

CONSENT CALENDAR

February 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Children and Family Law to which
was referred HB 1568-FN,

AN ACT raising the age of juvenile delinquency from 18
to 21. Having considered the same, report the same
with the following resolution: **RESOLVED**, that it is
INEXPEDIENT TO LEGISLATE.

Rep. Jodi Nelson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Children and Family Law
Bill Number:	HB 1568-FN
Title:	raising the age of juvenile delinquency from 18 to 21.
Date:	February 8, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The sponsor agreed with the committee that the bill was not ready for prime time.

Vote 14-0.

Rep. Jodi Nelson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Children and Family Law

HB 1568-FN, raising the age of juvenile delinquency from 18 to 21. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson for Children and Family Law. The sponsor agreed with the committee that the bill was not ready for prime time. **Vote 14-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 1568-FN

BILL TITLE: raising the age of juvenile delinquency from 18 to 21.

DATE: February 8, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Belanger

Seconded by Rep. DeSimone

Vote: 14-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Peter Petrigno, Clerk



2022 SESSION

Children and Family Law

Bill #: HB 1568 Motion: ITL AM #: _____ Exec Session Date: 2/8/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Rice, Kimberly A. Chairman	✓		
DeSimone, Debra L. Vice Chairman	✓		
Yokela, Josh S.	✓		
Nelson, Jodi	✓		
Belanger, Cody M.	✓		
Cross, Kenna E.	—		
Litchfield, Melissa A.	✓		
Smith, Denise M.	✓		
Long, Patrick T.	✓		
Alicea, Caroletta C. Clerk	✓		
Grossman, Gaby M.	✓		
Levesque, Cassandra N.	✓		
Wazir, Safiya	✓		
Petrigno, Peter	✓		
Altschiller, Debra	✓		
TOTAL VOTE:	14	0	1

Consent

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1568-FN

BILL TITLE: raising the age of juvenile delinquency from 18 to 21.

DATE: January 13, 2022

LOB ROOM: 206 **Time Public Hearing Called to Order:** 11:00am

Time Adjourned: 11:23am

Committee Members: Reps. Rice, DeSimone, Petrigno, Yokela, J. Nelson, Belanger, Cross, Litchfield, D. Smith, Long, Grossman, Levesque, Wazir, Altschiller and Alicea

Bill Sponsors:

Rep. Belanger

Rep. Long

Rep. Amanda Bouldin

Rep. Andrew Bouldin

Rep. Moran

Sen. Watters

TESTIMONY

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

Rep. Cody Belanger

- Introduced his bill relative to raising the age of juvenile delinquency from 18 to 21.
- His request of the committee was "unclear".

Richard Head - Representing the Judicial Branch

- Expressed concerns regarding placement and that juvenile case "are complex".
- This legislation would create a "significant burden" on the system.

Rep. Jess Edwards

- Spoke in opposition and that he believes his constitution "think this a bad idea".
- He noted that individuals in this age range have a number of rights and are capable of being held accountable.

Rep. Mary Beth Walz

- Spoke in favor of the bill, and recommended the creation of a study committee to give consideration.

Joseph Ribsam - Director of NH DCYF

- Noted juvenile brain development and recommended the committee give consideration to study the issue.

