

Bill as Introduced

HB 472 - AS INTRODUCED

2015 SESSION

15-0419
04/05

HOUSE BILL

472

AN ACT

relative to the parole board and parole board procedures.

SPONSORS:

Rep. Sytek, Rock 8; Rep. Cushing, Rock 21; Sen. Soucy, Dist 18

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill increases the membership on the adult parole board from 7 to 9. The bill also makes changes to the posting requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the parole board and parole board procedures.

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

1 1 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

2 I. There shall be an adult parole board with [7] 9 members. The members of the board shall
3 be appointed by the governor with the consent of the council for staggered terms of 5 years or until
4 their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on
5 the board shall be filled for the unexpired term. The governor shall designate one member as
6 chairman, and the chairman shall designate one other member to serve as chairman in his absence.
7 In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board
8 members shall be paid \$100 a day plus mileage at the state employee rate while engaged in parole
9 hearings or administrative meetings.

10 2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11, I to read as follows:

11 I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
12 shall [~~twice publish, in a newspaper of general circulation within the county where the offense~~
13 ~~occurred, a notice stating the intention of the person to seek parole and shall post notice stating the~~
14 ~~intent of the person to seek parole in the adult parole board section of the department of corrections'~~
15 ~~Internet site. Said notices shall include the name and birth date of the applicant and the date, time,~~
16 ~~and location of the parole hearing]~~ **post notice on the department of corrections Internet site**
17 **stating the name and birthdate of the person seeking parole and the date, time, and**
18 **location of the parole hearing.**

19 3 Parole of Prisoners; Reduction of Maximum Sentence While on Parole. Amend RSA 651-A:12
20 to read as follows:

21 651-A:12 Reduction of Maximum Sentence While on Parole. Any person who is on parole
22 from the state prison on a permit under the provisions of this chapter may be granted a reduction of
23 maximum term of his *or her* sentence equal to 1/3 of the period of time during which the parolee is
24 at liberty on said permit, provided that [~~said parolee is not recommitted to the state prison or has not~~
25 ~~been cited as a parole violator, pursuant to the provisions of this chapter]~~ **in making such a**
26 **decision, the parole board shall consider the conduct of the parolee while under**
27 **supervision, the seriousness of the offense, the amount of restitution owed, and the wishes**
28 **of the victim, if any.** The parolee may be granted a discharge at the expiration of his *or her*
29 maximum sentence less deductions provided for in this chapter.

30 4 Repeal. RSA 651-A:14, relative to early discharge for good conduct, is repealed.

31 5 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 194
HB 472 – FINAL VERSION

05/28/2015 1860s

2015 SESSION

15-0419
04/05

HOUSE BILL **472**

AN ACT relative to the parole board and parole board procedures.

SPONSORS: Rep. Sytek, Rock 8; Rep. Cushing, Rock 21; Sen. Soucy, Dist 18

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

- I. Increases the membership on the adult parole board from 7 to 9.
- II. Makes changes to the notice requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.
- III. Repeals the statute authorizing early discharge for good conduct.

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.

CHAPTER 194
HB 472 - FINAL VERSION

05/28/2015 1860s

15-0419
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to the parole board and parole board procedures.

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

1 194:1 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

2 I. There shall be an adult parole board with [7] 9 members. The members of the board shall
3 be appointed by the governor with the consent of the council for staggered terms of 5 years or until
4 their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on
5 the board shall be filled for the unexpired term. The governor shall designate one member as
6 chairman, and the chairman shall designate one other member to serve as chairman in his absence.
7 In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board
8 members shall be paid \$100 a day plus mileage at the state employee rate while engaged in parole
9 hearings or administrative meetings.

10 194:2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 to read as follows:

11 651-A:11 Notice of Hearings.

12 I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
13 shall [~~twice publish, in a newspaper of general circulation within the county where the offense~~
14 ~~occurred, a notice stating the intention of the person to seek parole and shall post notice stating the~~
15 ~~intent of the person to seek parole in the adult parole board section of the department of corrections'~~
16 ~~Internet site. Said notices shall include the name and birth date of the applicant and the date, time,~~
17 ~~and location of the parole hearing]~~ **post notice on the department of corrections Internet site**
18 **stating the name and birthdate of the person seeking parole and the date, time, and**
19 **location of the parole hearing.**

20 II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
21 shall send by first class mail **or electronic communication** to each chief of police and county
22 attorney of the place where the offense occurred, where the person resided prior to conviction, or
23 where the person intends to reside after release, a copy of the information described in paragraph I.

