

LEGISLATIVE COMMITTEE MINUTES

SB299

Bill as Introduced

SB 299-FN - AS INTRODUCED

2022 SESSION

22-2976
04/11

SENATE BILL **299-FN**

AN ACT relative to the penalty for escape.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Prentiss, Dist 5

COMMITTEE: Judiciary

ANALYSIS

This bill amends the elements required for charging felony or misdemeanor escape.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the penalty for escape.

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

1 1 Obstructing Governmental Operations; Escape. Amend RSA 642:6, III to read as follows:

2 III. The offense is a class A felony if the actor employs force against any person ***which***
3 ***results or could result in serious bodily injury*** or threatens any person with a deadly weapon to
4 effect the escape, except that if the deadly weapon is a firearm, the actor shall be sentenced in
5 accordance with RSA 651:2, II-g. The offense is a class B felony if the actor was ~~[on parole, subject to~~
6 ~~a bail order, was a prisoner at an adult or juvenile correction facility at the time, or had been~~
7 ~~released from any correctional institution pursuant to administrative home confinement or any~~
8 ~~treatment program or other place as directed by the correctional authority or sentencing court, or~~
9 ~~had a prior conviction of the crime of escape. If no physical force was used by the actor and no~~
10 ~~persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A~~
11 ~~misdemeanor]~~ ***incarcerated in an adult or juvenile correctional facility at the time or had a***
12 ***prior conviction for escape. The offense is a class A misdemeanor if the actor is under***
13 ***arrest, or subject to a bail order or other confinement pursuant to a court order, unless the***
14 ***actor uses physical force, in which case it is a class B felony.***

15 2 Effective Date. This act shall take effect January 1, 2023.

LBA
22-2976
11/19/21

**SB 299-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the penalty for escape.

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	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	Indeterminable	Indeterminable

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
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
<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

SB 299-FN - AS AMENDED BY THE SENATE

02/16/2022 0666s

2022 SESSION

22-2976

04/11

SENATE BILL **299-FN**

AN ACT relative to the penalty for escape.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Prentiss, Dist 5

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill amends the penalty for escape.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

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

1 1 Obstructing Governmental Operations; Escape. Amend RSA 642:6, III to read as follows:

2 III. The offense is a class A felony if the actor employs force against any person or threatens
3 any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm,
4 the actor shall be sentenced in accordance with RSA 651:2, II-g. The offense is a class B felony,
5 ***regardless of whether force is used***, if the actor was on parole, subject to a bail order, was a
6 prisoner at an adult or juvenile correction facility at the time, or had been released from any
7 correctional institution pursuant to administrative home confinement or any treatment program or
8 other place as directed by the correctional authority or sentencing court, or had a prior conviction of
9 the crime of escape. ***In all other cases***, if no physical force was used by the actor and no persons
10 other than the actor sustained bodily injury as a result of the escape, the offense is a class A
11 misdemeanor.

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

SB 299-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-0666s)

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FISCAL IMPACT: State County Local None

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Revenue	\$0	\$0	\$0	\$0
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
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METHODOLOGY:

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AGENCIES CONTACTED:

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

**SB 299-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-0666s)**

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SB 299-FN - AS AMENDED BY THE HOUSE

02/16/2022 0666s
4May2022... 1907h

2022 SESSION

22-2976
04/11

SENATE BILL **299-FN**

AN ACT relative to the penalty for escape and relative to home cultivation of cannabis plants and the possession of certain cannabis-infused products.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Prentiss, Dist 5

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill amends the penalty for escape. The bill also permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

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22-2976
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AN ACT relative to the penalty for escape and relative to home cultivation of cannabis plants and the possession of certain cannabis-infused products.

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

1 1 Obstructing Governmental Operations; Escape. Amend RSA 642:6, III to read as follows:

2 III. The offense is a class A felony if the actor employs force against any person or threatens
3 any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm,
4 the actor shall be sentenced in accordance with RSA 651:2, II-g. The offense is a class B felony,
5 **regardless of whether force is used**, if the actor was on parole, subject to a bail order, was a
6 prisoner at an adult or juvenile correction facility at the time, or had been released from any
7 correctional institution pursuant to administrative home confinement or any treatment program or
8 other place as directed by the correctional authority or sentencing court, or had a prior conviction of
9 the crime of escape. **In all other cases**, if no physical force was used by the actor and no persons
10 other than the actor sustained bodily injury as a result of the escape, the offense is a class A
11 misdemeanor.

