

# Committee Report

**REGULAR CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 557,**

**AN ACT relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement. Having considered the same, and being unable to agree with the Majority, report with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Amanda Bouldin**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 557
Title:	relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement.
Date:	March 10, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0746h

**STATEMENT OF INTENT**

This bill would repeal archaic language which permits the use of solitary confinement to punish prisoners who refuse to work. The Department of Corrections testified that they no longer use solitary confinement to punish prisoners and that they support updating the language to reflect current policies. There was no testimony in opposition to the bill.

Rep. Amanda Bouldin  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Criminal Justice and Public Safety

**HB 557**, relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Amanda Bouldin for the **Minority** of Criminal Justice and Public Safety. This bill would repeal archaic language which permits the use of solitary confinement to punish prisoners who refuse to work. The Department of Corrections testified that they no longer use solitary confinement to punish prisoners and that they support updating the language to reflect current policies. There was no testimony in opposition to the bill.

Original: House Clerk  
Cc: Committee Bill File

**REGULAR CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 557,**

**AN ACT relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement. Having considered the same, report the same with the following resolution:  
RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Scott Wallace**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 557</b>
Title:	<b>relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement.</b>
Date:	<b>March 10, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

This bill as written and introduced seeks to repeal the authority of the Department of Corrections to use close and solitary confinement in both the state prison system and county jails. According to testimony provided by the bills prime sponsor, the prohibition is "in name only" and the legislative intent does not actually prohibit the practice, rather the use of the phrase "close or solitary confinement". The committee heard from many stakeholders and, based upon that testimony, the state prison and county jails do not wish to be prevented from the use of close and or solitary confinement as it is a needed tool for discipline, protection of the accused in certain pretrial cases, and health care situations especially during a pandemic.

Vote 11-10.

Rep. Scott Wallace  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Criminal Justice and Public Safety

**HB 557**, relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for the **Majority** of Criminal Justice and Public Safety. HB 557 as written and introduced seeks to repeal the authority of the department of corrections to use close and solitary confinement in both the state prison system and county jails. According to testimony provided by the bills prime sponsor, the prohibition is "in name only" and the legislative intent does not actually prohibit the practice, rather the use of the phrase "close or solitary confinement". The committee heard from many stakeholders and based upon that testimony the state prison and county jails do not wish to be prevented from the use of close and or solitary confinement as it is a needed tool for discipline, protection of the accused in certain pretrial cases, and health care situations especially during a pandemic. The committee vote was 11-10 along party lines.

**Vote 11-10.**

Original: House Clerk  
Cc: Committee Bill File

Rep. Amanda Bouldin, Hills. 12  
Rep. Roy, Rock. 32  
March 9, 2021  
2021-0746h  
04/08

Amendment to HB 557

1 Amend the bill by replacing section 1 with the following:

2

3 1 The State Prisons; Discipline. RSA 622:14 is repealed and reenacted to read as follows:

4 622:14 Discipline. The commissioner of corrections may offer suitable encouragement and  
5 indulgences to those persons adjudicated and in custody with the department of corrections who  
6 distinguish themselves through appropriate conduct and engagement in rehabilitative activities, and  
7 may use appropriate correctional best practices in responding to violent behavior, escape threats,  
8 rioting, and behavior that adversely affects safety, security, or facility operations. Disciplinary  
9 sanctions, as the commissioner of corrections may from time to time prescribe, will be reasonable,  
10 just, and published in internal procedures.



Amendment to HB 557

- Page 2 -

2021-0746h

AMENDED ANALYSIS

This bill revises the disciplinary authority of commissioner of the department of corrections in state correctional facilities and repeals the authority of a county correctional facility superintendent to discipline an inmate using close or solitary confinement.

# Voting Sheets



2021 SESSION

Criminal Justice and Public Safety

Bill #: 557 Motion: ITC AM #: \_\_\_\_\_ Exec Session Date: 3/10/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	11		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S. <i>Spillane</i>	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.		1	
Pantelakos, Laura C. <i>Bilby</i>		2	
O'Hearne, Andrew S.		3	
Bordenet, John		4	
Meuse, David		5	
Newman, Ray E.		6	
Bouldin, Amanda C.		7	
Conley, Casey M.		8	
Klein-Knight, Nicole		9	
Bradley, Amy		10	



2021 SESSION

**Criminal Justice and Public Safety**

Bill #: \_\_\_\_\_ Motion: \_\_\_\_\_ AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

TOTAL VOTE:



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 557

BILL TITLE: Authority of state & county correctional facilities  
DATE: 3/17/2004 to discipline inmates using close or solitary confinement.