24 II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole
25 board shall provide a copy of the information described in paragraph I to the department of
26 corrections which shall send a copy of such information by first class mail **or electronic**
27 **communication** to the victim of the person seeking parole, or to the next of kin of such victim if the
28 victim has died, if request for such notice has been filed with the department of corrections. The
29 victim or next of kin so requesting shall keep the department of corrections apprised of his or her

CHAPTER 194
HB 472 – FINAL VERSION

- Page 2 -

1 current mailing address *or other contact information*.

2 III. The adult parole board shall conduct no parole hearing without first having met the
3 notice requirements of this section.

4 194:3 Parole of Prisoners; Reduction of Maximum Sentence While on Parole. Amend RSA 651-
5 A:12 to read as follows:

6 651-A:12 Reduction of Maximum Sentence While on Parole. Any person who is on parole from
7 the state prison on a permit under the provisions of this chapter may be granted a reduction of
8 maximum term of his *or her* sentence equal to 1/3 of the period of time during which the parolee is
9 at liberty on said permit, provided that ~~[said parolee is not recommitted to the state prison or has not~~
10 ~~been cited as a parole violator, pursuant to the provisions of this chapter]~~ *in making such a*
11 *decision, the parole board shall consider the conduct of the parolee while under*
12 *supervision, the seriousness of the offense, the amount of restitution owed, and any*
13 *information provided by the victim*. The parolee may be granted a discharge at the expiration of
14 his *or her* maximum sentence less deductions provided for in this chapter.

15 194:4 Repeal. RSA 651-A:14, relative to early discharge for good conduct, is repealed.

16 194:5 Effective Date. This act shall take effect July 1, 2015.

17
18 Approved: July 6, 2015

19 Effective Date: July 1, 2015

Amendments



Rep. Sytek, Rock. 8
May 5, 2015
2015-1553h
04/01

Amendment to HB 472

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

4 I. There shall be an adult parole board with [7] 9 members. The members of the board shall
5 be appointed by the governor with the consent of the council for staggered terms of 5 years or until
6 their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on
7 the board shall be filled for the unexpired term. The governor shall designate one member as
8 chairman, and the chairman shall designate one other member to serve as chairman in his absence.
9 In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board
10 members shall be paid \$100 a day plus mileage at the state employee rate while engaged in parole
11 hearings or administrative meetings.

12 2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 to read as follows:

13 651-A:11 Notice of Hearings.

14 I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
15 shall ~~[twice publish, in a newspaper of general circulation within the county where the offense~~
16 ~~occurred, a notice stating the intention of the person to seek parole and shall post notice stating the~~
17 ~~intent of the person to seek parole in the adult parole board section of the department of corrections'~~
18 ~~Internet site. Said notices shall include the name and birth date of the applicant and the date, time,~~
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22 II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
23 shall send by first class mail **or electronic communication** to each chief of police and county
24 attorney of the place where the offense occurred, where the person resided prior to conviction, or
25 where the person intends to reside after release, a copy of the information described in paragraph I.

26 II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole
27 board shall provide a copy of the information described in paragraph I to the department of
28 corrections which shall send a copy of such information by first class mail **or electronic**
29 **communication** to the victim of the person seeking parole, or to the next of kin of such victim if the
30 victim has died, if request for such notice has been filed with the department of corrections. The
31 victim or next of kin so requesting shall keep the department of corrections apprised of his or her



Amendment to HB 472

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1 current mailing address *or other contact information*.

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4 3 Parole of Prisoners; Reduction of Maximum Sentence While on Parole. Amend RSA 651-A:12
5 to read as follows:

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7 the state prison on a permit under the provisions of this chapter may be granted a reduction of
8 maximum term of his *or her* sentence equal to 1/3 of the period of time during which the parolee is
9 at liberty on said permit, provided that [~~said parolee is not recommitted to the state prison or has not~~
10 ~~been cited as a parole violator, pursuant to the provisions of this chapter]~~ *the parole board shall*
11 *consider the conduct of the parolee while under supervision, the seriousness of the offense,*
12 *the amount of restitution owed, and the wishes of the victim, if any.* The parolee may be
13 granted a discharge at the expiration of his *or her* maximum sentence less deductions provided for
14 in this chapter.

15 4 Repeal. RSA 651-A:14, relative to early discharge for good conduct, is repealed.

16 5 Effective Date. This act shall take effect July 1, 2015.



2015-1553h

AMENDED ANALYSIS

This bill:

- I. Increases the membership on the adult parole board from 7 to 9.
- II. Makes changes to the notice requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.
- III. Repeals the statute authorizing early discharge for good conduct.

Sen. Carson, Dist. 14
May 13, 2015
2015-1746s
04/10



Amendment to HB 472

1 Amend RSA 651-A:12 as inserted by section 3 of the bill by replacing it with the following:

2

3 651-A:12 Reduction of Maximum Sentence While on Parole. Any person who is on parole from
4 the state prison on a permit under the provisions of this chapter may be granted a reduction of
5 maximum term of his *or her* sentence equal to 1/3 of the period of time during which the parolee is
6 at liberty on said permit, provided that [~~said parolee is not recommitted to the state prison or has not~~
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7 the board shall be filled for the unexpired term. The governor shall designate one member as
8 chairman, and the chairman shall designate one other member to serve as chairman in his absence.
9 In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board
10 members shall be paid \$100 a day plus mileage at the state employee rate while engaged in parole
11 hearings or administrative meetings.

12 2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 to read as follows:

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28 corrections which shall send a copy of such information by first class mail *or electronic*
29 *communication* to the victim of the person seeking parole, or to the next of kin of such victim if the
30 victim has died, if request for such notice has been filed with the department of corrections. The
31 victim or next of kin so requesting shall keep the department of corrections apprised of his or her
32 current mailing address *or other contact information.*

Amendment to HB 472

- Page 2 -

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12 *information provided by the victim.* The parolee may be granted a discharge at the expiration of
13 his *or her* maximum sentence less deductions provided for in this chapter.

14 4 Repeal. RSA 651-A:14, relative to early discharge for good conduct, is repealed.

15 5 Effective Date. This act shall take effect July 1, 2015.

Amendment to HB 472

- Page 3 -

2015-1860s

AMENDED ANALYSIS

This bill:

- I. Increases the membership on the adult parole board from 7 to 9.
- II. Makes changes to the notice requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.
- III. Repeals the statute authorizing early discharge for good conduct.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

Senator Sharon Carson, Chairman
 Senator Sam Cataldo V Chairman
 Senator Gary Daniels
 Senator Bette Lasky
 Senator David Pierce

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: April 21, 2015

HEARINGS

Tuesday

5/12/2015

JUDICIARY

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

9:00 AM HB472 ✓

EXECUTIVE SESSION MAY FOLLOW

relative to the parole board and parole board procedures.

9:20 AM HB415

limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

9:35 AM HB418

(New Title) relative to waiver of rights to devised or inherited real property.

9:50 AM HB309

permitting landlords to remove tenants' property in certain circumstances.

10:05 AM HB315

relative to termination of tenancy.

10:20 AM HB287

allowing citizens to record by audio or video a traffic stop by law enforcement officers.

Sponsors:

HB472

Rep. John Sytek

Rep. Robert Cushing

Sen. Donna Soucy

HB415

Rep. Andrew White

Rep. Skip Rollins

Rep. Rick Ladd

HB418

Rep. James Webb

Rep. Herbert Richardson

Rep. Frank Kotowski

Rep. Barbara Shaw

Sen. Russell Prescott

Sen. Sharon Carson

Sen. John Reagan

Sen. David Boutin

Rep. Laura Pantelakos

Sen. Nancy Stiles

Rep. Joseph Lachance

Rep. J. Tracy Emerick

Rep. Beverly Ferrante

Rep. James Grenier

Rep. G. Thomas Cardon

HB309

Rep. Warren Groen

Rep. Richard Gordon

HB315

Rep. Steven Beaudoin

Rep. Allen Cook

Rep. Linda Gould

HB287

Rep. David Bickford

Rep. John Burt

SENATE JUDICIARY COMMITTEE

Susan Duncan, Senior Legislative Aide

HB 472 – *AN ACT relative to the parole board and parole board procedures.*

Hearing Date: May 12, 2015

Time Opened: 9:00 a.m.

