

REGULAR CALENDAR

April 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred SB 361-FN,

AN ACT requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Terry Roy

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	SB 361-FN
Title:	requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.
Date:	April 8, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Witness testimony from bail commissioners indicated that this attempt to assist them, would in fact complicate their current tax filing as well as raising other concerns of unintended consequences. The bail commissioners expressed concern that if they were called to bail multiple defendants, only the first would bear the cost of the mileage and they also indicated that they had doubts that the mileage would actually be paid in any event and requested that the bill be found inexpedient to legislate.

Vote 19-2.

Rep. Terry Roy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

SB 361-FN, requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. Witness testimony from bail commissioners indicated that this attempt to assist them, would in fact complicate their current tax filing as well as raising other concerns of unintended consequences. The bail commissioners expressed concern that if they were called to bail multiple defendants, only the first would bear the cost of the mileage and they also indicated that they had doubts that the mileage would actually be paid in any event and requested that the bill be found inexpedient to legislate. **Vote 19-2.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

April 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred SB 361-FN,

AN ACT requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. John Bordenet

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	SB 361-FN
Title:	requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.
Date:	April 8, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill would allow bail commissioners to be reimbursed for mileage traveled in the performance of their duties. Bail commissioners testified against the bill because they are not being paid the fee they now entitled. If the NH Court System does one day find the means to pay them this fee, this policy would give immediate payment for their well deserved compensation for mileage. In addition, this bill, if passed, will or may encourage a more suitable correction to the problem faced by our bail commissioners.

Rep. John Bordenet
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

SB 361-FN, requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties. **OUGHT TO PASS.**

Rep. John Bordenet for the **Minority** of Criminal Justice and Public Safety. This bill would allow bail commissioners to be reimbursed for mileage traveled in the performance of their duties. Bail commissioners testified against the bill because they are not being paid the fee they now entitled. If the NH Court System does one day find the means to pay them this fee, this policy would give immediate payment for their well deserved compensation for mileage. In addition, this bill, if passed, will or may encourage a more suitable correction to the problem faced by our bail commissioners.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 361-FN

BILL TITLE: requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

DATE: April 8, 2022

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Roy

Seconded by Rep. Espitia

Vote: 19-2

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk

OFFICE OF THE HOUSE CLERK

2/8/2022 3:07:34 PM
Roll Call Committee Registers
Report



2022 SESSION

Criminal Justice and Public Safety

Bill #: SB 301 Motion: FTL AM #: Exec Session Date: 4.8.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	19		
Roy, Terry Vice Chairman	1		
Welch, David A.	2		
Burt, John A.	3		
Rhodes, Jennifer	4		
Green, Dennis E.	5		
Wallace, Scott Clerk	6		
Testerman, Dave	7		
True, Chris <u>FOLSOM</u>	8		
Pratt, Kevin M.	9		
Marston, Dick	10		
Harriott-Gathright, Linda C.	11		
Pantelakos, Laura C.	12		
O'Hearne, Andrew S. <u>JACK</u>	13		
Bordenet, John		1	
Meuse, David	14		
Newman, Ray E.	15		
Bouldin, Amanda C. <u>S. NEWMAN</u>	16		
Conley, Casey M. <u>MANUEVAZ</u>		2	
Bradley, Amy	17		
Espitia, Manny	18		



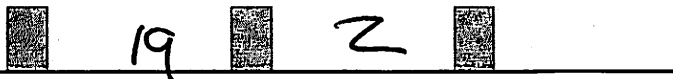
2/8/2022 3:07:34 PM
Roll Call Committee Registers
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: 9B 301 Motion: FTL AM #: — Exec Session Date: 4-8-22

TOTAL VOTE:



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 361-FN

BILL TITLE: requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

DATE: April 8, 2022

LOB ROOM: 202-204 **Time Public Hearing Called to Order:** 1435

Time Adjourned: 1523

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

Bill Sponsors:

Sen. Gannon
Sen. Watters
Sen. Reagan
Sen. Prentiss
Rep. Edwards

Sen. Hennessey
Sen. Bradley
Sen. Avarad
Sen. Cavanaugh
Rep. Welch

Sen. D'Allesandro
Sen. French
Sen. Carson
Rep. Piemonte

TESTIMONY

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

Grant Bosse for Senator Gannon

- Supports

Ed Marcis - Bail Commissioner

- Supports

***Vincent Baiocchetti - Belknap Co. Bail Commissioner**

- Opposes - he wants bail reform
- Emailed testimony

Paul Leary - Bail Commissioner

- Opposed
- Wants bail reform not "Feel Good Legislation." Has some good ideas.

