

# Bill as Introduced

---

HB 297 - AS INTRODUCED

2011 SESSION

11-0663  
09/01

HOUSE BILL

**297**

AN ACT

allowing municipalities to establish municipal courts.

SPONSORS:

Rep. L. Perkins, Rock 14

COMMITTEE:

Judiciary

---

ANALYSIS

This bill allows municipalities to establish municipal courts.

---

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT allowing municipalities to establish municipal courts.

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

1 1 New Chapter; Municipal Courts. Amend RSA by inserting after chapter 502-A the following  
2 new chapter:

3 CHAPTER 502-B

4 MUNICIPAL COURTS

5 502-B:1 Municipal Courts Authorized. Notwithstanding RSA 502-A:11, RSA 502-A:35, or any  
6 other law to the contrary, municipalities may create local courts to enforce violation level offenses  
7 under RSA 265 as well as any local ordinances.

8 502-B:2 Creation of Courts. Municipalities may create municipal courts by a majority vote of  
9 the legislative body upon the following question: "Shall the town/city of \_\_\_\_\_ create a  
10 municipal court in accordance with the provisions of RSA 502-B, to enforce motor vehicle related  
11 offenses under RSA 265 and local ordinances, with revenue being shared by the municipality and the  
12 state after expenses?"

13 502-B:3 Administration of Municipal Courts.

14 I. Municipalities which create municipal courts shall be responsible for all expenses of the  
15 administration of the courts.

16 II. At a minimum, each municipal court shall have a full-time or part-time municipal court  
17 judge nominated by the community for approval by the governor and counsel. A municipal court  
18 judge shall, at a minimum, be technically qualified by being a member of the New Hampshire bar for  
19 at least 5 years. A municipal court judge shall be subject to discipline under the authority of the  
20 judicial conduct committee.

21 III. Each municipal court shall have at least one clerk for the administration of the court.

22 IV. A municipal court shall be located in a suitable place for the hearing of cases and the  
23 storage of documents.

24 502-B:4 Rules of Procedure.

25 I. The rules of procedure for the municipal court shall be the same as those of the district  
26 court.

27 II. Appeals from a municipal court decision shall be heard in the district court with  
28 jurisdiction over the municipality in which the district court is located.

29 502-B:5 Fines.

30 I. Fines for violations shall be the same as those for similar offenses tried before district  
31 courts using the uniform fine schedule.

1 II. Fines shall be payable to the clerk of the municipal court.

2 III. After allowance for administrative expenses, 1/2 of the annual fine revenue shall be  
3 submitted to the state in the same manner as fines from district courts.

4 IV. Penalty assessments shall be authorized and shall be payable by the municipal court  
5 clerk to the state in the same manner as in the district courts. Municipalities shall not count the  
6 penalty assessments as local revenue.

7 502-B:6 General Provisions.

8 I. Municipalities shall pay the salary, benefits, and other administrative costs required for  
9 the proper administration of the local municipal court.

10 II. The supreme court shall review the operations and administration of municipal courts  
11 and make any rules in accordance with the New Hampshire constitution and RSA 541-A that it  
12 deems necessary for the proper administration of municipal courts.

13 III. Multiple municipalities may join together to form multi-jurisdictional municipal courts,  
14 sharing the costs and revenues in proportion to activity. These multi-jurisdictional municipal courts  
15 shall consist only of communities which border the municipality in which the municipal court is  
16 located.

17 2 Effective Date. This act shall take effect January 1, 2012.

# Committee Minutes

HOUSE COMMITTEE ON JUDICIARY  
ADMINISTRATIVE DIVISION WORK SESSION ON HB 297

**BILL TITLE:** allowing municipalities to establish municipal courts.

**DATE:** February 3, 2011

**Subcommittee Members:**

Reps. ~~Hagan~~, ~~Peterson~~, ~~Rowe~~, ~~Murphy~~, ~~Palmer~~, ~~Pregenza~~, ~~Andolina~~,  
~~Wall~~ and ~~F. Potter~~

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. R. Rowe

Seconded by Rep. B. Palmer

Vote: 9-0

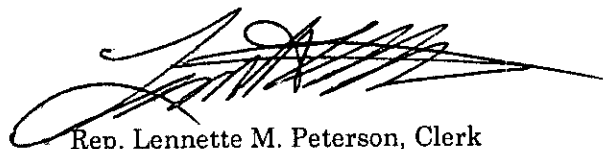
**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,



Rep. Lennette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY  
SUBCOMMITTEE WORK SESSION ON HB 297

BILL TITLE: allowing municipalities to establish municipal courts.

DATE: {Type DATE} 2/3/11

Subcommittee Members: Reps. ~~Hagan, Peterson, Rowe, Murphy, Palmer, Tregenza, Andolina, Wall and F. Potter~~

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

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

Moved by Rep. *Rowe*

Seconded by Rep. *Palmer*

Vote:

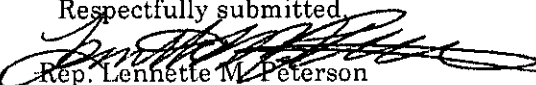
9-0

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
  
Rep. Lennette M. Peterson  
Subcommittee Chairman/Clerk

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HOUSE BILL 297

BILL TITLE: allowing municipalities to establish municipal courts.

DATE: February 3, 2011

LOB ROOM: 208 Time Public Hearing Called to Order: 10:30 am

Time Adjourned: 10:53 am

(please circle if present)

Committee Members: Reps. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous.

