

LEGISLATIVE COMMITTEE MINUTES

# **HB1426**

# Bill as Introduced

HB 1426-FN - AS INTRODUCED

2016 SESSION

16-2003  
04/03

HOUSE BILL

***1426-FN***

AN ACT

relative to earned time credits for prisoners participating in rehabilitative or educational programming.

SPONSORS:

Rep. Welch, Rock. 13; Rep. Cushing, Rock. 21; Rep. Pantelakos, Rock. 25; Sen. D'Allesandro, Dist 20

COMMITTEE:

Criminal Justice and Public Safety

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ANALYSIS

This bill makes changes to the procedures for awarding earned time credits to prisoners.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to earned time credits for prisoners participating in rehabilitative or educational programming.

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

1 1 Parole of Prisoners; Earned Time Credits Amend RSA 651-A:22-a to read as follows:

2 651-A:22-a Earned Time Credits.

3 I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or  
4 recommend that the prisoner receive a one-time reduction in his or her minimum and maximum  
5 sentences for successful completion of each of the following programs while incarcerated:

6 (a) Education Programs:

7 (1) GED 90 day reduction in the prisoner's minimum  
8 sentence and 90 day reduction in the prisoner's maximum sentence.

9 (2) High School Diploma 120 day reduction in the prisoner's minimum  
10 sentence and 120 day reduction in the prisoner's maximum sentence.

11 (3) Associate's Degree 180 day reduction in the prisoner's minimum  
12 sentence and 180 day reduction in the prisoner's maximum sentence.

13 (4) Bachelor's Degree 180 day reduction in the prisoner's minimum  
14 sentence and 180 day reduction in the prisoner's maximum sentence.

15 (5) *Master's Degree 180 day reduction in the prisoner's*  
16 *minimum sentence and 180 day reduction in the prisoner's maximum sentence.*

17 (6) *Doctorate Degree 180 day reduction in the prisoner's*  
18 *minimum sentence and 180 day reduction in the prisoner's maximum sentence.*

19 (7) *A prisoner shall be entitled to a reduction of 3 days in his or her*  
20 *maximum sentence for each course that is earned toward a high school diploma, as*  
21 *determined by the department of education. If a prisoner completes his or her high school*  
22 *diploma while incarcerated, the prisoner shall be eligible only for the difference between*  
23 *earned time credits awarded under this subparagraph and the earned time credits*  
24 *awarded under subparagraph (a)(2). The commissioner shall establish procedures, which*  
25 *shall be exempt from RSA 541-A, for awarding such reductions.*

26 (b) Vocational Programming. A prisoner who successfully completes a vocational  
27 program that is authorized and approved by the department or who successfully completes a  
28 vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation,  
29 shall be entitled to a reduction of ~~up to~~ 60 days in his or her minimum sentence and a reduction of  
30 ~~up to~~ 60 days in his or her maximum sentence *for each program completed*. The commissioner

1 shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

2 (c) Mental Health Programming. A prisoner who meaningfully participates in  
 3 recommended or mandated mental health and/or substance use treatment that is authorized and  
 4 approved by the department or that the commissioner deems to be valuable to the prisoner's  
 5 rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence  
 6 and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall  
 7 establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

8 (d) Participation in Family Connections Center Programming. A prisoner [~~who is a~~  
 9 ~~parent and~~] who meaningfully participates in the programming offered by the Family Connections  
 10 Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled  
 11 to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60  
 12 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be  
 13 exempt from RSA 541-A, for awarding such reductions.

14 (e) *Correctional Industries On-the-Job Training.* A prisoner who is awarded a  
 15 *master's certificate in a correctional industries job that is authorized and approved by the*  
 16 *department, shall be entitled to a reduction of 60 days in his or her minimum sentence*  
 17 *and a reduction of 60 days in his or her maximum sentence for each master's certificate*  
 18 *earned. The commissioner shall establish procedures, which shall be exempt from*  
 19 *RSA 541-A, for awarding such reductions.*

20 (f) *Other Programs.* A prisoner who meaningfully participates in  
 21 *recommended or mandated treatment that is authorized and approved by the department*  
 22 *or is deemed by the commissioner to be valuable to the prisoner's rehabilitation that are*  
 23 *not covered under subparagraphs (a)-(e), shall be entitled to a one-time reduction of 60*  
 24 *days in his or her minimum sentence and a one-time reduction of 60 days in his or her*  
 25 *maximum sentence. The commissioner shall establish procedures, which shall be exempt*  
 26 *from RSA 541-A, for awarding such reductions.*

27 II. The earned time reductions authorized in paragraph I of this section shall be available  
 28 to prisoners who were incarcerated on or after the effective date of this section and who have been  
 29 granted this option by the presiding justice at the time of sentencing. The earned time reductions  
 30 authorized in paragraph I of this section shall be available to prisoners who were incarcerated *or*  
 31 *who were awarded earned time credits* prior to the effective date of this section upon  
 32 recommendation of the commissioner and upon approval of the sentencing court in response to a  
 33 petition which is timely brought by the prisoner.