Triixie Lefebure - Bail Commissioner

- Opposed
- Would like actual Bail Commissioner payment warranty. The BC's are losing almost 35% of payments.

Jim Moody - Bail Commissioner

- Opposed
- Hills Co. 3 year averages 60-70% paid
- Getting the \$40. fee is the issue

Respectfully submitted,

Rep. Scott Wallace, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill SB361 on 2022-04-08

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

[Export to Excel](#)

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Cavanaugh, Senator Kevin	Manchester, NH kevin.cavanaugh@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/4/2022 9:12 AM
French, Senator Harold	Canterbury, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 7	Support	No	No	4/4/2022 2:31 PM
Reagan, Senator John	Deerfield, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 17	Support	No	No	4/5/2022 8:52 AM
Hennessey, Erin	Senate District 1, NH peter.oneill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/5/2022 10:29 AM
Bradley, Jeb	SD3, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3	Support	No	No	4/6/2022 9:37 AM
Carson, Senator Sharon	SD 14, NH sharon.carson@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/7/2022 3:57 PM
Baiocchi, Vincent	Gilmanton Iron Works, NH vbaiocchi@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2022 5:31 PM
Drury, John	Alton, NH jpd.fpd@hotmail.com	A Member of the Public	Myself	Support	No	No	4/8/2022 11:16 AM
Piemonte, Tony	Sandown, NH tony.piemonte@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/8/2022 3:18 PM

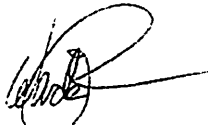
Vincent Baiocchetti

House Criminal Justice and Public Safety Committee Testimony April 8, 2022 SB 361 - Requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties Dear Mr. Chairman and Members of the Committee:

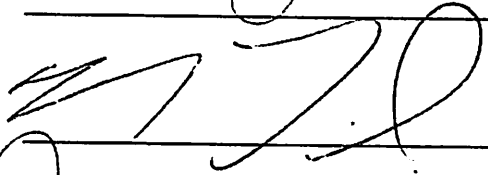
My name is Vincent Baiocchetti, I am a Bail Commissioner from Belknap County and I am speaking in opposition of SB 361, a bill requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties. My comments will be short as it appears that this is just another problem that will be kicked down the road and feel good legislation. We as Bail Commissioners have been coming before you for the past 4 years to try and get payment, that is already required by law, to no avail. Everyone that we have testified in front of has agreed that Bail Commissioners perform an important job but no one with the authority, not the Legislature or the Court, have followed through or made any worthwhile steps to ensure that this happens. Instead there is now a bill to pay Bail Commissioners for mileage, a piece of feel good legislation that does not solve any outstanding issues. Some of the questions that have been posed to me by other Bail Commissioners is how are we going to calculate mileage, now we will have to make change and the most asked question, how will we get paid for mileage when we don't get paid for the \$40.00 Bail Commissioner fee that the law requires that we get paid? Most of the Bail Commissioners that I have spoken with would rather you and the Court resolve a problem that already exists instead of creating another problem for us that will again have no solution. If you have any questions, please feel free to contact me. Thank you for your time. Vinnie Baiocchetti
Gilmanton Iron Works, NH

To Senator Sharon Carson and the EDA Committee


We, the undersigned, support the passage of the New Hampshire Senate Bill SB361 which will require that Bail Commissioners be reimbursed for mileage traveled in the performance of duties. Currently, Bail Commissioners travel many miles to a variety of police departments, county jails and medical facilities during the day and night without mileage compensation. The passage of this bill may attract more Bail Commissioners to apply for this position which is greatly needed. Reimbursement for mileage will offset the cost of gasoline and maintenance of our private vehicles.



Chief Wade A. Parsons, Danville Police



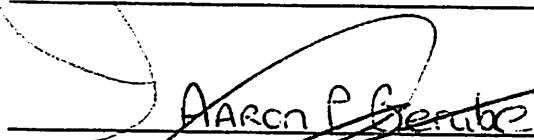
Michael Laball, Raymond PD
Hampstead PD



Chief Joseph Braudon



Derry PD, Chief of Police

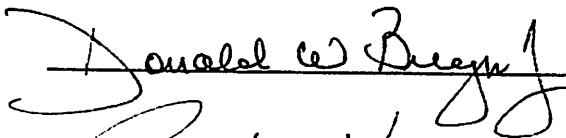


Londonderry PD, Chief of Police

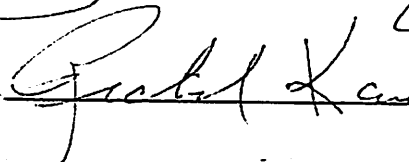
John Sable

Chester PD, Chief of Police

Sandown P.D., Lieutenant



Donald W. Briggs Jr, Kingston Police



Richard Kane, Plaistow P.D.



