

Bill as Introduced

HB 615-FN - AS AMENDED BY THE HOUSE

24Feb2021... 0124h

2021 SESSION

21-0189
04/06

HOUSE BILL **615-FN**

AN ACT reducing the penalty for certain first offense drug possession charges.

SPONSORS: Rep. Seaworth, Merr. 20; Rep. Verville, Rock. 2; Rep. Potucek, Rock. 6; Rep. Conley, Straf. 13; Rep. Roy, Rock. 32; Sen. Reagan, Dist 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill reduces the penalty for certain first offense drug 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 reducing the penalty for certain first offense drug possession charges.

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

1 1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I to read as follows:

2 I. Any person who manufactures, sells, prescribes, administers, or transports or possesses
3 with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any
4 preparation containing a controlled drug, except as authorized in this chapter; or manufactures,
5 sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1)
6 any substance which he *or she* represents to be a controlled drug, or controlled drug analog, or (2)
7 any preparation containing a substance which he *or she* represents to be a controlled drug, or
8 controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

9 (a) In the case of a violation involving any of the following, a person shall be sentenced
10 to a maximum term of imprisonment of not more than ~~[30]~~ **20** years, a fine of not more than
11 ~~[\$500,000]~~ **\$300,000**, or both. If any person commits such a violation after one or more prior offenses
12 as defined in RSA 318-B:27, such person may be sentenced to a maximum term of life imprisonment,
13 a fine of not more than ~~[\$500,000]~~ **\$350,000**, or both:

14 (1) Five ounces or more of a mixture or substance containing any of the following,
15 including any adulterants or dilutants:

16 (A) Coca leaves, except coca leaves and extracts of coca leaves from which
17 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

18 (B) Cocaine other than crack cocaine, its salts, optical and geometric isomers,
19 and salts of isomers; or

20 (C) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

21 (2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more
22 including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10
23 grams or more including any adulterants or dilutants.

24 (3) Heroin or its analog~~[-]~~ *or* crack cocaine, ~~[or a fentanyl class drug]~~ in a quantity of
25 5 grams or more, including any adulterants or dilutants.

26 (4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including
27 adulterants or dilutants.

28 (5) ***A fentanyl class drug in a quantity of .5 gram, or more, including any***
29 ***adulterants or dilutants.***

30 (b) In the case of a violation involving any of the following, a person may be sentenced to
31 a maximum term of imprisonment of not more than ~~[20]~~ **15** years, a fine of not more than ~~[\$300,000]~~

1 **\$100,000**, or both. If any person commits such a violation after one or more prior offenses as defined
2 in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than ~~[40]~~ **30**
3 years, a fine of not more than ~~[\$500,000]~~ **\$150,000**, or both:

4 (1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other
5 than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

6 (2) A substance classified in schedule I or II other than those specifically covered in
7 this section, or the analog of any such substance, in a quantity of one ounce or more including any
8 adulterants or dilutants;

9 (3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100
10 milligrams including any adulterants or dilutants, or where the amount is undetermined, or
11 phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or
12 dilutants, or where the amount is undetermined;

13 (4) Heroin or its analog~~[;]~~ **or** crack cocaine, ~~[or a fentanyl class drug]~~ in a quantity of
14 one gram or more, including any adulterants or dilutants;

15 (5) Methamphetamine or its analog, in a quantity of one ounce or more including any
16 adulterants or dilutants;

17 (6) Marijuana in a quantity of 5 pounds or more including any adulterants or
18 dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;

19 (7) Flunitrazepam in a quantity of 500 milligrams or more;

20 (8) ***A fentanyl class drug in a quantity of .25 gram or more, including any***
21 ***adulterants or dilutants.***

22 (c) In the case of a violation involving any of the following, a person may be sentenced to
23 a maximum term of imprisonment of not more than ~~[7]~~ **5** years, a fine of not more than ~~[\$100,000]~~
24 **\$50,000**, or both. If any person commits such a violation after one or more prior offenses as defined
25 in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more
26 than ~~[15]~~ **10** years, a fine of not more than ~~[\$200,000]~~ **\$100,000**, or both:

27 (1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other
28 than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

29 (2) A substance or mixture classified as a narcotic drug in schedule I or II other than
30 those specifically covered in this section, or the analog of any such substance, in a quantity of less
31 than one ounce including any adulterants or dilutants;

32 (3) Methamphetamine, or its analog in a quantity of less than one ounce including
33 any adulterants or dilutants;

34 (4) Heroin or its analog~~[;]~~ **or** crack cocaine, ~~[or a fentanyl class drug]~~ in a quantity of
35 less than one gram, including any adulterants or dilutants;

36 (5) Marijuana in a quantity of one ounce or more including any adulterants or
37 dilutants, or hashish in a quantity of 5 grams or more including any adulterants or dilutants;

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1 (6) Flunitrazepam in a quantity of less than 500 milligrams;

2 (7) Any other controlled drug or its analog, other than those specifically covered in
3 this section, classified in schedules I, II, III or IV;

4 (8) *A fentanyl class drug in a quantity of less than .25 gram, including any*
5 *adulterants or dilutants.*

6 (d) In the case of a violation involving any of the following, a person may be sentenced to
7 a maximum term of imprisonment of not more than 3 years, a fine of not more than [~~\$25,000~~]
8 **\$15,000**, or both. If any person commits such a violation after one or more prior offenses as defined
9 in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more
10 than [~~6~~] **5** years, a fine of not more than [~~\$50,000~~] **\$30,000**, or both:

11 (1) Marijuana in a quantity of less than one ounce including any adulterants or
12 dilutants, or hashish in a quantity of less than 5 grams including any adulterants or dilutants;

13 (2) Any schedule V substance or its analog.

14 2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(a) to read as follows:

15 (a) [~~In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV,~~
16 ~~other than those specifically covered in this section, the person shall be guilty of a class B felony,~~
17 ~~except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may~~
18 ~~be imposed. If any person commits such a violation after one or more prior offenses as defined in~~
19 ~~RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the~~
20 ~~provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed.] *In the case of a*
21 *controlled drug or its analog, other than those specifically covered in this section, the*
22 *person shall be guilty of a misdemeanor, except that any person who commits any such*
23 *violation after one or more prior offenses as defined in RSA 318-B:27 may be charged with a*
24 *class B felony or a misdemeanor at the discretion of the prosecuting authority.*~~

25 3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, V-VIII to read as follows:

26 V. Any person who violates this chapter by manufacturing, selling, prescribing,
27 administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled
28 drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private
29 elementary, secondary, or secondary vocational-technical school, may be sentenced to a term of
30 imprisonment or fine, or both, up to twice that otherwise authorized by this section. [~~Except to the~~
31 ~~extent a greater minimum sentence is otherwise provided by this chapter, a sentence imposed under~~
32 ~~this paragraph shall include a mandatory minimum term of imprisonment of not less than one year.~~
33 ~~Neither the whole nor any part of the mandatory minimum sentence imposed under this paragraph~~
34 ~~shall be suspended or reduced.]~~

35 VI. Except as otherwise provided in this paragraph, a person convicted under RSA 318-B:2,
36 XII as a drug enterprise leader [~~shall~~] *may* be sentenced to [~~a mandatory minimum term of not less~~
37 ~~than 25 years and may be sentenced to~~] *an extended term of imprisonment which may include*

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1 a maximum term of not more than life imprisonment. The court may also impose a fine not to
2 exceed \$500,000 or 5 times the street value of the controlled drug or controlled drug analog involved,
3 whichever is greater. [~~Upon conviction, the court shall impose the mandatory sentence unless the~~
4 ~~defendant has pleaded guilty pursuant to a negotiated agreement or, in cases resulting in trial, the~~
5 ~~defendant and the state have entered into a post conviction agreement which provides for a lesser~~
6 ~~sentence. The negotiated plea or post conviction agreement may provide for a specified term of~~
7 ~~imprisonment within the range of ordinary or extended sentences authorized by law, a specified fine,~~
8 ~~or other disposition. In that event, the court at sentencing shall not impose a lesser term of~~
9 ~~imprisonment or fine than that expressly provided for under the terms of the plea or post conviction~~
10 ~~agreement.]~~

11 VII. Any person who violates RSA 318-B:2, XI may be sentenced to a maximum term of
12 imprisonment of not more than [20] 15 years, a fine of not more than [\$300,000] \$150,000, or both.
13 If any person commits such a violation after one or more prior offenses, as defined in RSA 318-B:27,
14 such person may be sentenced to a term of imprisonment of not more than [40] 30 years, a fine of not
15 more than \$500,000, or both.

