

Committee Report

REGULAR CALENDAR

March 10, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 546-FN,**

**AN ACT relative to 911 immunity for reporting that a
person has been the victim of a violent crime. Having
considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Amanda Bouldin

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 546-FN
Title:	relative to 911 immunity for reporting that a person has been the victim of a violent crime.
Date:	March 10, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This is a Good Samaritan bill. It provides immunity from prosecution for drug possession for persons reporting a violent crime to the police. It pertains to the reporter who might possess drugs, as well as, to another crime victim. The bill encourages the reporting of violent crimes by a person who might otherwise fail to report for fear of prosecution. It is designed to save lives.

Vote 16-5.

Rep. Amanda Bouldin
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 546-FN, relative to 911 immunity for reporting that a person has been the victim of a violent crime. **OUGHT TO PASS.**

Rep. Amanda Bouldin for Criminal Justice and Public Safety. This is a Good Samaritan bill. It provides immunity from prosecution for drug possession for persons reporting a violent crime to the police. It pertains to the reporter who might possess drugs as well as to another crime victim. The bill encourages the reporting of violent crimes by a person who might otherwise fail to report for fear of prosecution. It is designed to save lives. **Vote 16-5.**

Voting Sheets



2021 SESSION

Criminal Justice and Public Safety

Bill #: 544 Motion: OTP AM #: _____ Exec Session Date: 14/5 3/10/21

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



2021 SESSION

Criminal Justice and Public Safety

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

TOTAL VOTE:



Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 546-FN & HB 123

BILL TITLE: relative to 911 immunity for reporting that a person has been the victim of a violent crime.

DATE: March 10, 2021

LOB ROOM: hybrid **Time Public Hearing Called to Order:** 2:35 p.m.

Time Adjourned: 3:15 p.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. Amanda Bouldin
Rep. DiLorenzo
Rep. Roy
Sen. Watters

Rep. Andrew Bouldin
Rep. Bordenet
Rep. Abbas
Sen. Reagan

Rep. Conley
Rep. Meuse
Sen. Rosenwald
Sen. Whitley

TESTIMONY

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

Rep. Klein-Knight - supports. Introduced bill. Many "sex workers" didn't feel they can report crime due to reasons why they were assaulted and they feel trapped.

Rep. Bouldin - Support. Introduced a person who is with a group and they are doing drugs, one may hesitate to report or call 911. Someone overdoes due to fear.

Joe Hannon - Both. Supports. Both bills are necessary to support those that have been assaulted.

Lyn Schollett - supports HB 123. Nobody should live with a sexual assault because of fear of being the criminal.

Joe Ebert - HB 546. supports idea. Would like a limit or amount to be set.

Harriott-Gathright - Do you have a limit in mind?

A. not necessarily

Katherine Cooper - opposed HB 123. Will invite false claims.

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB546 on 2021-03-10

Support: 106 Oppose: 3 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>
Bouldin, Amanda	Manchester, NH amanda.bouldin@leg.state.nh.us	An Elected Official	Hillsborough District 12	Support	Yes (5m)	No	3/8/2021 7:51 PM
Feder, Marsha	HOLLIS, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 8:03 PM
Weber, Frank	NH, NH frank@frajilfarms.com	A Member of the Public	Myself	Support	No	No	3/8/2021 8:11 PM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:03 PM
Green, Debra	Greenville, NH laffalot37@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:12 PM
Mayne, Kenneth	Greenville, NH kbmayne@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:14 PM
Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:39 AM
Cutshall, Catherine	Bedford, NH vivadofamily@aol.com	A Member of the Public	Myself	Support	No	No	3/9/2021 11:11 AM
van der Bijl, Dana	Deerfield, NH dana@vanderb.com	A Member of the Public	Myself	Support	No	No	3/9/2021 7:05 AM
Brown, Howard	Mont Vernon, NH hobro39@hotmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:39 AM
Brown, William	Mont Vernon, NH brownwd95@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:40 AM
Brown, Morgan	Mont Vernon, NH mmbrown1998@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:41 AM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:54 AM

