

# Bill as Introduced

HB 304 - AS INTRODUCED

Feb

2011 SESSION

11-0698

04/01

HOUSE BILL **304**

AN ACT requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

SPONSORS: Rep. Gile, Merr 10; Rep. Shurtleff, Merr 10; Rep. DeSimone, Rock 6; Rep. Pantelakos, Rock 16; Rep. Ladd, Graf 5

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill requires prisoners between 17 and 25 years of age who are sentenced to incarceration for one year or more to complete the requirements for a high school certificate or a GED prior to release on parole or as a condition of probation or conditional discharge.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

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

1            1 New Paragraph; Sentences and Limitations. Amend RSA 651:2 by inserting after paragraph  
2 VIII the following new paragraph:

3            IX. The court shall include, as a condition of probation or conditional discharge, that any  
4 offender between 17 and 25 years of age who has not completed their high school education or GED  
5 requirements shall be required to successfully complete all requirements for a high school certificate  
6 or a GED.

7            2 New Paragraph; Parole of Prisoners; Terms of Release Amend RSA 651-A:6 by inserting after  
8 paragraph IV the following new paragraph:

9            V. Prior to the release on parole of any prisoner between 17 and 25 years of age who is  
10 sentenced to a period of incarceration of one year or more and who has not completed his or her high  
11 school education or GED requirements, the prisoner shall enroll in Granite State high school and  
12 successfully complete all requirements for a high school certificate or GED.

13            3 Effective Date. This act shall take effect 60 days after its passage.

# Speakers

5

Fill in ONLY if SPEAKING on Bill

Bill # ~~304~~ 304 Date 2/1/11

Committee CT705

I support the bill \_\_\_\_\_

I oppose the bill

I have written testimony \_\_\_\_\_

(Number of copies) \_\_\_\_\_

Time needed to speak: 5 min

Name M. Joe Lanzetta

Address 85 Brown St  
Middletown CT

Phone 860-830

Representing WTAAC

# Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 304

**BILL TITLE:** requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

**DATE:** February 10, 2011

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 2:35 p.m.

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Swinford, Gagne, Welch, Fields, Fesh, Charron, Villeneuve, Antosz, Greazzo, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg

**Bill Sponsors:** Rep. Gile, Merr 10; Rep. Shurtleff, Merr 10; Rep. DeSimone, Rock 6; Rep. Pantelakos, Rock 16; Rep. Ladd, Graf 5

TESTIMONY

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

**Rep. Mary S. Gile** – Sponsor. Support Written testimony.

**Daniel Tangway** – Oppose. Written testimony. Has some worry about the bill. 2,572 population. 1,210 did not have a high school diploma or GED. Educational services to 744 individuals with an average educational ability of 9<sup>th</sup> – 10<sup>th</sup> grade level.

Education Budget.

Employees – 24 Certified.

16,000 Operation Budget.

**Art Ellison** – Support intent of bill. No written testimony. Talk more about County. I do have a grant at the prison. Have a teacher there.

**Rep. Rick M. Ladd** – Support. No written testimony. Judge said that he could not make a GED part of his sentence. But, the Committee felt there would be less revision if they have a GED. Amendment to change.

**Attorney Michael Skibble** – Oppose as written. It would be amended. No written testimony.

**Claire Ebel** – Support. Written testimony, Needs to be amended.

**R. J. Beanze** – Support. No written testimony. This is an anti-revision bill. Needs amendment.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Gene P. Charron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rep. Gene P. Charron, Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 304

**BILL TITLE:** requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

**DATE:** 2-10-11

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 14:35

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Swinford, Gagne, Welch, Fields, Fesh, Charron, Villeneuve, Antosz, Greazzo, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg.