Elizabeth Sargent - NH Association of Chiefs of Police

- Signed in opposition

Joseph Gibson - DCYF

- Private Information

Resentfully Submitted,

Rep. Peter Petrigno, Clerk

House Remote Testify

Children and Family Law Committee Testify List for Bill HB1568 on 2022-01-11

Support: 4 Oppose: 8 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>
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/5/2022 2:07 PM
Gould, Rep. Linda	bedford, NH lindagould5k@gmail.com	An Elected Official	Myself	Oppose	No	No	1/10/2022 3:03 PM
Mascio, Lissa	Concord (DOC HQ), NH Lissa.D.Mascio@doc.nh.gov	State Agency Staff	Department of Corrections	Neutral	No	No	1/10/2022 3:20 PM
Pinto, Josie	Dover, NH Pinto.josie@gmail.com	A Member of the Public	Myself	Support	No	No	1/11/2022 6:24 AM
perez, maria	milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Support	No	No	1/11/2022 7:46 AM
Keilig, Pamela	Concord, NH pkeilig@nhcadsv.org	A Lobbyist	New Hampshire Coalition Against Domestic and Sexual Violence	Oppose	No	No	1/11/2022 8:38 AM
Sullivan, Paul	Newbury, NH socrda@gmail.com	A Member of the Public	Myself	Support	No	No	1/11/2022 9:12 AM
Marsh, Adam	Gorham, NH amarsh@gorhamnh.org	An Elected Official	Myself	Oppose	No	No	1/11/2022 9:52 AM
Baiocchetti, Vincent	Gilmanton Iron Works, NH vbaiocchetti@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/11/2022 10:12 AM
Shagoury, Andrew	Center Tuftonboro, NH a.shagoury@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	1/11/2022 10:34 AM
Bryfonski, John	Bedford Police Department, NH jbryfonski@bedfordnh.org	A Member of the Public	Myself	Oppose	No	No	1/11/2022 10:54 AM
Sullivan, Patrick	Manchester, NH patsully@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/11/2022 11:05 AM
Levesque, Brian	Manchester, NH blevesque@merrimacknh.gov	A Member of the Public	Myself	Oppose	No	No	1/11/2022 1:02 PM

HB 1568-FN - AS INTRODUCED

2022 SESSION

22-2493

07/04

HOUSE BILL ***1568-FN***

AN ACT raising the age of juvenile delinquency from 18 to 21.

SPONSORS: Rep. Belanger, Rock. 9; Rep. Long, Hills. 10; Rep. Amanda Bouldin, Hills. 12; Rep. Andrew Bouldin, Hills. 12; Rep. Moran, Hills. 34; Sen. Watters, Dist 4

COMMITTEE: Children and Family Law

ANALYSIS

This bill increases the age of juvenile delinquency from 18 to 21.

.....

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
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 raising the age of juvenile delinquency from 18 to 21.

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

1 1 Delinquent Children; Definitions; Increasing Age of Juvenile Delinquency to 21. Amend RSA
2 169-B:2, IV, VI, and XV to read as follows:

3 IV. "Delinquent" means a person who has committed an offense before reaching the age of
4 ~~[18]~~ **21** years which would be a felony or misdemeanor under the criminal code of this state if
5 committed by an adult, or which is a violation of RSA 318-B:2-c, II or III, and is expressly found to be
6 in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof. No person
7 under 13 years of age shall be subject to proceedings under this chapter unless such person has
8 committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be construed
9 to limit the filing of a petition for any minor child under RSA 169-D.

10 VI. "Minor" means a person under the age of ~~[18]~~ **21**.

11 XV. "Shelter care facility" means a non-secure or staff-secure facility for the temporary care
12 of children no less than 11 nor more than ~~[17]~~ **20** years of age. Shelter care facilities may be utilized
13 for children prior to or following adjudication or disposition. A shelter care facility may not be
14 operated in the same building as a facility for architecturally secure confinement of children or
15 adults.

16 2 Delinquent Children; Jurisdiction Over Certain Persons; Increasing Age of Juvenile
17 Delinquency to 21. Amend RSA 169-B:4 to read as follows:

18 I. The court shall have jurisdiction over any minor with respect to whom a petition is filed
19 under this chapter after the minor's ~~[eighteenth]~~ **twenty-first** and before the minor's ~~[nineteenth]~~
20 **twenty-second** birthday for an alleged delinquency offense committed before the minor's
21 ~~[eighteenth]~~ **twenty-first** birthday.

22 II. The court may retain jurisdiction over any minor during the period after the minor's
23 ~~[eighteenth]~~ **twenty-first** birthday as justice may require for any minor who, prior to the minor's
24 ~~[eighteenth]~~ **twenty-first** birthday, was adjudicated delinquent and:

- 25 (a) For whom the department has recommended extension of the court's jurisdiction;
- 26 (b) Who has, prior to the minor's ~~[eighteenth]~~ **twenty-first** birthday, consented to the
27 court's retention of jurisdiction; and
- 28 (c) Who is attending school for the purpose of obtaining a high school diploma or general
29 equivalency diploma and is considered likely to receive such diploma.