Smiley, Seth	Amherst, NH mrsethsmiley@yahoo.com	A Member of the Public	Myself	Support	No	No	3/9/2021 12:03 PM
Donovan, Julie	BEDFORD, NH julie.donovan@juno.com	A Member of the Public	Myself	Support	No	No	3/9/2021 1:04 PM
Ehlers, Eileen	Hooksett, NH Eileensdesk@aol.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:40 PM
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 3:46 PM
Robertson, Doreen	Bennington, NH valleylib@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 2:21 PM
Rhoades, Charles	DOVER, NH chuckrhoades@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 5:38 PM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:51 PM
Goldwater, Catherine	Milford, NH cathy.goldwater@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:56 PM
Perry, Brenda	Amherst, NH Bmperry65@msn.com	A Member of the Public	Myself	Support	No	No	3/9/2021 4:01 PM
bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Support	No	No	3/9/2021 4:46 PM
Elliott, Judith	Canterbury, NH jelliottnh@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 4:51 PM
Austin, Suzanne	Brentwood, NH suzanne321@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 6:17 PM
Pawley, Katherine	Bedford, NH kbpawley@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 6:32 PM
Alexander, Christine	Cornish, NH calex8@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 4:11 PM
Carole, Kimberly	Bedford, NH Mskimberlycarole@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 5:15 PM
Fagin, Valerie	Rye, NH valeriefagin@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 6:49 PM
St Germain, Diane	Bedford, NH diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 9:29 PM
Dahl, Dana	Milford, NH danaldahl@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 10:02 PM

Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:43 PM
Heath, Ruth	Canterbury, NH ruthmheath@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 10:44 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 11:07 PM
Blair, David	Harrisville, NH orionblair@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 12:09 AM
Brookmeyer, Janet	Grantham, NH brookmeyermusic@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 6:22 AM
Petruccelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:49 AM
Petruccelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:50 AM
Valiquet, Jim	Newbury, NH jimvaliquet@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/9/2021 11:20 PM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 6:54 AM
Baird, Cathryn	Newport, NH freewillfarm@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 8:13 AM
Peterson, Susan	Newton, NH Susanrp@aol.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:21 AM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 7:02 AM
Keilig, Carolyn	Hopkinton, NH revcehk@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:07 AM
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:14 AM
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:21 AM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:23 AM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:27 AM
Clark, Martha	Canterbury, NH mctraveler1@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 7:33 AM

Merrigan, Susan	Nashua, NH s.e.merrigan@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:47 AM
Meyers, Mary	Hancock, NH maryenrica@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:02 AM
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:36 AM
wilczynski, patricia	concord, NH patricia.wilczynski@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 9:12 AM
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Support	No	No	3/10/2021 9:16 AM
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Support	No	No	3/10/2021 9:22 AM
ingold, Kerry	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 9:30 AM
ingold, Peter	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 9:33 AM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Oppose	No	No	3/10/2021 9:33 AM
Newton, Jay	Gilford, NH Jjnewt@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:50 AM
Pugh, Stephen	AMHERST, NH miaferal@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 9:48 AM
Sargent, Elizabeth	Concord, NH esargent@sheehan.com	A Lobbyist	NH Association of Chiefs of Police	Oppose	No	No	3/10/2021 9:53 AM
Holt, David	Somersworth, NH dabholt@aol.com	A Member of the Public	Myself	Support	No	No	3/10/2021 10:01 AM
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 9:46 AM
Stark, Michael	Allenstown, NH mstark@allenstownnh.gov	A Member of the Public	Myself	Support	No	No	3/10/2021 10:42 AM
Gordon, Laurie	Weare, NH Lmgord23@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 10:47 AM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	3/10/2021 10:08 AM
Frost, Sherry	Dover, NH sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/10/2021 10:17 AM

Raby, John	New London, NH johnraby518@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 11:21 AM
Hannon, Joe	Lee, NH joehannon4nh@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 1:38 PM
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself (SD 4)	Support	No	No	3/5/2021 10:28 AM
Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	No	3/6/2021 10:08 AM
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	No	3/6/2021 12:13 PM
sauve, michael	Loudon, NH michael.s.sauve@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 3:43 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 4:27 PM
Kusch, Dan	Sandwich, NH Dan.kusch@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 4:55 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 7:54 PM
Reagan, Senator John	Deerfield, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 17	Support	No	No	3/7/2021 8:46 AM
Hruska, Jeanne	Concord, NH Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Support	No	No	3/7/2021 4:46 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	3/7/2021 6:04 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	3/7/2021 6:10 PM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 7:04 PM
Vaughan, Elizabeth	LITCHFIELD, NH lizfvaughan@hotmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 7:27 PM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	3/7/2021 8:06 PM
Briggs, Ronald	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 8:08 PM
McWilliams, Rebecca	Concord, NH rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No	3/7/2021 8:12 PM

