

Committee Report

CONSENT CALENDAR

March 1, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 239-FN,**

**AN ACT relative to prosecutions for certain assaults
against minors. Having considered the same, report the
same with the recommendation that the bill OUGHT TO
PASS.**

Rep. John Bordenet

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 239-FN
Title:	relative to prosecutions for certain assaults against minors.
Date:	March 1, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill changes the statute of limitations for prosecution of first degree and second degree assault offenses. For a minor the statute of limitations is extended to six years from age of 18. The committee felt this extension was an excellent decision.

Vote 20-0.

Rep. John Bordenet
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 239-FN, relative to prosecutions for certain assaults against minors. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. HB239 changes the statute of limitations for prosecution of first degree and second degree assault offenses. For a minor the statute of limitations is extended to six years from age of 18. The committee felt this extension was an excellent decision. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 239-FN

BILL TITLE: relative to prosecutions for certain assaults against minors.

DATE: March 1, 2021

LOB ROOM: hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Bordenet

Seconded by Rep. Harriott-Gathright Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jennifer Rhodes, Clerk



2021 SESSION

Criminal Justice and Public Safety

Bill #: 239 Motion: OTP AM #: _____ Exec Session Date: 20/0 3/1/2021

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

Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 239-FN

BILL TITLE: relative to prosecutions for certain assaults against minors.

DATE: March 1, 2021

LOB ROOM: hybrid **Time Public Hearing Called to Order:** 11:30 a.m.

Time Adjourned: 11:45 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. Abramson

Rep. Ankarberg

TESTIMONY

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

Rep. Abramson, Sponsor. Introduces bill. Many minors that are ? by members of family and are not able for many reasons to come forward. This moves time frame for them to seek justice.

Q. Does this override another law?

A. No

Rep. Klein-Knight - are we willing to amend to make it longer? give more time.

A. Yes

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB239 on 2021-03-01


Support: 14 Oppose: 2 Neutral: 0 Total to Testify: 0

[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>
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Support	No	No	2/19/2021 9:19 AM
Sinclair-Wingate, Griffin	Rollinsford, NH Griffinsw@icloud.com	A Member of the Public	Myself	Oppose	No	No	2/26/2021 6:37 PM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/27/2021 2:02 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 6:56 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 3:13 PM
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	No	2/28/2021 4:57 PM
Frost, Sherry	Dover, NH sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/28/2021 5:29 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/28/2021 7:01 PM
GOLRICK, COLLEEN	KEENE, NH C.GOLRICK@GMAIL.COM	A Member of the Public	Myself	Support	No	No	2/28/2021 9:02 PM
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Support	No	No	2/28/2021 9:23 PM
Perez, Erika	Manchester, NH eyzerep@gmail.com	A Lobbyist	New Hampshire Youth Movement	Support	No	No	2/28/2021 9:56 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:46 AM
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:47 AM

House, Don	Belmont, NH donhouse@metrocast.net	A Member of the Public	Myself	Support	No	No	3/1/2021 7:55 AM
Abramson, Max	Seabrook, NH Max.Abramson@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/1/2021 9:01 AM
Ankarberg, Aidan	Rochester, NH Aidan201@yahoo.com	An Elected Official	Myself	Support	No	No	3/1/2021 11:43 AM

Testimony

Archived: Monday, May 10, 2021 2:32:41 PM
From: Max Abramson
Sent: Thursday, April 29, 2021 4:49:39 PM
To: ~House Criminal Justice and Public Safety
Cc: Aidan Ankarberg; Bob Lynn
Subject: Fw: HB 239 - 2021-1224s, Sharon Carson
Importance: Normal
Attachments:
[HB 239 - 2021-1224s.pdf](#) 

The Senate amended my bill, HB239 (starting the clock on the statute of limitations from the time of the attack to the victim's 18th birthday)

I don't object to the Senate's version of this bill, though there may be an unintended consequence of their new wording:

If the victim were 17 at the time of the attack, the old statute of limitations would allow them to report the crime and have felony indictments issued by the Grand Jury by the time the victim is 23. Under the Senate's version, HB239-1224 would actually *reduce* the amount of time available to schedule the Grand Jury hearing by two years. While it's extremely rare that this scenario could come up in a real world scenario, it probably wasn't the Senate's intent to create that scenario, at all.

If we want to adhere to the Senate's intent, we might simply rewrite the language to say that, "Under no circumstance shall the statute of limitations expire less than six years after the crime shall have been committed." That would allow the 17 year old procrastinator the same opportunity wait around six years to report First Degree Assault or Second Degree Assault like the rest of us.

It just seems odd to me that a 17 year old victim should get less time to respond than they could at 19.

Rep. Max Abramson

Free Chad Evans. There is justice in Heaven, and there is justice in Hell. Both are therefore a law abider's utopia's compared to this monstrosity that our taxpayers are compelled to prop up.

"The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling." --Thomas Sowell

"It is better to take refuge in the Lord than to trust in man." --Psalms 118:8

Sent: Thursday, April 29, 2021 at 3:24 PM
From: "AskOLS" <AskOLS@leg.state.nh.us>
To: "Max Abramson" <Max.Abramson@leg.state.nh.us>, "Max Abramson" <MaxAbramson@gmx.com>
Subject: HB 239 - 2021-1224s, Sharon Carson

Rep. Abramson,

Attached please find a PDF of amendment 2021-1224s to HB 239 requested by Sen. Sharon Carson.

In the event you would need to access the amendment when we are not in the office, you can click on the link in the docket for the amendment and you can access the amendment that way.

Thank you,,

Bill as
Introduced

HB 239-FN - AS INTRODUCED

2021 SESSION

21-0185

04/10

HOUSE BILL ***239-FN***

AN ACT relative to prosecutions for certain assaults against minors.

SPONSORS: Rep. Abramson, Rock. 37; Rep. Ankarberg, Straf. 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill changes the statute of limitations for the prosecution of first degree and second degree assault offenses.

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 Twenty One

AN ACT relative to prosecutions for certain assaults against minors.

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

1 1 New Subparagraph; Criminal Code; Limitations. Amend RSA 625:8, I by inserting after
2 subparagraph (f) the following new subparagraph:

3 (g) Notwithstanding subparagraphs (a) and (b), for any offense under RSA 631:1 or RSA
4 631:2, within 6 years of the victim's eighteenth birthday.

5 2 Effective Date. This act shall take effect January 1, 2022.

**HB 239-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to prosecutions for certain assaults against minors.

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 Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill changes the statute of limitations for the prosecution of first degree and second degree assault offenses. This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Simple Criminal Case	\$309	\$309
Routine Criminal Felony Case	\$494	\$494
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Major	\$2,490/Case	\$2,490/Case

Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault)		
Assigned Counsel – Major Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault)	\$100/Hour up to \$8,000	\$100/Hour up to \$8,000
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2020 Average Cost of Incarcerating an Individual	\$47,691	\$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	\$6,407	\$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	\$584	\$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties