

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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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, shall
29 be entitled to a reduction of [up to] 60 days in his or her minimum sentence and a reduction of [up to]
30 60 days in his or her maximum sentence *for each program completed.* The commissioner shall

1 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 and*
17 *a reduction of 60 days in his or her maximum sentence for each master's certificate earned.*
18 *The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for*
19 *awarding such reductions.*

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

27 II. The earned time reductions authorized in paragraph I of this section shall be available to
28 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 membership
37 in a security threat group, attempted escape, escape, or commission of any category A offense listed

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1 in the department of corrections policy and procedure directives.

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

4 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
16-2003
11/2/15

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.

HB 1426-FN - AS AMENDED BY THE HOUSE

9Mar2016... 0681h

2016 SESSION

16-2003
04/03

HOUSE BILL ***1426-FN***

AN ACT relative to earned time credits for prisoners participating in 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

ANALYSIS

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

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~]
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HB 1426 AS AMENDED BY THE HOUSE

9Mar2016... 0681h

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

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

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

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] High School Equivalency Certificate** 90 day
8 reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum
9 sentence.

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

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

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

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

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

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

26 (c) Mental Health Programming. A prisoner who meaningfully participates in
27 recommended or mandated mental health and/or substance use treatment that is authorized and
28 approved by the department or that the commissioner deems to be valuable to the prisoner's
29 rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence
30 and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall

HB 1426-FN - AS AMENDED BY THE HOUSE

- Page 2 -

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

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

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

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

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

21 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.

HB 1426-FN FISCAL NOTE

AN ACT (New Title) relative to earned time credits for prisoners participating in educational programming.

FISCAL IMPACT:

The Department of Corrections states this bill, as amended by the House (Amendment #2016-0681h), will increase state expenditures by an indeterminable amount 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 and a Doctorate Degree. 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 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 and provide equal access for female inmates, the staffing of the New Hampshire Correctional Facility for Women would need to be fully funded.

CHAPTER 172
HB 1426-FN - FINAL VERSION

9Mar2016... 0681h
04/21/2016 1377s

2016 SESSION

16-2003
04/03

HOUSE BILL **1426-FN**

AN ACT relative to earned time credits for prisoners participating in 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

ANALYSIS

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

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STATE OF NEW HAMPSHIRE

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

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

172:1 Parole of Prisoners; Earned Time Credits Amend RSA 651-A:22-a to read as follows:

651-A:22-a Earned Time Credits.

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

(a) Education Programs:

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

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

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

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

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

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

(c) Mental Health Programming. A prisoner who meaningfully participates in recommended or mandated mental health and/or substance use treatment that is authorized and approved by the department or that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall

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

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

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

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

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

172:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 3, 2016

Effective Date: August 2, 2016

Amendments

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.

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19 sentence and 180 day reduction in the prisoner's maximum sentence.

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22 (5) *Master's Degree* 180 day reduction in the prisoner's
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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,
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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 RSA 651-A:22-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

2

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

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary


Sen Sharon Carson, Chair
Sen Sam Cataldo, Vice Chair
Sen Gary Daniels, Member
Sen Bette Lasky, Member
Sen David Pierce, Member

Date: March 23, 2016

HEARINGS

Tuesday	03/29/2016	
(Day)	(Date)	
Judiciary	SH 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | | |
|------------|------------|---|---|
| 9:00 a.m. | HB 1426-FN |  | (New Title) relative to earned time credits for prisoners participating in educational programming. |
| 9:20 a.m. | HB 1451-FN | | (New Title) relative to the annulment of certain criminal offenses. |
| 9:40 a.m. | HB 1547-FN | | (New Title) prohibiting bestiality. |
| 10:00 a.m. | HB 1654-FN | | (New Title) relative to flying a drone above a correctional facility. |
| 10:15 a.m. | HB 1599-FN | | relative to shining a laser pointing device at an aircraft or vessel, or at another person. |

Sponsors:

