people that are not going to be incarcerated, you're creating an impossible situation unless you look to reinvest more of that money.

I know the Department of Corrections gave you some budget numbers and case load numbers in about a week and a half of developing them under intense deadline pressure. Those are ball park numbers. Don't hold them to it a year or two as this thing unplays. Listen to the Justice Reinvestment consultants as they follow the process and discover some roadblocks. You can't anticipate how all of this is going to work. Be open to the possibility of spending all of the savings on it. What you are preventing is the cost of a new wing at Berlin and perhaps a whole new prison somewhere else at the track you're on. The arc of growth is four or five hundred more people in five years according to Steve Norton's organization. That is unsustainable. The Chief Justice is totally right on that. With the possibility at this stage of investing all of it.

The other thing I'd like you to consider, if this project works for the next couple of years and you like the results, consider opening it up to some of the people who will not get the benefits of it in the beginning. You're going to be doing risk evaluations on each person. I don't know whether that is only the folks being non-violent or whether you would be doing risk assessments on everybody. But if it is a good idea to prevent recidivism, your low-risk or your non-violent people, by letting them leave nine months early and supervising them, how much more important is it to give that same opportunity for supervision to the people you consider dangerous? If you want to prevent recidivism and prevent new victims, consider offering that opportunity to the people that you fear the most and be open to the possibility of opening up to them later. If it works for the people that you're not scared of, then why not apply to the people you are scared of?

Please see Attachment #3, "SB500 is the best NH criminal law in a decade".

JRB

Senator Deborah R. Reynolds, D. 2: Thank you very much and thank you for all you're doing in the prison as well. Any questions? Thank you, Chris, for being here.

I just want to note that, as the Commissioner noted, Joe Diament is here on behalf of the New Hampshire Department of Corrections and has signed in in support, but does not wish to speak. Justin Jordine is here as a member of NEPBA Local 250, in opposition to the bill, does not wish to speak. Scott Natoil, NEPBA Local 250 has signed in in opposition as well, does not wish to speak. Elizabeth Blanchard, Merrimack County Commissioners, is here in favor, does not wish to speak. Senator Matthew Houde has signed in in support, does not wish to speak. Senator Sheila Roberge is signed in in support, does not wish to speak. Barring any additional sign in sheets that I don't have, is there anybody else here who wants to testify? Yes, Senator Letourneau?

Senator Robert J. Letourneau, D. 19: I wonder if we could have Marshall step up again so we could ask a couple more questions.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Senator Letourneau. I think that is a very good question. If Marshall would be willing to do that, we will call you to the witness stand.

Senator Robert J. Letourneau, D. 19: Thank you, Marshall, for providing a second opportunity to ask you questions. As you heard some of the testimony here, those of us who have served on the committee know that you have modeled this legislation and this whole thing from other states where you have had success. In those states where you have had success, have you run into this same issue where the parole officers are having opposition to the bill for the reasons they stated and what is the solution for that, if there is one?

Mr. Clement: I would certainly echo the concerns that were raised in terms of the high case loads that probation parole officers in New Hampshire are facing? It is certainly something we heard from, not only from our conversations with probation parole officers, but also with county attorneys, as well as others, that the current case loads are just simply unsustainable and not allowing for adequate supervision. Yet, the design of the policy options, Policy Option A in particular, which is modeled after a lot of work that was done in Arizona and other states with the goal of frontloading supervision, it was really designed and tailored to try to address those concerns, whereas there will be some increase in the number of people going on to parole or probation as a result of the other policies.

JMB

Policy Option A should have a pretty significant decrease in number of people on active supervision on probation parole case loads. We estimate, and it is hard to do an accurate estimate because there is discretion provided in the language in the bill. We estimate anywhere between a quarter and a third of people currently on active supervision would no longer be on active supervision as a result of Policy Option A once it had been implemented and take effect. It will take a couple of years to have it full effect and flow through the system. We estimate it would have somewhere in that range – about a quarter to a third reduction in terms of the number of people on active case loads. It will bring case loads down somewhat in terms of active supervision; it does not address some of the other concerns which is around administrative supervision for payment and collection of restitution and fines and other financial obligations. But, it would address the time and how time is apportioned and available to officers to focus on high risk and the active supervision cases. That was the intent of that option.

Senator Robert J. Letourneau, D. 19: Thank you.

Senator Deborah R. Reynolds, D. 2: I guess just as a follow up to that. What I'm hearing and I know that the folks in corrections that do this type of work work very hard and I certainly feel that the trickle down effect is you're asking us to continue to do more with less. I guess, at the outset of the program, is that going to change? What is your prediction?

Mr. Clement: Two things, just a sort of history. Over the last ten years, there has been no increase in the number of probation parole officers the State has funded, yet your probation population has increased 22% and your parole population has increased by 50 – 100% we estimate based on available data. So, there has been a significant increase in the number over the last ten years of people put on probation or parole supervision on active case loads, but there has been no increase in the number of positions to actually supervise. This is a long-term problem that has been growing for a number of years.

There are estimates that because none of these, most of the provisions as are written and stated are not retrospective, not retroactive. They are prospective in their application. These policies will have a gradual impact. So, any additional pressure that is placed onto parole officers in particular will be more than offset we estimate from Policy Option A while the force of that impact is felt with an overall net reduction in the number of people on active supervision. At least that's what the data suggests based on experience in other states and how these types of policies have had that impact.

Senator Deborah R. Reynolds, D. 2: Does CSG. Let's assume that we pass this and it is signed by the Governor and it goes into effect. Does CSG help us and continue to collect data so that if we had to take some sort of additional action administratively or whatever, we would be able to have that data? I mean, what is your role after that?

Mr. Clement: Great question, Madam Chair. In other states, if policies such as are in the bill are enacted by the Legislature and signed by the Governor, we do have resources available from the Department of Justice and the charitable trusts to continue to provide analyses to the leadership group that was formed and chaired by the Attorney General. Throughout what we call Phase 2 of the implementation phase of these options, we also have people that we could bring in other technical assistance providers for training or continue your data system or areas where the State may want or desire technical assistance. Then we finally set up a dashboard or tracking mechanism to track intermediate outcomes that the policies are achieving. If they are not achieving those or not on the right time table or there's other roadblocks or barriers that come along, the idea is that we can flag those along with others in your criminal justice system to the leadership group to be addressed as sort of midcourse corrections if they are needed.

Senator Deborah R. Reynolds, D. 2: How long does CSG stay involved? A couple of years?

Mr. Clement: Our technical assistance is maintained from one to three years, depending on how the bill proceeds.

Senator Deborah R. Reynolds, D. 2: Thank you.

Senator Robert J. Letourneau, D. 19: Follow up?

Senator Deborah R. Reynolds, D. 2: Any other questions? Senator Letourneau?

Senator Robert J. Letourneau, D. 19: So, based upon the answer you gave, if we do absolutely nothing here based on the trend that we're going on now, their case loads are going to increase without any resolution to it.

Mr. Clement: I don't know if they would increase, but they would certainly remain at the high levels that they are at now.

Senator Robert J. Letourneau, D. 19: Follow up. We have the data showing that the case load has increased as the recidivism rate increases. So, if it keeps on going at the trend it is going, the case loads are going to get

JRB

worse and there is not going to be any solution. Here we have a solution. Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Marshall.

Mr. Clement: Thank you, Madam Chair.

Senator Deborah R. Reynolds, D. 2: That concludes all of the signed in parties who wish to speak. Is there anybody else here relative to SB 500 who wanted to speak? Yes, sir. What's your name?

Peter Bearse: Peter Bearse. I signed in.

Senator Deborah R. Reynolds, D. 2: Okay, Peter, why don't you come forward? That's fine. Come on forward and offer your testimony. Welcome, Peter. I'm sorry. I just didn't get that sign in sheet. Could you just give us your full name please?

Mr. Bearse: Peter Bearse. That's spelled B-e-a-r-s-e. I'm here on behalf of myself, also to support the good work of Chris Dornin with whom I have discussed the matter, and also on behalf of two inmates I have come to know at Concord State Prison and whom I am trying to help as well.

Quite briefly, let me voice my strong support for this initiative. There is a very sore need for transitional assistance to those trying to make their way from the prison world into the rest of the world and those are two radically different worlds as you know. As somebody who is a professional economist and somewhat of a social scientist, I guess you could say, I would like to view this and I hope you will view this as a demonstration program in its scope thus far. As such, even though there has been very strong evidence presented by the researchers who are here with us as to the success of such initiatives in other states, nevertheless, the demonstrations in other states don't serve to evaluate a program which is new here in New Hampshire.

So, I strongly urge that you realize the need for perhaps the new Division of Community Corrections headed by Joe Diament, who is just outside the door to establish as part of their program an overlap which they already have and linkages that they already have with this initiative to establish a research program which is sufficient to the challenge of evaluating the success, hopefully the success of this initiative, this Senate initiative here in New Hampshire so that in the future biennium you will be in a position to have some evidence to supplement the research which has already been done, which is specific to the evaluations of this set of initiatives here in New

Hampshire. It is very important for the sake of your own oversight of this program to do that.