16 VIII. Any person who knowingly or purposely obtains or purchases (1) any substance which
17 he *or she* represents to be a controlled drug or controlled drug analog, or (2) any preparation
18 containing a substance which he *or she* represents to be a controlled drug or controlled drug analog,
19 except as authorized in this chapter, shall be guilty of a misdemeanor. If any person commits such a
20 violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a
21 class B felony.

22 4 Repeal. RSA 318-B:26, II(b), relative to maximum sentences for certain drug violations, is
23 repealed.

24 5 Effective Date. This act shall take effect January 1, 2022.

HB 615-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2021-0124h)

AN ACT reducing the penalty for certain first offense drug possession charges.

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	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
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 reduces the penalty for certain first offense drug offenses. The Judicial Branch provided the following analysis of the bill:

- By converting the crime from a felony to a misdemeanor, the cases would be tried in the Circuit Court unless a transfer to Superior Court is granted. Defendants convicted of a Class A misdemeanor in Circuit Court are entitled to a de novo jury trial in the Superior Court.
- Given the fines and penalty assessments collected in 2019 and 2020, it is not expected that the proposed change in fines would substantively impact revenues.
- If the bill becomes law, it will burden Circuit Court resources with the shift in cases from felonies tried in the Superior Court to misdemeanors tried in the Circuit Court, but will remove some of those cases from the Superior Court. It is not known how many of Class A misdemeanor convictions in the Circuit Court would be tried de novo in the Superior Court following a conviction in Circuit Court.
- The cost per misdemeanor case in Circuit Court is generally less than the cost per felony case in the Superior Court. The data on costs for routine criminal cases available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times that are more than fifteen years old so the data does not have current validity. The

Judicial Branch received authority to update this cost data in 2020, but due to the COVID state of emergency, the Branch has been unable to complete that analysis.

- The Branch is unable to determine the fiscal impact of lowering the maximum fines on cases subject to sentencing under RSA 318-B:26, I, VII or VIII.

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 below have provided the potential costs associated with these penalties below.

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

The Department of Justice would not necessarily be involved in the prosecution of such offenses, the majority of which would be handled by municipal prosecutors and the county attorneys. Appeals from any convictions from any such offenses would be handled by the Criminal Justice Bureau and could be done within the current budget. To the extent the Department of Justice is involved with the prosecution of such offenses, the Department does not anticipate any financial impact. The Attorney General’s Drug Task Force investigates street-level crimes that sometimes

involve the sale and possession of controlled drugs, including marijuana. If this bill were to pass, the task force's efforts may be redirected. The Department does not anticipate savings to the task force would result from this bill.

AGENCIES CONTACTED:

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

Amendments

Floor Amendment to HB 615-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT amending the penalties for certain drug offenses under the controlled drug act.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I to read as follows:

8 I. Any person who manufactures, sells, prescribes, administers, or transports or possesses
9 with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any
10 preparation containing a controlled drug, except as authorized in this chapter; or manufactures,
11 sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1)
12 any substance which he *or she* represents to be a controlled drug, or controlled drug analog, or (2)
13 any preparation containing a substance which he *or she* represents to be a controlled drug, or
14 controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

15 (a) In the case of a violation involving any of the following, a person shall be sentenced
16 to a maximum term of imprisonment of not more than 30 years, a fine of not more than \$500,000, or
17 both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-
18 B:27, such person may be sentenced to a maximum term of life imprisonment, a fine of not more
19 than \$500,000, or both:

20 (1) Five ounces or more of a mixture or substance containing any of the following,
21 including any adulterants or dilutants:

22 (A) Coca leaves, except coca leaves and extracts of coca leaves from which
23 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

24 (B) Cocaine other than crack cocaine, its salts, optical and geometric isomers,
25 and salts of isomers; or

26 (C) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

27 (2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more
28 including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10
29 grams or more including any adulterants or dilutants.

30 (3) Heroin or its analog[~~s~~] *or* crack cocaine, [~~or a fentanyl class drug~~] in a quantity of
31 5 grams or more, including any adulterants or dilutants.

1 (4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including
2 adulterants or dilutants.

3 (5) *A fentanyl class drug in a quantity of .5 gram, or more, including any*
4 *adulterants or dilutants.*

5 (b) In the case of a violation involving any of the following, a person may be sentenced to
6 a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or
7 both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-
8 B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of
9 not more than \$500,000, or both:

10 (1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other
11 than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

12 (2) A substance classified in schedule I or II other than those specifically covered in
13 this section, or the analog of any such substance, in a quantity of one ounce or more including any
14 adulterants or dilutants;

15 (3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100
16 milligrams including any adulterants or dilutants, or where the amount is undetermined, or
17 phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or
18 dilutants, or where the amount is undetermined;

19 (4) Heroin or its analog^[7] *or* crack cocaine, [~~or a fentanyl class drug~~] in a quantity of
20 one gram or more, including any adulterants or dilutants;

21 (5) Methamphetamine or its analog, in a quantity of one ounce or more including any
22 adulterants or dilutants;

23 (6) Marijuana in a quantity of 5 pounds or more including any adulterants or
24 dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;

25 (7) Flunitrazepam in a quantity of 500 milligrams or more;

26 (8) *A fentanyl class drug in a quantity of .25 gram or more, including any*
27 *adulterants or dilutants.*

28 (c) In the case of a violation involving any of the following, a person may be sentenced to
29 a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or
30 both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-
31 B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years,
32 a fine of not more than \$200,000, or both:

33 (1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other
34 than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

35 (2) A substance or mixture classified as a narcotic drug in schedule I or II other than
36 those specifically covered in this section, or the analog of any such substance, in a quantity of less
37 than one ounce including any adulterants or dilutants;

Floor Amendment to HB 615-FN
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1 (3) Methamphetamine, or its analog in a quantity of less than one ounce including
2 any adulterants or dilutants;

3 (4) Heroin or its analog~~[7]~~ **or** crack cocaine, ~~[or a fentanyl class drug]~~ in a quantity of
4 less than one gram, including any adulterants or dilutants;

5 (5) Marijuana in a quantity of one ounce or more including any adulterants or
6 dilutants, or hashish in a quantity of 5 grams or more including any adulterants or dilutants;

7 (6) Flunitrazepam in a quantity of less than 500 milligrams;

8 (7) Any other controlled drug or its analog, other than those specifically covered in
9 this section, classified in schedules I, II, III or IV;

10 (8) ***A fentanyl class drug in a quantity of less than .25 gram, including any***
11 ***adulterants or dilutants.***

12 (d) In the case of a violation involving any of the following, a person may be sentenced to
13 a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both.
14 If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27,
15 such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine
16 of not more than \$50,000, or both:

17 (1) Marijuana in a quantity of less than one ounce including any adulterants or
18 dilutants, or hashish in a quantity of less than 5 grams including any adulterants or dilutants;

19 (2) Any schedule V substance or its analog.

20 2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, VIII to read as follows:

21 VIII. Any person who knowingly or purposely obtains or purchases (1) any substance which
22 he **or she** represents to be a controlled drug or controlled drug analog, or (2) any preparation
23 containing a substance which he **or she** represents to be a controlled drug or controlled drug analog,
24 except as authorized in this chapter, shall be guilty of a misdemeanor. If any person commits such a
25 violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a
26 class B felony.

27 3 Effective Date. This act shall take effect January 1, 2022.