**Bill Sponsors:** Rep. Gile, Merr 10; Rep. Shurtleff, Merr 10; Rep. DeSimone, Rock 6; Rep. Pantelakos, Rock 16; Rep. Ladd, Graf 5

TESTIMONY

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HB-304

~~2-10-2011~~ 2-10-2011

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there

Rep Isbell - support. Judge said he could  
not make a GED part of his sentence  
but the committee felt there would  
be less revision if they have a  
GED. Amendment to change

Atty Scunipo - oppose needs to be  
amended. They feel it cuts into other  
program they might have to do other  
than the GED. Give them a chance  
to get out early if they get a GED.

Atty Skibbe - oppose as written, it  
would be amended

Claire Ebel - support needs to be amended.

R.J. Beatty - support. This is an anti  
revision bill needs amendment

HB 304 - AS INTRODUCED

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2/10  
2:30  
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SPONSORS: Rep. Gile, Merr 10; Rep. Shurtleff, Merr 10; Rep. DeSimone, Rock 6; Rep. Pantelakos, Rock 16; Rep. Ladd, Graf 5

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

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

1 1 New Paragraph; Sentences and Limitations. Amend RSA 651:2 by inserting after paragraph  
2 VIII the following new paragraph:

3 IX. The court shall include, as a condition of probation or conditional discharge, that any  
4 offender between 17 and 25 years of age who has not completed their high school education or GED  
- 5 requirements shall be required to ~~successfully complete~~ all requirements for a high school certificate  
6 or a GED *during the probation or conditional discharge* ~~enroll in and continue to pursue~~.

7 2 New Paragraph; Parole of Prisoners; Terms of Release Amend RSA 651-A:6 by inserting after  
8 paragraph IV the following new paragraph:

- 9 V. ~~Prior to the release on parole of~~ any prisoner between 17 and 25 years of age who is  
10 sentenced to a period of incarceration of one year or more and who has not completed his or her high  
11 school education or GED requirements, the prisoner shall enroll in Granite State high school and  
- 12 ~~successfully complete~~ all requirements for a high school certificate or GED. *Prior to release*

13 3 Effective Date. This act shall take effect 60 days after its passage.

*on parole, the prisoner shall enroll in and continue to pursue all requirements for a high school certificate or GED during the term of parole.*

*The individual may petition for reduction of the term of probation, conditional release or parole upon receipt of a high school Certificate or a GED.*

# Testimony

**TESTIMONY ON HB 304**

Presented to

**THE CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE**

February 10, 2011

Good afternoon. For the record, I am Mary Stuart Gile and I represent Merrimack District 10, (Concord Wards 1, 2, &3). I am the prime sponsor of HB 304, an act requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole and I'm here to request your support.

HB 304 is the result of a study conducted during the summer of 2010. HB 1177 proposed to study education and career development opportunities for youth and young adults, 17-21 years of age in the Juvenile and Adult Criminal Justice Systems. The duties as approved in HB1177 were ambitious and members quickly realized that to do a thorough job would require a full year. The committee met seven times and tried to cover as much as possible. We heard from 25 speakers representing different agencies and departments affiliated with both the juvenile and adult criminal justice systems in counties and state. We listed 14 recommendations for follow-up, but chose only one for 2011 legislation...and that was to require every inmate between the ages of 17 and 25, who is incarcerated for a minimum of one year to complete requirements for a high school leaving certificate or GED as part of his/her parole.

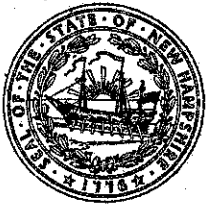
The rationale for this decision was an attempt to reduce the recidivism rate. In a recent article in the Concord Monitor, (1/05/11), entitled, *Books Behind Bars*, it stated "while almost half of all prisoners released from the NH prison system eventually end up behind bars, studies have shown that education within prison can reduce the chance of recidivism by almost 30 per cent. The article further stated that "To re-acclimate to life on the outside, an education and discernible skills are the surest ways to avoid a cycle of poverty and crime.....they (books) also open a very real opportunity for the future."