HB 1426-FN

Rep. Welch

Rep. Cushing

Rep. Pantelakos

Sen. D'Allesandro

HB 1451-FN

Rep. Parison

Rep. Coffey

Rep. Pantelakos

Rep. Borden

Sen. Avard

HB 1547-FN

Rep. Rogers

Rep. Baldasaro

Rep. Burt

Rep. Ford

Rep. Horrigan

Rep. Berch

Rep. C. Chase

Rep. Abbott

Sen. D'Allesandro

HB 1654-FN

Rep. Cushing

Rep. Fields

Rep. Welch

Rep. DiSesa

Rep. Pantelakos

Rep. Martin

Rep. Berube

Rep. O'Hearne

Rep. Mangipudi

Rep. Hirsch

Sen. Soucy

Sen. Carson

Sen. Daniels

HB 1599-FN

Rep. Weyler

Rep. L. Turcotte

Rep. A. Turcotte

Rep. D. Brown

Rep. Lachance

Sen. Birdsell

Susan Duncan 271-3076

Sharon M Carson
Chairman

Senate Judiciary Committee

Susan Duncan 271-3076

HB 1426-FN, (New Title) relative to earned time credits for prisoners participating in educational programming.

Hearing Date: March 29, 2016

Time Opened: 9:01 a.m.

Time Closed: 9:48 a.m.

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

Members of the Committee Absent: Senator Carson

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

Sponsors:

Rep. Welch

Rep. Cushing

Rep. Pantelakos

Sen. D'Allesandro

Who supports the bill: Representative David Welch; Representative Larry Gagne; Jeffrey Lyons, NH Dept. of Corrections; Commissioner William Wrenn, NH Dept. of Corrections; Bonnie Dunham (supports if amended); Chris Dornin, CCJR

Who opposes the bill: No one

Who is neutral on the bill: Attorney Lucy Karl

Summary of testimony presented in support:

Representative Welch explained that this bill deals with the earned time credits. He noted that as introduced, it had a lot more in it but they worked with the Department of Corrections and winnowed it down to what is before the Committee now. Some of the changes that are reflected is that the terms for obtaining a high school diploma and/or GED are changed and they added the ability to work toward both a Master's Degree and a PhD.

Commissioner Wrenn testified in support and explained that they have seen good results with their people when they have become interested in furthering their educations and that they are fielding applications for education every week now. He feels confident that increasing the amount of time that one can earn will increase the amount of time that they wish to devote to furthering their education. Some of the courses in the original bill as introduced were not considered because of the cost for

Corrections to keep track of them. This involves both DOC staff time as well as changes to the software which would require upgrades. They are okay with the current changes but have concerns about the increased costs of some other programs. Senator Pierce asked if these would be ongoing costs or one-time costs. Commissioner Wrenn responded that it would be both -- and they are concerned about adding to the overall duties of their staff. The software comes from Canada and it is costly. Senator Pierce asked about the word "program." Commissioner Wrenn responded that their problem is with the word "program" -- what is a program? DOT considers it to be the entire group, each of the courses to complete that program together -- for instance, getting one's high school equivalency, not just completing one math class. Their desire is to make sure that the inmates obtain skills that can be transferred to the outside -- such as completing an auto body course in it's entirety, not just one class in painting or detailing. While the Corrections Department feels that they understand what a program is intended to be, they want very much to avoid challenges and ending up in court. Senator Pierce asked about an auto body course versus a cosmetology course -- and that completing them would be two distinctly different courses. Commissioner Wrenn responded that they only are able to obtain credit once for courses completed -- but they could go into other areas such as family time programs, mental health treatment, etc. But each area permits just one credit. Senator Pierce asked if there is a provision for retroactivity -- such as someone who has already completed their Master's Degree or is this for only going forward achievements. Commissioner Wrenn responded that it is retroactive only as long as it was completed during their current course of incarceration and that the court approves. Now the judges will need to sign off that the individual is eligible to participate in the earned-time credits. Senator Lasky asked if anyone has been denied. Commissioner Wrenn responded that they have denied some but very few. He believes that their approval rate is around 95%. Senator Lasky asked an example of a denied course. Commissioner Wrenn responded if someone wants credit for a high school equivalency when they already have a diploma. Senator Lasky asked if the categories listed here are adequate. The Commissioner responded that they believe that they are and added that they have also approved two correspondence courses for the women inmates. These are paralegal courses offered on line by accredited institutions. Senator Cataldo asked if they already have a program at the prison. Commissioner Wrenn responded "no," that the good time can be added and they can work time off for being good -- but that they have never had this program before. Senator Cataldo asked if they had a high school completion program. Commissioner Wrenn responded "yes," that they have had this but that completing their equivalency did not get time off of their sentence. Senator Daniels asked if there is a time threshold in order to be eligible. The Commissioner responded "no," that they could get time off for the mental health treatment section and then work on the family one. Senator Daniels asked how quickly can someone get an on line degree. Commissioner Wrenn responded that it takes several years, but they have had some inmates achieve this. Senator Daniels followed up asking who pays for these classes. Commissioner Wrenn responded that for college classes, the inmate pays but for high school equivalency classes, Corrections pays as the prison is a special school district. Senator Daniels returned to the various vocational classes and the bill's language talking about a one time sixty day reduction -- he asked whether anyone