34 III. The earned time reductions authorized in paragraph I of this section shall only be  
 35 earned and available to prisoners while in the least restrictive security classifications of general  
 36 population and minimum security. The earned time may be forfeited for involvement or  
 37 membership in a security threat group, attempted escape, escape, or commission of any category A  
 38 offense listed in the department of corrections policy and procedure directives.

HB 1426-FN - AS INTRODUCED

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1 IV. The earned time reductions granted under this section shall not exceed ~~[13]~~ 21 months  
2 off the prisoner's minimum sentence and ~~[13]~~ 21 months off the prisoner's maximum sentence.  
3 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1426-FN- FISCAL NOTE**

AN ACT relative to earned time credits for prisoners participating in rehabilitative educational programming.

**FISCAL IMPACT:**

The Department of Corrections states this bill, as introduced, will have an indeterminable fiscal impact on state expenditures in FY 2017 and in each year thereafter. There will be no fiscal impact on state revenue or on county and local expenditures or revenue.

**METHODOLOGY:**

The Department of Corrections states this bill would make changes to the procedures for awarding earned time credits to prisoners. The changes expand the eligible programs to include completion of a Master's Degree, Doctorate Degree, and participation in Correctional Industries and other programs. The Department states it cannot estimate how many inmates would participate in the newly eligible programs in order to have their sentences reduced. The Department makes the following assumptions concerning this bill:

- Decreases in the length of a sentence will reduce operating costs only if the inmate commits no additional crimes or disciplinary infractions to negate the earned time credit.
- The number of inmates receiving reduced sentences would need to be greater than the number of new admittances in order for operating costs to decrease.
- The Department would incur additional programming and system development costs to update in the Correctional Information System (CORIS). The Department estimates the cost to plan, design, program, test and implement the changes to CORIS would be \$53,400.
- In order to implement the new programs in a gender and location equitable fashion, additional Teacher and Technical Instructor positions would be necessary.
- As the number of inmates seeking earned time credits increases, additional case management staff will be needed to provide case management and reentry preparation.

# Amendments



Rep. Welch, Rock. 13  
January 21, 2016  
2016-0125h  
04/06



Amendment to HB 1426-FN

1 Amend RSA 651-A:22-a, I(a)(1) as inserted by section 1 of the bill by replacing it with the following:

2

3

4

(1) ~~GED~~ **High school equivalency** 90 day reduction in the  
prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

Amendment to HB 1426-FN

1 Amend the title of the bill by replacing it with the following:

2  
3 AN ACT relative to earned time credits for prisoners participating in educational  
4 programming.  
5

6 Amend RSA 651-A:22-a as inserted by section 1 of the bill by replacing it with the following:

7  
8 651-A:22-a Earned Time Credits.

9 I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or  
10 recommend that the prisoner receive a one-time reduction in his or her minimum and maximum  
11 sentences for successful completion of each of the following programs while incarcerated:

12 (a) Education Programs:

13 (1) ~~[GED]~~ *High School Equivalency Certificate* 90 day  
14 reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum  
15 sentence.

16 (2) High School Diploma 120 day reduction in the prisoner's minimum  
17 sentence and 120 day reduction in the prisoner's maximum sentence.

18 (3) Associate's Degree 180 day reduction in the prisoner's minimum  
19 sentence and 180 day reduction in the prisoner's maximum sentence.

20 (4) Bachelor's Degree 180 day reduction in the prisoner's minimum  
21 sentence and 180 day reduction in the prisoner's maximum sentence.