2021-1418s

AMENDED ANALYSIS

This bill amends the penalties for certain drug offenses under the controlled drug act.

Committee Minutes

**AMENDED
SENATE CALENDAR NOTICE
Judiciary**

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Harold French, Member
Sen Rebecca Whitley, Member
Sen Jay Kahn, Member

Date: April 7, 2021

HEARINGS

Tuesday	04/13/2021	
(Day)	(Date)	
Judiciary	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 108-FN-LOCAL relative to minutes and decisions in nonpublic sessions under the right-to-know law.	
1:15 p.m.	HB 178-FN relative to the parole of prisoners and the procedures of the adult parole board.	
1:30 p.m.	HB 239-FN relative to prosecutions for certain assaults against minors.	
1:45 p.m.	HB 270-FN relative to post-conviction DNA testing.	
2:00 p.m.	HB 296-FN establishing the crime of unsolicited disclosure of an intimate image.	
2:15 p.m.	HB 615-FN reducing the penalty for certain first offense drug possession charges.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/91749966342>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +13017158592,,91749966342# or +13126266799,,91749966342#
4. Webinar ID: **917 4996 6342**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 108-FN-LOCAL

Rep. Ulery

Rep. Spillane

Rep. McGuire

Rep. T. Lemas

HB 178-FN

Rep. Abbas

Sen. Daniels

HB 239-FN

Rep. Abramson

Rep. Ankarberg

HB 270-FN

Rep. Conley

Rep. Schapiro

Rep. Moran

Rep. Cushing

HB 296-FN

Rep. Nutting-Wong

Rep. Frost

HB 615-FN

Rep. Seaworth

Rep. Verville

Rep. Potucek

Rep. Conley

Rep. Roy

Sen. Reagan

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 615-FN, reducing the penalty for certain first offense drug possession charges.

Hearing Date: April 13, 2021

Time Opened: 2:16 p.m.

Time Closed: 3:08 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill reduces the penalty for certain first offense drug offenses.

Sponsors:

Rep. Seaworth

Rep. Verville

Rep. Potucek

Rep. Conley

Rep. Roy

Sen. Reagan

Who supports the bill: 96 people signed up in support of the bill. Full sign in sheet available upon request.

Who opposes the bill: 78 people signed up in opposition to the bill. Full sign in sheet available upon request.

Who is neutral on the bill: 2 people signed up in a neutral position on the bill. Full sign in sheet available upon request.

Summary of testimony presented in support:

Representative Seaworth

- The goal of the bill is to rationalize penalties specified for nonviolent drug offenses.
- This adjusts the range of sentencing to course more closely with what is happening in the courts.
- The typical penalty will not be affected by this as it would fall within the adjusted sentencing requirements.
- It eliminates some of the extreme upper penalty limits that are almost never used.
- Part 1 changes the felony charge for first time simple offenses to a misdemeanor.
- Part 2 deals with several cases of the minimum sentencing for various drug offenses.

- Part 3 reduces some of the maximum sentences for the prison terms and fines for possession with intent to sell.
- Part 4 deals with the concerns with fentanyl by having the upper penalties lowered, but the amounts that trigger those upper penalties also lowered addressing fentanyl more strictly.
- This is a bipartisan, sensible, drug reform bill.

Joseph Lascaze (ACLU)

- Supports the bill in whole but focusing on the provision to reduce the possession charge from a felony to a misdemeanor.
- NH has experienced an opioid crisis that we are still dealing with the ripple effects of.
- A felony record is often a permanent consequence, to what can be a temporary situation.
- Sometimes a person only needs a wake-up call and some guidance to change their trajectory.
- This would only apply to possession charges, not trafficking, selling, or distribution.
- We need to endeavor to treat substance misuse as an underlying condition rather than criminalize it, especially when someone has their first initial brush with the criminal justice system.
- Senator Whitley asked if this only applies to possession, not distribution or selling.
 - Correct. This would only apply to personal possession and that charge would be determined by a prosecutor after evaluating and looking at the case.
- Senator Whitley asked how this bill factors into getting people treatment.
 - This would provide the opportunity to access alternatives to incarceration, as they may not have access to certain alternatives with a felony record. Will be providing written testimony with more information on this.
- Senator Gannon asked if most people who possess are selling to pay for their habit.
 - Can only speak from personal experience. Knows people who have gotten further down the criminal path to support their use. However, if those individual's initial use had been treated, they could have avoided that trajectory.
- Senator Carson pointed out that page 1, line 2 states 'Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell,' and on page 3, line 27 'possessing with intent to sell, dispense, or compound any controlled drug or its analog,' Asked if this bill is just talking about simple possession.
 - Looking at Section 2 it strikes a class B felony, moving it down to a misdemeanor for possession only.

Ross Connolly (Americans for Prosperity)

- This bill would prioritize drug treatment and rehabilitation over punitive sentencing for first time simple drug possession.
- We as a state we must be critical of our existing policies to derive what works and what does not in combating addiction.
- First time drug possessions should not result in a lifelong set back.
- This bill makes small incremental changes to drug possession statutes to prioritize effective treatment.
- This bill gives judges more discretion in sentencing and gives addicts a chance to change their lives after a first time run in with a drug crime.
- There is life after addiction, and we should give that opportunity to struggling Granite Staters who have unfortunately fallen into a life of dependence on drugs.

Jake Berry (New Futures) (provided written testimony)

- New Futures recognizes substance use disorders as a chronic relapsing condition of the brain.
- It is important to give individuals access to treatment rather than simply sending them to jail.
- This bill is an important next step in combating the drug crisis.
- This will help reduce recidivism, increase access to treatment, and save tax dollars.
- Senator Whitley asked how this bill impacts the reduction of recidivism.
 - The earlier we can help people to access treatment the more likely they are to achieve and maintain long term recovery. Although there are relapses that can occur, being surrounded by the resource they need means they are less likely to pursue further levels of drug use.
- Senator Gannon asked for the data on recidivism.
 - Does not have them off hand, but the Drug Court Systems do track those numbers. Would be happy to report back to the Committee with that data.
- Senator Kahn asked if there are other statutes in place, like diversion programs, that provide court assisted treatment for offenders.
 - NH does have Drug Courts in every county except Sullivan. Generally, those courts would not capture individuals with a first-time possession charge. So there is not really a diversion program available to that group. This bill does not address treatment, but believes individuals are best able to access and complete treatments when at home and not in the system. Prisons and jails have gone far to provide treatment in-house but that is a work in progress. By eliminating this as a felony level offense it gets rid of certain obstacles to things like stable housing and employment that effect someone's recovery.

Ryan Fowler

- Is in long term recovery, a certified recovery support worker, and a member of the Governor's Opioid Taskforce.
- Prohibition does not work.

- Scheduling drugs has never stopped anyone from using.
- Supports decriminalizing the possession of drugs.
- Increasing the penalties for fentanyl makes no sense.
- Fentanyl is a product of prohibition and criminalization and further criminalizing fentanyl will only make the problem worse.
- The drug supply has gone from poppies to opium to heroin to synthetics to fentanyl to carfentanil.
- Further criminalizing fentanyl will result in a more dangerous drug supply and refine the drug supply.
- The scheduling in this bill is subjective and not founded in science.
- This will only criminalize low-income individuals.
- Law enforcement has no business addressing health issues like drug use.
- If we were to move away from criminalization to an evidence-based model NH would save money, free up law enforcement, and enhance respect for law enforcement.

Asma Elhuni (Rights in Democracy)

- Supports the bill except for the increase of penalties on fentanyl, as that creates more dangerous situations for those who need the most help.
- The cost to incarcerate a person is \$35,000 a year.
- Incarcerating people for their drug use does not have any positive impacts on their health or their drug use.
- We should be reinvesting that money in evidence-based interventions like harm reduction programs, overdose prevention programs, and medication for opioid use.
- Overdose deaths has been the leading cause of accidental deaths in NH for many years.
- NH's overdose rate is 33.1 per 100,000, while the national average is 20.7 per 100,000 (2018)
- NH had the 6th highest overdose rate in the country.
- Reducing simple possession from a felony to a misdemeanor will not significantly impact overdose deaths, HIV transmission, hepatitis infections, or any other public health metrics, but it is an important first step in dismantling the war on drugs and mass incarceration.

