

LEGISLATIVE COMMITTEE MINUTES

SB34

Bill as Introduced

SB 34 - AS INTRODUCED

2013 SESSION

13-0949
05/01

SENATE BILL

34

AN ACT relative to the appointment of bail commissioners.

SPONSORS: Sen. Cataldo, Dist 6

COMMITTEE: Judiciary

ANALYSIS

This bill provides that the superior court and circuit court shall not appoint a bail commissioner whose appointment would present a conflict of interest or appearance of bias.

The bill is a request of the supreme court.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the appointment of bail commissioners.

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

- 1 1 Appointment of Bail Commissioners; Superior Court. Amend RSA 597:15 to read as follows:
2 597:15 ~~[Appointment]~~ **Superior Court.** The superior court may appoint justices of the peace
3 and quorum as commissioners authorized to fix and receive bail in criminal or civil cases as
4 hereinafter provided. ***The superior court shall not appoint as a bail commissioner anyone***
5 ***whose appointment would present a conflict of interest or an appearance of bias in the***
6 ***carrying out of his or her duties as a bail commissioner.***
- 7 2 Circuit Court. Amend RSA 597:15-a to read as follows:
8 597:15-a ~~[District Courts]~~ **Circuit Court.** ~~[District courts]~~ **The circuit court** may appoint ~~(3 or~~
9 ~~more)~~ justices of the peace and quorum as commissioners authorized to fix and receive bail and other
10 fines and fees as authorized by law in criminal or civil cases ~~(to be brought before the appointing~~
11 ~~court or any other district court)~~ **as hereinafter provided. The circuit court shall not appoint**
12 **as a bail commissioner anyone whose appointment would present a conflict of interest or**
13 **an appearance of bias in the carrying out of his or her duties as a bail commissioner.**
- 14 3 Applicability. Nothing in this act shall require the removal from office of any currently
15 commissioned bail commissioner.
- 16 4 Repeal. The following are repealed:
17 I. RSA 597:15-b, relative to appointment of bail commissioners in the judicial branch family
18 division.
19 II. RSA 597:16, relative to appointment of bail commissioners in the municipal courts.
- 20 5 Effective Date. This act shall take effect upon its passage.

CHAPTER 59
SB 34 - FINAL VERSION

2013 SESSION

13-0949
05/01

SENATE BILL **34**

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COMMITTEE: Judiciary

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CHAPTER 59
SB 34 – FINAL VERSION

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the appointment of bail commissioners.

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

1 59:1 Appointment of Bail Commissioners; Superior Court. Amend RSA 597:15 to read as
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4 and quorum as commissioners authorized to fix and receive bail in criminal or civil cases as
5 hereinafter provided. ***The superior court shall not appoint as a bail commissioner anyone***
6 ***whose appointment would present a conflict of interest or an appearance of bias in the***
7 ***carrying out of his or her duties as a bail commissioner.***

8 59:2 Circuit Court. Amend RSA 597:15-a to read as follows:

9 597:15-a ~~[District Courts]~~ ***Circuit Court.*** ~~[District courts]~~ ***The circuit court*** may appoint ~~[3 or~~
10 ~~more]~~ justices of the peace and quorum as commissioners authorized to fix and receive bail and other
11 fines and fees as authorized by law in criminal or civil cases ~~[to be brought before the appointing~~
12 ~~court or any other district court]~~ ***as hereinafter provided. The circuit court shall not appoint***
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14 ***an appearance of bias in the carrying out of his or her duties as a bail commissioner.***

15 59:3 Applicability. Nothing in this act shall require the removal from office of any currently
16 commissioned bail commissioner.

17 59:4 Repeal. The following are repealed:

18 I. RSA 597:15-b, relative to appointment of bail commissioners in the judicial branch family
19 division.

20 II. RSA 597:16, relative to appointment of bail commissioners in the municipal courts.

21 59:5 Effective Date. This act shall take effect upon its passage.

22 Approved: June 6, 2013

23 Effective Date: June 6, 2013

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	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 17, 2013

HEARINGS

Tuesday

1/22/2013

JUDICIARY

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM SB34

relative to the appointment of bail commissioners.

9:10 AM SB35

relative to the master jury list.

9:20 AM SB25

relative to the treatment of medical support in child support cases.