The article begins by referencing the observation that inmates at NH Prison keep coming and they get younger and younger. Data provided by Mr. Daniel Tanguay, Director of Education at Granite State High School indicated that during the period between 9/29/09 and 8/31/10, the inmate population between the ages of 17 and 21 years of age in the State prison during was 168 out of a total of 1467. Of that number, 23 were previously classified as needing special education services. Obviously, there are more inmates in this age group in the county correctional systems.

A second rationale for this study was to reconcile the requirements of SB 18 for inmates ages, 17-21 years who were high school drop-outs. Current law states that all NH students graduate with a high school certificate or the equivalent (GED) by the time they are 18 or if coded during the public school years, by age 21. The committee was unable to establish that the requirements of SB 18 also applied to incarcerated youth and young adults. This needs further clarification,

I have attached copies of the final report to give those of you who might be interested an overview of the information that we received and the 14 recommendations. The study committee agreed that more work was needed to address the education and career development programs available for this age group both within the state and county systems. Research on brain development in young adults as well as on the effects of abuse, neglect and trauma during childhood suggests that focusing on inmates, ages 17 to 25, and providing education and skill training is far better than allowing them to just put in time. Incarceration denies them their freedom temporarily but it should not condemn them to hopelessness and a life without purpose. Thank you

Mary Stuart Gile



# State of New Hampshire

GENERAL COURT

CONCORD

## MEMORANDUM

**DATE:** November 1, 2010

**TO:** Honorable John H. Lynch, Governor  
Honorable Terie Norelli, Speaker of the House  
Honorable Sylvia B. Larsen, President of the Senate  
Honorable Karen O. Wadsworth, House Clerk  
Tammy L. Wright, Senate Clerk  
Michael York, State Librarian

**FROM:** Representative Mary Stuart Gile, Chair

**SUBJECT:** Final Report on HB 1177, Chapter Law 276  
Laws of 2010

### MEMBERS of the COMMITTEE:

Representative Mary Stuart Gile, Chair  
Representative Debra DeSimone  
Representative Rick M. Ladd, Clerk  
Representative Laura C. Pantelakos  
Representative Stephen Shurtleff

### PREAMBLE:

Pursuant to HB 1177, Chapter Law 276, Laws of 2010, enclosed please find the Final Report of the Committee to Study Education and Career Development Programs for Youth and Young Adults, 17 to 21 Years of Age, in the Juvenile and Adult Criminal Justice Systems.

Any questions, comments or further information should be directed to me. Thank you.



Final Report- HB 1177  
November 1, 2010

**Purpose:**

The purpose of this study was to review current education and career development programs for youth and young adults (17-21 Years) in the juvenile and adult criminal justice systems. In addition to the duties defined below, the study tried to determine the impact, (effects) of SB 18-FN, the act which raised the age of compulsory school attendance to 18 years and further emphasized the need for students (inmates) to obtain a high school diploma or an equivalent (GED).

**Duties:**

- I. Research evidence-based and long term sustained effects of educational and Career development programs across the US that have demonstrated a positive impact in serving youth and young adults in the juvenile and criminal justice systems.
- II. Study the effectiveness of alternative sentencing and related educational and training programs.
- III. Examine and document models for determinant sentences.
- IV. Examine the efficacy of mental health and drug abuse prevention programs, Family courts and diversion, including pretrial and FAST programs as deterrents to recidivism.
- V. Identify training programs for court personnel and juvenile probation and parole officers that reflect current research on youth and young adult development.
- VI. Research data systems that document and record progress of youth and young adults in the juvenile and adult criminal justice who participate in educational and career development programs.
- VII. Examine the effectiveness of incentives as deterrents to recidivism.
- VIII. Study the current accountability methods and their relevance to evaluating effectiveness of proposed programs and services.

