

REGULAR CALENDAR

January 19, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 1017-FN,

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. John Burt

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1017-FN
Title:	establishing criminal penalties for harming or threatening to harm an essential worker.
Date:	January 19, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would make a special class of people and the majority of the committee felt that current laws protect essential workers from harm from another person. This bill would also make it a class A Felony if you stole \$1.00 from essential workers while they are working.

Vote 16-3.

Rep. John Burt
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1017-FN, establishing criminal penalties for harming or threatening to harm an essential worker. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. This bill would make a special class of people and the majority of the committee felt that current laws protect essential workers from harm from another person. This bill would also make it a class A Felony if you stole \$1.00 from essential workers while they are working. **Vote 16-3.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

January 19, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 1017-FN,

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Ray Newman

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1017-FN
Title:	establishing criminal penalties for harming or threatening to harm an essential worker.
Date:	January 19, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

A motion of inexpedient to legislate was passed in the executive session. The minority feels that a potential Ought to Pass motion could contain a floor amendment that would revise and improve the definition of "Essential Worker" and would also reduce the penalties contained in the bill.

Rep. Ray Newman
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1017-FN, establishing criminal penalties for harming or threatening to harm an essential worker. **OUGHT TO PASS.**

Rep. Ray Newman for the **Minority** of Criminal Justice and Public Safety. A motion of inexpedient to legislate was passed in the executive session. The minority feels that a potential Ought to Pass motion could contain a floor amendment that would revise and improve the definition of “Essential Worker” and would also reduce the penalties contained in the bill.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1017-FN

BILL TITLE: establishing criminal penalties for harming or threatening to harm an essential worker.

DATE: January 19, 2022

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Burt

Seconded by Rep. Roy

Vote: 16-3

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk



2022 SESSION

Criminal Justice and Public Safety

Bill #: 1017 Motion: ITL AM #: Exec Session Date: 1-19-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	16		
Roy, Terry Vice Chairman	1		
Welch, David A.	2		
Burt, John A.	3		
Hopper, Gary S. RHODES	4		
Green, Dennis E.	5		
Wallace, Scott Clerk	6		
Testerman, Dave	7		
True, Chris LAYTON	8		
Pratt, Kevin M.	9		
Marston, Dick	10		
Harriott-Gathright, Linda C.	11		
Pantelakos, Laura G. ALTSCHILLER		1	
O'Hearne, Andrew S.			1
Bordenet, John	12		
Meuse, David SULLIVAN		0	
Newman, Ray E.		3	
Bouldin, Amanda C.			2
Conley, Casey M.	13		
Klein-Knight, Nicole	14		
Bradley, Amy	15		

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1017-FN

BILL TITLE: establishing criminal penalties for harming or threatening to harm an essential worker.

DATE: January 19, 2022

LOB ROOM: 204 **Time Public Hearing Called to Order:** 12:04pm

Time Adjourned:

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

Bill Sponsors:

Rep. Stavis

Rep. Almy

Rep. Moran

Rep. Vann

Rep. Klee

Rep. J. Schmidt

Rep. Abel

Rep. Sullivan

TESTIMONY

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

Rep. Stavis

- Introduced the bill and shares her story and experiences in a grocery store.

Rep. Roy

- Asks: "If the intent is to make essential workers protected without EO?"
- Rep. Stavis, replies "Yes"

Rep. Newman

- Asks: "Why the definition of E.W. was not inserted into the bill?"

Rep. Stavis

- Replies: "I was lazy"

Rep. Newman

- Follows up with "Would you be on board with an amendment to that effect?"

Rep. Stavis

- Yes.

Rep. Burt

- Asks: "If this proposal would provide a pathway for workers to file suit against their employer?"

Rep. Stavis

- Replies: "I don't know, but that's a really good question"

Roscoe Putnam

- Related a story about his experience in a Thrift Store in Lebanon with an unmasked woman who was belligerent.
- Supports bill

Russan Chester

- Opposes bill
- But empathizes with Roscoe.
- This is a societal problem. Slippery slope, and punishment doesn't fit the crime.

Respectfully submitted,

Rep. Scott Wallace

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1017 on 2022-01-19

Support: 8 Oppose: 3 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Support	No	No	1/15/2022 5:10 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/16/2022 8:23 AM
Fenner-Lukaitis, Elizabeth	Warner, NH glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No	1/16/2022 4:36 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/16/2022 5:27 PM
Wazir, Safiya	Concord, NH S.wazir@leg.state.nh.us	An Elected Official	Myself and my constituents	Support	No	No	1/17/2022 7:15 AM
Bates, David	Warner, NH dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	1/17/2022 9:30 AM
Dewey, Karen	NEWPORT, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	1/17/2022 10:31 AM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 11:31 AM
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No	1/17/2022 11:33 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	1/17/2022 12:30 PM
Whitaker, Frances	Manchester, NH fmwhitaker@comcast.net	A Member of the Public	Myself	Support	No	No	1/17/2022 1:13 PM
Hayward, Marcia	Laconia, NH mjhayward131@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 1:18 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Myself	Support	No	No	1/17/2022 1:28 PM

