

# Bill as Introduced

HB 473-FN - AS INTRODUCED

2011 SESSION

11-0465

04/01

HOUSE BILL

***473-FN***

AN ACT

relative to fees added to the late payment of fees to bail commissioners.

SPONSORS:

Rep. Scala, Carr 5

COMMITTEE:

Criminal Justice and Public Safety

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ANALYSIS

This bill imposes a \$50 administrative fee on any defendant who fails to make payment of the bail commissioner's fee within 30 days and requires that a hearing be held prior to the waiver of a fee.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                   relative to fees added to the late payment of fees to bail commissioners.

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

1           1 Bail and Recognizances; Bail Commissioners. Amend RSA 597:20 to read as follows:  
2           597:20 Fees.

3           ***I.*** The bail commissioners in such cases shall be entitled to a fee of \$40 ***payable within 30***  
4 ***days. If the defendant fails to make payment with the allotted time, a \$50 administrative***  
5 ***fee shall be imposed upon the defendant. The administrative fee shall be retained by the***  
6 ***court before which the defendant is bound to appear for the use of such court.*** However,  
7 clerks of court or members of their staffs who are bail commissioners shall be entitled to collect such  
8 fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-  
9 time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else  
10 authorized to execute police powers, such person shall not receive the fee established in this section,  
11 but instead such amount shall be remitted to the town or city in which the district court is situated.

12           ***II.*** ***No fee under this section shall be waived without a hearing in the court before***  
13 ***which the defendant is bound to appear. Notice of such hearing shall be provided to the***  
14 ***bail commissioner entitled to the fee.***

15           2 Effective Date. This act shall take effect upon its passage.

LBAO  
11-0465  
01/20/11

**HB 473-FN - FISCAL NOTE**

AN ACT relative to fees added to the late payment of fees to bail commissioners.

**FISCAL IMPACT:**

The Judicial Branch states this bill will increase state expenditures and revenue by an indeterminable amount in FY 2011 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

**METHODOLOGY:**

The Judicial Branch states this bill amends RSA 597:20, dealing with the fees of bail commissioners, to make the bail commissioner's fee payable within 30 days, imposes a \$50 administrative fee for late payments to be retained by the Branch, and provides that no fee can be waived without a hearing at which the defendant must appear and notice is given to the bail commissioner. The Branch has little involvement with the fees of bail commissioners. The Branch would have increased expenditures associated with establishing a system to track payment of bail commissioner fees so it would know when to impose the \$50 fee. There would also be expenditures associated with hearings to waive the bail commissioner fees. The Branch anticipates an increase in revenue from the \$50 administrative fee. The Branch has no specific information available to provide an estimated fiscal impact related to the increased expenditures or revenue.

# Speakers



~~no written~~ <sup>(1)</sup>  
~~testimony,~~

Fill in **ONLY** If **SPEAKING** on Bill

Bill # 473-FN Date 2/8/14

Committee Criminal Justice

I support the bill

I oppose the bill

I have written testimony

(Number of copies)

Time needed to speak: 0

Name Arthur St Laurent

Address 325 Pembroke St

Pembroke NH 03225

Phone \_\_\_\_\_

Representing \_\_\_\_\_

# Hearing Minutes



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 473-FN

**BILL TITLE:** relative to fees added to the late payment of fees to bail commissioners.  
**DATE:** February 8, 2011  
**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 1:00 p.m.  
**Time Adjourned:** 1:50 p.m.

(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. Scala, Carr 5

TESTIMONY

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

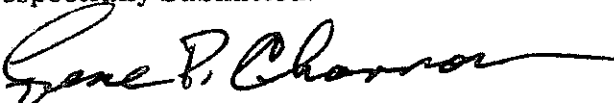
Rep. Scala - Dist 5 Ref-Bail. SUPPORTS.

Dale St. Laurent, Chichester, New Hampshire - Explained the process of a bail commissioner is owed \$8,000.00 - wants to be able to re-coup what is owed. SUPPORTS.

\*Paula Hurley - Representing Judge Edwin Kelly. See testimony. OPPOSES.

Katherine Cooper - NH Association Criminal Defense Lawyers. Argues - no contract between parties - do not add additional burden to the court system.

Respectfully Submitted:

  
Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 473-FN

**BILL TITLE:** relative to fees added to the late payment of fees to bail  
commissioners.

**DATE:**

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

**Time Adjourned:**

(please circle if present)

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

**Bill Sponsors:** Rep. Scala, Carr 5

TESTIMONY

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

473 FN

AB ~~3~~ Relative to fees added to the late payment of fees to bail commissioners

1:00 supports Rep Scala just 5 ref - Bail:

1:10 supports Wade St Laurent - Chichester NH - Explained the process of a bail Commissioner is owed \$5,000.00 - wants to be able to re-coup what is owed:

1:40 opposes PAULA HURLEY - representing Judge Edwin Kelly - see testimony -

1:50 - opposes Katherine Cooper NA ASSN CRIMINAL DEFENSE LAWYERS argues - no contract ~~between~~ between parties - do not add additional burden to the court system -

Closed 1:50

# Testimony

Good Afternoon Mr. Chairman and members of this committee. My name is Paula Hurley. For over 20 years I was employed as the Clerk of the Manchester District Court. In the last couple of years I have been assigned to work directly with Judge Kelly in managing all the district courts in New Hampshire. Judge Kelly (who could not be here today) asked me to come speak to you about HB 473 which proposes to add an administrative fee of \$50 to unpaid Bail Commissioner fees and also proposes to add court hearings to the process in order to collect those unpaid fees. These are not functions currently performed by our courts

Judge Kelly probably asked me to appear on this issue because he knows that I am old enough and that I have been around long enough to remember that Bail Commissioner fees used to be a mere \$20 back in 1997. In 2001 Bail Commissioner fees were increased to \$30. More recently, in 2008, Bail Commissioner fees were increased to \$40.