The study committee held seven meetings (agenda and minutes are available upon upon request) and heard presentations from members of the Department of Corrections (DOC), Department of Education (DOE) and County Correctional Facilities. (**Attachment A** is a list of speakers who presented information). The committee learned very quickly that the list of duties proposed in HB 1177 was very ambitious and completion would entail at least a year long study. One recommendation therefore is to extend the study and to include a joint committee of members representing the Criminal Justice, Education and possibly the Children and Family Law committees.

**Findings:** (Findings are ordered according to duties defined in HB1177 with Committee remarks inserted where appropriate.)

- I. The abundance of research on brain development particularly among juveniles but also including young adults to age 25, clearly demonstrates that executive functions such as judgment, will power, control of emotions and behaviors,

ability to delay gratification, predict consequences, learn from experiences, and assume responsibility for one's own behavior are still in the process of development. Research provided to the committee on the long term and sustained effects of education and career development programs unquestionably proves their importance, however resources, trained staff and modifications in administrative procedures, were found to be inconsistent. For example:

\*Variation in education and career development programs exists among NH Counties; reports from Cheshire, Grafton, Rockingham and Merrimack Counties reflect that each functions independently and provides some education, including opportunities to complete a high school certificate, and/ GED. Tutors are provided for inmates, previously coded as special needs and the system for communicating information about such students works efficiently. Education for non-coded students is encouraged, however if special learning needs are suspected, there is no provision in current law for assessment and a subsequent learning plan.

\*Distant learning, online educational opportunities and affiliation with the NH Virtual Learning Academy were recommended as was the possibility of a Charter School originating with Granite State School District, however existing concerns about security (computers), lack of resources and coordination between counties appear as barriers at the present time.

\*Transition plans for inmates continuing their education while in corrections and continuity with education in their home school district need clarification and definition.

\*Career development funds are available through the DOE Bureau of Career Development but there appear to be obstacles in getting programming. DOE cannot get reports and accountability for DOE funds is a problem. Further, there is a dichotomy between career services available to men and women in state prisons. Men have access to programs such as marketing, business, technology, automotive, power mechanics, culinary arts, accounting, introduction to the workforce and mentorship programs. Education and career development programs available to women at the Goffstown State Prison are generally considered inadequate, despite the data that shows that most young women inmates between ages 17 and 21 years have a high school diploma.

\*Communication between DOE and Counties regarding continuing special education services for inmates previously coded is very effective. However, communication between DOE and DOC and between DOE, local high schools and Corrections needs to improve. Some dialog exists between DOE Vocational Rehabilitation and DOC, but not on a regular basis. Further, there is no requirement for County Corrections to notify DOE Adult Basic Education of those inmates enrolled in GED programs.

## II., III., & IV.

\*The committee was informed about the effectiveness of alternative sentencing, determinate sentences, substance abuse and drug courts. Evaluations have shown some improvement as a result of participation in Drug Courts, however because of the labor intensive nature of services and staff, and lack of resources, no expansion is planned at present.

Alternative sentencing and determinant sentences are options for judges to consider, however supervision, accountability plans and resources are needed to ensure effectiveness. The committee also learned that the judicial system has no authority to order the Counties to provide an education for inmates.

\*The committee learned about the Youthful Offender Program for young adults ages 17-25 years and subsequently discussed the need for sanctions that fit the age of the offender and the crime. Recognizing that there could be exceptions where the crime is so serious that adult sanctions are needed, the committee continues to view it necessary to have a youthful offender phase for those individuals, 17 through an age to be determined.

V.

\*Probation personnel need further training in regard to basic understanding of Special Education needs and services as well as protocols/delivery of services. The committee was informed that opportunities for court personnel, probation and parole officers to keep up on current research on youth and young adult development are severely limited due to lack of resources.

VI.

\*Research documents and reports from the Justice Center, (The Council for State Governments), Office of Juvenile Justice and Delinquency Programs (OJJDP), National Council on Crime and Delinquency, Children's Research Center and Center for Juvenile Justice Reform, Georgetown University were presented to committee members and are available upon request. Generally they attest to the effectiveness and importance of providing education programs to incarcerated juveniles and young adults.