30 III. At the request of the prosecutor or the department, the court may retain jurisdiction
31 over the minor for a period of up to 2 years following the completion of any appeal if the petition was

1 filed after the minor had attained the age of [17] **20** years. Notwithstanding the provisions of RSA
2 169-B:19, III, when jurisdiction is retained pursuant to this section, the court may sentence a person
3 to the county correctional facility for a term that may extend beyond the person's eighteenth
4 birthday.

5 IV. The court shall close the case when the minor reaches age [18] **21** or, if jurisdiction is
6 extended pursuant to paragraph II, when:

7 (a) The minor revokes the minor's consent in writing and such revocation has been
8 approved by the court;

9 (b) The minor ceases to be enrolled as a full-time student during sessions of the school;

10 (c) The minor graduates from high school or receives a general equivalency diploma;

11 (d) The minor attains 21 years of age; or

12 (e) The department revokes its consent in writing; whichever event shall first occur. The
13 court shall approve the minor's revocation of consent if it finds that the minor, in seeking to do so, is
14 acting intelligently, knowledgeably, and in acceptance of the legal consequences.

15 V. Notwithstanding paragraph III, when the court finds by clear and convincing evidence
16 that closing the case would endanger the safety of the minor, any other person, or the community, or
17 the court finds that there is a high probability that continued provision of treatment services is
18 necessary to rehabilitate the minor, the court may retain jurisdiction over any minor:

19 (a) Who has been found to have committed a violent crime as defined under RSA 169-
20 B:35-a, I(c);

21 (b) Who has been petitioned to the court on 4 or more occasions and adjudicated
22 delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses; or

23 (c) Who is subject to the jurisdiction of the court prior to the minor's [~~eighteenth~~]
24 **twenty-first** birthday and for whom the department has filed a motion with the court requesting
25 that the court retain jurisdiction under this subparagraph; provided that the department's motion is
26 filed within the 90 days prior to the minor's eighteenth birthday and provided further that the
27 court's jurisdiction pursuant to this subparagraph shall continue until the minor's nineteenth
28 birthday.

29 VI. A minor may be subject to the extended jurisdiction of the court for a period of time no
30 longer than that for which an adult could be committed for a like offense or the minor reaches the
31 age of 21, whichever occurs first. For purposes of this section, the time shall be calculated from the
32 date of the original dispositional order.

33 VII. In any instance in which the statute of limitations has not tolled and no juvenile
34 petition has been filed based upon acts committed before the minor's [~~eighteenth~~] **twenty-first**
35 birthday, the state may proceed against the person in the criminal justice system after that person's
36 [~~eighteenth~~] **twenty-first** birthday.

HB 1568-FN - AS INTRODUCED
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1 3 Delinquent Children; Dispositional Hearing; Increasing Age of Juvenile Delinquency to 21.
2 Amend RSA 169-B:19, I(k) to read as follows:

3 (k) Order the minor to register as a sexual offender or offender against children
4 pursuant to RSA 651-B until the juvenile reaches the age of [~~18~~] **21** if the court finds that the minor
5 presents a risk to public safety.

6 4 Delinquent Children; Dispositional Hearing; Increasing Age of Juvenile Delinquency to 21.
7 Amend RSA 169-B:19, III to read as follows:

8 III. A minor found to be a delinquent on a petition filed after the minor's sixteenth birthday,
9 in addition to or in place of the dispositions provided for in paragraph I, may be committed to a
10 county correctional facility for no greater term than an adult could be committed for a like offense;
11 provided, however, that during minority the minor shall not be confined in a county correctional
12 facility and provided further that the term shall not extend beyond the minor's [~~eighteenth~~] **twenty-**
13 **first** birthday.

14 5 Delinquent Children; Dispositional Hearing; Increasing Age of Juvenile Delinquency to 21.
15 Amend RSA 169-B:19, III-a to read as follows:

16 III-a.(a) Prior to the [~~eighteenth~~] **twenty-first** birthday of a minor who had been adjudicated
17 delinquent for committing a violent crime as defined in RSA 169-B:35-a, I(c), or who had been
18 petitioned to court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory
19 hearings which alleged misdemeanor or felony offenses, the prosecutor or the department of health
20 and human services may file a motion with the court to extend jurisdiction pursuant to RSA 169-B:4,
21 V. The department of youth development services may file a motion to extend jurisdiction for any
22 minor committed to its custody pursuant to RSA 169-B:19, I(j). The department of corrections shall
23 be served a copy of the motion and be a party to the proceeding.