Time Closed: 9:27 a.m.

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

Members of the Committee Absent: No one

Bill Analysis: This bill increases the membership on the adult parole board from 7 to 9. The bill also makes changes to the posting requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.

Sponsors: Representative John Sytek with Representative Cushing and Senator Soucy

Who supports the bill: Representative David Welch on behalf of the Prime Sponsor and House Criminal Justice; Representative Cushing; Representative Jim Webb; Former Speaker Donna Sytek, Chairperson, NH Adult Parole Board; Senator Soucy; Chris Dornin, Citizens for Criminal Justice Reform

Who opposes the bill: No one

Summary of testimony presented in support:

Representative Welch

This legislation deals with the Adult Parole Board and procedures, adding a couple of new members with no increase in costs. The notification in newspapers has been done away with, which is a good move to save money.

Chairwoman Donna Sytek

Explained that her husband introduced the legislation at the request of the Board. The bill does three things: increases the size from 7 to 9 members. She explained that they always sit in panels of 3 – and they must have one attorney member sitting. This would let attorneys who wish to go to Florida in the winter still be able to serve. She explained that the Adult Parole Board was established back in 1983 when we had 600 inmates. Now we have over 2,700 inmates. The second thing that the bill does is allow them to no longer post parole hearings in the

Union-Leader, the only newspaper of state-wide circulation. This will save just under \$10,000 per year. As with all print newspapers, their circulation is down. She explained that they already post public notifications of hearings on the Department of Corrections web site as well as their own. The last thing the bill does is to change the early termination of parole. There are currently two ways to reduce parole and reduce the maximum service. If you have served 2/3 of your sentence with no parole violations, then the Board can reduce the maximum. You can also get early discharge for good conduct. The legislation combines the two into one method which reflects what the Parole Board is currently doing. The Board looks at whether the parolee is behaving – checking in as required? Paying their restitution? What the victim thinks about a sentence reduction? This would just combine these steps into one. The Board has learned that victims are no longer notifying victims via First Class Mail and are instead using e-mail to notify the police chiefs. They are asking for a new effective date of July 1, 2015. Senator Cataldo, referring to electronic notifications, asked how would they know that someone received it. Ms. Sytek responded that with the State system, she was not at all sure they would know that – but that they don't know it with a mailed letter either. Senator Pierce asked about the notification to the victim. Ms. Sytek responded that the victim advocate keeps in touch and provides all of the notifications. Senator Carson, commenting on the request to discontinue publication in the statewide newspaper, noted that it keeps getting rejected asked if there is a half-way point we could achieve. Ms. Sytek responded that they are already posting them electronically on their own web site as well the Department of Corrections' site and on Facebook.

Chris Dornin

Provided a handout and said that this is a very good bill and if not amended, they support it. He agreed that it makes sense to save money on newspaper notifications and said that this is a major reform which they support. He suggested that the language on the second page (lines 25 – 28) be more clinically assessed risks rather than the current language. He felt that there is science-based information is available and would be preferable. Another change that he would ask consideration of would be relative to the severity of the offense – that this is not something that the Parole Board should consider. He said that the trial court has already considered the crime when they issued the sentence – and that the court is not subject to public opinion the way the Parole Board members would be and noted that this body has been historically controversial. He felt that weighing the victim's opinion regarding release is inappropriate. Senator Daniels asked about not addressing the amount of restitution owed. Mr. Dornin responded that it is very unlikely that an incarcerated person can make any restitution repayments whatsoever. He said that personally he would take this out, but it is okay to leave it in. Senator Cataldo asked if he had testified before the House. Mr. Dornin responded that he did – it was similar but not exactly the same. Senator Cataldo asked if he would be willing to work with the committee to come up with language. Mr. Dornin responded “yes.”

Representative Jim Webb

Testified that the e-mail is the most unreliable thing that there is as folks receive so much spam and junk e-mail. He said that at least with first-class mail, it gets returned. Senator Daniels commented that he receives as much junk mail via the post office as he does via the computer. Senator Cataldo commented that when he receives e-mail from his town for the budget committee, as soon as he clicks on it, the town receives a notification. Representative Webb responded that this is totally dependent on how the system was set up.