And, finally, I would like to leave with you a challenge because, in this very substantial, very important bill, now you're focusing attention on the transitional problem, which is crucial. But, I suggest that this Committee begin to focus attention internally on the operation of the prison system. My impressions, and they are only impressions, but let me quickly share them with you, is that the prison system as a whole serves overwhelmingly as a vehicle of punishment and not of rehabilitation. And, that is very much a closed system which needs to be, in which some doors and windows need to be opened for your own oversight of what is going on because what happens within the prison system is also a significant factor in the very high rate of the State's recidivism and your program certainly should go substantially part of the way to reducing that high rate, but it is not the whole story.

I appreciate very much your attention. Thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much and thank you for your work that you are doing in the prison. Any questions? Seeing none, I do not see anyone else here who is signed in either in favor or opposition to the bill. I want to thank you all for being here. Close the haring on SB 500.

Hearing concluded at 3:50 p.m.

Respectfully submitted,



L. Gail Brown

Senate Secretarial Supervisor

5/10/10

3 Attachments



January 2010

Justice Reinvestment in New Hampshire

Analyses & Policy Options
to Reduce Spending on Corrections
& Increase Public Safety



Background

IN JUNE 2009, GOVERNOR JOHN LYNCH, Supreme Court Chief Justice John Broderick Jr., then-Attorney General Kelly Ayotte, Senate President Sylvia Larsen, and House Speaker Terie Norelli requested intensive technical assistance from the Council of State Governments Justice Center (Justice Center) to help develop a statewide policy framework that reduces spending on corrections and reinvests in strategies that increase public safety and reduce recidivism. The New Hampshire Charitable Foundation joined in the state's request and committed in-kind support to the project.

To guide the Justice Center's analyses of the state's criminal justice system and development of policy options, the state established the Justice Reinvestment Work Group. Members of the bipartisan, bicameral, and inter-branch group include representatives of the House, Senate, Governor, the State Supreme Court, the State Superior and District Courts, and the New Hampshire Charitable Foundation. The work group identified a cross-section of stakeholders

and data sources for the Justice Center to consult in analyzing New Hampshire's criminal justice system.

The Justice Center convened roundtable discussions and organized interviews with superior and district court judges, county attorneys, defense attorneys, behavioral health treatment providers, police chiefs, sheriffs, victim advocates, and county superintendents. The Justice Center also collected data from multiple sources to inform the analyses outlined in this brief, including the New Hampshire Department of Corrections (DOC), Department of Safety, along with other state agencies and individual county corrections agencies.

This report summarizes the findings of the Justice Center and provides state policymakers with a data-driven policy framework designed to achieve the three goals established by the work group: reduce spending on corrections, reinvest in sanction and treatment programs, and increase public safety by reducing recidivism.

I. Summary

Although New Hampshire's crime rate has been low and stable for the past ten years, the prison population has increased 31 percent – and spending on corrections has nearly doubled – over the same time period.

Three key factors contribute to the growth of New Hampshire's prison population:

Rising recidivism rates

The number of parolees who fail on supervision and are revoked to state prison has increased 50 percent since 2000.

Few resources to sanction and to treat people under community supervision

Resources to provide substance use treatment for parolees and probationers and to sanction them in the community are extremely scarce.

Inefficiencies in parole processes

People are held in prison unnecessarily after they have served 100 percent of their minimum sentence, costing taxpayers an estimated \$20 million a year.

II. Crime & Arrest Trends

New Hampshire is one of the safest states in the country.

- In 2008, the state's property crime rate (2,092 per 100,000) was the fourth lowest in the nation, and the state's violent crime rate (157 per 100,000) was the third lowest in the nation.
- Crime rates over the past eight years have been stable: property and violent crime rates in 2008 were essentially the same as they were in 2000.

Despite a low and stable crime rate, the number of arrests has increased in recent years.

- In the state's 28 largest cities/towns (which account for 52 percent of the state's population) the number of arrests reported increased four percent from 2005 to 2008. Within that time period, arrests for violent crimes increased 31 percent from 420 to 550, arrests for property crimes increased six percent from 2,609 to 2,754, and arrests for drug crimes decreased by four percent from 2,228 to 2,137.

Police chiefs and sheriffs point to insufficient substance use and mental health treatment services as one factor contributing to property and violent crime.

- In focus group discussions, police chiefs and sheriffs noted that drug use drives a significant percentage of crime that is categorized as property crime in New Hampshire.
- The absence of integrated mental health and substance use treatment services for people with co-occurring mental health and drug/alcohol problems create significant challenges for police officers and other first responders who encounter people who are in a mental health crisis and under the influence of drugs or alcohol.

III. Corrections Trends

New Hampshire's prison population increased 31 percent and state spending on corrections has nearly doubled between FY1999 and FY2009.

- The number of people incarcerated in state prison increased from 2,233 in FY1999 to 2,917 in FY2009.
- State spending on corrections has increased from \$52 million (or \$67 million adjusted for inflation) in FY1999 to \$104 million in FY2009.

The number of people sentenced to prison for committing a crime (as opposed to a prison admission for a parole or probation revocation) has not increased significantly since 2000.

- Admissions to prison with new sentences increased only slightly from 518 in 2000 to 532 in 2009.

- The four largest counties (Hillsborough, Rockingham, Merrimack, and Strafford) account for almost 75 percent of the state population but only 65 percent of prison admissions.
- Only two counties, Belknap and Sullivan, send a significantly disproportionate number of people to prison each year. In 2009, Belknap County accounted for five percent of the state's resident population but eight percent of prison admissions. Sullivan County accounted for three percent of the state's resident population but 11 percent of prison admissions.

Nearly two-thirds of people sentenced to prison for committing a crime were convicted of non-violent, property or drug offenses.

- In 2009, 64 percent of people admitted to prison with a new sentence were convicted of non-violent, property, or drug offenses.

County Correctional Facilities

As the number of people held in county correctional facilities has grown, the average daily cost of of incarcerating someone in a local jail has also increased.

- From 2000 to 2008, the number of people held in county correctional facilities increased 21 percent.
- Average daily costs for county correctional facilities have increased 50 percent from 2000 to 2009.
- In 2009, 268 people on probation supervision were reincarcerated in local jail because their probation was revoked; the cost to counties of reincarcerating these probation revocations, who spend an average of 8 months in local jail, was approximately \$5.7 million.

COUNTY CORRECTIONS AVERAGE DAILY POPULATION

(Strafford Count Excludes Contract Boarders)

COUNTY	31-DEC-00	31-DEC-08	PERCENT CHANGE
Belknap	42	90	114%
Carroll	47	61	30%
Cheshire	78	95	23%
Coos	28	39	39%
Grafton	70	103	47%
Hillsborough	556	583	5%
Merrimack	200	232	16%
Rockingham	265	332	25%
Strafford	141	164	16%
Sullivan	68	104	53%
TOTAL ADP	1495	1811	21%

- In 2004, people convicted of property offenses accounted for 15 percent of admissions. By 2009, people convicted of a property offense accounted for 28 percent of the state's prison admissions.

People revoked from parole supervision are the largest – and fastest growing – category of admissions to prison.

- The number of people revoked to prison for violating the conditions of parole increased from 360 in 2000 to 540 in 2009.
- Parole revocations have increased from 35 to 43 percent of all admissions to prison between 2000 and 2009.
- On average, people admitted to prison for a parole revocation spent 10-11 months incarcerated before being released back to parole or completing their sentence while incarcerated.
- With state prison facilities overcrowded, program capacity limited and those revoked from parole often serving different lengths of time incarcerated, most people returned to prison because their parole was revoked do not participate in any programs or services prior to their re-release.

Women Offenders in Prison

The number of women admitted to prison in New Hampshire has increased dramatically.

- The number of women admitted to prison has increased 133 percent, from 86 in 2003 to 201 in 2009.
- In 2000, women accounted for approximately 8-10 percent of all prison admissions. In FY2009, women accounted for 16 percent of all prison admissions.
- Half of the women admitted to prison in FY2009 had not committed a new crime; they were incarcerated because they had violated their conditions of probation or parole supervision.

Recidivism rates for women released from prison have increased faster than the increase in recidivism rates experienced by men.

- According to DOC recidivism studies, the three year reincarceration rate for women rose from 36 percent for those released in 2003 to 57 percent for those released in 2005. The recidivism rate for men, however, increased from 40 to 50 percent over the same time period.

Most people whose probation supervision is revoked are incarcerated in county (as opposed to state) correctional facilities.

- Two-thirds of probation revocations serve an average of eight months in a county facility, while the remaining one-third of probation revocations are sentenced to an average of 34 months in state prison.
- The number of people whose probation was revoked and were sent to prison increased only slightly – from 152 in 2000 to 174 in 2009.

More than half of the state's prison admissions are people whose probation or parole supervision was revoked.

- In 2009, probation and parole revocations for condition violations (where there wasn't a new sentence) together accounted for 57 percent of all admissions to state prison.

IV. Probation & Parole Supervision

The number of people on probation and parole has increased significantly, while the total number of probation and parole officers has not increased.

- The number of people on probation supervision has increased 26 percent from FY2000 to 2009.
- The number of people on parole has nearly doubled (93 percent increase) over the same time period.
- Because the number of PPO staff has not increased during this time period, caseloads have increased significantly.