Weber, Jill	Mont Vernon, NH jill@frazilfarms.com	A Member of the Public	Myself	Support	No	No	1/17/2022 2:08 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	1/17/2022 5:21 PM
Ballentine, John	Nashua, NH mikeb@btine.com	A Member of the Public	Myself	Support	No	No	1/17/2022 5:24 PM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 7:39 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 7:44 PM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 9:24 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 9:47 PM
Gilman, Julie	Exeter, NH Julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Support	No	No	1/17/2022 11:35 PM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 6:14 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 8:04 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 8:11 AM
O'Neill, Nan	Salisbury, NH Raptorko@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 8:49 AM
O'Neill, Kevin	Salisbury, NH raptornan@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 8:56 AM
Cahill, Michael	Newmarket, NH michael.cahill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/18/2022 9:21 AM
Findley, Sally	Grantham, NH findley.se@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 9:23 AM
Vann, Ivy	Peterborough, NH ivy@vann.org	An Elected Official	Myself	Support	No	No	1/18/2022 9:29 AM
Bowles, Margaret	Lyme, NH mcb2885@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:18 AM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No	1/18/2022 10:19 AM

Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:21 AM
Cecchetti, Lynda	Strafford, NH lcecc92017@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:29 AM
Burnap, Linda	Wolfeboro, NH 54able@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:39 AM
Erickson, Amy	Wolfeboro, NH ableacres@outlook.com	A Member of the Public	Myself	Support	No	No	1/18/2022 11:02 AM
Bergevin, Leslie	Loudon, NH Leslie.bergevin@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 11:10 AM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:32 AM
chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/18/2022 12:38 PM
Naylor, Claire	Peterborough, NH cnaylor714@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 12:48 PM
Hakken-Phillips, Mary	Hanover, NH mhp4nhrep@gmail.com	An Elected Official	Myself	Support	No	No	1/18/2022 1:21 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 2:00 PM
Hurley, Paula	Concord, NH graffymanor@comcast.net	A Member of the Public	Myself	Support	No	No	1/18/2022 2:08 PM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	1/18/2022 3:13 PM
Brenton, Anne	Atkinson, NH anne.berg1@yahoo.com	A Member of the Public	Myself	Support	No	No	1/18/2022 3:49 PM
Zaenglein, Barbara	AMHERST, NH bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 4:14 PM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No	1/18/2022 4:17 PM
Ryll, Brian	Concord, NH brian@pffnh.org	A Lobbyist	Professional Fire Fighters of New Hampshire	Support	No	No	1/18/2022 4:22 PM
Robinson, Ellis	Grantham, NH EllisMMRobinson@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 4:51 PM
Davis, Gregory	Salem, NH glospreys@comcast.net	A Member of the Public	Myself	Support	No	No	1/18/2022 5:20 PM

Brown, Jean	Hanover, NH jean.e.brown1@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 6:11 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 7:29 PM
Kaplan, Susan	Lebanon, NH sskaplan01@aol.com	A Member of the Public	Myself	Support	No	No	1/18/2022 8:19 PM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 8:22 PM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No	1/18/2022 8:24 PM
Holt, David	Somersworth, NH dabholt@aol.com	A Member of the Public	Myself	Support	No	No	1/18/2022 9:05 PM
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 9:25 PM
Perencevich, Ruth	concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	1/18/2022 9:35 PM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	1/18/2022 9:43 PM
Hirai, Barbara	Lebanon, NH BPHirai@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 9:45 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:02 PM
Woods, Renia	Bow, NH renia.woods1@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:42 PM
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 12:41 AM
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	1/19/2022 5:16 AM
Cook, Barbara	Canterbury, NH Bdc7@aol.com	A Member of the Public	Myself	Support	No	No	1/19/2022 7:27 AM
Chester, Russan	Bedford, NH russan.chester@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 7:35 AM
Vallone, Mark	Epping, NH nhatlasman@comcast.net	An Elected Official	Myself	Support	No	No	1/19/2022 8:31 AM
Rich, Martha	Enfield, NH martha.rich@thet.net	A Member of the Public	Myself	Support	No	No	1/19/2022 8:35 AM