LOB ROOM: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Wallace Seconded by Rep. Platt Vote: 11/10

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

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

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

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

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

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

CONSENT CALENDAR: \_\_\_\_\_ YES \_\_\_\_\_ NO

Minority Report? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: \_\_\_\_\_

Rep. Jennifer Rhodes, Clerk

# Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 557

**BILL TITLE:** relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement.

**DATE:** March 10, 2021

**LOB ROOM:** hybrid                      **Time Public Hearing Called to Order:** 1:45 p.m.

**Time Adjourned:** 2:20 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. Andrew Bouldin

Rep. Bordenet

Rep. Roy

Rep. Gourgue

Rep. Meuse

Rep. Nutting-Wong

Rep. DiLorenzo

Rep. Alicea

Rep. K. Murray

TESTIMONY

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

Rep. Bouldin - Sponsor. Introduced bill . Prison laws are out dated and need to be brought into todays standards.

Rep. Bixby - Is there something more specific going to be in the rules?

A. yes

Helen Hanks - opposed. NH Dept. of corrections. The behavior and consequences have to be in line with one another.

Chelsea Manning - support. Prior, repeat prisoner - not fair.

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

# House Remote Testify

## Criminal Justice and Public Safety Committee Testify List for Bill HB557 on 2021-03-10

Support: 114 Oppose: 7 Neutral: 0 Total to Testify: 3

[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 7:50 PM
Manning, Chelsea	Brooklyn, NY me@xychelsea.is	A Member of the Public	Myself	Support	Yes (3m)	No	3/8/2021 7:50 PM
Hanks, Helen	Concord, NH helen.e.hanks@doc.nh.gov	State Agency Staff	NH Department of Corrections- Commissioner	Oppose	Yes (1m)	No	3/5/2021 1:14 PM
McManus, Wendy	ATKINSON, NH wendyzez@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 3:46 PM
Durling, Susan	Hillsborough, NH suedurling603@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 3:58 PM
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No	3/8/2021 5:58 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	3/8/2021 7:16 PM
Lamphier, Regan	Nashua, NH ReganBurkeLamphier@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 7:18 PM
Kelly, Fran	Amherst, NH Fr.kelly01@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 7:40 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 7:46 PM
Horgan, Kate	Concord, NH khorgan@dupontgroup.com	A Lobbyist	NH Association of Counties	Oppose	No	No	3/8/2021 1:55 PM
Roy, Terry	Deerfield, NH terry.roy@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/8/2021 2:00 PM
Hayward, Marcia	Laconia, NH mjhayward131@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 2:23 PM



Grossi, Anne	BEDFORD, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	3/4/2021 5:14 PM
Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	No	3/6/2021 9:59 AM
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	No	3/6/2021 12:11 PM
sauve, michael	Loudon, NH michael.s.sauve@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 3:41 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 4:26 PM
Kusch, Dan	Sandwich, NH Dan.kusch@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 4:51 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	3/6/2021 7:53 PM
Chimbolo, Catherine	Durham, NH cchimbolo925@icloud.com	A Member of the Public	Myself	Support	No	No	3/8/2021 1:16 AM
Kallinich, Kayla	Boston, MA kaylakal147@gmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 4:10 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	3/7/2021 6:03 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	3/7/2021 6:11 PM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 7:02 PM
Vaughan, Elizabeth	LITCHFIELD, NH lizfvaughan@hotmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 7:24 PM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	3/7/2021 8:04 PM
Briggs, Ronald	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 8:07 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	3/7/2021 8:46 PM
Hill, Conor	Ashuelot, NH conorhillnh@gmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 8:54 PM
Medeiros, Izzy	Durham, NH Im1066@wildcats.unh.edu	A Member of the Public	Myself	Support	No	No	3/7/2021 9:04 PM