Testimony in opposition: None

Fiscal Note: No fiscal note is attached.

Action: The Committee took the bill under advisement.

sfd

Date hearing report completed: May 13, 2015
[file: HB 0472 report]

Speakers

Testimony

HB 472 Making changes to parole and parole board procedures

May 12, 2015

Handout to accompany remarks of Donna Sytek, Chairman of the Adult Parole Board

1. Increase size of Parole Board

When the 7-member parole board was established there were fewer than 600 inmates at the NH State Prison. Now there are almost 2600 with a concomitant increase in the number of hearings required. Parole hearings typically require 12-15 hours of preparation so it is a challenge to find 3-member panels twice a week, given the members' work schedules and other obligations. Increasing the size of the board to 9 members will spread out the workload without incurring additional cost since hearings will still be conducted by three members.

2. Repeal requirement for newspaper notice of parole hearings

As more and more people get their news and information on line, it seems prudent to eliminate the practice of posting notice of upcoming parole hearings in the Union Leader at a cost of about \$10,000 per year. Instead, notice would be posted on the DOC website. The victim, the police, and the county attorney will continue to be notified.

Current law:

651-A:11 Notice of Hearings. –

I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall twice publish, in a newspaper of general circulation within the county where the offense occurred, a notice stating the intention of the person to seek parole and shall post notice stating the intent of the person to seek parole in the adult parole board section of the department of corrections' Internet site. Said notices shall include the name and birth date of the applicant and the date, time, and location of the parole hearing.

II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall send by first class mail to each chief of police and county attorney of the place where the offense occurred, where the person resided prior to conviction, or where the person intends to reside after release, a copy of the information described in paragraph I.

II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall provide a copy of the information described in paragraph I to the department of corrections which shall send a copy of such information by first class mail to the victim of the person seeking parole, or to the next of kin of such victim if the victim has died, if request for such notice has been filed with the department of corrections. The victim or next of kin so requesting shall keep the department of corrections apprised of his or her current mailing address.

III. The adult parole board shall conduct no parole hearing without first having met the notice requirements of this section.

Proposed change:

Amend RSA 651-A:11, I to read as follows:

I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall post notice on the department of corrections Internet site stating the name and birthdate of the person seeking parole and the date, time, and location of the parole hearing.

3. Establish criteria for early termination of parole

Currently there are two ways to get off parole supervision before the maximum sentence is complete. One requires that the parolee have served 2/3 of his time on parole and have no parole violations. The other asks only for good conduct and no parole violations. We would like to combine the two paragraphs and specify the criteria that the parole board applies to these requests.

Current law:

651-A:12 Reduction of Maximum Sentence While on Parole. – Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his sentence equal to 1/3 of the period of time during which the parolee is at liberty on said permit, provided that said parolee is not recommitted to the state prison or has not been cited as a parole violator, pursuant to the provisions of this chapter. The parolee may be granted a discharge at the expiration of his maximum sentence less deductions provided for in this chapter.

651-A:14 Early Discharge for Good Conduct. – Whenever the board finds that the parolee is no longer in need of supervision because of his or her good conduct it may issue him or her a certificate of discharge, provided that said parolee is not recommitted to the state prison or has not been cited as a parole violator, pursuant to the provisions of this chapter.

Proposed changes:

Amend RSA 651-A:12 to read as follows:

651-A:12 Reduction of Maximum Sentence While on Parole. -- Any person who is on parole on a permit under the provisions of this chapter may be granted a reduction of the maximum term of his sentence equal to 1/3 of the period of time during which the parolee is at liberty on said permit, ***provided that the parole board shall consider the conduct of the parolee while under supervision, the seriousness of the offense, the amount of restitution owed, and the wishes of the victim, if any.*** The parolee may be granted a discharge at the expiration of his maximum sentence less deductions provided for in this chapter.

Repeal RSA 651-A:14, relative to early discharge for good conduct

Proposed amendments to HB 472

1. Allow e-mail and telephone notification for police, county attorneys and victims.

Current law requires that police, county attorneys and victims be notified of parole hearings by first class mail. In actual practice though, the Parole Board has been sending notice to police and county attorneys via email. The office of victim services is transitioning to State Automated Victim Notification (SAVN) and will allow victims and families to be notified of changes in an offenders status through email, voicemail, or text message. The amendment would allow the use of "electronic communication," which encompasses email, telephone, voicemail and text messages.

