

Bill as Introduced

HB 307 - AS INTRODUCED

2011 SESSION

11-0728

04/01

HOUSE BILL **307**

AN ACT relative to the authority of the superintendent of a county correctional facility.

SPONSORS: Rep. P. Garrity, Hills 14; Rep. D. Sullivan, Hills 8; Rep. Rhodes, Hills 22;
Rep. Rokas, Hills 12; Rep. Barody, Hills 13

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Permits the superintendent of the county correctional facility to recommend a prisoner for release in order to obtain gainful employment, perform uncompensated public service, or serve the sentence under home confinement.

II. Allows the superintendent of a county correctional facility to approve the transfer of a prisoner from a state prison to a county correctional facility.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the authority of the superintendent of a county correctional facility.

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

1 1 Discretionary Sentences; Release for Certain Purposes. Amend RSA 651:19 to read as follows:
 2 651:19 Release for Purpose of Gainful Employment, Rehabilitation, or Home Confinement. A
 3 sentencing court may [~~order~~] **recommend at the time of sentencing, or the superintendent of**
 4 **the county correctional facility may, at any time during the sentence, allow** any person who
 5 has been committed to a correctional institution other than state prison under a criminal sentence
 6 may be released therefrom for the purpose of obtaining and working at gainful employment, for the
 7 performance of uncompensated public service as provided in RSA 651:68-70, under the terms of a day
 8 reporting program, provided the correctional facility has a day reporting program, or to serve the
 9 sentence under home confinement, provided the correctional facility has a home confinement
 10 program. If the **court recommends a person for release and the** superintendent determines the
 11 person is inappropriate for such release, the court shall be notified and, at the request of the
 12 defendant, a hearing may be scheduled. In any case, the defendant shall first serve 14 consecutive
 13 days prior to eligibility for home confinement, or for such other purpose as the court **or the**
 14 **superintendent** may deem conducive to his or her rehabilitation, for such times or intervals of time
 15 and under such terms and conditions as the rules and regulations of the correctional facility may
 16 allow or as the court may order. Any part of a day spent in the free community, or in home
 17 confinement, under such a release order shall be counted as a full day toward the serving of the
 18 sentence unless otherwise provided by the court. If a person violates the terms and conditions laid
 19 down for his or her conduct, custody, and employment, he or she shall be returned to the correctional
 20 facility. The superintendent may then require that the balance of the person's sentence be spent in
 21 actual confinement.

22 2 Temporary Removal of Prisoners; Transfer from State Prisons. Amend RSA 623:2 to read as
 23 follows:

24 623:2 Transfer From State Prisons. Any person confined in a state prison may, upon
 25 recommendation of the commissioner of corrections, be transferred to a county correctional facility if
 26 such transfer is approved by the [~~county commissioners of the county~~] **superintendent of the**
 27 **county department of corrections** in which the receiving facility is located.

28 3 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. P. Garrity, Hills. 14
February 4, 2011
2011-0188h
04/01

Amendment to HB 307

- 1 Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2011-0188h

AMENDED ANALYSIS

This bill permits the superintendent of the county correctional facility to recommend a prisoner for release in order to obtain gainful employment, perform uncompensated public service, or serve the sentence under home confinement.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 307

BILL TITLE: relative to the authority of the superintendent of a county correctional facility.

DATE: February 8, 2011

LOB ROOM: 204 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:25 a.m.

(please circle if present)

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

Bill Sponsors: Rep. P. Garrity, Hills 14; Rep. D. Sullivan, Hills 8; Rep. Rhodes, Hills 22; Rep. Rokas, Hills 12; Rep. Baroody, Hills 13

TESTIMONY

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

Rep. P. Garrity - Sponsor - Believed it will save time and money. Presented amendment 2011-0188h.

David Dionne, Assistant Superintendent - Hillsboro County - Supports. Cuts down on time for Court to react.

Chris Dornan - Citizens for Criminal Justice Reform

Ron White - Superintendent Merrimack County - Supports- DOC reduces court cost.

Rep. Baroody - Supports, filled out pink card, did not speak, no written testimony.

Respectfully Submitted:


Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 307

BILL TITLE: relative to the authority of the superintendent of a county correctional facility.