Summary of testimony presented in opposition:

Chief Bryfonski (Association of Chiefs of Police)

- Strongly disagrees that this bill deals only with possessory elements and quantities of some of the most lethal drugs.
- The last three officer involved shootings resulting in deaths of individuals in NH all involved methamphetamine.
- To consider the amounts of drugs discussed in this bill to be non-violent is a stark contrast to the reality in what police are dealing with on the street.

- Fentanyl has brought the bulk of the 3,397 deaths associated with drug overdoses since 2012.
- The latest numbers show we are going to suffer 406 overdose deaths in NH in 2020. There were 415 in 2019.
- The quantities involved in this bill are drug trafficking quantities.
- To reduce the penalties with respect to the quantities involved sends the wrong message.
- Most counties have Drug Courts, and prosecutors are routinely funneling personal use quantity individuals into drug courts.
- Police agencies try their best to divert people into treatment and recovery rather than into the criminal justice system.
- The judiciary still needs to be able to use and leverage the higher-level limits to dissuade and discourage drug traffickers in NH.
- Senator Whitley asked if the bill retains prosecutorial discretion.
 - That is true, and prosecutors certainly look at quantities to determine whether an individual should be facing trafficking charges instead of possession charges. This bill is attempting to correct a problem that does not exist. The drug possession limits are already well defined in RSA318-B and handled quite effectively and efficiently. This is with the recognition that people will end up in treatment in many cases because the criminal justice system has leverage over them.
- Senator Whitley asked if it is true the decision about whether to charge trafficking or possession remains with the prosecutor.
 - That is correct.

Neutral Information Presented:

Jeff Odland (NH Association of Criminal Defense Lawyers) (provided written testimony)

- In reference to the question regarding whether or not this only applies to possession, RSA 318-B:2 lists drug offenses and RSA 318-B:26 lists the penalties.
- RSA 318-B:2 I lists the trafficking offenses and II lists the possession offenses.
- Therefore, the only offense being reduced to a misdemeanor is simple possession offenses.
- Supports the bill with one reservation to lowering the drug weights in respect to fentanyl.
- The thrust of this legislation is to bring statutes in line with the sentencing in the courts.
- By changing the weights in regard to fentanyl it will result in harsher punishment for fentanyl related offenses that is not logical in the context of the bill.
- For all intents and purposes there is no heroin in NH anymore.

- Has represented 100s of people in opioid related cases over the past four years and steadily fentanyl has increased to the point that cannot say the last time he saw a drug tested as heroin.
- The opiates on the street are all fentanyl.
- Street level dealers and users still refer to fentanyl as heroin.
- Typically .1g of fentanyl will sell on the street for about \$20.
- The current legislation makes possession with intent highest tier offense .5 g.
- This is reducing from a threshold of \$1,000 of drugs to get to that top penalty down to \$100.
- The people who are simple users will not be affected by this because they are not dispensing these drugs.
- High level traffickers will not be affected by changing this from 5g to .5g because they are trafficking in amounts well above 5g.
- The people who will be affected by this are those who are low level users who are dispensing small amounts of drugs to support their own habits.
- Those individuals will now find themselves in the highest tiers of punishments.
- Would like the drug weights to be the same across the bill.

jch

Date Hearing Report completed: April 14, 2021

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill HB615 on 2021-04-13

Support: 96 Oppose: 79 Neutral: 2 Total to Testify: 10

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Fowler, Ryan	iamtheow@live.com	603.777.6012	A Member of the Public	Myself	Support	Yes	4/12/2021 12:20 PM
Elhuni, Asma	asma@radnh.org	678.644.3544	A Lobbyist	Rights and Democracy NH	Support	Yes	4/13/2021 1:16 AM
Seaworth, Brian	brian.seaworth@leg.state.nh.us	Not Given	An Elected Official	Prime Sponsor	Support	Yes	4/13/2021 1:21 AM
Melone, Robin	rmelone@wadleighlaw.com	617-335-5591	A Member of the Public	NH Association of Criminal Defense Lawyers	Neutral	Yes	4/11/2021 7:46 PM
Berry, Jake	jberry@new-futures.org	603.493.8781	A Lobbyist	New Futures	Support	Yes	4/12/2021 4:55 PM
Hannon, Joe	joehannon4nh@gmail.com	603.418.5531	A Member of the Public	Myself	Support	Yes	4/13/2021 9:05 AM
Odland, Jeffrey	jeff@golaw-nh.com	Not Given	A Member of the Public	NH Association of Criminal Defense Lawyers	Support	Yes	4/13/2021 1:16 PM
Lascaze, Joseph	Not Given	Not Given	A Lobbyist	ACLU of NH	Support	Yes	4/12/2021 8:23 PM
Connolly, Ross	rconnolly@afphq.org	603.530.1151	A Lobbyist	Americans for Prosperity New Hampshire	Support	Yes	4/12/2021 10:21 AM
Bryfonski, John	jbryfonski@bedfordnh.org	603.792.1330	A Member of the Public	NH ASSOCIATION CHIEFS OF POLICE	Oppose	Yes	4/12/2021 11:33 AM
Conaway, John	jack.conaway@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 2:34 PM
QUISUMBING-KING, Cora	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 10:54 AM
Torpey, Jeanne	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 8:25 PM
Richman, Susan	susan7richman@gmail.com	603.868.2758	A Member of the Public	Myself	Support	No	4/12/2021 8:29 PM
Schissel, Mary	schissell@comcast.net	603.863.7323	A Member of the Public	Myself	Support	No	4/12/2021 8:34 PM
Mennella, Alexandra	amennella1@protonmail.com	16466109858	A Member of the Public	Myself	Support	No	4/12/2021 9:21 PM
Mitchell, Taylor	t93mitch@yahoo.com	603.785.1834	A Member of the Public	Myself	Oppose	No	4/12/2021 9:26 PM
Edelson, Rachel	redelson@hotmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 9:29 PM
Garland, Ann	annhgarland@gmail.com	603.678.8143	A Member of the Public	Myself	Support	No	4/12/2021 9:37 PM
Falk, Cheri	Falk.cj@gmail.com	603.654.2777	A Member of the Public	Myself	Support	No	4/12/2021 10:02 PM
Shagoury, Andrew	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 11:04 PM
Istel, Claudia	claudia@sover.net	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 11:38 PM
Anastasia, Patricia	patti@pattianastasia.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 11:48 PM
Tenney, Steven	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 11:58 AM