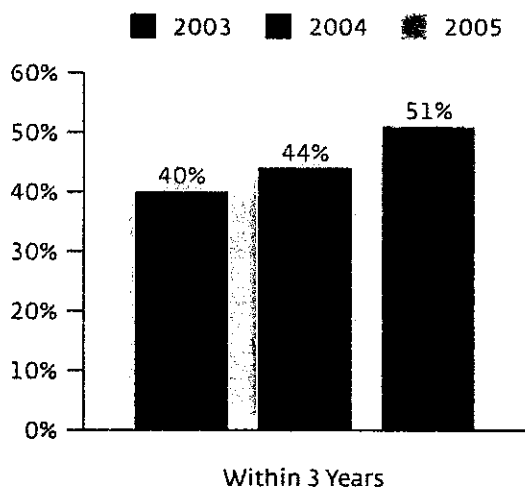
The percentage of people on parole supervision who are revoked and returned to prison varies significantly from one county to the next.

- In FY 2009, 23 percent of people on parole in Coos County were revoked to prison, while 88 percent of parolees in Sullivan County were revoked to prison.

The recidivism rate for people released from prison has increased.

- According to recidivism studies produced by the DOC, the percent of people released from prison who were reincarcerated within three years (for a new crime or violating a condition of parole) increased from 40 percent for those released in 2003 to 51 percent for those released in 2005.
- By comparison, the national average recidivism rate is 40 percent, according to the latest research from the Bureau of Justice Statistics (this average does not include California data, which due to its size in the sample increases the average to 50 percent).

New Hampshire Recidivism Rate: Percent of People Reincarcerated Within 3 Years



RECIDIVISM BY AGE (2004 Cohort)

17-19	60%
20-25	51%
26-29	42%
30-39	43%
40-49	41%
50-59	29%

RECIDIVISM BY OFFENSE TYPE

Violent	40.0%
Property	50.0%
Drug	37.0%
Public Order	48.0%

Source: 2003 and 2004 cohort data come from New Hampshire Department of Corrections. Joan Schwartz, Ph.D. Recidivism in New Hampshire: A Study of Offenders Returned to Prison within Three Years of Their Release, September 2009. 2005 Cohort data are still preliminary and have not been published or finalized by the NH DOC.

FY09 Parole Revocation Rate

Gender	
Male	55%
Female	52%
Risk Level	
Maximum	76%
Medium	62%
Minimum	37%
Offense Type	
Violent	55%
Sex Assault	52%
Non-Violent	54%
Drug	55%
Property	58%

Unlike many other states, no state dollars are appropriated to the NH DOC for electronic monitoring, rapid drug testing, substance use treatment or intermediate sanction facilities to monitor, treat, and sanction people on parole and probation.

- Probationers and parolees in New Hampshire are placed on electronic monitoring only if they are able to pay for the cost of the monitoring equipment.
- When PPOs test probationers and parolees for drug use, they must wait three to four weeks, on average, for the results of such tests.
- Although the DOC provides limited drug education programming in some correctional facilities, the DOC has no state resources to contract with community-based substance use treatment providers to ensure that high-risk, high-need probationers and parolees can access treatment in a timely manner.

Parole Revocation Rates: Wide Variation by County

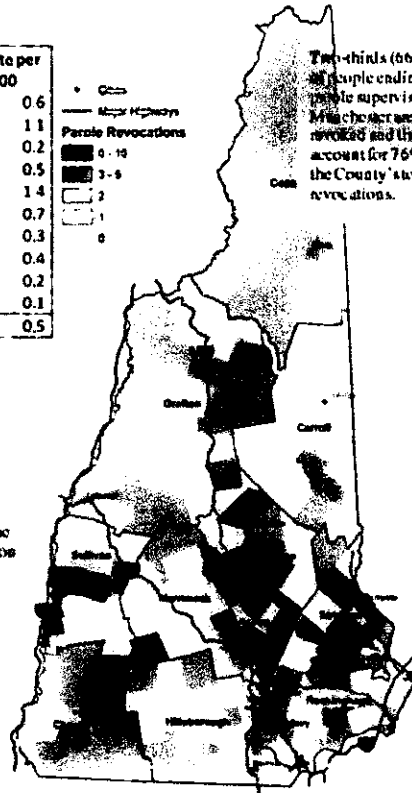
COUNTY	PAROLE POPULATION (9/25/2009)	FY 2009 PAROLE REVOCATIONS TO PRISON (Prison Admissions Data)	REVOCATIONS AS PERCENT OF PAROLE POPULATION
Belknap	78	47	60%
Carroll	38	14	37%
Cheshire	68	29	43%
Coos	40	9	23%
Grafton	81	28	35%
Hillsborough	527	149	28%
Merrimack	274	64	23%
Rockingham	164	71	43%
Strafford	93	53	57%
Sullivan	84	74	88%
Other	373	2	1%
TOTAL	1,820	540	30%

Parole revocations in FY 2009 will cost New Hampshire approximately **\$13.3 million** based on a \$90 per day cost of incarceration.

People Revoked From Parole (2008)

New Hampshire
by Census Tracts with County Borders

County	Count	Rate per 1000
Hillsborough	146	0.6
Merrimack	93	1.1
Rockingham	38	0.2
Strafford	34	0.5
Sullivan	33	1.4
Belknap	23	0.7
Cheshire	16	0.3
Coos	8	0.4
Grafton	8	0.2
Carroll	3	0.1
Total/Avg.	402	0.5



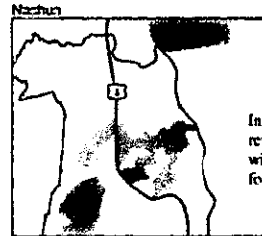
Claremont has one of the State's highest revocation rates at 3.7%.

Two-thirds (66.3%) of people ending parole supervision in Manchester are being revoked and they account for 76% of the County's total revocations.

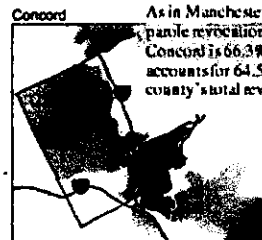
Manchester; Nashua, Concord
by Census Block Groups with City Borders



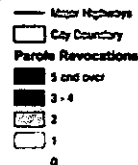
City	Count	Rate per 1000
Manchester	111	1.6
Concord	60	2.3
Nashua	21	2.7
Claremont	19	0.3
Laconia	11	0.6
Rochester	7	0.7
Berlin	6	0.4
Lebanon	5	0.3
Keene	4	0.7
Derry	1	0.1
Conway	0	0.0
Total/Avg.	245	1.1



In contrast, Nashua's parole revocation rate is only 45% and within its own county, it accounts for only 13% of all revocations.



As in Manchester, the parole revocation rate in Concord is 66.3% and it accounts for 64.5% of the county's total revocations.



V. Behavioral Health

Treatment and other support services for addiction, mental health and co-occurring disorders are severely underfunded.

- According to the New Hampshire Bureau of Drug and Alcohol Services (BDAS), the state's publicly-funded addiction treatment system has the capacity to provide treatment for approximately 6,000 people, which is just 10 percent of the people in the community who need it.
- Mental health services funded by the New Hampshire Bureau of Behavioral Health (BBH) are limited almost exclusively to individuals with serious and persistent mental illnesses. Many people with mental health disorders require care that is essentially unfunded.
- The majority of persons with mental illnesses and substance use disorders have co-occurring disorders (when at least one disorder of each type can be established independent of the other). Traditional care models are not effective with this population and integrative approaches are required. BDAS funds only one program in the state that serves clients with co-occurring mental and substance abuse disorders. Community mental health providers have limited capacity to serve co-occurring conditions within the populations they serve.

The majority of individuals in jail and prison have either addiction or mental health disorders (or both); these people are a significant driver of the state's increasing revocation rates of people under community supervision.

- National data indicate the following: a) approximately 70 percent of individuals admitted to prison have a diagnosable addiction disorder that requires treatment; and b) 17 percent of people admitted to prison have a serious mental illness.
- Based on a review of parole revocation hearing files covering a three-month period, 75 percent of those revocations that were due to condition violations involved parolees who used drugs or alcohol, and 41 percent failed to access and/or complete a treatment program to address their need for substance use or mental health treatment.
- According to county superintendents it is not unusual for people incarcerated in county jails to wait there for months while awaiting placement in a substance use treatment facility; increasing the availability of community-based treatment could expedite the movement of individuals into the community more quickly and avoid county incarceration costs.

Although research demonstrates the effectiveness and value of specialized treatment and supervision programs for high-risk and high-need populations on probation and parole, the state does not appropriate any funds for these models.

- Research indicates that intensive probation or parole supervision combined with effective addiction treatment has been shown to result in an 18 percent reduction in recidivism.
- Fifteen percent of the clients served in the state's addiction treatment system in 2008 were under parole or probation supervision.
- No standardized or coordinated approach exists to identify which probationers or parolees should be prioritized for access to state substance abuse treatment resources.

A modest investment in targeted and evidence-based treatment services for the high-risk and high-need individuals would have a significant impact on recidivism.

- Of the approximately 2,000 people sentenced to felony probation or released to parole in FY2009, 1,200 number are medium or high risk. Of these, almost 700 need addiction and/or mental health treatment services.
- For an annual investment of \$350,000 the state could provide addiction, mental health and co-occurring services to approximately 100 high-risk parolees and felony probationers.
- For an annual investment of \$1,300,000 the state could provide services for approximately 400 medium/ high risk parolees and high risk felony probationers.
- For an annual investment of \$2,400,000 the state could provide services for approximately all 700 medium and high risk parolees and probationers.