Dooley, Joleen	Bedford, NH Joleen35@hotmail.com	A Member of the Public	Myself	Support	No	No	3/7/2021 9:47 PM
Huntley, William	Marlow, NH williamhuntley@bennington.edu	A Member of the Public	Myself	Support	No	No	3/8/2021 1:55 AM
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	3/8/2021 6:29 AM
Brungot, Eric	Columbia, NH viking102762@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/8/2021 8:06 AM
Lambert, Georgina	Belmont, NH georinatlambert@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 8:08 AM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	3/8/2021 8:27 AM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	3/8/2021 8:29 AM
Richards, Matthew	Manchester, NH mricha711@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:01 AM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:13 AM
Henrichon, Margaret	Bedford, NH mhenrichon@comcast.net	A Member of the Public	Myself	Support	No	No	3/8/2021 9:27 AM
DuBois, Mallory	Keene, NH mdubois1283@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:38 AM
Warner, Amy	Exeter, NH amywarner81@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:47 AM
Mooney, Bridget	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Support	No	No	3/8/2021 10:36 AM
Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 3:28 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 10:46 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	3/8/2021 11:01 AM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 11:51 AM
West, Christie	Mont Vernon, NH christiemwest@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 12:21 PM

Feder, Marsha	HOLLIS, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 8:02 PM
McGonagle, Sandra	Gilford, NH mcgonagle@metrocast.net	A Member of the Public	Myself	Support	No	No	3/8/2021 8:10 PM
Weber, Frank	NH, NH frank@frazilfarms.com	A Member of the Public	Myself	Support	No	No	3/8/2021 8:10 PM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:01 PM
Maybe, Kenneth	Greenville, NH kmbayne@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:10 PM
Green, Debra	Greenville, NH laffalot37@gmail.com	A Member of the Public	Myself	Support	No	No	3/8/2021 9:10 PM
Smith, Jennifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 11:09 AM
Cutshall, Catherine	Bedford, NH vivadofamily@aol.com	A Member of the Public	Myself	Support	No	No	3/9/2021 11:10 AM
van der Bijl, Dana	Deerfield, NH dana@vanderb.com	A Member of the Public	Myself	Support	No	No	3/9/2021 7:02 AM
Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:29 AM
Brown, Howard	Mont Vernon, NH hobro39@hotmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:30 AM
Brown, William	Mont Vernon, NH brownwd95@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:31 AM
Brown, Morgan	Mont Vernon, NH mmbrown1998@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:33 AM
Murray, Kate	New Castle, NH dr.karma2000@gmail.com	An Elected Official	Myself	Support	No	No	3/9/2021 9:30 AM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 11:26 AM
Smiley, Seth	Amherst, NH mrsethsmiley@yahoo.com	A Member of the Public	Myself	Support	No	No	3/9/2021 12:02 PM
Donovan, Julie	BEDFORD, NH julie.donovan@juno.com	A Member of the Public	Myself	Support	No	No	3/9/2021 1:02 PM
Adams, Thomas	Concord, NH priorpus@mac.com	A Member of the Public	NH Concerned Citizens for Judicial Reform	Oppose	No	No	3/9/2021 2:57 PM

Ehlers, Eileen	Hooksett, NH Eileensdesk@aol.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:38 PM
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 3:45 PM
Duryea, Wanda	Farmington, NH nh_cherokee@yahoo.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:46 PM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:47 PM
Hruska, Jeanne	Concord, NH Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Support	No	No	3/9/2021 12:24 PM
Robertson, Doreen	Bennington, NH valleylib@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 2:20 PM
Goldwater, Catherine	Milford, NH cathy.goldwater@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:54 PM
Perry, Brenda	Amherst, NH Bmperry65@msn.com	A Member of the Public	Myself	Support	No	No	3/9/2021 3:59 PM
bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Support	No	No	3/9/2021 4:45 PM
Elliott, Judith	Canterbury, NH jelliottnh@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 4:49 PM
Austin, Suzanne	Brentwood, NH suzanne321@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 6:14 PM
Pawley, Katherine	Bedford, NH kbpawley@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 6:30 PM
Carole, Kimberly	Bedford, NH Mskimberlycarole@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 5:10 PM
fagin, valerie	Rye, NH valerieagin@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 6:44 PM
Nutting-Wong, Allison	Nashua, NH allison.nuttingwong@leg.state.nh.us	An Elected Official	Hillsborough 32	Support	No	No	3/9/2021 7:55 PM
St Germain, Diane	Bedford, NH diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 9:28 PM
Dahl, Dana	Milford, NH danaldahl@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 10:01 PM
Atkinson, Matthew	Keene, NH mtthwatkinson@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:38 PM