VII.

\*Incentives to recidivism used at Cheshire County and Granite State High School include development of transition plans identifying the individual's needs and necessary resources, and should begin well in advance of release date.

VIII.

\*The committee heard from the Director of Education for the NH State Prison and was most impressed with their organization, tracking of student progress, programs available and accountability. (See **Attachment B.**)

\*The committee also heard from the Director of Alternative Education from the DOE and again, the accountability for numbers of incarcerated students served and the impact of programs and services was impressive.

\*The committee invited the Director of Community Corrections for DOC who described the programs goals. He explained that funding is the primary issue. \$900,000.00 of ARRA monies have been received; none is allocated for purchasing services needed for those inmates re-entering communities. Again, the committee heard of the critical need for transition plans to the community prior to release. According to the Director, \$10,000,000.00 is needed to complete the program correctly. Otherwise, it will not work.

## RECOMMENDATIONS:

Increase accountability of NH school systems for continuing and monitoring the education of incarcerated students, both coded and non-coded;

Clarify responsibilities for State, County Corrections and School Systems regarding non-coded students under 18 years and coded students up through age 21, who refuse educational services.

Clarify the intent of SB18-FN...Does it include students who are incarcerated and do not have either a high school leaving certificate or GED?

Introduce legislation to modify to the extent possible, requirements such as computer literacy and physical education for high school graduation, to enable NH inmates both in County and State Corrections to receive a high school certificate.

Authorize state and county corrections facilities staff to assess incoming 17-21 year old inmates to determine eligibility for Special Education Services.

Encourage delivery of instructional services to County and State Correctional Systems from the NH Virtual Learning Academy, by addressing security issues.

Set administrative rules to require accountability for the expenditure of funds received from DOE for county and state correctional facilities.

Through legislation or administrative rules, establish a process of notifying the DOE Adult Basic Education Program of the number of inmates enrolled in the County and State DOC education GED programs.

Promote equality and parity for education and career development programs for incarcerated women throughout the system.

Introduce legislation to allow the judiciary to sentence youth, ages 17 through 21 who have not completed their high school certificate, to be required to attend schooling.

Explore legislation establishing a Youth Corrections Act to serve offenders, ages 17 to 21 year olds.

Introduce legislation to establish a commission to further study and monitor the effects of educational and career development programs for young adults in the NH Corrections Systems and to strengthen communication between DOE and DOC. A state-wide plan linking educational and corrections resources will create greater efficiency and more effective delivery of services.

Introduce legislation to require that every inmate between the ages of 17 and 25 complete requirements for a high school leaving certificate or GED as part of his/her parole.

Explore the possibility of establishing a Charter School within the Granite State School District to coordinate all educational and career development programs for young offenders, ages 17-21 years.

Respectfully submitted,

*Mary Stuart Gile*

## ATTACHMENT A

### HB 1177 - Guest Speakers:

Dr. Virginia Barry, Commissioner, Department of Education  
Commissioner Elizabeth Blanchard, Merrimack County  
Eric Borrin, Division of Juvenile Justice Services  
Joe Diament, Community Corrections, Department of Corrections  
Lisa Danley, Career Development, Department of Education  
Dr. Art Ellison, Adult Basic Education, Department of Education  
Peg Fargo, League of NH Women Voters  
Deborah Fifield, Department of Education, Title 1ESEA-Part D  
MacKenzie Harrington, Department of Education, Special Education  
Dave Hasset, Merrimack County of Corrections  
Lisa Hatz, NH Department of Education, Vocational Rehabilitation  
Sgt. Jason Henry, Merrimack County Corrections  
Cynthia Herman, Child and Family Services  
Doug Iosue, Cheshire County Corrections  
Angela Keef, Department of Education, Vocational-Rehabilitation  
Judge Edwin Kelly, Administrator, District Court, & Family Division  
Stephanie LaFreniere, Department of Education, Title 1ESEA  
Jeff Lyons, Department of Corrections  
Nancy Monroe, Rockingham County Corrections  
Susan Randell, Department of Education, Alternative Education  
Attorney Lara Saffo, Grafton County Attorney  
Daniel Tanguay, Director, Education, NH State Prison  
Santina Thibedeau, Department of Education, Special Education  
Rick Van Wickler, Superintendent, Cheshire County Corrections  
William Wrenn, Commissioner, Department of Corrections