Richard Sabin, PCSO



Michael J. Wallace, Epping PD

Paul M. Leary's Bail Commissioner Activity 3/9/2016 to present

YEAR	DUE BC Fees	WAIVED	Total Bails for the year	MILEAGE
2016 (3/9/16)	4,160	20	418	3743
2017	7,120	69	731	4466
2018	7,947	41	599	4789.4
2019	6,405	55	574	4396
2020	7790	53	598	3419.6
2021	8257	36	573	1922.6
2022	2280	30	174(4/7/22)	846
2023				
TOTAL DUE	\$43,959	304 (12,160)	3,667	

My collection rate runs about 62-68% over the 6+ year run. When I started the Judge said I would collect 3 out of every 5 Bails, I do and that has been constant. In the matter of Telebails or Remote Bailing I have done 611 from 4/25/20 to 4/7/2022.

This was the breakdown that I gave while talking about SB 772 (2019). This form has been updated five times since SB 772 testimony, and twice since SB 361 (2022) testimony. Please let me know if you need more information. (updated 4/7/2022)

Note, the mileage in 2020 and 2021 were affected by COVID-19 and the use of the Telebail or Remote bailing. When I began bailing much of it was done locally and as the years moved on my coverage area started to grow and I have included a list of the Departments that I have been to with the round trip mileage as a reference. I did not keep track of the mileage per department per year but rather just tracked the mileage for the annual total for my accountant.

Paul

Police Department Round Trip Mileage

From 709 Central Street. Franklin NH 03235

Police Department	Address	Mileage
Andover P.D.	32 School Street 03216	25.2
Belknap Cnty. Jail	76 County Drive 03246	26
Belmont P.D.	16 Fuller Street 03220	16.2
Boscawen P.D.	116 N. Main Street 03303	32.0
Bristol P.D.	230 Lake Street 03222	30.0
Campton P.D.	12 Gearty Way 03223	61.8
Canterbury P.D.	26 Baptist Road 03268	19.6
Concord P.D.	35 Green Street 03301	40.0
Concord Hospital	250 Pleasant Street 03301	46.6
Franklin P.D.	5 Hancock Terrace 03235	1.6
Franklin Reg. Hospital	15 Aiken Ave 03235	1.2
Hill P.D.	30 Crescent Street 03243	16.4
Laconia P.D.	126 Salem St. 03246	22.0
Loudon P.D.	8 Cooper Street. 03307	38.6
LRGH-ER	80 Highland Street 03246	23.6
Manchester P.D.	405 Valley Street 03101	77.2
Meredith P.D.	405-419 D.W. Hwy. 03253	47.6
Merrimack Cnty. Jail	333 D.W. Hwy. 03303	16.6
New Hampton	24 Intervale Road 03256	30.0

Northfield P.D.	138 Park Street 03276	6.0
Salisbury P.D.	522 Old Turnpike Rd. 03268	18.0
Sanbornton P.D.	565 Sanborn Road 03269	9.6
Tilton P.D.	45 Sanborn Road 03276	8.4
Troop D. in Concord	139 Iron Works Rd. 03301	46.8
Webster P.D.	851 Battle St. 03303	29.2