Smith, Megan	Keene, NH msmith@antioch.edu	A Member of the Public	Myself	Support	No	No	3/9/2021 8:38 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 8:46 PM
Howe, Jana	Merrimack, NH Janahowedy@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 8:53 PM
Graham, Nancy	West Lebanon, NH nancygraham806@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 9:04 PM
Heath, Ruth	Canterbury, NH ruthmheath@comcast.net	A Member of the Public	Myself	Support	No	No	3/9/2021 10:42 PM
Sandler, Erin	Northwood, NH ersandleremberley@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 10:50 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	3/9/2021 11:06 PM
Blair, David	Dublin, NH orionblair@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 12:08 AM
Brookmeyer, Janet	Grantham, NH brookmeyermusic@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 6:19 AM
Petruccelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:47 AM
Petruccelli, Charles	Webster, NH chasmaxpet@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:48 AM
Meyers, Mary	Hancock, NH maryenrica@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:57 AM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 6:53 AM
Peterson, Susan	Newton, NH Susanrp@aol.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:23 AM
Merrigan, Susan	Nashua, NH s.e.merrigan@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:46 AM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 7:01 AM
Keilig, Carolyn	Hopkinton, NH revcehk@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:06 AM
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:13 AM

Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:18 AM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:21 AM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 7:25 AM
Clark, Martha	Canterbury, NH mctraveler1@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 7:30 AM
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Support	No	No	3/10/2021 9:14 AM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Oppose	No	No	3/10/2021 9:23 AM
ingold, Kerry	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/10/2021 9:28 AM
ingold, Peter	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/10/2021 9:32 AM
Newton, Jay	Gilford, NH Jjnewt@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 8:48 AM
Norton, Kenneth	Tilton, NH Knorton@naminh.org	A Lobbyist	NAMI NH The National Alliance on Mental Illness	Support	No	No	3/10/2021 9:00 AM
Pugh, Stephen	AMHERST, NH miaferal@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 9:46 AM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	No	3/10/2021 9:59 AM
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 9:44 AM
Gordon, Laurie	Weare, NH Lmgord23@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 10:45 AM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	3/10/2021 10:06 AM
Frost, Sherry	Dover, NH sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/10/2021 10:16 AM
Raby, John	New London, NH johnraby518@gmail.com	A Member of the Public	Myself	Support	No	No	3/10/2021 11:21 AM
Lascaze, Joseph	Bedford, NH jlascaze@comcast.net	A Member of the Public	Myself	Support	No	No	3/10/2021 11:33 AM

# Testimony

**Archived:** Friday, March 12, 2021 3:44:59 PM  
**From:** [Kate Horgan](#)  
**Sent:** Monday, March 8, 2021 2:01:41 PM  
**To:** ~House Criminal Justice and Public Safety  
**Subject:** HB 557  
**Importance:** Normal  
**Attachments:**  
HB 557 NHAC Letter 3.8.21.jpg ;

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Chairman Abbas and Members of the Criminal Justice and Public Safety Committee,  
Attached please find written testimony in regards to HB 557. Please let me know if you have any questions.

-Kate Horgan

Kathryn Horgan  
The Dupont Group  
29 School St. | Ste. 200 | Concord, NH 03301  
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[khorgan@dupontgroup.com](mailto:khorgan@dupontgroup.com)

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8395025

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**Archived:** Friday, March 12, 2021 3:44:58 PM  
**From:** [Lucinda Hope](#)  
**Sent:** Tuesday, March 9, 2021 11:36:08 AM  
**To:** [~House Criminal Justice and Public Safety](#)  
**Subject:** Constituent in SUPPORT of HB557  
**Importance:** Normal

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Members of the House Criminal Justice and Public Safety Committee —

I am in strong support of HB577.

Ending the use of solitary imprisonment is barbaric and long overdue.

It has been know for years that more often than not such treatment of a prisoner (or of anyone) causes far more damage than it remedies.

Please pass this bill, and let's hope it will become a law.

Sincerely,

Lucinda Hope, M.Ed.

**Archived:** Friday, March 12, 2021 3:44:57 PM  
**From:** Doug Iosue  
**Sent:** Wednesday, March 10, 2021 11:20:59 AM  
**To:** ~House Criminal Justice and Public Safety  
**Subject:** HB 557- submitted written testimony  
**Importance:** Normal  
**Attachments:**  
HB 557 Testimony 3-10-21.pdf ;

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*Good morning,  
I am registered to speak this afternoon on HB 557.  
In addition, I would like to submit the following written testimony (text below and by attachment to this email)*