Aronson, Laura	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 9:19 PM
Oppenlaender, Matthew	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/14/2021 7:20 AM
Krafton, Colby	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/14/2021 7:24 AM
Sargent, Elizabeth	esargent@sheehan.com	603-568-0213	A Lobbyist	NH Association of Chiefs of Police	Oppose	No	4/13/2021 2:09 PM
West, Devin	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 2:41 PM
Krauss, Richard	Rkrauss301@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 3:17 PM
Byam, Zachary	zdbyam@marlboroughnh.org	603.876.3311	A Member of the Public	Myself	Oppose	No	4/13/2021 2:19 PM
Cranage, Amy	cranhan@comcast.net	603.252.8531	A Member of the Public	Myself	Support	No	4/13/2021 4:47 PM
Amadon, Roger	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 4:49 PM
Rettew, Annie	abrettew@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 6:05 PM
David, Blair	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 9:10 PM
King, Walter	genedocwk@comcast.net	603.978.9775	A Member of the Public	Myself	Support	No	4/13/2021 10:02 PM
MacLeod, Kenneth	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/14/2021 11:38 AM
maille, tom	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/15/2021 6:38 PM
Good, Jules	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 9:11 AM
Russo, Steven	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 9:11 AM
Crowley, Timothy	tcrowley@atkinson-nh.gov	978.888.3248	A Member of the Public	Myself	Oppose	No	4/13/2021 9:13 AM
Kelly, Fran	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 9:17 AM
Patten, Gregory	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 9:24 AM
Walters, Gregory	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 9:32 AM
Watson, Clyde	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 9:32 AM
Auciello, Michael	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 9:45 AM
Richards, Matthew	mricha711@gmail.com	603.854.3953	A Member of the Public	Myself	Support	No	4/13/2021 10:48 AM
Noyes, David	pdchief@wvpublicsafety.com	603.236.8809	A Member of the Public	Myself	Oppose	No	4/13/2021 10:54 AM
Merrigan, Susan	s.e.merrigan@gmail.com	603.557.5245	A Member of the Public	Myself	Support	No	4/13/2021 10:57 AM
Lewis, Gerald	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 11:01 AM
Burke, Brian	brburke@comcast.net	603.659.7050	A Member of the Public	Myself	Oppose	No	4/13/2021 11:33 AM
Pugh, Barbara	barbara.pugh@comcast.net	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 9:55 AM
Wallin, Stephen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 9:59 AM
Sargent, Benjamin	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 10:07 AM
Laker-Phelps, Gail	lpsart@tds.net	603.798.5394	A Member of the Public	Myself	Support	No	4/13/2021 10:16 AM
KRAFTON, DAWN	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 10:19 AM
Russell, Timothy	chieftimrussell@hotmail.com	603.748.4834	A Member of the Public	Myself	Oppose	No	4/13/2021 10:22 AM
Marquis, Eric	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 10:25 AM
Huse, Chris	Not Given	Not Given	State Agency Staff	Dept of Safety	Neutral	No	4/13/2021 10:25 AM
Shupe, Jessica	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 10:26 AM
Gloia, Ashley	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 10:26 AM

Harriott-Gathright, Linda	linda.HarriottGathright@leg.state.nh.us	16038804537	An Elected Official	Myself	Support	No	4/13/2021 10:27 AM
Bagan, Michael	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 12:12 PM
Jones, Gisela	gisela1142@gmail.com	603.448.2940	A Member of the Public	Myself	Support	No	4/13/2021 12:27 PM
mcfadden, jeanne	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 12:44 PM
DiGaetano, Scott	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 1:09 PM
Dennis, Charles	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 5:09 PM
Pexton, Olivia	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 5:12 PM
Osgood, Bradley	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 6:09 PM
Miller, Maryarthur	martyemiller@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 6:13 PM
Reams, Mark	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 6:15 PM
Douglas, Fred	fgdouglas@outlook.com	603.493.2323	A Member of the Public	Myself	Oppose	No	4/12/2021 6:59 PM
Bean Burpee, Anthony	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 7:02 PM
Brennan, Nancy	burningnan14@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 7:04 PM
Momenee, Dave	dmomenee@hotmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 7:40 PM
Brckett, Albert	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 7:43 PM
Hayes, Randy	rcompostr@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 8:02 PM
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Support	No	4/12/2021 8:15 PM
Barretto, Tim	timbarretto@comcast.net	603.749.0037	A Member of the Public	Myself	Support	No	4/12/2021 6:18 AM
Michelson, Barbara	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 10:26 AM
Feder, Marsha	marshafeder@gmail.com	603.860.8743	A Member of the Public	Myself	Support	No	4/11/2021 11:15 AM
Lucas, Janet	janluca1953@gmail.com	16037267614	A Member of the Public	Myself	Support	No	4/12/2021 7:40 AM
Reynolds, Charles	reynolds.charles@comcast.net	603.781.0168	A Member of the Public	Myself	Oppose	No	4/12/2021 1:34 PM
Chait, George	george.chait@gmail.com	603.848.3236	A Member of the Public	Myself	Support	No	4/12/2021 1:49 PM
Sullivan, Patrick	Patsully@comcast.net	603.716.6808	A Member of the Public	Myself	Oppose	No	4/12/2021 1:59 PM
Phillips, Margery	Margeryphillips@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 2:04 PM
Clancy, Michelle	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 8:52 AM
Goldstein, David	dgoldstein@franklinnh.org	16039989782	A Member of the Public	Myself	Oppose	No	4/13/2021 6:29 AM
Long, Julian	julianleelong@yahoo.com	603.767.1953	A Member of the Public	Myself	Support	No	4/12/2021 10:15 PM
Damon, Claudia	Cordsdamon@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 10:25 PM
Spencer, Louise	lpskentstreet@gmail.com	603.491.1795	A Member of the Public	Myself	Support	No	4/12/2021 10:28 PM
Goldwater, Catherine	cathy.goldwater@gmail.com	603.860.3756	A Member of the Public	Myself	Support	No	4/13/2021 6:03 AM
Goldstein, carol	Not Given	603-647-2456	A Member of the Public	Myself	Oppose	No	4/13/2021 6:34 AM
Carpenter, Timothy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 6:34 AM
Goldstein, Rachel	Not Given	603-647-2456	A Member of the Public	Myself	Oppose	No	4/13/2021 6:35 AM
Salois, David	davidts@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 6:37 AM
Joseph, McDowell	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 6:44 AM

MacGregor, Leslie	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 6:52 AM
Vien, Janice	sljv@comcast.net	603.863.1798	A Member of the Public	Myself	Support	No	4/13/2021 6:56 AM
Jachim, Nancy	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 6:58 AM
maille, christine	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 6:59 AM
Verschueren, Jim	jd.verschueren@gmail.com	603.978.0398	A Member of the Public	Myself	Support	No	4/12/2021 10:42 PM
Hinebauch, Mel	melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Support	No	4/12/2021 10:54 PM
Smith, Jennifer	jaycmd7699@gmail.com	603.738.6221	A Member of the Public	Myself	Support	No	4/13/2021 7:02 AM
Blurton, Jeffrey	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 7:02 AM
Brookmeyer, Janet	brookmeyermusic@gmail.com	603.667.1356	A Member of the Public	Myself	Support	No	4/13/2021 7:04 AM
Connelly, Christopher	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 7:06 AM
Covert, Susan	scovert@comcast.net	603.746.4486	A Member of the Public	Myself	Support	No	4/13/2021 7:13 AM
Pickering, John	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 7:22 AM
Lester, Scott	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 7:25 AM
Lord, Brian	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 7:30 AM
FRIEDRICH, ED	erfriedrich@yahoo.com	781.775.9397	A Member of the Public	Myself	Support	No	4/13/2021 7:32 AM
Clay, Donald	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 7:33 AM
Clark, Denise	denise.m.clark03055@gmail.com	603.213.1692	A Member of the Public	Myself	Support	No	4/13/2021 7:49 AM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	603-715-8191	A Member of the Public	Myself	Support	No	4/13/2021 7:49 AM
Ellermann, Maureen	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 7:49 AM
DeMark, Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Support	No	4/13/2021 7:51 AM
Chase, Mark	mchasechpd@metrocast.net	603.253.9756	A Member of the Public	Myself	Oppose	No	4/13/2021 7:55 AM
Connelly, Joanne	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 7:58 AM
Douville, Linda	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 8:03 AM
Samson, Edward	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:08 AM
Conley, Daniel	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:09 AM
Spielman, Kathy	jspielman@comcast.net	603.397.7879	A Member of the Public	Myself	Support	No	4/13/2021 8:20 AM
poulin, stephan	spoulin@exeternh.gov	603.772.1212	A Member of the Public	Myself	Oppose	No	4/13/2021 8:27 AM
McLaughlin, Barbara	brbmclaughlin42@gmail.com	760.458.9668	A Member of the Public	Myself	Support	No	4/13/2021 8:31 AM
Levesque, Brian	blevesque@merrimacknh.gov	603.860.4478	A Member of the Public	Myself	Oppose	No	4/13/2021 8:31 AM
Ingold, Bret	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/13/2021 8:33 AM
Estey, Holly	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:34 AM
Laurent, Tara	tlaurent@greenlandpd.us	603.431.4624	A Member of the Public	Greenland Police Department	Oppose	No	4/13/2021 8:34 AM
Prentice, Thomas	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:34 AM
Sprankle, Jeff	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:36 AM
Tarleton, Matt	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:39 AM
Pelton, Charles	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:40 AM
Koch, Helmut	helmut.koch.2001@gmail.com	603.491.3306	A Member of the Public	Myself	Support	No	4/13/2021 8:40 AM

Lindbom, Dan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:42 AM
Fisher, Gary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:43 AM
Spillane, Chris	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:51 AM
Hankard, Stephen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 8:59 AM
Fisher, Brenda	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 9:00 AM
Fisher, Nicolas	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/13/2021 9:01 AM
Paratore, Sarah	smparatore@gmail.com	603.520.5311	A Member of the Public	Myself	Support	No	4/13/2021 9:01 AM
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Oppose	No	4/12/2021 12:36 PM
eaton, dona	donageaton@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 12:49 PM
Stockwell, Heather	heather@radnh.org	603.762.5718	A Lobbyist	Rights & Democracy NH	Support	No	4/12/2021 1:00 PM
Shirey, Alan	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 1:10 PM
Russell, Scott	srussell@nhpd.org	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 1:14 PM
Frades, Sandra	sandyfrades@comcast.net	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 1:15 PM
Morency, Peter	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 4:34 PM
Garone, Edward	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 4:46 PM
Griffin, Julia	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 5:52 PM
Aaron, Berube	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/12/2021 6:38 PM
Moran, Karen	karenmoran@tds.net	603.746.2017	A Member of the Public	Myself	Support	No	4/12/2021 6:41 PM
Madore, Walter	madorewalter@gmail.com	603.359.2143	A Member of the Public	Myself	Oppose	No	4/12/2021 7:13 PM
Wunderlich, Robert	chiefrhw@yahoo.com	803.759.0735	A Member of the Public	Myself	Oppose	No	4/12/2021 7:15 PM
Kaufman, Amy	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 7:16 PM
Masson, Ellie	gam1064@wildcats.unh.edu	802.881.6693	A Member of the Public	Myself	Support	No	4/12/2021 8:59 PM
Reed, Barbara D.	BDRreed74@gmail.com.com	Not Given	A Member of the Public	Myself	Support	No	4/12/2021 9:03 PM
Hansen, Sarah	sarahsarahhansen@gmail.com	503.803.4964	A Member of the Public	Myself	Support	No	4/12/2021 4:20 PM
garnett, ronald	soup31314@yahoo.com	603.236.1637	A Member of the Public	Myself	Oppose	No	4/8/2021 5:05 PM
Matthews, James	matthews@mac.com	603.738.5001	A Member of the Public	Myself	Support	No	4/10/2021 12:22 PM
Lynch, Chrisinda	cmmelynych@comcast.net	603.225.5614	A Member of the Public	Myself	Support	No	4/10/2021 2:07 PM
Blair, David	orionblair@gmail.com	603.828.6804	A Member of the Public	Myself	Support	No	4/11/2021 10:44 AM
Brackett, JB	jbrackett@naminh.org	Not Given	A Member of the Public	NAMI New Hampshire	Support	No	4/9/2021 12:07 PM
Reagan, Senator John	Not Given	Not Given	An Elected Official	Senate District 17	Support	No	4/10/2021 11:40 AM
Jeanne, Nieuwejaar	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 10:53 AM
Coles, Barbara	barbara1143@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 12:26 PM
Bates, David	dbates3@yahoo.com	603.748.2668	A Member of the Public	Myself	Support	No	4/11/2021 1:40 PM
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 3:01 PM
Baiocchetti, Vinnie	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/8/2021 3:11 PM
Kruithof, Leslie	lesliekruithof@gmail.com	201.725.4641	A Member of the Public	Myself	Support	No	4/11/2021 4:07 PM
Hennessey, Martha	martha.hennessey@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 6:09 PM

Hinkel, Robert	r.hinkel@gmail.com	413.478.8701	A Member of the Public	Myself	Support	No	4/12/2021 12:06 PM
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 4:03 AM
Hatcher, Phil	phil.hatcher@gmail.com	603.988.8034	A Member of the Public	Myself	Support	No	4/11/2021 11:39 AM
Orkin, Susan	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 11:59 AM
Bushueff, Catherine	agawamdesigns@gmail.com	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 5:09 PM
Letellier, Kathleen	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/11/2021 7:20 PM

Testimony

Jennifer Horgan

From: David Blair <orionblair@gmail.com>
Sent: Sunday, April 11, 2021 10:43 AM
To: Jay Kahn; Sharon Carson; Harold French; William Gannon; Becky Whitley
Cc: Jennifer Horgan
Subject: bills before the Senate Judiciary Committee

Dear members of the Senate Judiciary Committee,

You have a very full week ahead of you, and I wish you wisdom as you consider some very important bills.

I am writing to express my support for all of the following bills, which will come before you on Tuesday, Wednesday and Thursday:

HB 270 (post-conviction DNA testing)
HB 615 (reduction of penalty for certain first offense drug possessions)
HB 436 (eyewitness identification)
HB 474 (public surveillance on public ways)
HB 471 (police disciplinary hearings)
HB 485 (right to refuse consensual search)

Thank you all for your work on behalf of justice and safety for all NH residents!

Sincerely,

David Blair
77 South Road
Harrisville, NH

Jennifer Horgan

From: Rachel Edelson <redelson@hotmail.com>
Sent: Monday, April 12, 2021 9:42 PM
To: Jennifer Horgan
Subject: Urging SUPPORT for These Bills

Dear Committee Aide Jennifer Hogan,

As an involved resident of Nashua I wrote to the members of the Judiciary committee to express my **SUPPORT** these Bills which are going to be voted on this week:

HB 270
HB 615
HB 436
HB 474
HB 471
HB 485

Thank you for your work as part of our democracy.

Sincerely,
Rachel Edelson
Bay Ridge Apts.
Nashua NH 03062

Jennifer Horgan

From: Rachel Edelson <redelson@hotmail.com>
Sent: Saturday, April 17, 2021 3:42 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: Urging a Vote In Support of HB615

Dear Judiciary Committee,

I am writing to urge you to vote in favor of HB615. As you likely know, HB615 is common sense drug sentencing reform.

HBHB615 would reduce the penalty for certain first offense drug possession charges. This bill is a combination of two bills that passed the House last year on voice vote and which were then tabled in the Senate due to COVID-19. HB615 just passed the House on the consent calendar, meaning the contents of this bill have now passed the House twice on voice vote.

- HB615 begins to undo the damage of the War on Drugs by reducing some of the excessive fines and sentences that are still in statute, but which do not reflect current practice or good policy. Excessive sentencing costs Granite Staters thousands of dollars a year in incarceration expenses and does not solve substance use disorders. This is common sense reform for New Hampshire.
- The bill also would make someone's *first time* personal possession drug charge a misdemeanor rather than felony. This would keep someone out of prison for their first possession charge and prevent them from obtaining a felony record. The goal is to give someone a chance to remedy their behavior after that first encounter with the criminal legal system without shackling them to the long-term collateral consequences of a felony record. This provision does *not* apply to dealing drugs or trafficking – only to personal possession. It also does not apply to someone's second personal possession charge or any thereafter. This is a moderate but important reform that could make a real difference to people's lives.

Sincerely,
Rachel Edelson
Bay Ridge
Nashua 03062

Jennifer Horgan

From: Barbara D. Reed <bdreed74@gmail.com>
Sent: Monday, April 19, 2021 10:15 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 615

I am in favor of this bill. It is limited to FIRST personal possessions drug offenses only, NOT to dealing drugs or trafficking. It avoids incarceration and excessive fines for that first offense by making it a misdemeanor rather than a felony. This will reduce the financial impact on the state and tax payers by not incarcerating the individual. It doesn't solve the substance abuse disorder itself; that does need to be addressed. The goal is to give someone a chance to remedy their behavior after that first encounter with the criminal legal system without shackling them to the long-term collateral consequences of a felony record. Barbara D. Reed North Swanzey NH

Jennifer Horgan

From: Hackmann, William (hackmann@uidaho.edu) <hackmann@uidaho.edu>
Sent: Monday, April 19, 2021 11:07 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB615

Dear Honorable Senators on the Judiciary Committee,

I write to voice my support of HB617, which would reduce the penalty for certain first offense drug possession charges.