Amend RSA 651-A:11 to read as follows:

II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall send by first class mail *or electronic communication* to each chief of police and county attorney of the place where the offense occurred, where the person resided prior to conviction, or where the person intends to reside after release, a copy of the information described in paragraph I.

II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall provide a copy of the information described in paragraph I to the department of corrections which shall send a copy of such information by first class mail *or electronic communication* to the victim of the person seeking parole, or to the next of kin of such victim if the victim has died, if request for such notice has been filed with the department of corrections. The victim or next of kin so requesting shall keep the department of corrections apprised of his or her current mailing address *or other contact information*.

2. Change effective date to July 1, 2015

We'd like the changes to take as soon as possible on a date that is easy for all affected parties to remember.

Amendment to HB 472

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

4 I. There shall be an adult parole board with [7] 9 members. The members of the board shall
5 be appointed by the governor with the consent of the council for staggered terms of 5 years or until
6 their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on
7 the board shall be filled for the unexpired term. The governor shall designate one member as
8 chairman, and the chairman shall designate one other member to serve as chairman in his absence.
9 In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board
10 members shall be paid \$100 a day plus mileage at the state employee rate while engaged in parole
11 hearings or administrative meetings.

12 2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 to read as follows:

13 651-A:11 Notice of Hearings.

14 I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
15 shall [~~twice publish, in a newspaper of general circulation within the county where the offense~~
16 ~~occurred, a notice stating the intention of the person to seek parole and shall post notice stating the~~
17 ~~intent of the person to seek parole in the adult parole board section of the department of corrections'~~
18 ~~Internet site. Said notices shall include the name and birth date of the applicant and the date, time,~~
19 ~~and location of the parole hearing] *post notice on the department of corrections Internet site*
20 *stating the name and birthdate of the person seeking parole and the date, time, and*
21 *location of the parole hearing.*~~

22 II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
23 shall send by first class mail *or electronic communication* to each chief of police and county
24 attorney of the place where the offense occurred, where the person resided prior to conviction, or
25 where the person intends to reside after release, a copy of the information described in paragraph I.

26 II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole
27 board shall provide a copy of the information described in paragraph I to the department of
28 corrections which shall send a copy of such information by first class mail *or electronic*
29 *communication* to the victim of the person seeking parole, or to the next of kin of such victim if the
30 victim has died, if request for such notice has been filed with the department of corrections. The
31 victim or next of kin so requesting shall keep the department of corrections apprised of his or her

Amendment to HB 472

- Page 2 -

1 current mailing address *or other contact information*.

2 III. The adult parole board shall conduct no parole hearing without first having met the
3 notice requirements of this section.

4 3 Parole of Prisoners; Reduction of Maximum Sentence While on Parole. Amend RSA 651-A:12
5 to read as follows:

6 651-A:12 Reduction of Maximum Sentence While on Parole. Any person who is on parole from
7 the state prison on a permit under the provisions of this chapter may be granted a reduction of
8 maximum term of his *or her* sentence equal to 1/3 of the period of time during which the parolee is
9 at liberty on said permit, provided that [~~said parolee is not recommitted to the state prison or has not~~
10 ~~been cited as a parole violator, pursuant to the provisions of this chapter~~] *the parole board shall*
11 *consider the conduct of the parolee while under supervision, the seriousness of the offense,*
12 *the amount of restitution owed, and the wishes of the victim, if any.* The parolee may be
13 granted a discharge at the expiration of his *or her* maximum sentence less deductions provided for
14 in this chapter.

15 4 Repeal. RSA 651-A:14, relative to early discharge for good conduct, is repealed.

16 5 Effective Date. This act shall take effect July 1, 2015.

17

Amendment to HB 472

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1

2015-1553h

AMENDED ANALYSIS

This bill:

- I. Increases the membership on the adult parole board from 7 to 9.
- II. Makes changes to the notice requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.
- III. Repeals the statute authorizing early discharge for good conduct.