VI. Policy Framework

Goals

1. Reduce spending on corrections

2. Reinvest in sanction & treatment programs

3. Increase public safety by reducing recidivism

Policy Options

A. Focus supervision on high-risk offenders.

D. Reinvest in treatment for high-risk, high-need probationers and parolees.

B. Use short, swift and certain jail sanctions.

E. Ensure everyone leaving prison receives at least nine months of supervision.

C. Establish intermediate sanction program & designated parole revocation facility.

F. Require nonviolent offenders to serve 100-120% of their minimum sentence.

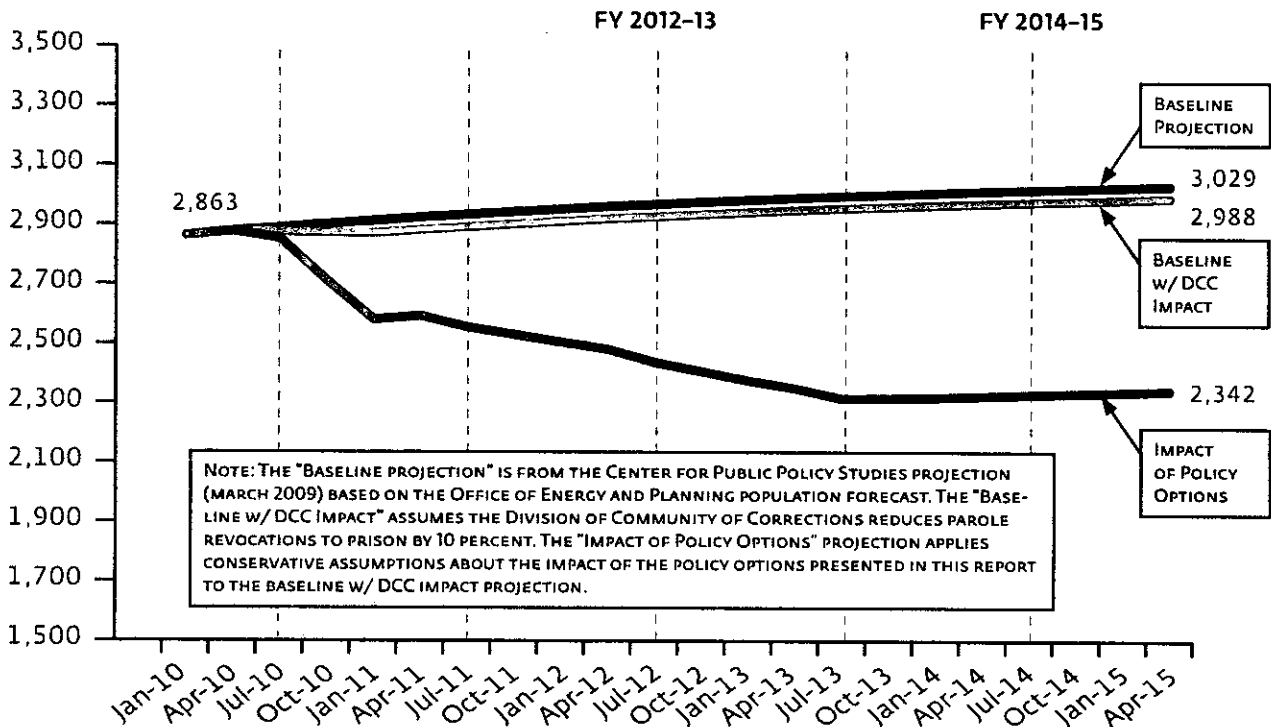
Outcomes

1. Reduce prison population by 590 men & 56 women by FY2015

2. Reinvest 50% of savings in treatment & supervision

3. Reduce revocations from parole by 40% & probation by 20% by FY2015

Projected Impact on the Prison Population



A Focus community-based supervision resources on high-risk offenders.

Description

- Direct, by statute, probation and parole officers (PPOs) to actively supervise low and medium risk offenders on misdemeanor probation for no more than nine months, felony probation for 12 months and parolees for 18 months. Direct further, by statute, that the PPO place people who complete this supervision period successfully – and for whom additional active supervision is unnecessary – on administrative supervision.

Analysis

- Focus group meetings among PPOs, county attorneys, public defenders, and judges reflected a consensus that probation and parole caseloads are too high and some probation sentences are too long; as a result, there are insufficient resources to concentrate on those offenders most likely to reoffend.
- Half of all people on parole supervision in New Hampshire who fail to comply with their conditions of supervision do so within the first eight months of their release from prison.
 - Shortening the length of time spent actively supervising probationers and parolees who have complied with their conditions of supervision and who are low or medium risk enables probation and parole officers to concentrate their attention on high-risk probationers and parolees.
 - In the last five years, laws have been enacted in Arizona, Nevada, and Delaware to “frontload supervision resources,” and recidivism rates subsequently declined in each of these states.

B Use short, swift and certain sanctions, including jail time, to reduce crime and revocation rates among people sentenced to felony probation.

Description

- Enable judges to establish a sanction period of up to five days in jail, which would allow PPOs to respond to probation violations without a court hearing, unless requested by the probationer.
- Limit the use of this jail sanction by statutory policy to a maximum of five days for each felony probation sentence.

Analysis

- In FY2009, approximately 2,800 people were sentenced to probation supervision in New Hampshire. In the same year, PPOs brought 1,735 probationers to court for violation hearings. Well over half of these violation hearings (1,129) were for violations of conditions of supervision.
- In one-third of the hearings held for probationers who had violated a condition of supervision, the judge revoked the person’s probation, sentencing him or her to prison or jail. In the remaining two-thirds of condition violation hearings, the judge returned the person to probation supervision.
- County jail superintendents report that probationers awaiting violation hearings spend as much as 10 to 30 days in jail.
- Providing probation officers with some discretion to hold offenders accountable for breaking the rules of supervision – as opposed to requiring them to respond in every instance with a court hearing – can substantially boost the immediacy and certainty of responses.
- Probation departments in both Georgia and Hawaii have implemented policies that enable probation officers to respond to condition violations with short, swift, and certain sanctions. Researchers evaluating these policy changes have found that the Georgia policy reduced the number of days that probationers spent in jail on violations or awaiting court hearings by 70 percent.

C

Establish an intermediate sanction program and a designated parole revocation facility to respond more effectively to parole violations.

Description**PART I – INTERMEDIATE SANCTION PROGRAM**

- Establish an intermediate sanction program, to be used in lieu of revocation, for parole violators. Use 20 C1 (halfway house) beds to create the one week residential sanction, which would create the capacity to serve up to 973 parolees annually.
- Use of the intermediate sanction program will reduce the number of parolees admitted to prison for a revocation by 20 percent. This reduction is in addition to the 20 percent reduction referenced in Option D.

PART II – PAROLE REVOCATION FACILITY

- Designate a secure housing unit as a parole revocation facility for all parolees revoked to prison. Deliver focused evidence-based programming aimed at reengaging parolees in their supervision plan. Modify the revocation process to require a standardized three-month revocation period in the parole revocation facility.

Analysis

- Wardens and correctional officers at the Concord State Prison reported that most people admitted to that facility for a parole revocation were incarcerated in the reception facility, where no programs are offered that might address substance use or other issues that contributed to the revocation of the person's parole.
- PPOs report that they do not have access to residential, day reporting centers, or other intermediate sanctions. Without such options, they often end up ignoring violations of conditions of release, until they become serious or frequent enough to merit revocation to prison.
- Probation and parole officers in Texas have access to intermediate sanction facilities and, in 2007, policymakers increased the capacity of these facilities to reduce the number of people revoked to prison and to avert growth in the prison population. Policymakers in Kansas shortened the mandatory parole revocation period from six to three months for all parole revocations to focus resources on community-based programming/treatment.

D

Ensure that high-risk probationers and parolees with serious addiction and/or mental health disorders are monitored with rapid drug tests and have access to treatment programs.

Description

- Reinvest correctional savings to expand availability of effective addiction and mental health treatment programs, which community-based behavioral health providers deliver to high-risk, high-need individuals on probation and parole supervision.
- Direct DOC, with BDAS, the Governor's Commission and BBH, to identify, train, and approve behavioral health treatment providers to serve high risk, high need probationers and parolees.
- Use rapid drug screening technology to enable probation and parole officers to conduct random drug use tests of high-risk substance using offenders to help monitor treatment progress and compliance with conditions of release.
- The allocation of these dedicated and targeted behavioral health treatment resources, along with rapid drug screening and freeing up PPOs time to focus on high risk offenders (Option A) will together reduce parole revocations by an additional 10 percent (beyond the 10 percent reduction estimated due to the Division of Community Corrections), and will reduce probation revocations by 20 percent.

Analysis

- Research demonstrates that significant reductions in recidivism can be achieved only when treatment and supervision resources are concentrated on high-risk, high-need individuals and when the treatment programs are delivered by high quality community-based providers.
- Ohio has demonstrated the impact of targeting contracted community-based treatment programs at high risk offenders and evaluating programs for quality.

E Ensure everyone leaving prison receives at least nine months of post-release, community-based supervision.

Description

- Require people in prison to be released to parole supervision at least nine months prior to reaching the end of their maximum sentence.
- Apply this policy to those individuals with, at the time of enactment, 12 months or more remaining until the end of their maximum sentence.
- Provide victim advocates with the opportunity to work closely with crime victims and survivors to assist them through the prisoner's release period; identify and assess the crime victim's most important needs related to information, notification, protection/safety, restitution and other issues and concerns; and develop a case plan to address their most important needs, and link them with appropriate support and services.