Donnelly, Ryan	Hudson, NH rdonnelly@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	1/19/2022 8:42 AM
Frost, Sherry	Dover, NH s.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/19/2022 8:54 AM
Thomas, Elaine	Nashua, NH thomas.marshall@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:13 AM
Fraysse, Michael	Epsom, NH mikefraysse@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 9:17 AM
Altschiller, Debra	Stratham, NH debra.altschiller@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/19/2022 9:49 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	1/19/2022 9:59 AM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	1/19/2022 10:36 AM
Reed, Sarah	Concord, NH stubbs.saraha@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 10:42 AM
Reed, William	Concord, NH willie.b.reed@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 10:42 AM
Condon, Laura	Bedford, NH vaxchoicenh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 12:08 PM
Stinson, Benjamin	CONCORD, NH benrkstinson@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 3:02 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 3:19 PM

Archived: Thursday, March 10, 2022 2:45:07 PM
From: Jan Schmidt
Sent: Wednesday, January 12, 2022 12:37:38 PM
To: ~House Criminal Justice and Public Safety
Cc: Susan Almy; Melbourne Moran; Ivy Vann; Patricia Klee; Brian Sullivan; Laurel Stavis; Richard Abel
Subject: HB 1017-FN Testimony as a Co-sponsor
Importance: Normal

Please include this with the Hearing documents

Honored Members of the Committee,

We have all seen and heard the horrendous treatment of employees who risked everything to continue working during the pandemic. Their jobs were truly essential, to keep us healthy, to keep us fed, and to keep us safe, and many of them were abused simply for following the directions of management.

It is my firm believe that the lack of support from our laws has lead to the dearth of employees willing to work in some positions. We honor our essential employees in word, now is the time to honor them in our service here in the House.

Please find HB1017 OTP.

Regards,
Representative Jan Schmidt
Proud Chair of the Nashua Delegation

At [Home: Tesha4@gmail.com](mailto:Tesha4@gmail.com)
11 Pope Circle, Nashua NH 03063
Hillsborough District 28, Ward 1 Nashua

In Concord: Jan.Schmidt@leg.state.nh.us
NH House of Representatives
Labor, Industrial, and Rehabilitative Services Committee
Room 307 Legislative Office Building



Archived: Thursday, March 10, 2022 2:40:49 PM

From: Daniel Richardson

Sent: Sunday, January 16, 2022 5:47:33 PM

To: ~House Criminal Justice and Public Safety

Cc: Tom Lanzara; Laurel Stavis; Susan Almy; Ivy Vann; Patricia Klee; Jan Schmidt; Richard Abel; Brian Sullivan

Subject: In Opposition to HB 1017 establishing criminal penalties for harming or threatening to harm an essential worker.

Importance: Normal

Ref: Jan 19, 2022 Committee Meeting

HOUSE CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE -

I write in opposition to HB 1017. The present statutes already criminalize harming or threatening against any citizen. It divisively messages a super class of citizens, Essential Workers, and justifies them to be more protected than any other citizen. This is repugnant to the concept of equal justice under the law. This bill does nothing to improve statutes and only serves the political purpose of "messaging" in statutes.

This bill fails to recognize the NH State of Emergency ended June 11th 2021.

Please oppose HB 1017 and find it ITL.

Daniel Richardson, Nashua

HB 1017-FN - AS INTRODUCED

2022 SESSION

22-2013
04/08

HOUSE BILL ***1017-FN***

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker.

SPONSORS: Rep. Stavis, Graf. 13; Rep. Almy, Graf. 13; Rep. Moran, Hills. 34; Rep. Vann, Hills. 24; Rep. Klee, Hills. 30; Rep. J. Schmidt, Hills. 28; Rep. Abel, Graf. 13; Rep. Sullivan, Sull. 1

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes criminal penalties for causing or threatening harm to an essential worker.

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 Two

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker.

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

1 1 New Section; Assault and Related Offenses; Harming or Threatening to Harm an Essential
2 Worker. Amend RSA 631 by inserting after section 4-a the following new section:

3 631:4-b Harm or Threats Against Essential Workers.

4 I. A person is guilty of a class A felony if he or she causes bodily injury to, or commits any
5 other crime against, an employee deemed an essential worker as defined in Exhibit A accompanying
6 Emergency Order #17 issued on March 26, 2020, or to a member of their immediate family, when
7 said employee is attempting to implement workplace rules imposed by management.

8 II. A person is guilty of a class B felony if he or she threatens bodily injury to, or threatens
9 to commit any other crime against, an employee deemed an essential worker as defined in Exhibit A
10 accompanying Emergency Order #17 issued on March 26, 2020, or to a member of their immediate
11 family, when said employee is attempting to implement workplace rules imposed by management.

12 2 Effective Date. This act shall take effect January 1, 2023.

**HB 1017-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

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

METHODOLOGY:

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

Judicial Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
<p>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. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.</p>		

Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of Incarcerating an Individual	\$54,386	\$54,386
FY 2021 Annual Marginal Cost of a General Population Inmate	\$5,715	\$5,715
FY 2021 Average Cost of Supervising an Individual on Parole/Probation	\$603	\$603
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. 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. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

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

AGENCIES CONTACTED:

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