Respectfully,

Kent

Kent Hackmann
1273 Franklin Highway
Andover, NH 03216-4161
(603) 934-3225

Jennifer Horgan

From: Denise Clark <denise.m.clark03055@gmail.com>
Sent: Monday, April 19, 2021 8:05 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 615

I support HB 615 S. I ask you to be in support as well.

Thank you.

Regards,
Denise Clark
577 North River Road
Milford, NH 03055
603.213.1692
denise.m.clark03055@gmail.com

April 13, 2021

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

Re: New Futures' Support for HB 615 (reducing the penalty for certain first offense drug possession charges),

Dear Senator Carson and Honorable Members of the Committee,

New Futures appreciates the opportunity to testify in support of House Bill 615, reducing the penalty for certain first offense drug possession charges. New Futures is a nonpartisan, nonprofit organization that advocates, educates and collaborates to improve the health and wellness of all New Hampshire residents. In this role, we work extensively with policy makers, service providers and families impacted by substance misuse and mental illness to prevent, address and reduce behavioral health issues in our state.

New Futures stands strongly in support of HB 615, as it aims to keep certain individuals impacted by addiction out of incarceration and in their communities where they can access needed treatment services. As you know, Substance Use Disorder (SUD) is a chronic, relapsing brain disorder that impacts judgement, decision-making and behavior control. It is a condition that requires treatment, not criminal punishment. Still, estimates suggest that up to 50 percent of individuals currently serving in our state prisons have a diagnosed SUD¹. To incarcerate these individuals not only denies them the treatment they need to reach and maintain long-term recovery, but it increases recidivism rates, strains our correctional system, and increases costs to taxpayers.

By reducing first-time personal possession charges to misdemeanor-level offenses, HB 615 would build upon New Hampshire's efforts over recent years to increase treatment, rather than punishment, for Substance Use Disorder. Further, the bill's provisions to reduce maximum sentences and fines for possession charges would help individuals with SUD maintain stable housing and employment, critical factors contributing to long-term recovery. In total, this bill would better position New Hampshire to overcome the ongoing addiction crisis and to prevent the next one.

For the sake of health and well-being of Granite State individuals and families, we respectfully request that the Committee recommend HB 615 Ought to Pass. Please don't hesitate to contact me if you have further questions.

Respectfully submitted,



Jake Berry, Vice President of Policy, New Futures

¹ Opioid Task Force, N.H. Governor's Commission on Alcohol & Other Drugs,
<https://www.dhhs.nh.gov/dcbcs/bdas/documents/oud-just-sys-rpt-062019.pdf>

New Hampshire Association of Criminal Defense Lawyers

To: The New Hampshire House of Representatives:
Criminal Justice and Public Safety Committee

From: Katherine Cooper, executive director
The New Hampshire Association of Criminal Defense Lawyers

Date: April 13, 2021

Re: Written Testimony on HB 615

I. INTRODUCTION

The New Hampshire Association of Criminal Defense Lawyers (NHACDL) consists of more than 250 Granite State lawyers whose practices include a significant amount of criminal defense work. Our membership includes private practitioners and state and federal public defenders. NHACDL is an affiliate of the National Association of Criminal Defense Lawyers and shares its mission to ensure justice and due process for persons accused of crime and to promote the proper and fair administration of criminal justice.

II. HB 615

Attorneys who are members of NHACDL have a front row seat to the devastation caused by drug use as well as the devastation caused by the harsh treatment that drug users face in the criminal justice system. Sadly, contact with the criminal justice system is frequently more detrimental to a person's health and welfare than an addiction problem alone. The trauma and stigma that are caused by conviction and incarceration leave scars and roadblocks that, for many, can never be overcome. Because of those realities, after consultation with numerous of our members who work actively and regularly on these kinds of cases, NHACDL supports the bulk of this bill. Striking mandatory minimums for school zone sales, reducing the maximum penalties, and making first-time possession a misdemeanor are all worthy steps in the right direction for public health and community safety.

However, one facet of this bill is problematic and to that we object. The current language in the statute for fentanyl weights should remain unchanged. In the 1980s, our country made crucial mistakes by more harshly penalizing crack cocaine over powder cocaine. This difference in sentencing had the effect of penalizing the poor worse than the rich and the Black worse than the White, simply because culture or

blind luck dictated conviction for one form of the drug over another. That was a mistake. This mistake should not be made again.

At this point in time, fentanyl and heroin are basically interchangeable on the street. From the time this was introduced last year to the present, we have an additional year of information and knowledge about how fentanyl is used. Most people who are coping with opioid use and addiction do not know, care or understand which specific drug they are taking (heroin vs. fentanyl).

Fentanyl is being sold in the same "quantities" as heroin because that is what people are used to buying and using. For example, if you are a 2g/day user of heroin, you will continue to be a 2g/day user of fentanyl. That is how most users and dealers view what they are seeking and selling. You are not actually USING 2g/d of fentanyl because most of what is sold is "adulterants or dilutants" intended to bulk up the weight. The actual amount of fentanyl is miniscule. Therefore, to say "0.5 g, or more, including dilutants or adulterers" is going to significantly punish those who possess a substance containing fentanyl more than a person possessing the same amount of heroin, even though the two drugs are being used on the street and referred to colloquially, as the same substance. There is no difference in the MENTAL STATE of the people involved for the substances at issue. This is why it is the crack/powder cocaine problem all over again and it is unjust to punish one form of the drug in lower "quantities" than another.

At this point in time, we are still locked into the paradigm of treating drug addiction as a crime. However, we do still have control over how fairly we administer the criminal sanctions for such conduct. Leaving the current amounts as they stand will maintain a more fair administration of this statute.

SENATE JUDICIARY COMMITTEE

TESTIMONY

HB 615-FN – REDUCING THE PENALTY FOR CERTAIN FIRST OFFENSE DRUG POSSESSION CHARGES

APRIL 13, 2021

GOOD AFTERNOON, CHAIRWOMAN CARSON AND MEMBERS OF THE COMMITTEE:

I AM JOHN BRYFONSKI, THE CHIEF OF POLICE IN BEDFORD, AND I SERVE AS THE CHAIRPERSON FOR THE CHIEFS DRUG COMMITTEE.

THE GRANITE STATE CHIEFS OF POLICE ARE **OPPOSED TO THIS BILL**.

THIS BILL IF PASSED WILL REDUCE THE PENALTIES UNIVERSALLY USED AGAINST DRUG TRAFFICKERS AND **NOT DRUG USERS**.

THE QUANTITIES LISTED IN THIS BILL ARE DRUG TRAFFICKING/SELLING QUANTITIES NOT DRUG POSSESSION QUANTITIES.

BY PASSING THIS BILL YOU ARE ENSURING A LIGHTER SENTENCE FOR DRUG TRAFFICKERS, THESE ARE THE PEOPLE SELLING DRUGS THAT HAVE WREAKED HAVOC IN THIS STATE.

THE CONTROLLED DRUGS IN THIS BILL HAVE NO GOOD AFFECT UPON SOCIETY OTHER THAN TO CAUSE DEATH, HARM, DESTRUCTION AND COLLATERAL DAMAGE TO CHILDREN YOUTH AND FAMILIES.

NONE OF THE CONTROLLED DRUGS COVERED IN THIS BILL HAVE ANY MEDICAL USE WITH PERHAPS THE NOTABLE EXCEPTION OF PHARMACEUTICAL GRADE FENTANYL USED IN ANESTHESIA.

BY REDUCING THE PENALTIES USED TO CHARGE DRUG TRAFFICKERS, WHO TYPICALLY ARE NOT DRUG USERS, WE SEND THE **WRONG MESSAGE** TO DRUG TRAFFICKERS WHOSE ONLY AIM IS TO MAKE MONEY WHILE DESTROYING THE LIVES OF OTHERS.