24 (b) For purposes of assessing whether a minor meets the criteria of RSA 169-B:4, V, the
25 department may provide representatives of the department of corrections with access to the minor's
26 case records.

27 (c) If the court retains jurisdiction over the minor pursuant to RSA 169-B:4, V, the court
28 may modify any dispositional order to transfer supervision from the department of health and
29 human services to the department of corrections, or to transfer the place of detention from the youth
30 development center to an adult facility.

31 (d) If the court orders a transfer of placement or supervisory authority, the court shall
32 also order the transfer of all of the minor's treatment records to the agency having supervisory
33 authority over the minor.

34 (e) When a dispositional order is extended beyond the minor's [~~eighteenth~~] **twenty-first**
35 birthday, the court may enforce its order with a finding of criminal contempt. Notwithstanding RSA
36 169-B:35, the state may utilize any relevant portion of a juvenile's records in a criminal contempt
37 proceeding.

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1 (f) If the court retains jurisdiction over the minor pursuant to RSA 169-B:4, V, and the
2 court has determined that the minor is required to register as a sexual offender or offender against
3 children pursuant to RSA 169-B:19, I(k), the minor shall continue to register pursuant to RSA 651-B;
4 provided, the court retains jurisdiction over the case.

5 6 Delinquent Children; Dispositional Hearing; Increasing Age of Juvenile Delinquency to 21.
6 Amend RSA 169-B:19, III-b to read as follows:

7 III-b. Notwithstanding any provision of law to the contrary, a minor over whom the court
8 has exercised jurisdiction pursuant to RSA 169-B:4, I or retained jurisdiction pursuant to RSA 169-
9 B:4, V(c), may be committed or continue to be committed at the youth development center pursuant
10 to RSA 169-B:19, I(j) until the minor's [~~eighteenth~~] **twenty-first** birthday.

11 7 Delinquent Children; Petition by County Attorney or Attorney General; Increasing Age of
12 Juvenile Delinquency to 21. Amend RSA 169-B:25 to read as follows:

13 169-B:25 Petition by County Attorney or Attorney General. If facts are presented to the county
14 attorney or attorney general establishing that a person under the age of [~~18~~] **21** has been guilty of
15 conduct which constitutes a felony or would amount to a felony in the case of an adult and if such
16 person is not within the jurisdiction of this state, the county attorney or attorney general may file a
17 petition with the judge of the municipal or district court which would otherwise have jurisdiction
18 under the provisions of this chapter. The petition shall set forth the nature of the offense with which
19 the person is charged and shall specify the person's whereabouts if known. On receipt of such
20 petition, the court may summarily authorize the county attorney or attorney general to proceed
21 against such person under regular criminal procedures, and without regard to the provisions of this
22 chapter. Pending determination by the superior court as provided in this section and pending final
23 disposition of the matter, such persons shall be bailable with sufficient sureties as in the case of
24 adults and, in default thereof, may be committed to the custody of the juvenile probation and parole
25 officer or detained at a county correctional facility unless detention elsewhere is ordered by the
26 superior court. The superior court shall determine, after hearing, whether such person shall be
27 treated as a juvenile under the provisions of this section or whether the case shall be disposed of
28 according to regular criminal procedures.

29 8 Delinquent Children; Petition by Minor; Increasing Age of Juvenile Delinquency to 21. Amend
30 RSA 169-B:26 to read as follows:

31 169-B:26 Petition by Minor. At any time prior to hearing pursuant to RSA 169-B:16, a minor
32 who is charged with an act of delinquency committed after the minor's [~~seventeenth~~] **twentieth**
33 birthday may petition the court to be tried as an adult and to have such case dealt with in the same
34 manner as any other criminal prosecution.