22 (5) *Master's Degree 180 day reduction in the prisoner's*  
23 *minimum sentence and 180 day reduction in the prisoner's maximum sentence.*

24 (6) *Doctorate Degree 180 day reduction in the prisoner's*  
25 *minimum sentence and 180 day reduction in the prisoner's maximum sentence.*

26 (b) Vocational Programming. A prisoner who successfully completes a vocational  
27 program that is authorized and approved by the department or who successfully completes a  
28 vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation,  
29 shall be entitled to a reduction of ~~[up to]~~ 60 days in his or her minimum sentence and a reduction of  
30 ~~[up to]~~ 60 days in his or her maximum sentence. The commissioner shall establish procedures,  
31 which shall be exempt from RSA 541-A, for awarding such reductions.

32 (c) Mental Health Programming. A prisoner who meaningfully participates in  
33 recommended or mandated mental health and/or substance use treatment that is authorized and

Amendment to HB 1426-FN

- Page 2 -

1 approved by the department or that the commissioner deems to be valuable to the prisoner's  
2 rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence  
3 and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall  
4 establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

5 (d) Participation in Family Connections Center Programming. A prisoner who is a  
6 parent and who meaningfully participates in the programming offered by the Family Connections  
7 Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled  
8 to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60  
9 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be  
10 exempt from RSA 541-A, for awarding such reductions.

11 II. The earned time reductions authorized in paragraph I of this section shall be available  
12 to prisoners who were incarcerated on or after the effective date of this section and who have been  
13 granted this option by the presiding justice at the time of sentencing. The earned time reductions  
14 authorized in paragraph I of this section shall be available to prisoners who were incarcerated prior  
15 to the effective date of this section upon recommendation of the commissioner and upon approval of  
16 the sentencing court in response to a petition which is timely brought by the prisoner.

17 III. The earned time reductions authorized in paragraph I of this section shall only be  
18 earned and available to prisoners while in the least restrictive security classifications of general  
19 population and minimum security. The earned time may be forfeited for involvement or  
20 membership in a security threat group, attempted escape, escape, or commission of any category A  
21 offense listed in the department of corrections policy and procedure directives.

22 IV. The earned time reductions granted under this section shall not exceed ~~[13]~~ **21** months  
23 off the prisoner's minimum sentence and ~~[13]~~ **21** months off the prisoner's maximum sentence.



Amendment to HB 1426-FN

1 Amend the title of the bill by replacing it with the following:

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10 recommend that the prisoner receive a one-time reduction in his or her minimum and maximum  
11 sentences for successful completion of each of the following programs while incarcerated:

12 (a) Education Programs:

13 (1) **[GED] High School Equivalency Certificate** 90 day  
14 reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum  
15 sentence.

16 (2) High School Diploma 120 day reduction in the prisoner's minimum  
17 sentence and 120 day reduction in the prisoner's maximum sentence.

18 (3) Associate's Degree 180 day reduction in the prisoner's minimum  
19 sentence and 180 day reduction in the prisoner's maximum sentence.

20 (4) Bachelor's Degree 180 day reduction in the prisoner's minimum  
21 sentence and 180 day reduction in the prisoner's maximum sentence.

22 (5) **Master's Degree** 180 day reduction in the prisoner's  
23 **minimum sentence and 180 day reduction in the prisoner's maximum sentence.**

24 (6) **Doctorate Degree** 180 day reduction in the prisoner's  
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27 program that is authorized and approved by the department or who successfully completes a  
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31 which shall be exempt from RSA 541-A, for awarding such reductions.

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33 recommended or mandated mental health and/or substance use treatment that is authorized and



1 approved by the department or that the commissioner deems to be valuable to the prisoner's  
2 rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence  
3 and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall  
4 establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

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6 parent and who meaningfully participates in the programming offered by the Family Connections  
7 Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled  
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16 the sentencing court in response to a petition which is timely brought by the prisoner.

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19 population and minimum security. The earned time may be forfeited for involvement or  
20 membership in a security threat group, attempted escape, escape, or commission of any category A  
21 offense listed in the department of corrections policy and procedure directives.

22 IV. The earned time reductions granted under this section shall not exceed ~~[13]~~ **21** months  
23 off the prisoner's minimum sentence and ~~[13]~~ **21** months off the prisoner's maximum sentence.

# Speakers



# Hearing Minutes



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1426-FN

**BILL TITLE:** relative to earned time credits for prisoners participating in rehabilitative or educational programming.

**DATE:** February 12, 2016

**LOB ROOM:** 204                      **Time Public Hearing Called to Order:** 2:56 p.m.

**Time Adjourned:** 3:05 p.m.

**Committee Members:** Reps. Tholl, Burt, Barnes, Comeau, Martin, Robertson and Fields

**Bill Sponsors:**

Rep. Welch  
Sen. D'Allesandro

Rep. Cushing

Rep. Pantelakos

TESTIMONY

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

**#1. Rep. David Welch**                      Prime Sponsor                      Rock. 13

Gave origin and rationale for the bill.  
Came from an inmate committee.  
Requests a subcommittee to work on the bill with the Dept of Corrections.

**\*#2. Bonnie Dunham** - opposed

**\*#3. Pat Wallace** - Supports

**\*#4. Helen Hanks** - opposed

**#5. Wanda Duryea**

Rep. Tholl read the blue sheet



Geoffrey Hirsch, Asst. Clerk



Dennis Fields, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1426-FN

BILL TITLE: relative to earned time credits for prisoners participating in rehabilitative or educational programming.

DATE: 2/2/16

ROOM: 2070

Time Public Hearing Called to Order: 2:42 pm

Time Adjourned: 11:55 pm

CALL TO ORDER = 2:56 pm

ADJOURNED = 3:05 pm

(please circle if present)

Committee Members: Reps. Tholl, Welch, Fesh, Marston, Burt, S. Sweeney, Barnes, Comeau, Fisher, Martin, Parker, Green, Pantelakos, Berube, Robertson, Cushing, Hirsch, O'Hearne, Mangipudi, DiSesa and Fields

Bill Sponsors: Rep. Welch, Sen. D'Allesandro

Rep. Cushing

Rep. Pantelakos

TESTIMONY

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

CARD 1 Welch Rep. Burt = presented bill for Rep Welch

CARD 2 Rep Welch = support bill would work with Doc to improve bill

Beverly Dunham = opposed bill as written, need no amendments written testimony

CARD 3 Pat Wallace = supports bill we need to extend this bill to disabled persons this bill is a win-win written testimony

CARD 4 Helen Hawks = opposed as written written testimony, not enough staff to help

CARD 5 Rep Martin = how many days in court by Rep. Berube or minor A. Helen Hawks = 100 days max 50 minor

CARD 6 Wanda Puryear = support not a problem chair Rep Blue shoot

# Testimony

February 12, 2016

HB 1426-FN

CARD 2

Representative John Tholl, Chair  
House Criminal Justice and Public Safety Committee  
Legislative Office Building, Room 204  
33 North State Street  
Concord NH 03301

Dear Rep. Tholl and Committee Members,

I am writing to ask you to please amend HB 1426-FN, *an Act relative to earned time credits for prisoners participating in rehabilitative or educational programming*. While I strongly support the bill's intent to provide incentives to prisoners who use their time while incarcerated to gain knowledge and skills that will benefit both them and society upon their release, I believe that as written, this bill will place prisoners with disabilities at a significant disadvantage.

I do not disagree with the updates made by this bill to the earned time credit options included in RSA 651-A:22-a by allowing reductions in a prisoner's sentences when he/she earns a Master's degree, Doctorate degree, or a certificate in a correctional industries job, or who meaningfully participates in authorized and approved treatment. I also do not disagree with making the reduction for prisoners who successfully complete an authorized and approved vocational program a standard 60 days (replacing the current "up to 60 days"). I support the updates made by this bill that would accommodate those prisoners who wish to work towards fulfilling the requirements for earning a high school diploma, but who may not be able to fulfill all of those requirements, by providing for a 3-day reduction in his/her maximum sentence for each course that is earned toward a high school diploma. I also support extending the eligibility for a sentence reduction for meaningfully participating in specified programming offered by the Family Connection Center to prisoners, regardless of whether they are currently parents, since many prisoners who are not currently parents would benefit from gaining knowledge and skills to prepare them for that role if and when they become parents in the future.

While I applaud the intent of the bill, I believe that in order to provide equal treatment and opportunities to the significant number of incarcerated individuals with disabilities, an amendment to the bill is necessary.

Many individuals who are incarcerated have disabilities that impact their learning. Those disabilities may or may not have already been identified through the special education process. New Hampshire's special education regulations (Ed 1102.01(t)(3)), in accordance with Federal special education law does not require the provision of special education to an incarcerated individual with disabilities between 18 and 21 years of age who was not evaluated and found to be a "child with a disability" prior to his/her incarceration. There are many reasons why an individual may not have been identified as a "child with a disability" before being incarcerated. The child's family may have moved frequently, or may even have been homeless, which made it difficult for school staff to become familiar with the child's learning needs; the child's parents may not have been receptive to the suggestion that the child might have a learning disability; the school and/or parents may not have been aware of the extent of the child's learning needs, or they may have unfortunately, attributed the child's difficulties in school to the child not trying hard enough. Because children with disabilities sometimes act out to avoid difficult situations in school that highlight their academic failures, they tend to be suspended from school, or voluntarily absent from school, more often than other children without disabilities, making it even more difficult to identify and refer them for special education evaluations. If the child then commits a crime and is incarcerated in an adult correctional facility, to then be ineligible for any special education services because the system failed to identify them earlier seems to complicate an already unfortunate situation.