Lincoln P.D., 148 Main Street 03251 92.0

Woodstock P.D. 165 Lost River Road 03293 122.0

Towns Served by Edward Mencis, Bail Commissioner, State of New Hampshire

Londonderry Police Department- 26 Miles Round Trip

Derry Police Department – 20 miles - Round Trip

Auburn Police Department, Auburn, NH – 20 Miles Round Trip

Chester Police Department, Chester, NH – 8 Miles Round Trip

Sandown Police Department, Sandown, NH – 3 Miles Round Trip

Plaistow Police Department, Plaistow, NH – 23 Miles Round Trip

Atkinson Police Department, Atkinson, NH – 22 Miles Round Trip

Hampstead Police Department, Hampstead, NH – 16 Miles Round Trip

Brentwood Police Department, Brentwood, NH – 16 Miles Round Trip

Epping Police Department, Epping, NH – 22 Miles Round Trip

Candia Police Department, Candia, NH – 23 Miles Round Trip

Kingston Police Department, Kingston, NH -21 Miles Round Trip

East Kingston Police Department, East Kingston, NH – 25 Miles Round Trip

Newton Police Department, Newton, NH – 26 Miles Round Trip

Seabrook Police Department, Seabrook, NH – 41 Miles Round Trip

Hampton Police Department, Hampton, NH – 56 Miles Round Trip

Exeter Police Department, Exeter, NH – 30 Miles Round Trip

Raymond Police Department, Raymond, NH – 26 Round Trip

Rockingham County House of Correction, Brentwood, NH – 21 Miles Round Trip

Exeter Hospital, Exeter, NH – 40 Miles Round Trip

Elliot Hospital, Manchester, NH – 32 Miles Round Trip

Catholic Medical Center, Manchester, NH – 35 Miles Round Trip

Parkland Medical Center, Derry NH – 25 Miles Round Trip

361
SB 261

**House Committee on Criminal Justice
and Public Safety**

April 8, 2022, 2:30 p.m. LOB 202-204

Good afternoon, Chairman and Members of the Committee,

I am Grant Bosse here to introduce SB 361 on behalf of Sen. Gannon, the prime sponsor.

Bail commissioners are a vital and sometimes underappreciated part of our criminal justice system. When someone ends up in custody late at night or over the weekend, we rely on bail commissioners to be there to help them secure their release without having to wait hours or days for a judge.

The Legislature has supported the principle that no one should be denied bail simply because they cannot afford to pay it but are not a threat to the community. For this vital service, bail commissioners charge just \$40.

This amount does not take their expenses into consideration. Getting a call on a Saturday night and driving across the county can burn up a tank of gas, and these days, that's more expensive than ever. Bail commissioners average 60 calls per month and 2,100 miles.

Sen. Gannon introduced SB 361 in order to authorize bail commissioners to collect mileage in addition to the \$40 flat fee. This would be based on actual miles driven, and reimbursed at the IRS rate. Like the fee, the mileage charge would be waived if the defendant were indigent.

SB 361 received unanimous support of the Senate Judiciary and Finance Committees, and cleared the Senate floor twice without opposition. Sen. Gannon thanks you for your consideration and asks for your support of SB 361.

If you have any questions for Sen. Gannon, I will make sure he gets you an answer, but I would defer to the bail commissioners here today to tell you directly about their experience in the field.

Thank you again for allowing me to bring in this bill on Sen. Gannon's behalf.

SB 361-FN - AS INTRODUCED

2022 SESSION

22-2987

04/11

SENATE BILL **361-FN**

AN ACT requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

SPONSORS: Sen. Gannon, Dist 23; Sen. Hennessey, Dist 1; Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. French, Dist 7; Sen. Reagan, Dist 17; Sen. Avar, Dist 12; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5; Sen. Cavanaugh, Dist 16; Rep. Piemonte, Rock. 4; Rep. Edwards, Rock. 4; Rep. Welch, Rock. 13

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows bail commissioners to receive mileage for travel related to the performance of their official duties.

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 requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

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

- 1 1 Bail Commissioners; Fees. Amend RSA 597:20 to read as follows:
2 597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of \$40, **plus**
3 ***mileage at the maximum rate per mile established in the United States Internal Revenue***
4 ***Code and Regulations for the number of round trip miles traveled while in the***
5 ***performance of their official duties.*** However, clerks of court or members of their staffs who are
6 bail commissioners shall be entitled to collect such fee ***and mileage*** only when called while not on
7 active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer,
8 constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police
9 powers, such person shall not receive the fee established in this section, but instead such amount
10 shall be remitted to the town or city in which the district court is situated. If the defendant is
11 indigent, the fee ***and mileage*** shall be waived.
12 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 361-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

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

METHODOLOGY:

This bill allows bail commissioners to receive mileage for travel related to the performance of their official duties.

The Judicial Branch states this bill would provide that, in addition to the \$40 fee, bail commissioners would be entitled to payment for mileage for the number of round trip miles traveled while in the performance of official duties. The Judicial Branch does not have any data regarding the number of miles traveled by bail commissioners and is therefore unable to calculate a fiscal impact.

The New Hampshire Municipal Association stated that current law (RSA 597:2-b) provides: *“If the offender elects to utilize the bail commissioner's services and is not indigent, the offender shall pay the bail commissioner's fee directly to the bail commissioner. If the offender elects to utilize the services of the bail commissioner, but claims indigence, the court shall, to the extent of available funding, utilize all possible means to pay the bail commissioner's fee, and shall include written evidence of fee payment in the offender's case file.”* The Municipal Association indicates neither current law nor the proposed bill requires municipalities to pay for the services of a bail commissioner.

The New Hampshire Association of Counties does not expect this bill would have a fiscal impact on the counties.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Judicial Branch, New Hampshire Municipal Association and New Hampshire Association of Counties