

Committee Report

CONSENT CALENDAR

March 3, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 178-FN,**

**AN ACT relative to the parole of prisoners and the
procedures of the adult parole board. Having
considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Chris True

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 178-FN
Title:	relative to the parole of prisoners and the procedures of the adult parole board.
Date:	March 3, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

A performance audit was conducted for the NH Parole Board. This bill amends various provisions of the adult parole process including definitions of violent crime and recommitment of prisoners who violate parole. This bill incorporates the best practices as suggested by the performance audit.

Vote 20-0.

Rep. Chris True
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 178-FN, relative to the parole of prisoners and the procedures of the adult parole board.
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Voting Sheets

OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 178 Motion: OTP AM #: _____ Exec Session Date: 3/3/2021
20/0

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	20		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S.	3		
Green, Dennis E.	4		
Wallace, Scott	5		
Testerman, Dave	6		
True, Chris	7		
Pratt, Kevin M.	8		
Marston, Dick <u>Doucette</u>	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.	11		
Pantelakos, Laura C.	.		
O'Hearne, Andrew S.	12		
Bordenet, John	13		
Meuse, David	14		
Newman, Ray E.	15		
Bouldin, Amanda C.	16		
Conley, Casey M.	17		
Klein-Knight, Nicole	18		
Bradley, Amy	19		

OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: _____ Motion: _____ AM #: _____ Exec Session Date: _____

TOTAL VOTE:



House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB178 on 2021-
Support: 5 Oppose: 5 Neutral: 0 Total to Testify: 1

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>?</u>
Sytek, Donna	SALEM, NH DonnasYTEK@gmail.com	A Member of the Public	NH Adult Parole Board	Support	Yes (5m)	No	2
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Oppose	No	No	2
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	No	2
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Oppose	No	No	2
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	Distric 23	Oppose	No	No	2
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Oppose	No	No	2
Francis, Joe	Wilton, NH wjfrancis@yahoo.com	A Member of the Public	Parole Board	Support	No	No	2
Hanks, Helen	Concord, NH helen.e.hanks@doc.nh.gov	State Agency Staff	NHDOC	Support	No	No	2
phillips, roger	concord, NH roger@phillipslawoffice.com	A Member of the Public	Myself	Support	No	No	2
Daniels, Senator Gary	Milford, NH gary.daniels@leg.state.nh.us	An Elected Official	Senate District 11	Support	No	No	2

Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 178-FN

BILL TITLE: relative to the parole of prisoners and the procedures of the adult parole board.

DATE: March 3, 2021

LOB ROOM: hybrid

Time Public Hearing Called to Order: 9:00 a.m.

Time Adjourned: 9:20 a.m.

Committee Members: Reps. Abbas, Welch, Rhodes, Burt, Hopper, Green, Wallace, Testerman, True, Pratt, Marston, Harriott-Gathright, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley, Klein-Knight and Bradley

Bill Sponsors:

Rep. Abbas

Sen. Daniels

TESTIMONY

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

Chair Abbas, Sponsor - Introduced bill

Rep. Sytek - Co-sponsor - supports - Explained difference from various violent crimes and focusing on parole violations.

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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Rep. Jennifer Rhodes, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB178 on 2021-03-03

Support: 5 Oppose: 5 Neutral: 0 Total to Testify: 1

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Sytek, Donna	SALEM, NH Donnasytek@gmail.com	A Member of the Public	NH Adult Parole Board	Support	Yes (5m)	No	2/27/2021 11:52 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 3:23 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 7:52 PM
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Oppose	No	No	2/28/2021 10:41 PM
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	Distric 23	Oppose	No	No	3/3/2021 8:14 AM
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/3/2021 8:14 AM
Francis, Joe	Wilton, NH wjfrancis@yahoo.com	A Member of the Public	Parole Board	Support	No	No	3/3/2021 8:46 AM
Hanks, Helen	Concord, NH helen.e.hanks@doc.nh.gov	State Agency Staff	NHDOC	Support	No	No	3/3/2021 8:52 AM
phillips, roger	concord, NH roger@phillipslawoffice.com	A Member of the Public	Myself	Support	No	No	3/3/2021 9:01 AM
Daniels, Senator Gary	Milford, NH gary.daniels@leg.state.nh.us	An Elected Official	Senate District 11	Support	No	No	2/23/2021 2:25 PM