35 9 Delinquent Children; Juvenile Case and Court Records; Increasing Age of Juvenile
36 Delinquency to 21. Amend RSA 169-B:35, III to read as follows:

37 III. Notwithstanding paragraphs I and II:

1 (a) Police officers and prosecutors involved in the investigation and prosecution of
2 criminal acts shall be authorized to access police records concerning juvenile delinquency, including
3 the files of persons who at the time of the inquiry are over the age of [~~18~~] **21**, and to utilize for the
4 purposes of investigation and prosecution of criminal cases police investigative files on acts of
5 juvenile delinquency, including information from police reports, exemplars, and forensic
6 investigations.

7 (b) Prosecutors involved in the prosecution of criminal acts shall be authorized to access
8 police records concerning juvenile delinquency or records of adjudications of delinquency, including
9 the files of persons who at the time of the inquiry are over the age of [~~18~~] **21**, if the prosecutor has
10 reason to believe that the individual may be a witness in a criminal case. The prosecutor may
11 disclose the existence of an adjudication for juvenile delinquency only when such disclosure is
12 constitutionally required or after the court having jurisdiction over the criminal prosecution orders
13 its disclosure.

14 (c) [Repealed.]

15 (d) Pursuant to RSA 651-B, the department of safety shall disclose registration
16 information to law enforcement agencies for juveniles if the court has found that the juvenile is
17 required to register as a sexual offender or offender against children. In no event shall any juvenile
18 required to register be listed on the list of sexual offenders and offenders against children made
19 available to the public pursuant to RSA 651-B:7.

20 10 Parole of Delinquents; Effect of Recommittal; Increasing Age of Juvenile Delinquency to 21.
21 Amend RSA 170-H:11 to read as follows:

22 170-H:11 Effect of Recommittal. Any delinquent whose parole is revoked shall be returned to
23 the custody of the commissioner. The offender may at any time prior to his or her [~~eighteenth~~]
24 **twenty-first** birthday be paroled again. If not paroled, a delinquent shall remain in custody until
25 his or her [~~eighteenth~~] **twenty-first** birthday.

26 11 Correction and Punishment; Youth Development Center; Definitions; Increasing Age of
27 Juvenile Delinquency to 21. Amend RSA 621:3, II, V, and VII to read as follows:

28 II. "Child," "minor," or "juvenile" means a person under the age of [~~18~~] **21** years.

29 V. "Delinquent" or "delinquent child" means a minor who has committed an offense before
30 reaching the age of [~~18~~] **21** years which would be a felony or misdemeanor under the criminal code of
31 this state if committed by an adult.

32 VII. "Minority" means the period of time before the age of [~~18~~] **21** years and terminates on
33 the [~~eighteenth~~] **twenty-first** birthday.

34 12 Correction and Punishment; Youth Detention Center; Extended Commitment at the Center;
35 Increasing Age of Juvenile Delinquency to 21. Amend RSA 621:9-a to read as follows:

36 621:9-a Extended Commitment at the Center. Notwithstanding any provision of law to the
37 contrary, a minor over whom the court has exercised jurisdiction pursuant to RSA 169-B:4, I or

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1 retained jurisdiction pursuant to RSA 169-B:4, V(c), may be committed or continue to be committed
2 at the center pursuant to RSA 169-B:19, I(j) until the minor's [~~eighteenth~~] **twenty-first** birthday.

3 13 Correction and Punishment; Youth Development Center; Effect of Release; Increasing Age of
4 Juvenile Delinquency to 21. Amend RSA 621:24 to read as follows:

5 621:24 Effect of Release. No administrative release or parole of a child shall operate as a
6 discharge of the child from the center. The department shall continue to have control of children on
7 administrative release to parole or parole until they reach the age of [~~18~~] **21** years, and the control
8 conferred by the department upon others shall be conferred upon them as agents of the department,
9 except where a child is discharged under RSA 621:19.