**Notes from September 29th Presentation to the Committee to Study Education and Career Development Programs for Youth and Young Adults, 17 to 21 Years of Age, in the Juvenile and Adult Criminal Justice Systems (HB 1177, Ch. 276, Laws of 2010).**

**Between the dates of September 1, 2009 and August 31, 2010, the current inmate population in the range of 17-21 years of age for the New Hampshire Department of Corrections was:**

□ **168 individuals currently within the prison population of 1,467.**

\* **23 out of the 168 were deemed previously classified as needing Special Education Services per the NH Department of Education, as identified by their previous school district before their incarceration.**

**Not all of these individuals decided to receive services. Therefore, to reflect more refined number, the Corrections Special School District focused on the new arrivals within the previous stated timeframe (September 1, 2009 and August 31, 2010) and age range. The results are as follows:**

□ **49 of the 168 were new arrivals**

\* **19 of the 49 were identify by NHDOE as previously classified needing Special Education services by their school district before incarceration**

\* **14 of the 19 were or are currently verified eligible to receive Special Education services at this time per the Granite State High School verification process. The breakdown is as follows:**

- \* **1 has since graduate from Granite State High School**
- \* **1 Refused services after 4 months**
- \* **1 Refused services after 3 months wants GED instead**
- \* **1 Refused after 7 months when he achieved lower custody status (C-2)**
- \* **3 Aged out of Special Education**

- \* 1 Refused after 2 months, did not want to be know as Special Ed.**
- \* 6 are currently receiving services**

**As previously stated, the Corrections Special School District has a very diverse population with varying educational needs. Based on the numbers produced by our Education Intake Process, 11% are within the range of 17-21 years of age. Furthermore, the school district's database reflects that 14% of our current prison population, age 17 to 21, has been previously identified as having a disability. In addition, the arriving inmate population reflects a 39% chance that a new inmate will have a previously identified disability. Therefore, these percentages indicate a trend reflecting that a need for special education services will continue.**

**Respectfully,**

**Daniel T. Tanguay, Director  
Granite State High School  
NH Department of Corrections  
281 North State Street  
Concord, NH 03301  
ph: 603-271-1855 fax: 603-271-0401  
daniel.t.tanguay@nhdoc.state.nh.us**





STATE OF NEW HAMPSHIRE  
DEPARTMENT OF CORRECTIONS

**Daniel T. Tanguay, Director**  
Granite State High School  
Corrections Special School District

281 NORTH STATE STREET  
CONCORD NH 03301

TEL: (603) 271-1855  
Email: [daniel.t.tanguay@nhdoc.state.nh.us](mailto:daniel.t.tanguay@nhdoc.state.nh.us)