Analysis

- Sixteen percent of the people released from prison in FY2009, or 224 individuals, completed their maximum sentence in prison and, as a result, were released to no community-based supervision.
- People who remain incarcerated in prison, either because of a parole board decision or because they prefer to avoid parole supervision, may present a high risk of reoffending when released. By requiring these offenders to serve the remaining nine months of their sentence on intensive supervision, PPOs can monitor their transition to the community.
- Most states with a typical 85 percent truth-in-sentencing policy have reserved 15 percent of the sentence for post-release supervision in the community as part of their sentencing structure (e.g. Arizona, Kansas).

F

Reinforce truth-in-sentencing by requiring nonviolent, property, and drug offenders to serve 100 to 120 percent of their minimum sentence

Description

- Revise the existing disciplinary credit policy to incentivize good conduct as well as participation in recommended (and available) programs.
- Establish that nonviolent, property, or drug offenders sentenced on or after a future date serve no less than 100 percent and no more than 120 percent of their minimum sentence. The revised disciplinary credit policy should determine when the DOC or parole board shall place the offender on parole supervision.

Analysis

- In a focus group, victim advocates stressed that the state's truth-in-sentencing policy of requiring offenders to serve 100 percent of their minimum before being released should not be modified.
- Twenty-two percent of New Hampshire's prison population in November 2009 (or 649 people) had served 100 percent of their minimum sentence, but remained incarcerated. People in this group had served an average (median) of 500 days past their minimum sentence date. Approximately 270 of these people were convicted of nonviolent, property, or drug offenses.
- Parole board staff and members cite the following reasons delaying parole release: institutional misconduct, lack of program participation or completion, or an unacceptable parole plan for housing upon release.
- Waiting for someone to complete a program in prison – after that person has been warehoused without participation in a program for an extensive period of time – is inefficient and costly, especially considering that the same services can be delivered in the community and have a much greater impact than if they were provided behind the walls. Research reflects that prison-based programs are only half as effective at reducing recidivism as similar programs delivered in a community-based setting while the offender is under supervision. For example, providing drug treatment in a correctional facility has only been shown to reduce recidivism by six percent while providing the same programming in the community can reduce recidivism by 12 percent.

To learn more about the justice reinvestment strategy
in New Hampshire and other states,
www.justicereinvestment.org

JUSTICE★CENTER
THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.



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To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

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**Council of State Governments
Justice Center**

100 Wall Street
20th Floor
New York, NY 10005
tel: 212-482-2320
fax: 212-482-2344

4630 Montgomery Avenue
Suite 650
Bethesda, MD 20814
tel: 301-760-2401
fax: 240-497-0568

504 W. 12th Street
Austin, TX 78701
tel: 512-482-8298
fax: 512-474-5011

PROJECT CONTACT:
Marc Pelka
646-383-5720
mpelka@csg.org

www.justicecenter.csg.org



NEW HAMPSHIRE
CHARITABLE FOUNDATION

February 16, 2010

Senator Deborah Reynolds, Chair
Senate Judiciary Committee
Statehouse Room 103
Concord, NH 03301

Dear Senator Reynolds and Members of the Judiciary Committee,

The New Hampshire Charitable Foundation respectfully encourages your support of Senate Bill 500-FN, an act implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism. We extend our gratitude and respect to Governor Lynch, Attorney General Delaney and former Attorney General Ayotte, Chief Justice Broderick, Commissioner Wren, Senate President Larsen, Speaker Norelli, and legislative leaders from both parties for the work that has led to this bill.

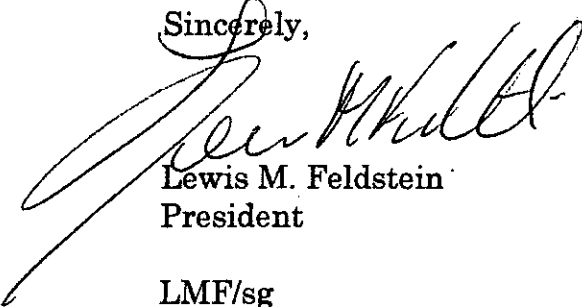
Over the years, the Foundation has funded and collaborated on a number of public-private partnerships to inform and improve the state's justice and corrections systems. These include the Citizens Commission on the Courts, research on corrections policies and trends, and, most recently, the Justice Reinvestment initiative that has produced this proposed legislation. As an organization that is active in every community in New Hampshire, we see first hand how rising corrections costs have crowded out support for other essential services, even as recidivism continues to rise.

Our support for this bill and the larger Justice Reinvestment initiative is also motivated by our work on substance use disorders. The largest fund at the Foundation is dedicated to reducing the harm from substance abuse. This work has shown us that addiction is a major factor driving up incarceration rates, and that the state could do a better job treating and supervising nonviolent offenders with substance use disorders in community settings.

This initiative and legislation come before you at a watershed moment in time and presents a tangible opportunity for meaningful action. Skyrocketing corrections costs and unprecedented fiscal constraints have united state leaders from all branches of government and both sides of the aisle to advance these reforms. Working together, they have secured one-time federal grants to provide up-front funding to establish supports for people coming out of prison, until savings can later be generated to support these efforts long-term. While the Foundation has been pleased to help leverage these funds and will continue our efforts to do so, these grants are time-limited opportunities. In particular, the intensive technical support and data analysis provided by the Justice Center of the Council of State Governments to help guide and track these efforts for the next two years is time-limited. New Hampshire is among a very select group of states – including Texas, Michigan, and Kansas – to be awarded this critical assistance. This combination of unique circumstances is not likely to happen again.

In closing, we would emphasize for the Committee the critical importance of reinvesting a significant portion of the savings generated by this bill into community treatment, the intent of which is stated in the legislation. This aspect of the recommendations is essential to ensure the reforms are effective, long-lasting, and have the greatest impact on public safety. This aspect of the bill has our strongest support.

Sincerely,



Lewis M. Feldstein
President

LMF/sg

SB 500 is the best NH criminal law in a decade

By Chris Dornin, 603-228-9610

Chairman Reynolds and other members of the Senate Justice Committee, thanks so much for listening to the many arguments in favor of what may be the best piece of criminal law the state has seen in many years. Senate Bill 500 results from an eight-month study of the prisons, jails, the criminal courts, parole and probation by a high level task force including the three chief justices, the attorney, state department heads, the governor's office, legislative leadership, and Senator Letourneau of your committee. Experts from the Council on State Governments compiled and analyzed all the available data. They heard from every key stakeholder expect inmates, parolees and their loved ones. All agreed the five key policy changes in this bill would relieve prison crowding, help ex-offenders succeed in the community, save money, and make the public safer.

SB 500 would permit many nonviolent inmates to leave prison when their minimum sentence expires or shortly afterwards. Today a large number fail parole at their first and even second and third chances. The bill would grant parole or probation officers the personal authority to bust a consenting person into a halfway house for just a few days to steer them back into rehabilitation. Today, almost the only sanction in the officer's tool kit is a petition to return someone to prison or jail for the rest of their maximum sentence.

Under SB 500, few nonviolent inmates would max out any more, instead leaving nine months or so before the end of their maximum sentences. That's to assure the high-risk parolee the greatest supervision and support while making the shift from prison to freedom. Today that person typically leaves without a job, savings or place to stay, a perfect setup for failure, recidivism and more victims.

A 180 degree change in policy like SB 500 was unthinkable even a year ago. But the New Hampshire prison population has grown 31 percent in the last decade while yearly corrections costs have spiked from \$52 million to \$104 million. If future legislatures agree to it, some of the projected savings from closing selected prison units, starting as soon as 2013, would create the infrastructure for a strong array of community treatment programs

The bill unfortunately fails to implement policy recommendation D in the recent report of the Justice Reinvestment Commission, except as a purpose statement without the funding to carry it out. That's too bad. The NH Center for Public Policy Studies is forecasting a prison population of 3,029 by 2015 under the current growth trend. If the bill included option D, that census might decrease from 2,878 this year to 2,422 five years out. The Strafford County contract to house female state prisoners would end in 2013, saving \$750,000 per year and \$2.3 million by the end of 2015.

Closing one pod at the Concord prison and the makeshift dormitory with 100 cots in a gymnasium at the Berlin prison would save \$3.2 million in salaries. The state would save

another \$5.3 million in marginal costs for food, clothing, medical care and inmate payroll from jobs in prison industries. Throw in the construction cost of another wing at the Berlin prison if the state ever needed to build it, plus the added operating expense.

There's another shortcoming to the bill. Its benefits do not extend to the more than 600 sex offenders in prison and another 2,000 in the community. Along with drug offenders, sex offenders are one of the big drivers of prison growth all across the country. Today New Hampshire law defines all of them as violent criminals despite abundant research showing that few sex crimes are violent in the strict dictionary sense of the word. The research shows something else the public is almost universally unaware of, that sex offenders in general have the lowest recidivism rates of all criminals.

I would offer an amendment to apply the bill to all prisoners and parolees. If SB 500 can reduce recidivism among nonviolent offenders, why not reduce recidivism among violent offenders and sex offenders? Why let any of that population max out unprepared for a hopeless freedom with a quick and costly return to prison?