10 14 Correction and Punishment; Youth Detention Center; Remands and Changes in Conditions of
11 Release; Increasing Age of Juvenile Delinquency to 21. Amend RSA 621:25 to read as follows:

12 621:25 Remands and Changes in Conditions of Release. The board or the commissioner, subject
13 to the approval of the board, may modify or cancel any arrangements or conditions relative to
14 release, other than discharge of a child, or may order a child remanded to the center, until the child
15 reaches the age of [~~18~~] **21** years or is discharged under RSA 621:19. Under the direction of the board
16 and subject to rules adopted by the commissioner the department shall:

17 I. Seek out proper places for children who are qualified for administrative release to parole
18 or parole and keep in contact with these children after they are so released;

19 II. Make reports of its activities to the board when so required. When the department
20 deems it to be in the best interest of a child on administrative release to parole or parole to be placed
21 under different conditions, it shall report the case fully to the board, together with its
22 recommendations, and the board shall act on the case in whatever manner seems to them to be in
23 the best interests of the child; and

24 III. Remand children to the center with the same power and authority as provided to the
25 board or under such terms and conditions as the board may prescribe.

26 15 Department of Corrections; Definitions; Increasing Age of Minority to 21. Amend RSA 21-
27 H:2, I and IV to read as follows:

28 I. "Adult" means any person [~~18~~] **21** years of age or older or any person under the age of [~~18~~]
29 **21** who has been certified as an adult pursuant to RSA 169-B:24.

30 IV. "Delinquent" or "delinquent child" means a person who has committed an offense before
31 reaching the age of [~~18~~] **21** years which would be a felony or misdemeanor under the criminal code of
32 this state if committed by an adult.

33 16 Effective Date. This act shall take effect January 1, 2023.

**HB 1568-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT raising the age of juvenile delinquency from 18 to 21.

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 Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill increases the age of juvenile delinquency from 18 to 21.

The Department of Corrections is not able to determine the fiscal impact of this bill as it does not have information on the number of individuals who would be subject to this legislation. Any fiscal impact on the Department would be either no change or a decrease in expenditures. As of 10/27/21, nine individuals under the age of 21 were housed in Department of Corrections facilities. The average annual cost of incarcerating an individual in the general population for the fiscal year ending June 30, 2021 was \$54,386. The average cost to supervise an individual by the Division of Field Services in FY 2019 2021 was \$603.

The Department of Health and Human Services indicates the bill assumes the 18-21 year old population will be serviced under the New Hampshire Department of Health and Human Services with existing resources and does not provide for the additional services or resources including personnel necessary to take on this population. As drafted, this bill assumes young adults 18-21 years old would be committed to the Sununu Youth Services Center (“SYSC”). However, pursuant to Chapter 92, Laws of 2021 (HB2), SYSC will be closed as of March 2023 and will be replaced with a new 18-bed facility. With the closure of SYSC there will be no secured facility for this population and a second new facility would be required to serve this

population. A second facility would be required because the Federal Prison Rape Elimination Act requires sight and sound separation between minors and adults, as defined by federal law which, is 18 years old. In addition to the young adults in the custody of the Department of Corrections, there would be qualifying young adults in the county correctional system as that is where the detained young adults and those currently serving sentences of less than one-year reside. The Department expects the number of additional beds required would be well over 40 beds. In addition to the young adults currently committed to facilities, the bill could require DCYF to provide community supervision. The Department does not have the information necessary to estimate the number of young adults who would require community supervision, but assumes the number would be significant. The Department assumes this population would include the 18-21 year old population at the county jails and the state prisons with the exception of those certified to be tried as adults. The Department does not have sufficient information to predict what that population will be or to estimate the increase in caseloads. It is assumed the bill would apply to new delinquency cases petitioned after the effective date of January 1, 2023.

The Department indicates the bill would have substantial fiscal impacts and require additional financial resources which will depend on the size of the population diverted from the adult system. These fiscal impacts include:

- Additional beds in a secured facility that has sight and sound separation from those individuals under the age of 18.
- Additional residential staffing costs to provide for the health, safety, security, education and other basic needs.
- Additional juvenile probation and parole officers to provide community supervision.
- Amendments to the Department's residential provider contracts would be needed to expand the population served.
- Additional fiscal specialists would be needed to support the additional caseload.
- Additional Medicaid expenditures for the young adults in the community.
- Additional legal support required to provide advice on the substantial increase caseload.