has suggested more than a one-time reduction. He asked why the language is repeated in the bill. Commissioner Wrenn responded that he was not certain why it was written this way that they have only issued these credits once and said that he has no problem with making the bill language consistent. Senator Lasky asked about the vocational programs and the broadness of the classes that could be considered. Commissioner Wrenn responded that it is a one time credit because usually someone stays in one career track. Senator Pierce, referring to the bill as introduced and not as passed by the House, asked why the language was removed talking about the courses. Commissioner Wrenn responded that tracking individual courses is a nightmare and their computer program does not track individual classes. Senator Pierce asked if there is ever a wait list for classes. Commissioner Wrenn responded that there could be, but that they look at the length of the person's sentence in making determinations.

Bonnie Dunham testified that she cannot support this legislation unless it is amended. She explained that individuals who have previously been identified as qualifying for special education but noted that nothing is done for the students who "fell through the cracks" and did not receive the designation, though needed it. She said that this is incredibly unfair. She asked that following RSA 186: B, at the end of definitions, that language be included to show that this shall include an incarcerated individual. She feels that this will affect a very small number of individuals and they do have to be willing to be labeled as such. Senator Cataldo asked if she had brought this up at the House hearing. Ms. Dunham responded that she did. Senator Cataldo asked if this is a problem right now in the prisons. Ms. Dunham responded that the number of people with disabilities is not a known percentage of the population and they do not know how to get a handle on it as Corrections is not required to find out. Senator Pierce, referencing 186: C-2 said that this defines a child with an educational disability between the ages of 18 and 21 and asked why is it limited. Ms. Dunham responded that special education services end when the individual turns 21. She said that they do actually define adult children with a disability.

Chris Dornin testified in support and said that they would also support an amendment to include those who are not identified as disabled. He explained that when he worked at the prison, there were a number of folks who were disabled. By identifying these individuals, it could actually reduce the occurrences of harassment. He said that back in 1982, the Legislature stripped out "good time credits," and every prisoner lost these days. He said that this gives the good inmates an incentive to further their educations and that they have been doing this.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Attorney Lucy Karl testified taking no position and commented that she is familiar with a number of these prisoners. She said from what she is hearing, the individual must pay for these courses (costing between \$12,000 and \$20,000 for college degrees) but that for many of these individuals, this is prohibitively expensive. She said that it would contribute to good public policy to allow for multiple program certificates. Her second issue is that she is aware of one young man who has received both a Master's Degree and a PhD and has turned his life around and he should get credits. She feels that prisoners should be able to "stack" the classes, and as written, they cannot get credit.

Fiscal Note: See Fiscal Note

Future Action: Pending

sfd

Date Hearing Report completed: March 31, 2016

Speakers

SENATE JUDICIARY COMMITTEE

Date: March 29, 2016 Time: 9:00 a.m. Public Hearing on HB 1426-FN

HB 1426-FN – Relative to earned time credits for prisoners participating in educational programming.

Please check box(es) that apply:

<input checked="" type="checkbox"/> SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep David Welch	Criminal Justice
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>If amended</i> Bernie Dunham	self -
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jeffrey Lyons	NHDOC
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	William Wrenn	Commissioner NHDOC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Luey KAUK - murder of public	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CHRIS DORNINO, CO-JR	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

SENATE JUDICIARY COMMITTEE

Date: March 29, 2016 **Time:** 9:00 a.m. **Public Hearing on** HB 1426-FN

HB 1426-FN – Relative to earned time credits for prisoners participating in educational programming.

Please check box(es) that apply:

	SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lucy Karl	ally member of public
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	REP LARRY GAGNE	TRANS
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
Date	<input type="checkbox"/>	<input type="checkbox"/>		
HB to edu	<input type="checkbox"/>	<input type="checkbox"/>		
Please	<input type="checkbox"/>	<input type="checkbox"/>		
SPR	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
Date	<input type="checkbox"/>	<input type="checkbox"/>		
HB to edu	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
Please	<input type="checkbox"/>	<input type="checkbox"/>		

Testimony

Testimony for HB 1426

letting inmates earn 21 months off sentences

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

This legislation 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 sentences. The bill 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. We doubt that, but supposing it is true, the change would save money in the long run. Many inmates would leave prison earlier. And they would have a lower recidivism rate because they would be more attractive in the job market. Finding and keeping a job are hard for somebody who has been out of work for 15 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 gives them.