Without the special education services prisoners with disabilities need (and would be eligible for if not incarcerated), they would not have the same opportunity to complete the programs or requirements that would lead to a reduced sentence under this bill. Without the special education services they need, prisoners with disabilities would likely be unable to earn the sentence reductions available to prisoners who complete certain programs, including obtaining a GED (note: GED testing has been replaced in NH by the HiSET Tests). or high school diploma, or completing courses towards the completion of a high school diploma (note: eligibility for special education ends once a student reaches age 21 or earns a regular high school diploma).

Research shows that persons with higher levels of education are better prepared to be productive, contributing members of the community, with higher lifetime earnings, and a decreased likelihood of recidivism. This seems to make providing special education to prisoners with disabilities, regardless of whether they had already been identified as being a "child with a disability" prior to their incarceration, a win-win situation.

I encourage you to please amend HB 1426-FN by extending the right to a free appropriate public education provided under the Individuals with Disabilities Education Act, RSA 186-C and the NH Rules for the Education of Children with Disabilities to otherwise eligible incarcerated individuals with disabilities (individuals who would be eligible for special education if not incarcerated). These special education services, which should include evaluation and eligibility determination, would give prisoners with disabilities a real opportunity to complete the requirements for a high school diploma or GED, and would remove the imbalance that currently exists for incarcerated individuals with and without disabilities in NH.

I recommend adding the following section to the bill, which adds a single sentence to RSA 186-C:2, I:

Amend RSA 186-C, section 2, I, to read as follows: "Child with a disability" means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to rules adopted by the state board of education and determined to have an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who because of such impairment, needs special education or special education and related services. "Child with a disability" shall include a child ages 18 to 21, who was identified as a child with a disability and received services in accordance with an individualized education program but who left school prior to his or her incarceration, or was identified as a child with a disability but did not have an individualized education program in his or her last educational institution. *"Child with a disability" shall include an incarcerated individual who is seeking to earn time credits towards a sentence reduction in accordance with RSA 651-A:22-a even if the individual had not previously been identified as a child with a disability.*

As written, HB 1426-FN is a good bill for SOME incarcerated young adults (those fortunate enough not to have a disability). I believe that with the addition of the amendment above, you can make it a great bill for ALL incarcerated young adults (with and without disabilities), a bill that will lead to long-term benefits for the individual prisoners and for society.

Thank you in advance for considering my suggestions.

Sincerely,



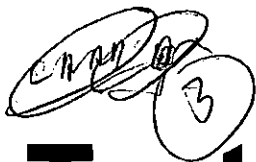
Bonnie A. Dunham

16 Wren Court

Merrimack, NH 03054

Telephone: 603-860-5445

Email: [bsdunham12@gmail.com](mailto:bsdunham12@gmail.com)



# **Testimony for HB 1426**

## **letting inmates earn 21 months off sentences**

**By Chris Dornin, co-founder, Citizens for Criminal Justice Reform**

This bill builds on the recent success of dozens of prisoners in winning time off their sentences through hard work inside the walls. Current law limits an inmate to 300 days of earned time off. This bill expands that reward to 21 months, which is still a small part of most prison terms. It also opens up the number of ways a prisoner can improve himself to earn this time off.

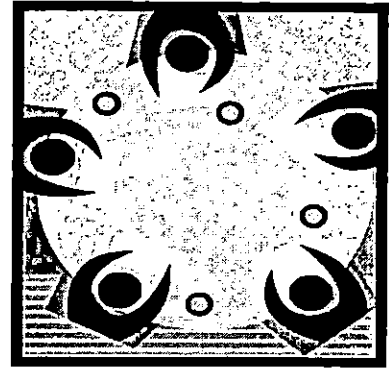
Prison officials say they might have to hire extra staff to teach these committed students and workers. That change might or might not cost the state extra money in the long run. The same prisoners would also leave prison earlier. And they would have a lower recidivism rate because they would be more attractive in the job market. Getting and keeping a job are hard for somebody who has basically been out of work for 15 or 20 years.