BY REDUCING SOME CONTROLLED DRUG POSSESSION CHARGES TO MISDEMEANORS ANOTHER **WRONG MESSAGE IS SENT** TO LOWER TIER TRAFFICKERS WHO MAY BE USERS BUT NEVERTHELESS SELL DESTRUCTIVE DRUGS TO OTHERS.

REDUCING SOME CONTROLLED DRUG POSSESSION CHARGES TO MISDEMEANORS WE OBLITERATE THE LEVERAGE COUNTY ATTORNEYS HAVE AS WELL AS THE JUDICIARY TO INCENTIVIZE USERS INTO TREATMENT.

LETS REMEMBER THAT ACCORDING TO THE ATTORNEY GENERAL'S OFFICE THE LAST THREE OFFICER INVOLVED SHOOTINGS ALL INVOLVED PERSONS USING CANNABIS AND METHAMPHETAMINE.

REDUCING PENALTIES FOR DRUGS DOES NOTHING TO DISCOURAGE USE AND TRAFFICKING OF DRUGS THAT ARE DIRECTLY RELATED TO VIOLENCE AND DEATH.

MOREOVER, BY CHANGING THE PENALTY SCHEME YOU WILL INDUCE LARGER SCALE TRAFFICKERS TO SIMPLY LIMIT THE AMOUNT THEY COULD BE CAUGHT WITH TO AVOID JAIL.

IN TODAY'S REALITY **VERY FEW PEOPLE GO TO JAIL FOR DRUG POSSESSION** CHARGES EVEN AFTER MULTIPLE ARRESTS FOR DRUG POSSESSION AND OTHER CRIMES COMMITTED TO SUPPORT THEIR ADDICTION.

REDUCING THE PENALTIES FROM POTENTIAL FELONY CRIME TO MISDEMEANOR CRIME GUARANTEES THE LEVERAGE, AS SHORT AS IT MAY BE NOW, USED BY COUNTY ATTORNEYS AND THE JUDICIARY IS ALL BUT ELIMINATED.

ELIMINATING MANDATORY MINIMUM SENTENCING FURTHER ELIMINATES THE LEVERAGE USED TO PREVENT DISCOURAGE AND PENALIZE LARGE SCALE DRUG TRAFFICKING IN NH AND TO PROPERLY SENTENCE AND HOLD ACCOUNTABLE THOSE WHO MAY HAVE BEEN RESPONSIBLE FOR THE DEATHS OF MANY GRANITE STATERS.

THIS BILL IS **SOFT ON DRUG CRIME** WHICH HAS NOT GONE AWAY.

LAST YEAR MORE THAN 400 PEOPLE IN NH DIED FROM DRUG OVERDOSES; THE YEAR BEFORE 415, WHICH IS STILL 250% HIGHER THAN AT THE BEGINNING OF THE DRUG EPIDEMIC IN 2012 WHEN 163 OVERDOSE DEATHS OCCURRED.

3,397 PEOPLE HAVE DIED AS A RESULT OF A DRUG OVERDOSE IN NH SINCE 2012, MORE THAN THE POPULATIONS OF MANY TOWNS IN THIS STATE.

STRONG DRUG PENALTIES USED AGAINST DRUG **TRAFFICKERS** SENDS THE MESSAGE THAT NH WILL NOT TOLERATE DRUG **TRAFFICKING** IN OUR STATE.

REDUCING PENALTIES USED AGAINST TRAFFICKERS IS JUST NOT THE COMMONSENSE APPROACH TO DEALING WITH CRIMINALS WHOSE ONLY PURPOSE IS TO MAKE MONEY BY SELLING POISON THAT DESTROYS LIVES, FAMILIES AND HARMS OUR ECONOMY AND FUTURE.

Jennifer Horgan

From: L. Rayton <lrayton@gmail.com>
Sent: Monday, April 19, 2021 8:14 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: In support of HB615

Hello,

My name is Linden Rayton and I support HB615. Thank you for your consideration.

Sincerely,
Linden

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB615

Hearing date: _____

Executive Session date: _____

Motion of: ITL Vote: 3-2

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: French

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, April 21, 2021

THE COMMITTEE ON Judiciary

to which was referred **HB 615-FN**

AN ACT reducing the penalty for certain first offense drug possession charges.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-2

Senator Harold French
For the Committee

Jennifer Horgan 271-7875

JUDICIARY

HB 615-FN, reducing the penalty for certain first offense drug possession charges.

Inexpedient to Legislate, Vote 3-2.

Senator Harold French for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB615

Docket Abbreviations

Bill Title: reducing the penalty for certain first offense drug possession charges.*Official Docket of HB615.:*

Date	Body	Description
1/14/2021	H	Introduced (in recess of) 01/06/2021 and referred to Criminal Justice and Public Safety HJ 2 P. 56
1/21/2021	H	Public Hearing: 01/27/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/91386255102 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/1/2021	H	Committee Report: Ought to Pass with Amendment #2021-0124h (Vote 15-6; RC) HC 12 P. 17
2/24/2021	H	Amendment #2021-0124h : AA VV 02/24/2021 HJ 3 P. 30
2/24/2021	H	Ought to Pass with Amendment 2021-0124h: MA VV 02/24/2021 HJ 3 P. 30
2/24/2021	H	Referred to Ways and Means 02/24/2021 HJ 3 P. 30
3/10/2021	H	Public Hearing: 03/10/2021 10:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99357402693 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/31/2021	H	Committee Report: Ought to Pass (Vote 24-0; CC) HC 18 P. 26
4/7/2021	H	Ought to Pass : MA VV 04/07/2021 HJ 5 P. 50
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Judiciary; SJ 11
4/8/2021	S	Remote Hearing : 04/13/2021, 02:15 pm; Links to join the hearing can be found in the Senate Calendar; SC 19
4/21/2021	S	Committee Report: Inexpedient to Legislate, 04/29/2021; SC 21
4/29/2021	S	Sen. Bradley Moved to Special Order to 05/06/2021, RC 24Y-0N, MA; 04/29/2021; SJ 13
4/29/2021	S	Committee Report: Inexpedient to Legislate, 05/06/2021; SC 22
5/6/2021	S	Sen. Bradley Moved to Special Order to 05/13/21, RC 23Y-0N, MA; 05/06/2021; SJ 14
5/6/2021	S	Committee Report: Inexpedient to Legislate, 05/13/2021; SJ 14
5/13/2021	S	Inexpedient to Legislate, MF, VV; 05/13/2021; SJ 15
5/13/2021	S	Sen. Whitley Moved Ought to Pass; 05/13/2021; SJ 15
5/13/2021	S	Sen. Whitley Moved to divide the Question on Ought to Pass; Sections 2 and 5 and then the Remainder of Bill and Effective Date; 05/13/2021; SJ 15
5/13/2021	S	The Chair ruled the Question Divisible; 05/13/2021; SJ 15
5/13/2021	S	Ought to Pass: Sections 2 and 5, RC 6Y-18N, MF; 05/13/2021; SJ 15
5/13/2021	S	Ought to Pass : Remainder of Bill and Effective Date, RC 2Y-22N, MF; 05/13/2021; SJ 15
5/13/2021	S	Sen. Bradley Moved Ought to Pass; 05/13/2021; SJ 15
5/13/2021	S	Sen. Bradley Floor Amendment #2021-1418s, RC 12Y-12N, AF;

05/13/2021; **SJ 15**

5/13/2021

S

Sen. Bradley Moved Laid on Table, MA, VV; 05/13/2021; **SJ 15**

5/13/2021

S

Pending Motion Ought to Pass; 05/13/2021; **SJ 15**

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB ~~615~~ 615

Senate Committee: Jud

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___
___ - amendment # ___ ___ - amendment # ___

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 1418 ___ - amendment # ___
___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house
___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan
Committee Aide

8/16/21
Date

Senate Clerk's Office AK