As such, the Department is unable to determine the fiscal impact that would result from this bill. This proposed legislation does not include an appropriation for the Department to assume responsibility for the 18-21 year old population currently served by the adult corrections system.

Based on 2019 data, the Judicial Branch indicates there were 1,717 Juvenile Delinquency cases filed. In the same year, there were 4,688 (655 Superior Court, 4,033 Circuit Court) criminal cases where the defendant was 18-21, which under this bill would be treated as Juvenile cases. Using this data, the Branch assumes there would be an increase of approximately 173% in Juvenile cases if the bill were to be enacted. Juvenile cases have a much different case

management and hearing process than adult criminal cases. By statute, service must be “at the usual place of abode of the person having custody or control of the minor or with whom the minor may be residing, requiring that person to appear with the minor at a specified place and time, which shall not be less than 24 hours nor more than 7 days after service.” If the person is not the parent or guardian of the minor, then a parent or guardian shall be notified, provided they and their residence are known, or if there is neither parent nor guardian, or their residence is not known, then some relative, if there be one whose residence is known.” The Branch assumes this process would become more difficult and take longer as the age of the defendant increases. RSA 169-B also provides that “An officer taking a minor into custody pursuant to RSA 169-B:9 may release the minor to a parent, guardian or custodian pending arraignment; however, if the minor is not released within 4 hours of being taken into custody, the court shall be notified, and thereupon, placement, until arraignment, shall be determined by the court.” The Branch assumes this will also become more complicated as the age of the defendant increases. At arraignment, the court has a specific inquiry it is required to undertake to gather complete and accurate information about the defendant’s cognitive ability; whether they have any mental, emotion or behavior disorders; their special education eligibility and previous care management referrals. The court is required to set a hearing date, to be no more than 21 days for detained minors, and 30 days for minors not detained. No such 21/30 day deadlines for adjudicatory hearings exist for adult criminal cases. The court is also required to determine if a school district needs to be joined. Any minor sentenced after a contested adjudicatory hearing to an order of conditional release extending beyond the juvenile's age of majority or suspended, deferred, or imposed incarceration at an adult correctional facility may, after the disposition is issued, request a de novo trial before a jury. Unlike most adult criminal proceedings, juvenile cases are confidential, and therefore cannot be heard in an open courtroom and are therefore scheduled, when possible, separately from other cases.

The Judicial Branch’s last weighted case study found that a juvenile case took, on average, 14 times more judicial time than a routine adult criminal case. Although the Court does not have current specific data on clerk and staff time spent on juvenile cases as compared to adult criminal cases, the difference is similarly substantial.

The Judicial Branch assumes that, in each of its four busiest Circuit Court criminal dockets—Concord, Manchester, Nashua and Keene, an additional Judge and Administrative Court Assistant would be needed to manage the additional juvenile dockets. The Branch estimated the annual cost of the additional circuit court judges and administrative court assistants would be \$1.6 million in FY 2023 and \$1.7 million in FY 2024 and FY 2025. There would be other additional resource needs that cannot be calculated until the new procedures are implemented.

The Judicial Council indicates it would still be responsible for providing representation for indigent defendants in this age group, but the venue would change. The Council anticipates this change would not impact the cost of the representation.

The New Hampshire Association of Counties states while this bill would create some savings for the County Correctional Facilities, it will likely increase costs for the sheriffs offices in holding and transfer costs. The Association is also unable to calculate the number of offenders that this would impact, but does have information on the number of inmates for FY 2021 by county:

Belknap:	19 inmates, 579 total day of incarceration
Carroll:	26 inmates, 345 total days of incarceration
Cheshire:	43 inmates, 1,296 total days of incarceration
Coos:	8 inmates, 121 total days of incarceration
Grafton:	41 inmates, 1,141 total days of incarceration
Hillsborough	116 inmates, 2,436 total days of incarceration
Merrimack	48 inmates, 1,425 total days of incarceration
Rockingham	114 inmates, 1,420 total days of incarceration
Strafford	78 inmates, 4,514 total days of incarceration
Sullivan	45 inmates, 1,140 total days of incarceration

The average daily cost of incarcerating an individual in a county house of corrections is between \$105 and \$125.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Corrections and Health and Human Services and New Hampshire Association of Counties