Testimony

Archived: Friday, March 5, 2021 9:48:00 AM

From: Donna Sytek

Sent: Sunday, February 28, 2021 7:20:08 PM

To: ~House Criminal Justice and Public Safety

Subject: Testimony in support of HB 178 relative to the parole of prisoners and procedures of the adult parole board

Importance: Normal

Attachments:

[HB 178 remarks.docx](#) 

Dear Representatives,

I have attached for your reference a copy of the remarks I will be giving on Wednesday, March 3, 2021 in favor of HB 178.

I would appreciate your support of this bill.

Respectfully,
Donna Sytek

*Donna Sytek, Member
NH Adult Parole Board
Donnasytek@gmail.com
(603) 893-8889*

Bill as
Introduced

HB 178-FN - AS INTRODUCED

2021 SESSION

21-0340
04/05

HOUSE BILL

178-FN

AN ACT relative to the parole of prisoners and the procedures of the adult parole board.

SPONSORS: Rep. Abbas, Rock. 8; Sen. Daniels, Dist 11

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends various provisions of the adult parole process including the definition of violent crime and recommitment of prisoners who violate parole.

.....

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the parole of prisoners and the procedures of the adult parole board.

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

1 1 Involuntary Civil Commitment of Sexually Violent Predators; Notice to County Attorney or
2 Attorney General. Amend RSA 135-E:3, II to read as follows:

3 II. When a person who has committed a sexually violent offense is to be released from total
4 confinement in New Hampshire, the agency with jurisdiction over the person shall give written
5 notice to the person and the county attorney of the county where that person was last convicted of a
6 sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If
7 the person is in custody on an out-of-state or federal sexually violent offense, the agency with
8 jurisdiction shall give written notice to the person and the county attorney of the county where the
9 person plans to reside upon release or, if no residence in this state is planned, the county attorney in
10 the county where the facility from which the person to be released is located or to the attorney
11 general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written
12 notice shall be given at least 9 months prior to the potential release ~~[on parole pursuant to RSA 651-~~
13 ~~A:6, I(e),]~~ except that in the case of persons who are totally confined for a period of less than 9
14 months, written notice shall be given as soon as practicable.

15 2 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total
16 Confinement. Amend RSA 135-E:4, I to read as follows:

17 I. In the event that a person who has been convicted of a sexually violent offense is eligible
18 for immediate release ~~[on parole pursuant to RSA 651-A:6, I(e), or]~~ upon completion of the maximum
19 term of incarceration, the agency with jurisdiction shall provide immediate notice to the county
20 attorney or attorney general of the person's release. The county attorney or attorney general or the
21 agency with jurisdiction may file a petition for an emergency hearing in the superior court
22 requesting that the person subject to immediate release be evaluated by the multidisciplinary team
23 to determine whether the person is a sexually violent predator. The hearing shall be held within 24
24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not
25 be released from total confinement until after the hearing has been held. At the hearing, the court
26 shall determine whether there is probable cause to believe that the person is a sexually violent
27 predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

28 3 Parole of Prisoners; Definitions. Amend the introductory paragraph of RSA 651-A:2, VI to
29 read as follows:

30 VI. ~~["Nonviolent offense"]~~ **"Violent crime"** shall include ~~[all criminal offenses, except]~~ those
31 defined as violent crimes in RSA 651:5, XIII and the following:

HB 178-FN - AS INTRODUCED
- Page 2 -

1 4 New Paragraph; Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 by inserting
2 after paragraph III the following new paragraph:

3 IV. The notice provisions of this section shall not apply to revocation, review, or
4 reconsideration hearings.

5 5 Parole of Prisoners; Effect of Recommitment. Amend RSA 651-A:19 to read as follows:

6 651-A:19 Effect of Recommitment.