*Thank you.*

*My name is Doug Iosue. Thank you for the opportunity to speak in opposition to HB 557. I am the Superintendent of Cheshire County Department of Corrections in Keene. I am also a licensed clinical social worker (LICSW) in the State of New Hampshire. I believe this makes me somewhat uniquely qualified to speak to this bill.*

*As I understand it, this bill would repeal the authority of the county correctional facilities to use punitive segregation in the management of inmate behavior. I would surmise that the underlying concern is, appropriately, about basic respect, human rights and the potential negative impact that can come with the stress of isolation; or that punitive segregation might be overused, too lengthy, or disproportionate to the legitimate needs for institutional security and to safely manage difficult inmate behaviors.*

*As you can imagine, violence, vandalism and other unwanted behaviors can be very prevalent in jails and prison and can be very frustrating and challenging for those of us charged with maintaining the safety of other inmates, the staff and the public. The challenge is how to maintain an environment that is consistently respectful and responsive to inmates' basic needs, while also having, communicating, and enforcing a system of clear expectations and rules. Further, of vital importance, is the having the ability to enforce the rules in a way that holds inmates personally accountable for their behavior, while also having a deterrent effect so that the inmate population as a whole understands that there is a strong culture of order and respect for the basic facility rules, the rights of fellow inmates and the officers and other staff.*

*Ideally, the use of punitive segregation is a last resort. We make every effort to manage inmate behavior through a comprehensive approach that includes many other elements. These include: assessing inmates risk levels and proper classification and housing, meeting inmates basic needs in a consistent, respectful manner and setting expectations for a high standard of positive behavior. It includes keeping inmates productively occupied, providing opportunities to feel good about themselves through programs and rehabilitative services, thereby decreasing the likelihood that they will seek to satisfy their need for reputation prestige, respect or esteem at the expense of other inmates or staff. There is a definite connection between unmet inmate needs and inmate misbehavior; when inmates' basic needs are not met they are more likely to seek to meet them in antisocial ways that violate rules and sometimes place others at risk.*

*Correctional officers need effective tools to hold inmates accountable for their behavior and manage the most challenging and protect the most vulnerable inmates. The humane treatment of inmates and the safety of correctional staff are not mutually exclusive; indeed, neither is possible without the other. I would suspect we all can agree that in order to run a safe, orderly correctional facility that, in fact, has the opportunity to be "corrective," that rules are needed and must be enforced, holding inmates accountable. You may argue, as I suppose the bill is implicitly suggesting, "yes. . .but why do you need segregation as a tool at all. . .don't you have other tools that can be used that aren't as harsh or restrictive?" While I fully understand this question, I'd like to offer an explanation, speaking to you now more as a clinical social worker, with over 30 years of training and experience in assessing, interpreting, managing and treating human behavior. I think it is important to understand that the rules and laws that make perfect sense to most of us on the outside and for many of us here today do not translate well to the inmate population in*

general, or to a correctional setting. To explain further, there is a certain culture that exists within our correctional facilities and is very prevalent in the mindset of many, though certainly not all, inmates. It is well established that many inmates have antisocial personality disorder, or at a minimum, antisocial traits. Research tells us that the level of ethical reasoning and moral development among those that commit crimes is typically lower; particularly those that commit crimes frequently or at a level that results in incarceration. For someone with antisocial personality disorder, the process of ethical reasoning and decision-making is typically based more on what is personally satisfying and what one can "get away with" than what is morally "right" or "just" or out of respect for rules or the law. There is a generally understood term for much of this - the "street code . . . or, in jail or prison, the "inmate code." So, for example, in our world we might think if an inmate knows that they will lose canteen privileges or visitation privileges as a consequence for verbally intimidating or threatening others, or for fighting someone, then he/she would be dissuaded from those behaviors. These lesser consequences would, perhaps act as suitable deterrents to misbehavior in many cases. However, in the mindset of many inmates, who have antisocial personality disorder, the thinking and code would be quite different. Rather, it would be along the lines of "if I can pound on this guy and safe face and gain status in the dayroom by throwing a few punches and all I'll get is a loss of minor privileges I'll call that a bargain." Even when punitive segregation is used, we certainly hear many inmates say that receiving 15 days punitive segregation was "worth it." Again, remembering that jail is not the real world and, in here, justifying certain behaviors and only paying with 15 days seg time is a worthwhile cost-benefit analysis in the mind of an inmate who's already stuck serving a year or more in the case of a prison sentence. While punitive segregation is an intervention of last resort, to completely remove this as one potential behavior management tool would greatly hamper the staff. And, about the staff, I would be remiss if I didn't speak about the importance of this especially to the officers on the front-line. Please keep in mind that being a correctional officer is not an easy job. With an average pay of \$17 or \$18 per hour Officers are asked to put up with and manage some extremely rude, disrespectful and distasteful behaviors. They are insulted, sworn at, threatened, and at times their families are threatened. And, all the while, they continue to treat the inmates with the utmost respect and professionalism. To take away punitive segregation as an available tool would render the staff much more helpless in the face of some of the most aggressive and unsafe behaviors. It would be very demoralizing and, and in my worst fear, lead to many resignations of good officers.