It is worth noting the sponsors of this bill worked closely with the Inmate Communications Committee in drafting its text. In my experience with some of those inmates, they certainly deserve the opportunity the bill offers them.

One might say the bill is too kind to bad men and women. But note that lawmakers increased all new sentences by two thirds in 1982, eliminating a good time law that gave prisoners 150 days off their minimum sentences every year for obeying the rules.

Since 1982 lawmakers have regularly increased prison penalties and found many new punishments where there used to be none. The cellblock population has increased by about ten fold in that period. It is time to start the policy pendulum swinging ever so slowly back the other direction.

**I**NMATE  
**C**OMMUNICATIONS  
**C**OMMITTEE



New Hampshire State Prison ICC, Attn: Rodney Roy, Box 14, Concord, N.H. 03301 - 271-1852/1945

Feb 4, 2016

Chris Dornin

CCJR  
PO Box 3942  
Concord, N.H. 03302-3942

RE: Rebuttal to DOC fiscal impact

*Working to establish a common ground  
through positive communication on issues  
regarding the rehabilitation and safety  
needs of inmates, staff, and the communities  
we will one day be returning to.*

Dear Mr. Dornin:

We would like to thank you for your support for the Earned Time amendments that are now House Bill 1426. After reviewing the bill, we noticed that DOC said the bill would require \$53,400 to update Corris, additional case counselors to deal with the Earned Time process, and more staff and programs at different institutions to make it more equitable.

We believe the \$53,400 to upgrade CORIS will be spent even if HB 1426 is not passed. The only modification in CORIS due to the amendments will be changing the maximum amount reduced from ones sentence from 13 months to 21 months. The money needed to update CORIS is more likely so the administration can better track who receives and who is denied Earned Time. Again, this will be necessary whether or not the amendments are passed. If DOC is concerned with additional funds for the amendments why were there no expenditures necessary at the passage of the original bill?

The amendments, if passed, would not change the number of inmates applying for Earned Time. Only a small amount of the prison population participate in any of the aspects of the bill and the additional amount of inmates applying for Earned Time would be negligible. This is due in part because only inmates serving 10 plus years would be eligible to receive the entire 21 months. The only need for additional Case Counselors would be due to the increase in the prison population over the long term and the fact that Case Counselors are currently over burdened with large case loads.

With the building of the new women's prison some of the concerns about providing additional staffing and programs would be addressed. However, we believe that staffing and programs are an issue of concern as they are not adequately provided at any facility.

Sincerely,

Inmate Communication Committee

cc. Rep. David Welch

HB 1369 Earned Time Credits LUKE S. CZEKALSKI

I Support LSR 2567. Because it will give inmates more incentive to better themselves while they are incarcerated, This bill will help me by allowing me to receive future benefits for work toward my rehabilitation.

HB 1369

KELSEY MARTIN 69517  
NH SP, CONCORD

(4)

I Support LSR 2567. (Earned Time Credit)

Again isn't it sad that we have to pass a law to get Government officials to abide by a law already passed? Now is it one sworn to uphold the law can ignore it? What incentive does one have to better themselves if they're chances of getting time ~~that~~ legally earned off their sentence is a crap shoot? I didn't file for mine due to the fact people were getting denied but then again I'm over my minimum and costing you the tax payer \$30,000+ a year because of the Sex offender program. (As opposed to \$740<sup>00</sup> a year on parole.)

If people are assured of credit for earned time, more will apply and you'll save \$\$ and will be better off in the long run. (all of US, you Education = Rehabilitation = Time off = Less <sup>100</sup>)

Recidivism due to the fact that people laying around doing nothing are more likely to return to their foolish ways if they don't have an incentive to do, and be, better people.

How can a Judge deny that? Don't they want people to educate themselves and get help with their drug/alcohol problems? Give them the incentive to do so and you'll save lives, and money in the long run. Show us you care. Most of us will respond positively in the long run.





DEPARTMENT OF CORRECTIONS  
STATE OF NEW HAMPSHIRE  
P. O. BOX 1806  
CONCORD, NH 03302-1806

**INTRA-DEPARTMENT MEMORANDUM**  
*Office of the Commissioner*

*CHANDY*

**FROM:** Helen Hanks, Assistant Commissioner      **DATE:** February 11, 2016

**SUBJECT:** HB-1426-FN Testimony      **OFFICE:** Commissioner's Office

**TO:** The Honorable Members of the Criminal  
Justice and Public Safety Committee

Phone: 271-5603  
Fax: 271-5643

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**HB-1426 – relative to earned time credits for prisoners participating in rehabilitative treatment or education programming.**

The Department supports the concept but is opposed to the bill as written.