Sponsors:

SB34

Sen. Sam Cataldo

SB35

Sen. Sam Cataldo

SB25

Sen. John Reagan

SENATE JUDICIARY COMMITTEE

Susan Duncan, Senior Legislative Aide

SB 34 – relative to the appointment of bail commissioners.

Hearing Date: January 22, 2013

Time Opened: 9:02 a.m.

Time Closed: 9:11 a.m.

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

Members of the Committee Absent: Senator Soucy (Washington)

Bill Analysis: This bill provides that the Superior Court and Circuit Court shall not appoint a bail commissioner whose appointment would present a conflict of interest or appearance of bias and was requested by the Supreme Court.

Sponsors: Senator Cataldo

Who supports the bill: Senator Cataldo; The Honorable David King, Deputy Administrative Judge of the Circuit Courts; Attorney Howard Zibel, Judicial Legal Counsel

Who opposes the bill: No one

Summary of testimony presented in support:

Senator Cataldo

- Explained that the purpose of the Superior and Circuit Courts is to not appoint bail commissioners who have a conflict of interest.

Attorney Zibel

- Gave background on how the courts come up with legislative proposals: they have a Legislative Committee that meets solely via e-mail and ideas are brought forward throughout the year. The ideas are written up and given to the Administrative Council members (Don Goodnow, Judge Nadeau, Judges King and Kelly) and they make a recommendation to the Supreme Court. Each member of the Supreme Court votes on whether to bring the ideas forward. He said that the Courts do not seek political sponsors of their legislative ideas, but instead ask for courtesy sponsors who are typically the chairpersons of the Senate and House Judiciary Committees.

- On this particular bill, the idea came from the Circuit Court.

Judge King

- Explained that the bill does two things:
 - Changes the court name from District Court to Circuit Court to be consistent with changes made previously;
 - And clarifies that when an appointment of a bail commissioner is made, there be no conflict of interest.
- The purpose of bail is to accomplish two things: first to make sure that the individual accused shows up in court for their hearing; and second, to protect the public.
- He used the example of someone who works for a police department (i.e., a police dispatcher who also happens to be a bail commissioner) would have the appearance of a conflict of interest and representing the police.
- The intent to is remove no one currently serving as a bail commissioner, but when their term comes up, not renew them if the conflict is still in place.

Attorney Zibel

- Two sections no longer needed in statute are removed in the bill in the repeal section.

Summary of testimony presented in opposition:

No one appeared in opposition

Fiscal Note: Not applicable

Action: Senator Lasky moved "Ought to Pass." Senator Boutin seconded the motion. The Committee voted 4 to 0 in support of the Motion. Senator Cataldo will report the bill out of Committee.

sfd

Date hearing report completed: Jan. 22, 2013

[file: SB 34 report]

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 22, 2013

THE COMMITTEE ON Judiciary
to which was referred Senate Bill 34

AN ACT relative to the appointment of bail commissioners.

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

OUGHT TO PASS

BY A VOTE OF: 4 - 0

Senator Sam Cataldo
For the Committee

Susan Duncan 271-3076

New Hampshire General Court - Bill Status System

Docket of SB34

Docket Abbreviations

Bill Title: relative to the appointment of bail commissioners.*Official Docket of SB34:*

Date	Body	Description
1/3/2013	S	Introduced and Referred to Judiciary; SJ 4
1/17/2013	S	Hearing: 1/22/13, Room 100, SH, 9:00 a.m.; SC5
1/24/2013	S	Committee Report: Ought to Pass, 1/31/13; SC6
1/31/2013	S	Ought to Pass, MA, VV; OT3rdg; SJ 4
3/27/2013	H	Introduced and Referred to Judiciary; HJ31 , PG.1073
4/2/2013	H	Public Hearing: 4/9/2013 1:00 PM LOB 208
4/10/2013	H	Executive Session: 4/16/2013 11:00 AM LOB 208
4/17/2013	H	Committee Report: Ought to Pass for April 24 (Vote 19-0; CC); HC33 , PG.1094
4/24/2013	H	Ought to Pass: MA VV; HJ38 , PG.1242
4/24/2013	H	Enrolled; HJ38 , PG.1257
5/2/2013	S	Enrolled
6/6/2013	S	Signed by the Governor on 06/06/2013; Chapter 0059; Effective 06/06/2013

NH House

NH Senate

Other Referrals

SB 34 -- RELATIVE TO THE APPOINTMENT OF BAIL COMMISSIONERS.
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

6/11/13

By:

Susan A. Duncan
COMMITTEE AIDE