We are fortunate in New Hampshire that our legislature has always believed that it is important for those who have been arrested by the state to be immediately presented to a Bail Commissioner for the purpose of determining the conditions of their release. Bail Commissioners are a critically important link in the criminal justice chain. It is a tribute to our legislature and our courts that we have an extensive state-wide network of trained individuals to set bail when someone has been arrested. These folks are not employed by the state, but are rather independent AGENTS of the court. Bail Commissioners are professional, trained, independent, detached and neutral. They are also responsible for managing their own affairs – the collection of bail and their fees and they are held accountable to accurately submit the bail to the courts in a timely way. Most Bail Commissioners have a close working relationship with the judges and the courts where they are assigned. To my knowledge there is no shortage of people willing to do this work for the fee that the legislature has set. If Bail Commissioners were resigning their positions and the court system was unable to find replacement people willing to do the work for the fees that have been set then I suspect Judge Kelly would be the first person on your doorstep trying to find a solution to that problem.

So why has he asked me to speak to you about this bill? There is an adage and it applies to this situation “don’t try to fix something that is not broken”. The courts have never been deeply involved in collecting Bail Commissioner fees because it has not been necessary. The fees are paid

when people have the ability to post bail. When people don't have the ability to post bail, adding \$50 to their obligation is not going to solve that problem. A greater concern however is that this bill requires courts to take on an additional administrative function at a time when we are doing serious soul searching to find ways to eliminate every non-essential function. The courts are running with between 10 – 20% fewer positions than we have ever had before. In the District Courts Judge Kelly has slashed 20% of the judge time assigned to each court as a way to help try to balance the budget. Under those circumstances is this the correct time to add mandatory hearings to collect fees? It is important under these present economic circumstances that we carefully examine every additional administrative burden that we assume and that we ask ourselves. Is it essential? Is it necessary? Does it advance the interests of all of our citizens? This may sound harsh (and I apologize if it does) but unpaid bail commissioner fees have always been a cost of doing business. To date we have had not shortage of people still willing to do this work. Does this problem really need to be fixed by imposing additional costs on our court in this economy? We must leave the answer to that question to you.

Thank you

# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 473-FN

**BILL TITLE:** relative to fees added to the late payment of fees to bail commissioners.

**DATE:** February 8, 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. Kenneth Kreis

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. Kenneth Kreis

Vote: 13-0 (Please attach record of roll call vote.)

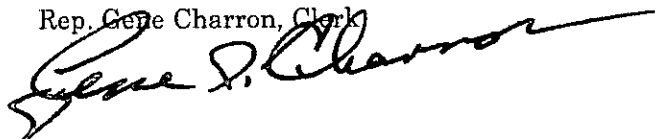
**CONSENT CALENDAR VOTE: 13-0**

(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 473-FN

BILL TITLE: relative to fees added to the late payment of fees to bail commissioners.

DATE: 2-8-2011

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. *warden*

Seconded by Rep. *Kreis*

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. *Kreis*

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

*Consent*  
*Gene Charron*

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 473-FN Title: Relative to fees added to the late payment of fees to Bail Commissioners.

PH Date: 02 / 08 / 11

Exec Session Date: 02 / 08 / 11

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	✓	

13-0

# Committee Report

**CONSENT CALENDAR**

**February 9, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB473-FN,

AN ACT relative to fees added to the late payment of fees to bail commissioners. 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>HB473-FN</b>
Title:	<b>relative to fees added to the late payment of fees to bail commissioners.</b>
Date:	<b>February 8, 2011</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

The committee agreed that there is not a significant problem with the current system, and the proposed legislation would add additional bureaucracy and cost to the court system.

Vote 13-0.

Rep. Mark Warden  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**CONSENT CALENDAR**

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB473-FN**, relative to fees added to the late payment of fees to bail commissioners.

**INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. The committee agreed that there is not a significant problem with the current system, and the proposed legislation would add additional bureaucracy and cost to the court system. **Vote 13-0.**

Original: House Clerk  
Cc: Committee Bill File

**HB 473-FN relative to fees added to the late payment of fees to bail commissioners.**

**The committee agreed that there is not a significant problem with the current system, and the proposed legislation would add additional bureaucracy and cost to the court system.**

**Rep. Mark Warden  
For the Committee  
13-0 ITL CC**

*Rep. Elaine Swengard*

COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 473-FN

TITLE: Relative to fees added to the late payment of fees to bail commissioners.

DATE: 2-08-11 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. _____
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STATEMENT OF INTENT:

The committee agreed that there is not a significant problem with the current system, and the proposed legislation would <sup>add</sup> additional bureaucracy and cost to the court system.

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\_\_\_\_\_

\_\_\_\_\_

COMMITTEE VOTE: 13-0

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

RESPECTFULLY SUBMITTED,  
Rep. Mark Warden  
For the Committee

Rep. Elaine Stumpf