- The Department supports the concept of expanding the earned times credit law as it currently exists.
- Page 1, Lines 15-18. The Department supports awarding inmates 180 days of earned time for obtaining their Masters or Doctorates.
- Page 1, Lines 19-25. We are opposed to this section that a prisoner shall be entitled to a reduction of 3 days for each course that is earned toward the high school diploma. There would be a cost involved with upgrading our database to track this information and if we are unable to update our database we would need more resources to track these outcomes manually. Our current offender management record software vendor has expressed strong concerns about how and/if they can modify the system to provide this provision in the software product.
- Page 1, Line 30. We oppose this section because a vocational program is one complete program, not different programs.
- Page 2, Lines 8-9. The Family Connections Center is a program specific to building parent and child relationships. As written this bill would eliminate the requirement that an inmate be a parent to participate in FCC.
- Page 2, Lines 14-19. We oppose this section of the bill because the Department does not award master certificates for correctional industries jobs. It is something we have explored but we are not at that point. There is also no end, per se, to a Correctional Industries program. It is a jobs skills building program. We would also have to define what a master's certificate is.

- Page 2, Lines 20-26. We are opposed to this section that awards 60 days for completion of other programs. There needs to be a better definition of "Other Programs." There are voluntary programs and there are mandated programs. For example, the DOC or the Courts may mandate that an inmate take "Thinking for a Change" to be approved for parole. It is our position that an inmate should not be rewarded with earned time for a program that he or she is ordered to take as part of their rehabilitation.
- Page 2, Line 30-31 – This proposed change needs to be better defined. It reads "The earned time reductions authorized in paragraph 1 of this section shall be available to prisoners who were incarcerated or who were awarded earned time credits prior to the effective date of the section...." We are not sure what it means to be awarded prior to the effective date.
- Page 3, Line 1-2. We are not sure how the increase from 13 months to 21 months was derived. We do not oppose increasing up to 21 months but we would like clarification as to where these numbers came from. We are concerned about the existing and on-going impact earned time credit has had on victims of these offenders' crimes. Victims have been unpleasantly surprised to learn that their perpetrator is up for parole much sooner than they planned.
  - Example – The Parole Board Chair describe to us a case where a 40-year old drugged and raped a 15 year old. The victim agreed to a plea bargain for a 3 year to 6 year sentence because she expected to be away in college this fall when he was released. He was granted 6 months ETC and was eligible to go back to her neighborhood in March. Ultimately, the Parole Board denied his parole until other housing could be found. This is an example of the unintended consequences of this policy.
  - Further, the Parole Board has expressed under the existing law that it leaves substantially less time under parole supervisions, and advances the minimum sentence date leaving less time to transition through the transitional housing services. Increasing it to 21 months will further exacerbate this concern.
- These proposed changes further enhance the disparity between services offered to men and women as we do not have enough staff to provide equal access to the opportunities in the existing law, let alone the enhancements as drafted in the this proposed legislation.

In closing, the Department has great respect for the proponents of this bill and the members of this committee. We request an opportunity to work with the proponents to amend the bill to address these concerns and to include the funding necessary to address the software changes that would have to occur with any additions/changes associated with the provision of Earned Time Credit.

# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1426-FN

**BILL TITLE:** (New Title) relative to earned time credits for prisoners participating in educational programming.

**DATE:** March 1, 2016

**LOB ROOM:** 204

**MOTIONS:** OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Welch

Seconded by Rep. Pantelakos

AM Vote: 17-0

Amendment # 2016-0681h

Moved by Rep. Welch

Seconded by Rep. Pantelakos

Vote: 17-0

Respectfully submitted,

  
Rep Dennis Fields, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1426-FN

BILL TITLE: relative to earned time credits for prisoners participating in rehabilitative or educational programming.