DATE: 2-8-2011

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

Time Adjourned: 10:25

(please circle if present)

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

Bill Sponsors: Rep. P. Garrity, Hills 14; Rep. D. Sullivan, Hills 8; Rep. Rhodes, Hills 22; Rep. Rokas, Hills 12; Rep. Barody, Hills 13

TESTIMONY

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

- HB-307 relative to the authority of the Superintendent of a County Correctional Facility.
- ① 10:00 support. Pat Carviti, sponsor. Believed it will save time money - presented amendment - 2011-0188 h -
- ② 10:10 support. David Dianno. Asst Supt - Hillsboro Ct. - Cuts down on time for Court & Rec -
- ③ 10:15 Chris Down - CITIZENS FOR CRIMINAL JUSTICE REFORM
- ④ 10:20 SUPPORTS POW WHITE Supt. ~~at~~ MERRIMACK COUNTY DOC reduces Court Cost.
- 5 10:25 Rep Barreedy - Supt. no speak no written - ~~reduce appearance in Court~~ - Saving

Closed hearing - 10:25 -

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 307

BILL TITLE: relative to the authority of the superintendent of a county correctional facility.

DATE: February 8, 2011

LOB ROOM: 204

Amendments:

Sponsor: Rep. P. Garrity OLS Document #: 2011 0188h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep.

Seconded by Rep.

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

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

Moved by Rep. Mark Warden

Seconded by Rep. Dennis Fields

Vote: 14-0 (Please attach record of roll call vote.)

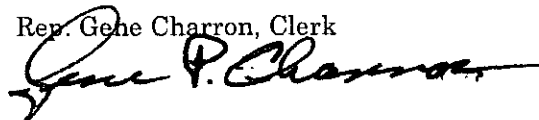
CONSENT CALENDAR VOTE: 14-0

(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 307

BILL TITLE: relative to the authority of the superintendent of a county correctional facility.

DATE: 2-8-2011

LOB ROOM: 204

Amendments:

Sponsor: Rep. GARRITY

OLS Document #: 2011-01884

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep.

Seconded by Rep.

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

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

Moved by Rep. Warden

Seconded by Rep. Fields

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

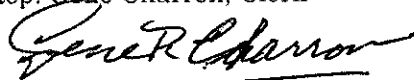
CONSENT CALENDAR VOTE:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene Charron, Clerk



CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB307 Title: Relative to the authority of the Superintendent of a County Correctional facility

PH Date: 21 08/ 2011

Exec Session Date: 21 08/ 2011

Motion: OTP/

Amendment #: 2011-01884

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	✓	
	14 14-0	
TOTAL VOTE:		

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: ³⁰⁷ HB-~~307~~ Title: *relative to authority of the Dept. of County Corrections facility to order the removal or transfer*
 PH Date: ⁰⁸ 2/18/2011 Exec Session Date: 2/08/2011

Motion:	MEMBER	YEAS	NAYS
	Swinford, Elaine B, Chairman	✓	
	Gagne, Larry G, V Chairman	✓	
	Welch, David A	X	X
	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	X	X
	Berube, Roger R	X	X
	Shurtleff, Stephen J	✓	
	Ginsburg, Philip E	✓	
		14-0	
TOTAL VOTE:			

Committee Report

CONSENT CALENDAR

February 16, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB307,

AN ACT relative to the authority of the superintendent of a county correctional facility. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Mark Warden

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB307
Title:	relative to the authority of the superintendent of a county correctional facility.
Date:	February 8, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

The committee felt that this bill has the potential to reduce a burden on the court system by allowing the superintendent – in addition to the court – to recommend release to a work program, or home confinement.

Vote 14-0.

Rep. Mark Warden
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB307, relative to the authority of the superintendent of a county correctional facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. The committee felt that this bill has the potential to reduce a burden on the court system by allowing the superintendent – in addition to the court – to recommend release to a work program, or home confinement. **Vote 14-0.**

Original: House Clerk
Cc: Committee Bill File

HB 307 relative to the authority of the superintendent of a county correctional facility.

The committee felt that this bill has the potential to reduce a burden on the court system by allowing the superintendent – in addition to the court – to recommend release to a work program, or home confinement.

**Rep. Mark Warden
For the Committee
14-0 OTP/A <2011-0188h>**

Rep Elaine Swartz

2-08-11 Voted OTR/A

Majority blurb on HB 307

~~The main sponsor of this bill is~~

The committee felt that this bill has the potential to reduce a burden on the court system by allowing the superintendent—in addition to the court—to recommend release ~~to~~ to a work program or home confinement.

Mark Warden

Rep. Elaine Swenson

COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 307

TITLE: Relative to the Authority of the Superintendent of a County Correctional Facility.

DATE: February 8, 2011 CONSENT CALENDAR: YES NO

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

Amendment No.
2011-0188h

STATEMENT OF INTENT:

see attached

COMMITTEE VOTE: 14-0

RESPECTFULLY SUBMITTED,

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

Rep. Mark Warden
For the Committee (M)