STATE OF NEW HAMPSHIRE  
DEPARTMENT OF CORRECTIONS  
NEW HAMPSHIRE STATE PRISON – CONCORD

William L. Wrenn  
Commissioner

William G. McGonagle  
Asst. Commissioner

## Corrections Special School District

### Overall Profile of Correctional Education

- ❖ Corrections Special School District supports the need for offenders to increase their knowledge and develop career based skills needed for successful re-entry into the community. A portion of this knowledge and development is the direct result of acquiring or working towards a GED, but especially a high school diploma.
- ❖ The department's concerns related to HB 304 are with our ability to meet the demand created by this identified group of inmates to acquire a basic GED or high school diploma before paroling. This demand will be compounded with the mandate to provide educational services to other inmates as well under relevant court decrees.
- ❖ Corrections Special School District offers educational services at all three facilities, therefore the current educational demographic as reported out is a population of 2572 within the various facilities. Of this population 1210 do not have a GED or high school diploma. Further analysis of this population finds that 353 individuals are within 17 through 25 years age range defined in HB 304, and 123 of these individuals do not have a GED or high school diploma.
- ❖ Based on the diverse learning needs of these individuals, the process of acquiring a basic GED can take from a few months to a few years especially if the individual has a severe learning disability.
- ❖ Presently we offer educational services to 744 individuals with an average educational ability of 9<sup>th</sup>-10<sup>th</sup> grade as substantiated by the Test for Adult Basic Education (TABE).

### January 1, 2010 to December 31, 2010 Educational Trends

- ❖ Reviewing our demographic based on the age range defined by HB 304, between January 1, 2010 and December 31, 2010, the New Hampshire Department of Corrections received 269 new arrivals (male and female). Of these 128 did not hold a GED or high school diploma as identified by the Educational Intake Process.
- ❖ Furthermore of these 128 new arrivals, 20 were deemed eligible to received special education services. Though only 10 formally requested special education services, 6 others have enrolled in education courses throughout the year and have requested supports at times.
- ❖ Corrections Special School District has implemented 151 GED tests over the past year, with 61 inmates achieving their GED and 44 who have only partially completed the GED testing process. Those who

partially completed and those who failed their GED tests are still working towards the final goal of achieving a GED.

### Limitations

- ❖ Within the current funding and staffing levels, it would be a significant challenge for the Corrections Special School District to successfully meet this new demand created by HB 304. In addition, given existing funding and staffing limitations, there is no guarantee every inmate will be able to achieve a GED. The rationale behind this notion is that some inmates may have learning disabilities or educational deficiencies, which would prohibit them from achieving a GED, despite the best efforts of our highly qualified educational staff.
- ❖ Inmates within the age range of 17 to 25 years come in with rather short sentences, i.e. 1-5 years, 1-7 or even 1-10. Based on this fact, requiring a GED would delay the ability for these inmates to complete court ordered programming and/or treatment requirements identified through the department's risk needs assessment in order to obtain parole. As a result of these delays additional cost will be incurred by the Department of Corrections on a daily basis to continue their incarceration.
- ❖ During this past year the New Hampshire Department of Corrections has spent about \$1,600 on GED testing materials alone. This cost does not reflect staff expenses (compensatory time, meals and travel cost associated with GED administration) and resource materials (workbooks and calculators) used by the inmates. With the increase in demand at the various facilities, all these cost will increase as well.

# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 304

**BILL TITLE:** requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

**DATE:** February 22, 2011

**LOB ROOM:** 204

**Amendments:**

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

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

Moved by Rep. Mark Warden

Seconded by Rep. Kyle J. Tasker

Vote: 15-0 (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: 15-0**

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

  
Rep. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 304

**BILL TITLE:** requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

**DATE:** *2/19/14 3/2/14*

**LOB ROOM:** 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. *Warden*

Seconded by Rep. *Tashee*

Vote: (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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene Charbon, Clerk

*Consent*  
*Gene P. Charbon*

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: H3304 Title: Requiring prisoners between 17+25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.

PH Date: 02/10/11

Exec Session Date: 2/22/2011

Motion: ITL.

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman	✓	
Gagne, Larry G, V Chairman	✓	
Welch, David A	✓	
Fields, Dennis H	✓	
Fesh, Robert M	✓	
Charron, Gene P	✓	
Villeneuve, Moe	✓	
Antosz, Jason P	✓	
Greazzo, Phil J	✓	
Kreis, Kenneth	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J	✓	
Warden, Mark	✓	
Pantelakos, Laura C	✓	
Berube, Roger R	✓	
Shurtleff, Stephen J	✓	
Ginsburg, Philip E	✓	
	15-0	
TOTAL VOTE:		

# Committee Report

**CONSENT CALENDAR**

**March 2, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB304,

AN ACT requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole. Having considered the same, report the same with the following Resolution: **RESOLVED**, That it is **INEXPEDIENT TO LEGISLATE**.