CITIZENS FOR CRIMINAL JUSTICE REFORM

Testimony for HB 472 with an amendment

BY CHRIS DORNIN, FOUNDER, CCJR

HB 472 would codify the way the Parole Board already handles the politically charged decision to release an offender from all supervision before the end of their maximum sentence. Today most people serving a five-to-10 year bid serve their last five years on parole. But the Parole Board has the authority to free them after serving two thirds of their scheduled time under supervision in the community. That almost never happens, to be sure.

Citizens for Criminal Justice Reform offers an amendment to delete from HB 472 the following list of criteria for releasing a parolee from supervision:

the conduct of the parolee while under supervision, the seriousness of the offense, the amount of restitution owed, and the wishes of the victim, if any.

The amendment would replace the above list with this language:

the clinically assessed risk posed by the parolee, the amount of restitution owed, and the conduct of the parolee while under supervision.

Senators should remember that our courts are as neutral, dispassionate and objective as possible. Judges are heavily buffered from public opinion, as they should be. They impose a scrupulously fair minimum and maximum sentence based on the seriousness of the crime, on the character of the offender, on the extent of harm to the victim, and on all the other aggravating and mitigating factors. A serious crime earns a commensurate sentence. In practice, that means a draconian sentence.

Parole Boards, in contrast, are highly vulnerable to pressure from politicians and the media. The court of public opinion can be and often is a kangaroo court. That is why the Parole Board should never consider the feelings of the victim in deciding when to release a parolee. A competent court fully weighed their suffering when it chose a harsh or lenient sentence for that offender, that victim and that crime.

The wishes of the victim matter after a person is incarcerated only in setting the conditions of parole. Parolees always face appropriate limitations on contacting or living near the victim. The Board's overriding consideration should be the assessed risk the offender poses. Ideally, the Parole law should carry a presumption in favor of releasing every low-risk offender who has worked hard to rehabilitate himself or herself. But that is a matter for a future legislature to decide.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: May 20, 2015

THE COMMITTEE ON Judiciary

to which was referred House Bill 472

AN ACT relative to the parole board and parole board procedures.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5 - 0

AMENDMENT # 1860s

CONSENT CALENDAR VOTE: 5 - 0

Senator Sam Cataldo
For the Committee

This bill amends the adult probation and parole procedure and makes changes requested by the Adult Parole Board. The changes increase the membership from 7 to 9 to enable 3 to sit at each hearing and combines sentence reduction methods to reflect current practice.

Susan Duncan 271-3076

New Hampshire General Court - Bill Status System

Docket of HB472

Docket Abbreviations

Bill Title: relative to the parole board and parole board procedures.*Official Docket of HB472:*

Date	Body	Description
1/8/2015	H	Introduced and Referred to Executive Departments and Administration.
2/4/2015	H	Vacated from Executive Departments and Administration and Referred to Criminal Justice and Public Safety; HJ 12 , PG. 225
2/11/2015	H	Public Hearing: 2/17/2015 10:00 AM LOB 204
2/25/2015	H	Executive Session: 3/2/2015 10:00 AM LOB 204
3/5/2015	H	Committee Report: Ought to Pass for Mar 11 (Vote 16-0; CC); HC19 , PG. 395
3/11/2015	H	Ought to Pass: MA VV; HJ 24 , PG. 779
3/19/2015	S	Introduced and Referred to Judiciary; SJ 10
4/21/2015	S	Hearing: 5/12/15, Room 100, SH, 9:00 a.m.; SC19
5/20/2015	S	Committee Report: Ought to Pass with Amendment # 2015-1860s , 5/28/15; Vote 5-0; CC; SC23
5/28/2015	S	Committee Amendment 1860s, AA, VV
5/28/2015	S	Ought to Pass with Amendment 1860s, MA, VV; OT3rdg; SJ 16
6/3/2015	H	House Concurs with Senate Amendment #1860s (Rep Tholl): MA VV
6/24/2015	S	Enrolled (In recess 6/24/2015); SJ 19
6/24/2015	H	Enrolled
7/7/2015	H	Signed by the Governor on 7/6/2015; Chapter 194; Effective 7/1/2015

NH House

NH Senate

Other Referrals

HB 472 - Relative to the parole board
and parole board procedures

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 # 1553X - AMENDMENT # 1860S
 - AMENDMENT # 1746S - 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

Aug. 12, 2015

By:

Susan J. Duncan
COMMITTEE AIDE