Finally, it is important to understand that disciplinary or punitive segregation is not a random or unregulated process. It involves very strict standards in terms of inmate rights and due process. It is governed by clear, specific policies for determining under what conditions, and for what conduct, an inmate can be placed in segregation as a response to an alleged disciplinary violation—both during the investigative stage and after an adjudication of guilt. Disciplinary segregation is designed to punish an inmate for violating a specific disciplinary rule. The disciplinary process and procedures follow certain established standards, are in written policy, and have multiple layers of review designed to protect the inmates' interests and rights. This starts with a review at a supervisory level to ensure that the offense was not simply a minor offense and that it met established criteria as an offense that poses a threat to institutional safety and security (i.e. - a threat to self, other inmates, staff, or behavior that threatens the safe operation of the facility). The inmate is then entitled to a hearing by an impartial disciplinary board outside of officers or the chain of command that was involved in the alleged original incident. This hearing must be held within a reasonable time, but with at least 24 hours advanced notice of the hearing. An inmate has the right to know the charges against him or her, the right to prepare statements and/or call witnesses. If found guilty at the hearing, the inmate is typically placed in segregation for a determinate term—akin to a prison sentence in a criminal proceeding—and then released back to general population. Facilities also have written rules as to the maximum duration of punitive segregation. In Cheshire County this would typically not exceed 15 days.

In summary, there is no disagreement that the best operating philosophy and policy is to always use the least restrictive setting and intervention necessary, for as short a time as possible, to ensure the safety of a particular inmate, as well as that of others. However, I ask you to keep in mind the context and circumstances that corrections operates in, the very challenging population that we are charged with caring for and managing in a jail or prison environment that is ultimately very artificial. If punitive segregation were to be removed as an available intervention and tool to effectively do our jobs, I'm not sure what the alternative would be?; for example in maintaining safety in the aftermath of a violent assault. I urge you to vote against this bill. I hope this will be the case, as I have no doubt that, if punitive segregation were to be removed as a correctional intervention, it would detract from our ability to operate safely and securely. It would hamper our ability to maintain an all-important overall culture of order and respect in our correctional facilities in the State.

Submitted by:

*Douglas L. Iosue, LICSW  
Superintendent, Cheshire County Department of Corrections*

Douglas L. Iosue, LICSW  
Superintendent  
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Bill as  
Introduced

HB 557 - AS INTRODUCED

2021 SESSION

21-0779

04/08

HOUSE BILL **557**

AN ACT relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement.

SPONSORS: Rep. Amanda Bouldin, Hills. 12; Rep. Andrew Bouldin, Hills. 12; Rep. Bordenet, Ches. 5; Rep. Roy, Rock. 32; Rep. Gourgue, Straf. 25; Rep. Meuse, Rock. 29; Rep. Nutting-Wong, Hills. 32; Rep. DiLorenzo, Rock. 17; Rep. Alicea, Merr. 8; Rep. K. Murray, Rock. 24

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill repeals the authority of commissioner of the department of corrections and a county correctional facility to discipline an inmate using close or solitary confinement.

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

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                   relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement.

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

1           1 The State Prisons; Discipline. Amend RSA 622:14 to read as follows:

2           622:14 Discipline. The commissioner of corrections may offer suitable encouragement and  
3 indulgences to those convicts who distinguish themselves by obedience, industry, and faithfulness[;  
4 and may punish any convict guilty of insolence or ill language to any officer of the prisons or guilty of  
5 obstinate and refractory behavior by solitary imprisonment not more than 30 days at one time or by  
6 such other reasonable and effective modes of punishment and discipline as the commissioner of  
7 corrections may from time to time prescribe].

8           2 Repeal. RSA 30-B:7, relative to the authority of a county correctional facility to discipline an  
9 inmate using close confinement, is repealed.

10          3 Effective Date. This act shall take effect 60 days after its passage.