

Committee Minutes

SENATE CALENDAR NOTICE
JUDICIARY

Senator Sharon Carson Chairman
Senator Bette Lasky V Chairman
Senator David Boutin
Senator Sam Cataldo
Senator Donna Soucy

For Use by Senate Clerk's
Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: March 26, 2013

HEARINGS

Tuesday

4/2/2013

JUDICIARY

SH 100

10:05 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

10:05 AM HB247-FN

increasing compensation for wrongful incarceration.

10:20 AM HB327-FN

relative to payment of attorneys' fees for indigent parents in termination of parental rights cases.

10:45 AM HB644-FN

(New Title) relative to parole procedures and relative to sanctions for violations of probation.

Sponsors:

HB247-FN

Rep. Timothy Robertson

Rep. Frank Sapareto

Rep. Lars Christiansen

Rep. Daniel Itse

HB327-FN

Rep. Robert Rowe

HB644-FN

Rep. Stephen Shurtleff

Rep. John Sytek

Rep. Gene Charron

Sen. Sharon Carson

SENATE JUDICIARY COMMITTEE

Susan Duncan, Senior Legislative Aide

HB 247-FN – increasing compensation for wrongful incarceration.

Hearing Date: April 2, 2013

Time Opened: 10:11 a.m. Time Closed: 10:13 a.m.

Members of the Committee Present: Senators Carson, Boutin, Soucy and Cataldo

Members of the Committee Absent: Senator Lasky

Bill Analysis: This bill provides that a person who is wrongfully incarcerated shall be eligible for compensation of \$20,000 per year of incarceration.

Sponsors: Representatives Robertson, Sapareto, Christiansen and Itse

Who supports the bill: No one

Who opposes the bill: No one

Summary of testimony presented in support:

As none of the bill's sponsors was present at the hearing, Senator Carson asked Representative Timothy Horrigan to introduce the bill for the House.

Representative Horrigan explained that it is a fairly simple bill but is a major change with the cap for wrongful incarceration.

Summary of testimony presented in opposition: None

Fiscal Note: See Fiscal Note

Action: Senator Carson moved "Inexpedient to Legislate." Senator Soucy seconded the Motion. The Committee voted 4 to 0 in support of the ITL Motion. Senator Carson will report the bill out of Committee.

sfd

Date hearing report completed: April 2, 2013
[file: HB 247-FN report]

Speakers

Testimony

From: cldornin@aol.com [mailto:cldornin@aol.com]
Sent: Wednesday, April 03, 2013 12:06 PM
To: Chroniak, Deborah; Carson, Sharon
Subject: I'm horrified I missed the hearing yesterday on HB 247, Chris Dornin

Sharon-

I am chagrined that I missed the Senate Judiciary Committee hearing yesterday for an important bill I wrote, HB 247. I showed up for the meeting this morning at 10 a.m. to find the wrong committee in session. It felt like I missed the final exam in a course.

It was an oversight, and I'm hoping you might ask the committee to reconsider its ITL vote in light of my written testimony included below.

I would understand if I've simply blown it, and there's no way to correct the mistake. We're all grownups here.

But there's something important at issue. Today the state gives someone wrongfully incarcerated a lump sum of \$20,000 no matter how long they've been behind the walls.

HB 247 would increase that compensation to \$20,000 per year, which is still a pitiful amount. This is an innocent person whose life has been destroyed. You will see from my testimony that nobody has ever filed a claim for even the \$20,000 in current law. It won't happen often.

Best wishes,

Chris Dornin, founder, Citizens for Criminal Justice Reform

620-7946 cell, 228-9610 home, cldornin@aol.com

cc: Deborah Chroniak

.....

CITIZENS FOR CRIMINAL JUSTICE REFORM

Testimony on HB 247

by Chris Dornin, founder, CCJR, 603-620-7946

This bill would give those wrongfully imprisoned in our state as much as \$20,000 for each year they have spent behind bars. Current state law caps such compensation at \$20,000 in all.

A newly established National Registry of Exonerations reveals that over a thousand Americans have been indisputably exonerated since 1989 from serious criminal convictions. Only one of those confirmed injustices happened New Hampshire, five years ago, and the defendant has never applied for compensation. The New Hampshire Board of Claims, in fact, reports that nobody has ever sought compensation here for wrongful incarceration. But with a criminal justice system very similar to that of the Federal Government

and the other 49 states, New Hampshire cannot assume it is immune to the problem of wrongful conviction and the need to fairly compensate those harmed by it.

The primary goal of the law should be to make the wronged person whole, with suitable compensation for lost wages, safety, peace of mind, time with loved ones and other chances to pursue happiness. The current low limit in New Hampshire is unreasonable in view of the weak economy and the huge demonstrable harm done to the wrongly convicted.

Most other states compensate on an annual basis without a total limit. Among those which do have limits, the cap is \$300,000 in Maine and \$500,000 in Massachusetts. The federal compensation limit is \$50,000 per year. Four states- Alabama, Florida, Mississippi and North Carolina- compensate at that level. Notoriously tough-on-crime Texas pays \$80,000 per year. Vermont's compensation range is between \$30,000 and \$60,000 per year.