7 I. A prisoner who is recommitted shall serve 90 days in prison ***and shall meet the criteria***
8 ***for parole*** before being placed back on parole or the remainder of his or her maximum sentence,
9 whichever is shorter, or may be subject to an extended term of recommitment pursuant to paragraphs
10 III and IV. The time between the return of the parolee to prison after arrest and revocation of parole
11 shall be considered as time served as a portion of the maximum sentence. The 90-day recommitment
12 period may be calculated from the date of the arrest or from the date of the hearing, as ordered by
13 the parole board.

14 II. Prisoners who are recommitted shall be provided access to focused, evidence-based
15 programming aimed at reengaging parolees in their parole plan.

16 III. The parole board may impose an extended term of recommitment for greater than 90 days
17 if:

18 (a) The prisoner has previously been found true for a parole violation on his or her
19 current sentence or another sentence for which he or she was concurrently serving a term of parole;
20 or

21 (b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an
22 offense against a child as defined in RSA 651-B:1, VII ~~[and the prisoner has displayed a combination~~
23 ~~of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse,~~
24 ~~or non-compliance with treatment, as determined by the department of corrections sexual offender~~
25 ~~treatment program staff]; or~~

26 (c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII ***or RSA***
27 ***651-A:2, VI***; or

28 (d) The nature of the conduct underlying the parole violation constitutes a criminal act
29 or is otherwise so serious as to warrant an extended period of recommitment; or

30 (e) The conduct underlying the parole violation is related to his or her offense or
31 offending pattern.

32 IV.(a) A prisoner shall be brought before the parole board at any time during the 90-day
33 term of recommitment to determine whether a longer term is warranted if[:

34 ~~(1) The prisoner did not meaningfully participate in the evidence-based programming~~
35 ~~during the 90-day recommitment period; or~~

36 ~~(2)]~~ the prisoner received one or more major disciplinary violations during the 90-
37 day recommitment period.

HB 178-FN - AS INTRODUCED
- Page 3 -

1 (b) The prisoner shall be provided notice of the hearing and the basis of the parole
2 board's consideration of an extended term.

3 V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall
4 be supported by written findings and a written order.

5 VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be
6 entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment
7 and every 6 months thereafter.

8 VII. At the revocation hearing, the parole board may impose a term of recommitment for less
9 than 90 days if:

10 (a) The prisoner has not been previously found true for a parole violation on his or her
11 current sentence or another sentence for which he or she was concurrently serving a term of parole;

12 (b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or
13 an offense against a child as defined in RSA 651-B:1, VII;

14 (c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII **or**
15 **RSA 651-A:2, VI;**

16 (d) The parole violation is not substantially related to his or her offense or offending
17 pattern; and

18 (e) The parole board determines that a lesser period of recommitment will aid in the
19 rehabilitation of the parolee.

20 VIII. Notwithstanding paragraph I or subparagraphs VII(a) or (d), the parole board may
21 impose a term of recommitment of less than 90 days for a prisoner who enters and successfully
22 completes a residential substance abuse treatment program deemed acceptable by the board.

23 6 Parole of Prisoners; Parole Records. Amend RSA 651-A:20 to read as follows:

24 651-A:20 Parole Records. The adult parole board or its designee shall have access to all parole
25 records of the department. ~~[The board shall review the records of the department for each parolee in~~
26 ~~its custody at least once every 36 months.]~~

27 7 Repeal. The following are repealed:

28 I. RSA 91-A:3, II(f), relative to parole applications being considered in nonpublic session.

29 II. RSA 651-A:6, I(c), relative to parole hearings for prisoners recommitted to prison more
30 than one year prior to the expiration of the maximum term of his or her sentence.

31 8 Effective Date. This act shall take effect upon its passage.

**HB 178-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the parole of prisoners and the procedures of the adult parole board.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill amends various provisions of the adult parole process including the definition of violent crime and re-committal of prisoners who violate parole. The Department of Corrections cannot predict the number of those incarcerated that would be affected by this change of law or if the time of incarceration would be lessened or extended.

It is assumed any fiscal impact would not occur until July 1, 2021.

AGENCIES CONTACTED:

Department of Corrections