Please understand how thoroughly SB 500 clashes with the worst practices in re-entry the state applies to sex offenders. They face huge barriers to success: shaming and branding by a public internet registry, active community notification when they move into some towns, and even residency restrictions in five communities. If you as lawmakers imposed those same arguably ex post facto obstacles on all the other offenders, you would need several more prisons today.

If you choose not to amend the bill, it would still be wonderful legislation. But could this committee please remain open to widening a noble experiment several years from now if the Justice Reinvestment project achieves its goals of saving money and making our streets safer?

Chris Dornin is a retired Statehouse journalist working for prison reform. You can reach him at 228-9610

Cutting the Prison Rate Safely

By John Vratil and John Whitmire

The news that more than 1 in 100 adults in our country are behind bars shocked many Americans, but it shouldn't have come as a surprise. The U.S. incarceration rate has been marching toward this milestone for three decades, a result of policy choices that put more offenders in prison and keep them there longer. Harsher sentencing laws, more restrictive parole policies and the practice of locking up people who have violated the rules of their probation or parole have been driving up the inmate population since the early 1980s.

What is remarkable, and has been highlighted alongside the incarceration figures in a recent report from the Pew Center on the States, is that our states, Kansas and Texas, and others are finding effective ways to fight crime and punish criminals without breaking the bank on prisons. Locking up 2.3 million people has undoubtedly helped reduce the nation's crime rate. And we certainly believe that violent and chronic criminals deserve a good, long term behind bars.

Yet high numbers of nonviolent, lower-risk criminals have been swept up in the prison boom. Getting tough on them has gotten tough on taxpayers, without an adequate public safety benefit. A prison cell costs about \$65,000 to build and \$24,000 a year to operate. States spend nearly \$50 billion a year on corrections, more than four times the amount from 20 years ago, and they are projected to spend an additional \$25 billion over the next five years to accommodate more inmates.

For this much money the public expects lower recidivism rates and safer communities. Yet crime rates are still too high. Recidivism rates are still too high. And corrections spending is crowding out dollars for other pressing priorities such as health care and education. Like many of our performance-minded colleagues across the country, we have wondered whether we are getting our money's worth out of prisons. For violent offenders and sex offenders, the answer is yes. For many nonviolent offenders and probation violators, the answer is no. We've got to find a better way.

Many states are doing just that. In law-and-order Texas, we expanded a network of residential treatment centers for low-risk, substance-abusing offenders in prison and under community supervision, as well as intermediate-sanction facilities for probation and parole violators. Texas might avoid increased incarceration costs for the next five years, saving taxpayers millions of dollars, according to the latest projections.

After Kansas found that nearly two-thirds of its prison admissions were probation and parole violators, the legislature set up an incentive program for community corrections programs. Counties that cut their revocation rates by 20 percent will get a share of new state funding -- money made available because of averted prison construction -- to help them hold violators accountable without using up prison cells.

Other states are taking similar steps. We aren't going soft on crime; we're getting smart on crime. Our country has a million more prison beds today than it did just 20 years ago, yet the average time served behind bars has increased by only six months, to about three years. Holding inmates an extra six months costs a bundle, but greater reductions in recidivism may be achieved by the alternative treatment and sanctioning programs that have begun to be funded.

For the same price, we can put four offenders through a drug court or reentry program and actually alter the course of their criminal careers. Research has shown that by using new technologies and treatment strategies, community corrections programs can cut rates of repeat

offenses by 25 percent. Rather than claiming new victims, these offenders have a decent shot at rejoining society, paying taxes and supporting their children.

Public safety spending, like other areas of government responsibility, is not exempt from the test of cost-benefit analysis. Taxpayers want the job done as effectively as possible. It's up to us as policymakers to consider all of the options and create an array of punishments and programs that deliver the biggest public safety bang for the buck.

John Vratil, a Republican from Kansas, is vice president of the state Senate and chairs its Judiciary Committee. John Whitmire, a Democrat from Texas, is the senior member of the state Senate and chairs its Criminal Justice Committee.

September 1, 2009 Tuesday

The case for parole reform; Terrible stories like Jaycee Lee Dugard's should not derail legislation to change the system.

The tragic case of Jaycee Lee Dugard, abducted at the age of 11 and allegedly held captive for 18 years in a backyard complex of tents and outbuildings at an Antioch home, has raised a newly relevant question: How could the alleged kidnappers and their victims have hidden in plain sight for so long? And does the apparent failure of parole agents to detect the ongoing crimes show that reforms to the state's parole system are a bad idea?

Phillip Garrido and his wife, Nancy, who have been charged with 29 counts of kidnapping and rape, were well known to law enforcement officials. Garrido was placed on parole in 1988 after serving 11 years of a 50-years-to-life sentence on federal kidnapping and rape charges. He spent 11 more years on federal parole, then was placed under the supervision of California officials. A parole officer visited the Garridos' home a few times a month but never saw anything suspicious and never went into the backyard.

Political opportunists were quick to use the headline-grabbing Dugard case as an argument against prison and parole reforms being considered by lawmakers. "This demonstrates the problem that we're going to have if we release thousands of prisoners into our local communities," state Sen. Tom Harman (R-Huntington Beach) told the Sacramento Bee. Actually, it demonstrates pretty much the opposite.

Faced with the necessity of cutting \$1.2 billion from the ballooning corrections budget, the Assembly on Monday approved a bill that would, among other things, change the way California supervises parolees. As has been repeatedly documented in studies by panels and blue ribbon commissions since 1980, this state's parole system is a train wreck of inefficiency that crowds prisons, overwhelms parole officers and produces the nation's worst recidivism rate. The bill would help remedy that situation by reassessing parole status based on the risk an ex-convict poses to the public -- low-risk parolees would get less supervision and high-risk ones would get more. It reduces the ratio of parolees to parole officers from 70 to 1 to 45 to 1.

Does that mean dangerous sex offenders like Garrido would be left to their own devices? Hardly. Not only would they still be subject to monitoring, but their parole officers would have more time to focus on them because they wouldn't be overseeing nonviolent drug addicts.

The Assembly watered down a good prison bill previously passed by the state Senate, wasting the opportunity to create a commission that would reassess the determinate sentences that also contribute to prison overcrowding and undermine public safety. But the bill still makes the most significant changes to the state's corrections system in decades and is badly overdue. Gov. Arnold Schwarzenegger should sign it.

USA TODAY

June 8, 2009 Monday
FIRST EDITION

Kentucky cuts spending yet still keeps inmate recidivism low

By J. Michael Brown

Kentucky led the country last year in the rate of inmate growth, our population swelling 12% over the previous year. But we are far from alone; jail overcrowding is a national phenomenon.

In his initial State of the Commonwealth address, Gov. Steve Beshear warned of the impending economic distress that would inevitably strain the budget, and he identified the escalating costs of our prison system as a problem requiring immediate attention. Legislative and executive branches quickly responded.

Legislation passed this year offers a far-reaching solution to the most common problem plaguing our criminal justice system: substance abuse, which affects more than 70% of our prison population. The law offers offenders treatment before they ever go to trial; if they successfully complete the program, they may never incur a felony charge, keeping them from going deeper into the system.

Additionally, the Legislature, armed with finely tuned budget calculations, enhanced credits toward an inmate's sentence, a concept well rooted in our justice system to encourage rehabilitation and good conduct. Along with credits for completion of education and substance-abuse programs, lawmakers granted credit for time spent on parole, commonly referred to as "street time."

The provision has yielded the projected budget relief without any aberration in the rate of recidivism or violent crime. Kentucky's recidivism rate is lower than the national average -- about 35% -- but fewer than 9% return for a new conviction; the majority who do return do so for a technical violation. Nonetheless, lawmakers this year exempted violent and sex offenders from receiving the credit, while those who have absconded or are returned to prison for new felonies remain ineligible.

There will always be a need to incapacitate the most serious felons for long periods of time, possibly forever. But for the vast majority of inmates who eventually leave, the most significant public safety policy is to prepare them so they don't return. If insanity is indeed repeating the same behavior while expecting different results, then continuing to allow our prison population to spiral out of control without scrutiny or demonstrated public benefit would be at best irresponsible, and possibly insane.

J. Michael Brown is secretary of the Kentucky Justice and Public Safety Cabinet.

Speakers

SENATE JUDICIARY COMMITTEE

Date: 2/16/10

Time: 2:00 p.m. Public Hearing on SB 500-FN

SB 500-FN – implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

Please check box(es) that apply:

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> STEPHEN ARNOLD	NE Police Ben. ASSOC.
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Paul Jacques	NEPBA Local 270
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Thomas Meyer	NEPBA Local 270
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Christine McLean	NEPBA Local 270
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Katherine Cooper	NHACDL
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Jean Metzger	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> WINSTON H. MCCARTY	
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Sen. Levesque	D-19
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Rep. Welch	
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> MIKE DELANEY	AG
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> ANN RICE	AG
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Richard Open	NH Charitable Found.
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Robert J. Lynn	NH Superior Court.
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> William McGonagle	Dept. of Corrections
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> CHRIS DORNAN	SELF
✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Stephen Scurtuff	Rep. Merrimack 10
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> JOE DIAMANT	NH-DOC
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Justin Jardine	NEPBA Local 250
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Scott NAKOIL	NEPBA Local 250

Testimony

SB 500-FN Floor Debate, March 3, 2010

SB 500-FN, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

SENATOR REYNOLDS: Thank you, Madam President. I move Ought to Pass on Senate Bill 500-FN. This legislation makes changes to the sentencing and hearings provisions and the nature of length of supervision used by probation and parole officers for probationers and parolees. This important policy change brings forward the diligent work undertaken by the Attorney General, the Senate President, and others within the framework of Justice Reinvited.