DATE: 3/1/16

LOB ROOM: 204

MOTIONS: ~~OTP~~, OTP/A ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. WOLCH Seconded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # 2016-06814

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: 170

Amendment Adopted  Amendment Failed

MOTIONS: OTP, OTP/A ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. WOLCH Seconded by Rep. POWELL AM Vote: 17 YES

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

Amendment Adopted  Amendment Failed

CONSENT CALENDAR:  YES  NO (Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dennis H. Hrb Committee Clerk



2016 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: 1426 FN Title: \_\_\_\_\_

PH Date: 2 1 12 1 16 Exec Session Date: 31 1 1 16

Motion: OP & WOLCH Rep. Pan Yelakos Amendment #: 2016-0691H

MEMBER	YEAS	NAYS
Tholl, John E., Chairman	1	
Welch, David A., V Chairman	1	
Fields, Dennis H., Clerk	1	
Fesh, Robert M.	ABSENT	
Marston, Dick	1	
Burt, John A.	1	
Sweeney, Shawn P.	ABSENT	
Barnes, Arthur E.	1	
Comeau, Ed	1	
Fisher, Robert Z.	ABSENT	
Martin, John F.	1	
Parker, Harold B.	ABSENT	
Green, Dennis	1	
Pantelakos, Laura C.	1	
Berube, Roger R.	1	
Robertson, Timothy N.	1	
Cushing, Robert R.	1	
Hirsch, Geoffrey D.	1	
O'Hearne, Andrew S.	1	
Mangipudi, Latha D.	1	
DiSesa, Len	1	
<b>TOTAL VOTE:</b>		

17 yeas 0 nays

# Committee Report

# CONSENT CALENDAR

March 2, 2016

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

The Committee on Criminal Justice and Public Safety to which was referred HB 1426-FN,

AN ACT relative to earned time credits for prisoners participating in rehabilitative or educational programming. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. David Welch

FOR THE COMMITTEE



## COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1426-FN
Title:	relative to earned time credits for prisoners participating in rehabilitative or educational programming.
Date:	March 2, 2016
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2016-0681h

### STATEMENT OF INTENT

This bill expands a program initiated in 2014 which allows prisoners who earn degrees to be granted time off their minimum and maximum sentences. The bill adds masters degree and doctorate degree to the list of programs. The Department of Corrections agrees with the amended bill. The costs for these programs are borne by the prisoner or the prisoner's family and participation is determined by the prisoner's behavior.

Vote 17-0.

Rep. David Welch  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### Criminal Justice and Public Safety

**HB 1426-FN**, relative to earned time credits for prisoners participating in rehabilitative or educational programming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill expands a program initiated in 2014 which allows prisoners who earn degrees to be granted time off their minimum and maximum sentences. The bill adds masters degree and doctorate degree to the list of programs. The Department of Corrections agrees with the amended bill. The costs for these programs are borne by the prisoner or the prisoner's family and participation is determined by the prisoner's behavior. **Vote 17-0.**

Original: House Clerk

Cc: Committee Bill File

## COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1426-FN
Title:	relative to earned time credits for prisoners participating in rehabilitative or educational programming.
Date:	March 2, 2016
Consent Calendar:	CONSENT
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Vote 17-0.

Rep. David Welch  
FOR THE COMMITTEE



Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: CJ&PS

BILL NUMBER: HB 1426-FN

TITLE: Earned time credits for prisoners participating in educational programming

DATE: March, 2016 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.
<u>0681</u>

STATEMENT OF INTENT:

This bill expands a program initiated in 2014 which allows prisoners who earn degrees to be granted time off their minimum and maximum sentences. The bill adds Masters Degree and Doctorate degree to the list of programs. The department of corrections agrees with the amended bill. The costs for these programs is borne by the prisoner or the prisoners family and participation is determined by the prisoners behavior.

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

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

Rep. David Welch  
For the Committee

edited by house clerk

CONSENT CALENDAR

March 2, 2016

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Criminal Justice and Public Safety to  
which was referred HB 1426-FN,**

**AN ACT relative to earned time credits for prisoners  
participating in rehabilitative or educational  
programming. Having considered the same, report the  
same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. David Welch**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 1426-FN</b>
Title:	<b>relative to earned time credits for prisoners participating in rehabilitative or educational programming.</b>
Date:	<b>March 2, 2016</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2016-0681h</b>

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Vote 17-0.

Rep. David Welch  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Criminal Justice and Public Safety

**HB 1426-FN**, relative to earned time credits for prisoners participating in rehabilitative or educational programming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill expands a program initiated in 2014 which allows prisoners who earn degrees to be granted time off their minimum and maximum sentences. The bill adds master's degree and doctorate degree to the list of programs. The Department of Corrections agrees with the amended bill. The costs for these programs are borne by the prisoner or the prisoner's family and participation is determined by the prisoner's behavior. **Vote 17-0.**

Original: House Clerk  
Cc: Committee Bill File