One might say the bill is too kind to people behind bars. But 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 simply 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. Let's begin to swing the policy pendulum ever so slowly the other direction.

March 29, 2016

HB 1426-FN

Senator Sharon Carson, Chair
Senate Judiciary Committee
State House, Room 100
107 North Main Street
Concord NH 03301

Dear Senator Carson 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

9 May 2016... 0681h

Judiciary

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

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

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

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]~~ *High School Equivalency Certificate* 90 day
8 reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum
9 sentence.

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

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

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

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

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

20 (b) Vocational Programming. A prisoner who successfully completes a vocational
21 program that is authorized and approved by the department or who successfully completes a
22 vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation,
23 shall be entitled to a ^{one-time} reduction of ~~[up to]~~ 60 days in his or her minimum sentence and a ^{one-time} reduction of
24 ~~[up to]~~ 60 days in his or her maximum sentence. The commissioner shall establish procedures,
25 which shall be exempt from RSA 541-A, for awarding such reductions.

26 (c) Mental Health Programming. A prisoner who meaningfully participates in
27 recommended or mandated mental health and/or substance use treatment that is authorized and
28 approved by the department or that the commissioner deems to be valuable to the prisoner's
29 rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence
30 and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, April 13, 2016

THE COMMITTEE ON Judiciary

to which was referred **HB 1426-FN**

AN ACT

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

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1377s

Senator Gary Daniels
For the Committee

Susan Duncan 271-3076

New Hampshire General Court - Bill Status System

Docket of HB1426

Docket Abbreviations

Bill Title: (New Title) relative to earned time credits for prisoners participating in educational programming.*Official Docket of HB1426:*

Date	Body	Description
2/11/2016	H	Introduced 01/06/2016 and referred to Criminal Justice and Public Safety HJ 4 P. 14
1/27/2016	H	Public Hearing: 02/12/2016 01:00 PM LOB 204
2/25/2016	H	Executive Session: 03/01/2016 10:00 AM LOB 204
3/3/2016	H	Committee Report: Ought to Pass with Amendment #2016-0681h (NT) for 03/09/2016 (Vote 17-0; CC) HC 14 P. 7
3/9/2016	H	Amendment #2016-0681h: AA VV 03/09/2016 HJ 23 P. 11
3/9/2016	H	Ought to Pass with Amendment 0681h: MA VV 03/09/2016 HJ 23 P. 11
3/22/2016	S	Introduced 03/17/2016 and Referred to Judiciary; SJ 10
3/23/2016	S	Hearing: 03/29/2016, Room 100, SH, 09:00 am; SC 12
4/13/2016	S	Committee Report: Ought to Pass with Amendment #2016-1377s, 04/21/2016; SC 15
4/21/2016	S	Committee Amendment 1377s, AA, VV; 04/21/2016 SJ 14
4/21/2016	S	Ought to Pass with Amendment 1377s, MA, VV; OT3rdg; 04/21/2016; SJ 14
5/11/2016	H	House Concurs with Senate Amendment 1377s (Rep. Tholl): MA VV 05/11/2016 HJ 38 P. 3
5/23/2016	S	Enrolled (In recess 05/19/2016); SJ 19
5/23/2016	H	Enrolled 05/19/2016 HJ 39 P. 24
6/10/2016	H	Signed by Governor Hassan 06/03/2016; Chapter 172; Eff. 8/2/2016

NH House

NH Senate

Other Referrals

HB 1426 - FY — Rel. to earned time credit for presences participating in educational programming.

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) (2)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

<input checked="" type="checkbox"/> - AMENDMENT # <u>06818</u>	<input checked="" type="checkbox"/> - AMENDMENT # <u>1377s</u>
<input checked="" type="checkbox"/> - AMENDMENT # <u>handwritten</u>	<input type="checkbox"/> - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

<input checked="" type="checkbox"/> AS INTRODUCED	<input checked="" type="checkbox"/> AS AMENDED BY THE HOUSE
<input checked="" type="checkbox"/> FINAL VERSION	<input type="checkbox"/> AS AMENDED BY THE SENATE

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

Fiscal Note 2003

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK

BY:

8/4/16

COMMITTEE AIDE