Our state is already one of the safest states in the country, and yet we've experienced an alarming increase of 31 percent in our prison population. This increase has come about because of recidivism, parole violations among inmates who have failed to succeed when released from prison. This increase has caused prison costs in New Hampshire to go from \$50 million to over \$100 million, an increase that is absolutely not sustainable in this or any other economy.

This legislation has three important goals. First, to reduce costs spent on corrections; secondly, to reduce recidivism; and third, to increase public safety. The only testimony in opposition received at the public hearing on this bill came from our dedicated probation and parole officers, individuals who have seen the number of individuals they must supervise rise dramatically between 2000 and 2009, and yet with no additional personnel. The Committee appreciates their concerns, but if we do nothing, these numbers will only continue to rise.

The Judiciary Committee unanimously recommends that Senate Bill 500-FN be adopted and asks for your support. Thank you, Madam President.

(The Chair recognized Sen. Letourneau to speak.)

SENATOR LETOURNEAU: Thank you, Madam President. As a member of the committee who has studied this over the past six or seven months, I want to tell you that it was an impressive display of bipartisanship, and all the stakeholders were there for every meeting. That includes the people from the jails, the people from the police departments, the people from the parole divisions; everybody took part in this particular study.

This piece of legislation is the tip of the iceberg, and is a step in the right direction to help start to turn the culture around. As Senator Reynolds had said, while we have one of the safest states in the union, and our crime rate has been staying pretty steady at a low rate, our cost of the prisons have been skyrocketing, and we need to look at that. This bill is not aimed at violent offenders; it's aimed at nonviolent offenders. And, I think that I support this wholeheartedly, and I think that this is a good step in the right direction to move forward. Thank you very much.

(The Chair recognized Sen. Barnes for a question of Sen. Reynolds.)

SENATOR BARNES: Senator Reynolds, I know you folks do a lot of hard work over there in your Committee—

SENATOR REYNOLDS: Thank you.

SENATOR BARNES: —and I know I've heard that we're going to save all sorts of money with this program. I get a little concerned when I hear that with some of the things that go on out there. I look at the fiscal note, and it's kind of strange, and I don't know—maybe you can answer me, seeing there's no fiscal note: what is this program going to end up—we're supposed to be saving money, but how much are we going to spend? What is the other side of this? There's got to be some sort of a fiscal impact on what you're trying to do with this bill.

SENATOR REYNOLDS: Thank you so much for the question. Senator Barnes, what we have found, and this is primarily the genesis of a grant through the Council of State Governments, that I know you're familiar with, and the New Hampshire Charitable Foundation, the Pew Charitable Fund. So, the underlying support for the groups' efforts and the development of this policy has been supported not through any funds or General Fund dollars in New Hampshire. What CSG has found, Senator Barnes, in other states, particularly Arizona, among others, is that if we focus on programs like this to reduce recidivism, and keeping in mind that somebody who's on probation or parole can be violated for something as simple as not making a phone call to the parole officer, okay; that person is returned to prison at a huge cost to the State. So, the idea behind these policies and this bill is to create programs that keep the community safe, that work with people who may have, for example, a drug or alcohol program, and divert dollars that would have been spent on an expensive prison facility costing millions of dollars to the State, and thereby save money. It has worked in other states. Arizona, at one point, had the highest crime rate in the country; I think it may still, but it's coming down because of a similar program. And, the idea is that this works, it keeps our state safe, or safer, and it does not deplete our treasury. So, I hope that answers the question. I think it's a good policy, and I think it would be smart fiscal policy for the State to pass this bill. Thank you very much.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Reynolds.)

SENATOR BARNES: I didn't hear the amount of money that—I heard you with good—you know, with good conversation, but I didn't hear a dollar amount.

SENATOR REYNOLDS: I think that in some states, they have reduced their prison populations by half and saved 30 or 40 million dollars. The other important fact that people, like the Senate President, Senator Letourneau, Senator Hassan learned through their study, Senator Barnes, is that you can build more prisons, but your population isn't safer. What this program actually does is make what is one of the safest states in the country even safer. So, I don't have a precise dollar amount today for you, but I'm confident, given the data that CSG has provided to us through our study, that it's going to save us a significant amount of money, it's going to reduce our prison population, and it's going to save resources for the State. So, I hope that answers the question.

SENATOR BARNES: That one does, but I have one last follow-up, Senator.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Reynolds.)

SENATOR BARNES: Final question. Would you believe that a little while ago, we had some sort of a law that we passed that gave the warden over there, or the head of the jailhouse, permission to let certain people out of jail early; I forgot what the whole procedure was, but I think the Legislature worked to change that. So, can you tell this body, before we vote on this, who is going to be making the decisions; I'd like to know who makes the decisions to let these people out early. Who is it that does that?

SENATOR REYNOLDS: Thank you very much for the question.

SENATOR BARNES: You're welcome.

SENATOR REYNOLDS: The Department of Corrections, as an umbrella agency, is the Executive Branch agency that makes the decision, but it's primarily the parole officers, the probation officers. And, what we heard at the committee was they're doing a fantastic job; they feel that their caseload is growing. And, to some extent, a Judge, for example, will make a decision about whether or not, within a certain number of time period in the sentence, that person is eligible for parole, so it could start in the Judicial Branch and move back into probation. But, the point is, Senator Barnes, that what we're talking about is people being returned to a prison term for something as minor as not picking up the phone and calling a probation officer, and I think we all agree that that does not necessarily rise to the level of a felony. So, thank you.

SENATOR BARNES: Thank you, Senator.

(The Chair recognized Sen. Bragdon to speak.)

: Thank you, Madam President. I would just like to take a second to thank those of this body who were on that committee, I believe it was Senator Letourneau and Senator Hassan, who did great work analyzing all the data; it was a great commitment, bipartisan, and I think it's resulted in a great bill, and I'd just like to thank them for their time.

(The Chair recognized Sen. Hassan to speak.)

SENATOR HASSAN: Thank you, Madam President. And, I also rise in support of the Ought to Pass motion on Senate Bill 500, and I'll note that Senator Larsen also spent a great deal of time with the interdepartmental, interbranch, and bipartisan group that helped put this together. I just wanted a second to address Senator Barnes' question. If we take the steps outlined in this bill and do nothing else, we save about \$7 million over five years, not to mention the capital costs of building new prisons, and right now, if we were to build a new women's prison, the price tag on that is about \$35 million; a new prison in Berlin would be about \$50 million. If we take the \$7 million of savings over the next five years and reinvest those further, we'll save another \$10 million. So, we do have actual financial trajectory that shows these savings over time. And, the other thing I would note, in terms of the coverage of the bill and the concern about people being let out of prison early, currently about—well, let's see, in 2009, 224 individuals were released from our state prison system with no supervision because they had maxed out their sentence. And, what we learned from the CSG group is that the most effective supervision for people who are going to reenter from the prison population happens in the community, not in prison. You can do programs in prison, if you fund them, but they're only half as effective as if you do them out in the community. So, what the "early release" is about is saying that rather than let inmates get to their maximum sentence in prison, when they have no obligation then to participate in supervision out in the community 'cause they've served all their time that they were sentenced to, we're talking about getting them out after their minimum is done so that they are, in fact, supervised in the community. There's an eight-month window of time in which people are most likely to reoffend, and if you can supervise them closely, and we have risk factors, there's a lot of good data about how to know who you need to supervise, they are much less likely to reoffend, and that obviously saves money and it saves lives. Thank you.

(The Chair recognized Sen. Barnes for a question of Sen. Hassan.)

SENATOR BARNES: Thanks, Senator. I know you've done a big job; I've heard from our Republican leader that it's a great program, but I still have questions about it.

SENATOR HASSAN: Sure.

SENATOR BARNES: Who are these people that are going to be doing the supervision? Are we going to hire more people to do that, I would assume; I don't think we have enough out there now, do we?

SENATOR HASSAN: Well, we have a new Department of Community Corrections with some new staff that we used some funding from some of our other programs, we moved them over into the Corrections budget last budget cycle, at the end of last June. So, there are some new people being supervised. In the short term, before we start recognizing these savings, which we'll start recognizing next year, in the short term what we need to do with our supervisory staff, who already are working incredibly hard, is help them spend more of their time supervising the people we know to be high-risk, and pull them back from the folks who are really truly low-risk and very unlikely to supervise [sic]. Right now, the folks on our leadership team and the data analysis indicated that they were kind of treating all probationers and parolees as the same risk, and this will focus on the high-risk people. So, we think it is a doable task, but we need to, as this bill goes to Finance and then over to the House, we need to continue to work with Corrections to make sure we're going to make it possible for our very hard-working probation and parole officers to implement this.

SENATOR BARNES: So, the answer is we don't need to hire any more people; we have enough people out to do this added work.

SENATOR HASSAN: And that appears to also have worked in other states, yes.

SENATOR BARNES: Thank you.

The question is on the adoption of committee recommendation of Ought to Pass on SB 500-FN.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

Sen. Barnes is in opposition to the motion of Ought to Pass on SB 500-FN.