CITIZENS FOR CRIMINAL JUSTICE REFORM

Testimony on HB 247

by Chris Dornin, founder, CCJR, 603-620-7946

This bill would give those wrongfully imprisoned in our state as much as \$20,000 for each year they have spent behind bars. Current state law caps such compensation at \$20,000 in all.

A newly established National Registry of Exonerations reveals that over a thousand Americans have been indisputably exonerated since 1989 from serious criminal convictions. Only one of those confirmed injustices happened New Hampshire, five years ago, and the defendant has never applied for compensation. The New Hampshire Board of Claims, in fact, reports that nobody has ever sought compensation here for wrongful incarceration. But with a criminal justice system very similar to that of the Federal Government and the other 49 states, New Hampshire cannot assume it is immune to the problem of wrongful conviction and the need to fairly compensate those harmed by it.

The primary goal of the law should be to make the wronged person whole, with suitable compensation for lost wages, safety, peace of mind, time with loved ones and other chances to pursue happiness. The current low limit in New Hampshire is unreasonable in view of the weak economy and the huge demonstrable harm done to the wrongly convicted.

Most other states compensate on an annual basis without a total limit. Among those which do have limits, the cap is \$300,000 in Maine and \$500,000 in Massachusetts. The federal compensation limit is \$50,000 per year. Four states- Alabama, Florida, Mississippi and North Carolina- compensate at that level. Notoriously tough-on-crime Texas pays \$80,000 per year. Vermont's compensation range is between \$30,000 and \$60,000 per year.

CITIZENS FOR CRIMINAL JUSTICE REFORM

Testimony on HB 247

by Chris Dornin, founder, CCJR, 603-620-7946

This bill would give those wrongfully imprisoned in our state as much as \$20,000 for each year they have spent behind bars. Current state law caps such compensation at \$20,000 in all.

A newly established National Registry of Exonerations reveals that over a thousand Americans have been indisputably exonerated since 1989 from serious criminal convictions. Only one of those confirmed injustices happened New Hampshire, five years ago, and the defendant has never applied for compensation. The New Hampshire Board of Claims, in fact, reports that nobody has ever sought compensation here for wrongful incarceration. But with a criminal justice system very similar to that of the Federal Government and the other 49 states, New Hampshire cannot assume it is immune to the problem of wrongful conviction and the need to fairly compensate those harmed by it.

The primary goal of the law should be to make the wronged person whole, with suitable compensation for lost wages, safety, peace of mind, time with loved ones and other chances to pursue happiness. The current low limit in New Hampshire is unreasonable in view of the weak economy and the huge demonstrable harm done to the wrongly convicted.

Most other states compensate on an annual basis without a total limit. Among those which do have limits, the cap is \$300,000 in Maine and \$500,000 in Massachusetts. The federal compensation limit is \$50,000 per year. Four states- Alabama, Florida, Mississippi and North Carolina- compensate at that level. Notoriously tough-on-crime Texas pays \$80,000 per year. Vermont's compensation range is between \$30,000 and \$60,000 per year.

Received 4/3/13 (afd)

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 2, 2013

THE COMMITTEE ON Judiciary

to which was referred House Bill 247-FN

AN ACT increasing compensation for wrongful incarceration.

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

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4 - 0

Senator Sharon M. Carson
For the Committee

Susan Duncan 271-3076

New Hampshire General Court - Bill Status System

Docket of HB247

Docket Abbreviations

Bill Title: increasing compensation for wrongful incarceration.*Official Docket of HB247:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Criminal Justice and Public Safety; HJ 12 , PG.188
1/23/2013	H	Public Hearing: 1/29/2013 10:00 AM LOB 204
2/13/2013	H	Executive Session: 2/19/2013 10:15 AM LOB 204
2/20/2013	H	Committee Report: Ought to Pass for Mar 13 (Vote 10-9; Part I, RC); HC 22 , PG.514
3/6/2013	H	Special Order to Mar 13 Without Objection; HJ 24 , PG.703
3/13/2013	H	Ought to Pass: MA VV; HJ 26 , PG.772
3/14/2013	S	Introduced and Referred to Judiciary
3/26/2013	S	Hearing: 4/2/13, Room 100, SH, 10:05 a.m.; SC14
4/8/2013	S	Committee Report: Inexpedient to Legislate, 4/18/13; SC16
4/18/2013	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===;

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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

HEARING REPORT

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

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

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

DATE DELIVERED TO SENATE CLERK

6/7/2013

By:

Susan A. Decker

COMMITTEE AIDE

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 247-FN, increasing compensation for wrongful incarceration, OUGHT TO PASS.

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill would raise the compensation for the extremely rare case of wrongful incarceration from a maximum of \$20,000 total to \$20,000 for each year of wrongful incarceration. The committee feels because only one case of wrongful conviction was brought to our attention the financial burden will not be significant. The amended dollar figure is much more reasonable and realistic and fair compensation has the potential to forestall potentially disastrous law suits. **Vote 10-9.**