Bill Sponsors: Rep. L. Perkins, Rock, 14

TESTIMONY

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

Rep. Perkins, sponsor

Allows municipalities to establish courts. Worse case, they end up in the district courts. Combination of municipalities to combine has one hearing officer. Whatever came in would pay the costs; left over money would be divided between the municipalities.

Howard Zibel, Judicial Branch (No testimony. Took questions only.)

In reorganization there is no room for municipal courts. This level of offense would go to district; higher offense would go to Supreme Court.

Respectfully submitted,

  
Rep. Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HOUSE BILL 297

BILL TITLE: allowing municipalities to establish municipal courts.

DATE: February 3, 2011

LOB ROOM: 208 Time Public Hearing Called to Order: 10:30 am  
Time Adjourned: 10:53 AM

(please circle if present)

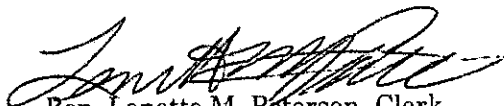
Committee Members: Reps. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous.

Bill Sponsors: Rep. L. Perkins, Rock, 14

TESTIMONY

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

Rep. Perkins - allows municipalities to establish courts. worse case they end up in the district courts. Combination of municipalities to combine, have 1 hearing officer, what ever came in would pay, <sup>the cost to</sup> left over money would be divided between the municipalities.  
No fiscal note - there will be financial concerns on both sides. Salary would come from the fees collected.  
Howard Zibel - in reorganization, there is no room for man. courts. This level of offense, would go to dist., higher offense. to sup. court.  
Respectfully Submitted,

  
Rep. Lenette M. Peterson, Clerk

# Voting Sheets

HOUSE COMMITTEE ON JUDICIARY  
EXECUTIVE SESSION on HOUSE BILL 297

**BILL TITLE:** relative to indemnification of volunteers performing duties in the state park system.  
**DATE:** February 14, 2011  
**LOB ROOM:** 208

Amendments:

Sponsor: Rep. Giuda OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

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

Moved by Rep. G. Sorg

Seconded by Rep. J. Wall

Vote: 16-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

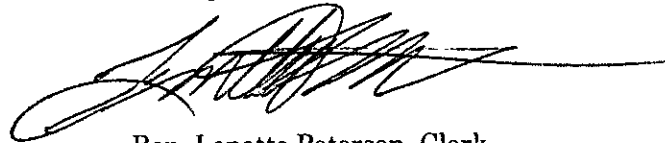
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Lenette Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 297

BILL TITLE: allowing municipalities to establish municipal courts.

DATE: ~~{Type DATE}~~ 2-14-2011

LOB ROOM: 208

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Song

Seconded by Rep. Wall

Vote: 16-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

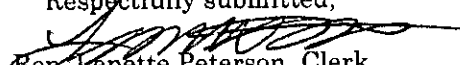
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: ~~{Type VOTE}~~ 16-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

  
Rep. Lenette Peterson, Clerk

# JUDICIARY

Bill #: HB 297 Title: \_\_\_\_\_

PH Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Exec Session Date: 2/14/11

Motion: ITL Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	
Hagan, Joseph M	✓	
Silva, Peter L	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D <i>Heed</i>	✓	
McClarren, Donald B <i>Palfrey</i>	✓	
Murphy, Brian JX <i>Quant</i>	✓	
Palmer, Barry J	✓	
Peterson, Lenette M	✓	
Tregenza, Norman A	✓	—
Wheaton, Gary W	✓	
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	—	—
	16	0

TOTAL VOTE:  
Printed: 1/4/2011



# Committee Report

**CONSENT CALENDAR**

**February 15, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on JUDICIARY to which was referred HB 297,  
AN ACT allowing municipalities to establish municipal courts.  
Having considered the same, report the same with the  
following Resolution: **RESOLVED**, That it is **INEXPEDIENT**  
**TO LEGISLATE.**

**Rep. Lenette M Peterson**

**FOR THE COMMITTEE**

## CONSENT CALENDAR

### JUDICIARY

**HB 297**, allowing municipalities to establish municipal courts. **INEXPEDIENT TO LEGISLATE**. Rep. Lenette M Peterson for JUDICIARY. The bill would allow municipalities to create local courts to enforce violation level offenses. The committee felt this would be an extra burden on the towns financially and there was not enough information towards salaries. The committee voted Inexpedient to Legislate. **Vote 16-0**.

Original: House Clerk  
Cc: Committee Bill File

## COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB 297
Title:	allowing municipalities to establish municipal courts.
Date:	February 15, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

The bill would allow municipalities to create local courts to enforce violation level offenses. The committee felt this would be an extra burden on the towns financially and there was not enough information towards salaries. The committee voted Inexpedient to Legislate.

Vote 16-0.

Rep. Lenette M Peterson  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

CC

COMMITTEE: Judiciary

BILL NUMBER: HB 297

TITLE: allowing municipalities to establish municipal courts.

DATE: 2/14/11 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

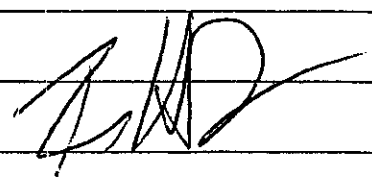
INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

This Bill would allow municipalities to create local courts to enforce violation level offenses. The committee felt this would be an extra burden on the towns financially and there was not enough information towards salaries. The committee voted to I TL ~~to Bill 16-0.~~



COMMITTEE VOTE: 16-0 I TL

RESPECTFULLY SUBMITTED,

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

Rep [Signature]  
For the Committee