SB 500-FN Floor Debate, March 24, 2010

SB 500-FN, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism. Finance Committee. Ought to Pass with Amendment, Vote 7-0. Senator Hassan for the committee.

Senate Finance
March 18, 2010
2010-1133s
06/04

Amendment to SB 500-FN

Amend RSA 504-A:4, III as inserted by section 3 of the bill by replacing it with the following:

III. A probation or parole officer may require any probationer, whose sentence includes a one to 5 day jail sanction pursuant to RSA 651:2, V(i), to serve a county house of corrections sanction or a portion thereof, provided that the probationer is advised of and waives his or her right to counsel and to a preliminary hearing under RSA 504-A:5 and violation of probation hearing. If the probation officer intends to impose this sanction, the officer shall advise the offender of the violations alleged, the date or dates of the violation, and the number of days the offender shall serve. If the offender objects to the imposition of the jail sanction, a violation of probation hearing shall be held. This short jail stay may not be issued for any violation of probation which could warrant an additional, separate felony charge.

Amend RSA 651-A:6, I(c) as inserted by section 6 of the bill by replacing it with the following:

(c) All prisoners who have not been previously paroled, or who were recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence. This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

Amend RSA 651-A:17 as inserted by section 9 of the bill by replacing it with the following:

651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a hearing before the board within 45 days, in addition to any preliminary hearing which is required under RSA ~~[504-A:6]~~ **504-A:5**. The parolee shall have the right to appear and be heard at the revocation hearing. The board shall have power to subpoena witnesses, pay said witnesses such fees and expenses as allowed under RSA 516:16, and administer oaths in any proceeding or examination instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind. If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the law, or associated with criminal companions and in its judgment should be returned to the custody of the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is revoked shall be recommitted to the custody of the commissioner of corrections. *This provision shall not apply to a parolee who has accepted an option, offered by a probation/parole officer, to participate in an intermediate sanction program and*

has waived his or her right to counsel and to a preliminary hearing under RSA 504-A:5.

Amend the bill by replacing all after section 13 with the following:

14 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the anticipated release [~~from the maximum sentence~~] *on parole pursuant to RSA 651-A:6, I(c)*, except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

15 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release [~~from total confinement~~] *on parole pursuant to RSA 651-A:6, I(c)*, or upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

16 Effective Date.

I. RSA 651-A:6, I(c) as inserted by section 6 of this act shall take effect as provided in section 13 of this act.

II. RSA 651-A:16-a as inserted by section 8 of this act, and RSA 651-A:19 as inserted by section 10 of this act shall take effect as provided in section 13 of this act.

III. Sections 14-15 of this act shall take effect September 1, 2010 at 12:01 a.m.

IV. The remainder of this act shall take effect July 1, 2010.

SENATOR HASSAN: Thank you, Madam President. I move SB 500 Ought to Pass with Amendment. This bill makes changes to the sentencing and hearing provision and supervision provided to probationers and parolees. It is intended that this bill will increase public safety by lowering recidivism, reducing spending on corrections, and reinvesting in community-based treatment and sanction programs. It will focus community-based supervision resources on those who are assessed as high-risk. It will increase the tools available to probation and parole officers to use in reducing recidivism. It will also reinvest a portion of corrections savings generated through these measures and the expansion of effective addiction and mental health treatment programs to ensure that those on probation or parole have access to the treatment they need, reducing the likelihood that they will

reoffend. The Finance Committee amendment incorporates some recommendations of the Attorney General, including a waiver of the right to attorney and a preliminary hearing for those inmates whose -- or parolees whose sentence had included the provision that a parole officer or probation officer could order them to a short-term stay in prison rather than a long-term stay automatically upon a violation. And it also, the amendment also ensures that the provision for parolees to be released does not apply to sexually violent offenders if a civil commitment proceeding is pending. The Finance Committee asks your support for the motion of Ought to Pass with Amendment. Thank you.

(The Chair recognized Sen. Barnes for a question of Sen. Hassan.)

SENATOR BARNES: Thank you, Madam President. Senator, we had some debate on this a couple of weeks ago --

SENATOR HASSAN: Yes, we did.

SENATOR BARNES: -- when it came out of the Judiciary Committee, and I had some questions that I asked. One that I forgot to ask that was brought to my attention by a number of people. I know there was a committee that some folks sat on.

SENATOR HASSAN: Yeah.

SENATOR BARNES: I heard that testimony. I've also heard that I must be hiding under a rock on this issue, but so be it, I'm out from under the rock now because I'm talking about it. Parole officers, were any of them -- any of their representatives on this committee?

SENATOR HASSAN: Yes, on the leadership committee there was a representative of parole officers and county government.

SENATOR BARNES: Okay, my understanding was that there wasn't any representation, so I'm glad you've cleared that up for me. My question early on was -- and I think your answer was, oh, they might double their workload, up to 200 -- a hundred and twenty-five I think they have now, and it would bring it up to 200, maybe, if this bill passes?

SENATOR HASSAN: Senator, thank you for the question. I do not have specific data about what would happen to caseload, but I think what's really important to understand is that, first of all, there have been federal grants given that we'll receive that will help fund some additional staffing. There has also been some shift in Corrections Department funding to community-based programs. But more important, we're asking our parole and probation officers to do things a bit differently, to focus on those parolees or probationers who are a high risk for recidivism, and there's a fair amount of data that tells us how to do that, so that by focusing on the high-risk offenders they reduce the recidivism rate and they won't be focusing as much or taking as much time with the lower-risk offenders. This approach has worked in numerous other states without a significant expansion of staffing.

SENATOR BARNES: Thank you very much, Senator.

The question is on the adoption of Committee Amendment 1133s.

Committee Amendment 1133s adopted.

Sen. Barnes is in opposition to Committee Amendment 1133s.

The question is on the motion of Ought to Pass as Amended on SB 500-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Sen. Barnes is in opposition to the motion of Ought to Pass as Amended on SB 500-FN.

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # SB 500-FN

Hearing date: 2/16/10

Executive session date: 2/16/10

Motion of: OTP

VOTE: 5-0

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Motion of: _____

VOTE: _____

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 17, 2010

THE COMMITTEE ON Judiciary

to which was referred Senate Bill 500-FN

AN ACT implementing changes in the probation, parole, and
 sentencing of certain offenders in an effort to increase
 public safety, strengthen community supervision, and
 reduce recidivism.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Deborah R. Reynolds
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of SB500

Docket Abbreviations

Bill Title: implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

Official Docket of **SB500**:

Date	Body	Description
02/10/2010	S	Introduced and Referred to Judiciary, SJ 6 , Pg.80
02/10/2010	S	Hearing: February 16, 2010, Room 103, State House, 2:00 p.m.; SC7
02/17/2010	S	Committee Report: Ought to Pass 3/3/10; SC8
03/03/2010	S	Ought to Pass, MA, VV; Refer to Finance Rule 26; SJ 8 , Pg.111
03/18/2010	S	Committee Report: Ought to Pass with Amendment 1133s, 3/24/10; SC12
03/24/2010	S	Committee Amendment 1133s, AA, VV; SJ 11 , Pg.250
03/24/2010	S	Ought to Pass with Amendment 1133s, MA, VV; OT3rdg; SJ 11 , Pg.251
03/24/2010	S	Passed by Third Reading Resolution; SJ 11 , Pg.256
03/24/2010	H	Introduced and Referred to Criminal Justice and Public Safety; HJ 30 , PG.1520
03/25/2010	H	Public Hearing: 4/1/2010 10:00 AM LOB 202-204
03/31/2010	H	Full Committee Work Session: 4/6/2010 10:00 AM LOB 204
03/31/2010	H	Executive Session: 4/6/2010 1:00 PM LOB 204 ==RECESSED==
04/06/2010	H	Executive Session: 4/8/2010 10:00 AM LOB 204
04/08/2010	H	Committee Report: Ought to Pass with AM #1245h for April 21 (Vote 16-2; RC); HC 31 , PG.1537-1538
04/08/2010	H	Proposed Committee Amendment #1245h; HC 31 , PG.1571
04/21/2010	H	Amendment #1245h Adopted, VV; HJ 35 , PG.1690
04/21/2010	H	Ought to Pass with AM #1245h: MA RC 256-57 ; HJ 35 , PG.1690-1692
05/13/2010	S	Sen. Reynolds Concurs with House Amendment 1245h, MA, VV
05/19/2010	H	Enrolled; HJ 46 , PG.2245
05/19/2010	S	Enrolled
07/01/2010	S	Signed by the Governor on 07/01/10; Chapter 0247
07/01/2010	S	I. RSA 651-A:6,I(c) as inserted by Sec. 6 Eff. as Prov. Sec. 13.
07/01/2010	S	II. RSA 651-A:16-a as insert by Sec. 8 & RSA 651-A:19 as insert by Sec. 10 Eff. as Prov. in Sec. 13
07/01/2010	S	III. Sec. 14-15 Eff. 9/01/10 at 12:01 am
07/01/2010	S	IV. Remainder Eff. 7/01/10

NH House

NH Senate

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New Hampshire General Court Information Systems
107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

813580 ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

_____ - AMENDMENT # _____ _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED

_____ AS AMENDED BY THE HOUSE

FINAL VERSION

AS AMENDED BY THE SENATE

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

revised fiscal note

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/13/10

H. Hail Brown
COMMITTEE SECRETARY