**Rep. Mark Warden**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	<b>CRIMINAL JUSTICE AND PUBLIC SAFETY</b>
Bill Number:	<b>HB304</b>
Title:	<b>requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole.</b>
Date:	<b>February 22, 2011</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

While the committee agreed that incentives for prisoners completing their high school certificate or GED is not a bad idea per se, we felt that the requirements in this bill would give unfair preference to selected prisoners over those who already have graduated from high school or who simply have no interest in such studies. High school equivalency courses are already offered in prison through Granite State High School. Despite some merits of the bill's intent, even the co-sponsors voted to ITL.

Vote 15-0.

Rep. Mark Warden  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB304**, requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. While the committee agreed that incentives for prisoners completing their high school certificate or GED is not a bad idea per se, we felt that the requirements in this bill would give unfair preference to selected prisoners over those who already have graduated from high school or who simply have no interest in such studies. High school equivalency courses are already offered in prison through Granite State High School. Despite some merits of the bill's intent, even the co-sponsors voted to ITL. **Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

Majority Report Blurb

HB 304 requiring prisoners between 17 and 25 years of age...  
Committee Report: ITL

While the committee agreed that incentives for prisoners completing their high school certificate or GED is not a bad idea per se, we felt that the requirements in this bill would give unfair preference to selected prisoners over those who already have graduated from high school or who simply have no interest in such studies. High school equivalency courses are already offered in prison through Granite State High School. Despite some merits of the bill's intent, even the co-sponsors voted to ITL.

Mark Warden

*Rep Elaine Swartz*

**Johnston, Judith**

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**From:** Warden, Mark  
**Sent:** Wednesday, February 23, 2011 11:44 AM  
**To:** Johnston, Judith  
**Subject:** Fw: Blurb for HB 304 from Mark  
For this weeks calendar.

*Sent via DROID on Verizon Wireless*

-----Original message-----

**From:** "Warden, Mark" <Mark.Warden@leg.state.nh.us>  
**To:** "Charron, Gene" <Gene.Charron@leg.state.nh.us>  
**Cc:** "Swinford, Elaine" <Elaine.Swinford@leg.state.nh.us>  
**Sent:** Wed, Feb 23, 2011 00:15:26 GMT+00:00  
**Subject:** Blurb for HB 304 from Mark

Gene, here's my blurb for the majority report. If you prefer that I go to the office and write it on the form in the file, that's fine. Just let me know what you suggest.

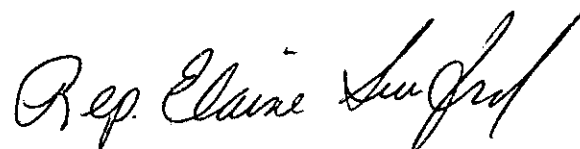
Elaine, please look this over and provide feedback if you feel it needs to be changed.  
Thanks,  
Mark

Majority Report Blurb

HB 304 requiring prisoners between 17 and 25 years of age...  
Committee Report: ITL

Majority Report: While the committee agreed that incentives for prisoners completing their high school certificate or GED is not a bad idea per se, we felt that the requirements in this bill would give unfair preference to selected prisoners over those who already have graduated from high school or who simply have no interested in such studies. High school equivalency courses are already offered in prison through Granite State High School. Despite some merits of the bill's intent, event the co-sponsors voted to ITL.

Mark Warden



COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 304

TITLE: Requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole

DATE: Feb. 24, 2011

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:

See Attached

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

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

Rep. Mark Warden  
For the Committee 