Howland, Curt	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	3/7/2021 8:30 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	3/7/2021 8:48 PM
Dooley, Joleen	Bedford, NH Joleen35@hotmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 9:49 PM
Rosenwald, Cindy	Concord, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	No	3/8/2021 12:29 AM
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	3/8/2021 6:30 AM
Underwood, Jody	CROYDON, NH jodysun@gmail.com	An Elected Official	Myself	Support	No	No	3/8/2021 7:24 AM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	3/8/2021 8:30 AM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	3/8/2021 8:30 AM
Richards, Matthew	Manchester, NH mricha711@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:03 AM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:14 AM
Mooney, Bridget	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Support	No	No	3/8/2021 10:37 AM
Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 3:29 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 10:47 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	3/8/2021 11:02 AM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 11:52 AM
West, Christie	Mont Vernon, NH christiemwest@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 12:23 PM
Roy, Terry	Deerfield, NH terry.roy@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/8/2021 1:40 PM
Hayward, Marcia	Laconia, NH mjhayward131@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 2:25 PM

Durling, Susan	Hillsborough, NH suedurling603@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 3:59 PM
Weber, Jill	NH, NH jill@frazilfarms.com	A Member of the Public	Myself	Support	No	No	3/8/2021 5:59 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	3/8/2021 7:17 PM
Lamphier, Regan	Nashua, NH ReganBurkeLamphier@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 7:22 PM
Kelly, Fran	Amherst, NH Fr.kelly01@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 7:42 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 7:48 PM

Testimony

Bill as
Introduced

HB 546-FN - AS INTRODUCED

2021 SESSION

21-0764
04/10

HOUSE BILL **546-FN**

AN ACT relative to 911 immunity for reporting that a person has been the victim of a violent crime.

SPONSORS: Rep. Amanda Bouldin, Hills. 12; Rep. Andrew Bouldin, Hills. 12; Rep. Conley, Straf. 13; Rep. DiLorenzo, Rock. 17; Rep. Bordenet, Ches. 5; Rep. Meuse, Rock. 29; Rep. Roy, Rock. 32; Rep. Abbas, Rock. 8; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Reagan, Dist 17; Sen. Whitley, Dist 15

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides immunity from criminal charges for a person who reports to law enforcement that such person or another person has been the victim of a violent crime.

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 911 immunity for reporting that a person has been the victim of a violent crime.

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

1 1 Controlled Drug Act; Immunity From Liability. Amend RSA 318-B:28-b, II-III to read as
2 follows:

3 II. It shall be a defense to an offense of possessing or having under his or her control, a
4 controlled drug in violation of RSA 318-B:2 that a person in good faith and in a timely manner
5 requests medical assistance for another person who is experiencing a drug overdose, ***or in good***
6 ***faith and in a timely manner reports that another person has been the victim of a violent***
7 ***crime***. A person who in good faith and in a timely manner requests medical assistance for another
8 person who is experiencing a drug overdose, ***or in good faith and in a timely manner reports***
9 ***that another person has been the victim of a violent crime***, shall not be arrested, prosecuted, or
10 convicted for possessing, or having under his or her control, a controlled drug in violation of RSA
11 318-B-2, if the evidence for the charge was gained as a proximate result of the request for medical
12 assistance ***or the report to law enforcement***. ***In this paragraph, "violent crime" shall have***
13 ***the same meaning as in RSA 651:5, XIII.***

14 III. It shall be a defense to an offense of possessing or having under his or her control, a
15 controlled drug in violation of RSA 318-B:2 that a person who is experiencing a drug overdose, in
16 good faith and in a timely manner, requests medical assistance for himself or herself, ***or in good***
17 ***faith and in a timely manner reports that he or she has been the victim of a violent crime,***
18 ***or is the victim in a good faith and timely report of a violent crime***. A person who in good
19 faith requests, or is the subject of a good faith request for medical assistance, ***or in good faith and***
20 ***in a timely manner reports that he or she has been the victim of a violent crime, or is the***
21 ***victim in a good faith and timely report of a violent crime***, shall not be arrested, prosecuted, or
22 convicted for possessing, or having under his or her control, a controlled drug in violation of RSA
23 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical
24 assistance ***or the report to law enforcement***. ***In this paragraph, "violent crime" shall have***
25 ***the same meaning as in RSA 651:5, XIII.***

26 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 546-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to 911 immunity for reporting that a person has been the victim of a violent crime.

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 Decrease	Indeterminable Decrease	Indeterminable Decrease
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 Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill provides immunity from criminal charges for a person who reports to law enforcement that such person or another person has been a victim of violent crime. 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
Violation Level Offense	\$53	\$53
Class B Misdemeanor	\$55	\$55
Class A Misdemeanor	\$78	\$78
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. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.

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 – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
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.

It is assumed any fiscal impact would occur after July 1, 2021.

AGENCIES CONTACTED:

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