12 2 Statement of Purpose. The general court finds that:

13 I. Since 2012, Canada, the District of Columbia and 9 states, including Maine, Vermont,
14 and the commonwealth of Massachusetts, have legalized possession and limited cultivation of
15 cannabis by adults 21 years of age and older.

16 II. Statewide polls have consistently found that most New Hampshire voters support
17 making cannabis legal for adults 21 years of age and older.

18 III. Cannabis is less harmful than alcohol to the consumer and to society. It is less toxic,
19 less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior.
20 Adults should not be punished choosing to use cannabis instead of alcohol, if that is what they
21 prefer.

22 IV. Home brewing of alcoholic beverages is legal in New Hampshire and every other state in
23 the nation.

24 V. Allowing adults to cultivate their own limited supply of cannabis will provide them with
25 an alternative to buying cannabis from illicit drug dealers.

26 3 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as
27 follows:

28 265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly
29 having in his or her possession or in any part of the vehicle a controlled drug or controlled drug

1 analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her
2 license shall be revoked or his or her right to drive denied for a period of 60 days and at the
3 discretion of the court for a period not to exceed 2 years. This section shall not apply to the
4 possession of cannabis or hashish as provided in RSA 318-B:2-c[, or a personal-use amount of a
5 regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)].

6 4 Controlled Drug Act; Personal Possession of Cannabis. Amend RSA 318-B:2-c to read as
7 follows:

8 318-B:2-c Personal Possession of [~~Marijuana~~] **Cannabis**.

9 I. In this section:

10 (a) [~~"Marijuana"~~] **"Cannabis"** includes the leaves, stems, flowers, and seeds of all species
11 of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and
12 every compound, manufacture, salt, derivative, mixture, or preparation from such resin including
13 hashish, and further, shall not include the mature stalks of such plant, fiber produced from such
14 stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt,
15 derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of
16 such plant which is incapable of germination. Marijuana shall not include hemp grown, processed,
17 marketed, or sold under RSA 439-A.

18 (b) [~~"Personal-use amount of a regulated marijuana-infused product"~~] **"Cannabis-**
19 **infused product"** means one or more products that is comprised of [~~marijuana, marijuana~~]
20 **cannabis, cannabis** extracts, or resins and other ingredients and is intended for use or
21 consumption, such as, but not limited to, edible products, ointments, and tinctures[, which was
22 obtained from a state where marijuana sales to adults are legal and regulated under state law, and
23 which is in its original, child resistant, labeled packaging when it is being stored, and which contains
24 a total of no more than 300 milligrams of tetrahydrocannabinol].

25 (c) **"Possession limit" means:**

26 (1) **Three-quarters of an ounce of cannabis, excluding hashish, cannabis-**
27 **infused products, and growing cannabis plants;**

28 (2) **Five grams of hashish;**

29 (3) **Cannabis-infused products containing no more than 300 milligrams of**
30 **tetrahydrocannabinol (THC);**

31 (4) **Six cannabis plants, with 3 or fewer being mature, flowering plants; and**

32 (5) **Any additional cannabis, hashish, or cannabis-infused products**
33 **produced from the person's cannabis plants, provided that any amount of cannabis in**
34 **excess of 3/4 of an ounce of cannabis, 5 grams of hashish, and cannabis-infused products**
35 **containing no more than 300 milligrams of THC shall be possessed in the same location**
36 **where the plants were cultivated.**

1 ***I-a. Except as provided in paragraphs I-b and I-c, if undertaken by a person 21***
2 ***years of age or older, the following acts shall not be illegal under New Hampshire law,***
3 ***shall not be a criminal or civil offense under New Hampshire law or the law of any***
4 ***political subdivision of New Hampshire, and shall not be a basis for seizure or forfeiture of***
5 ***assets under New Hampshire law:***

6 ***(a) Possessing, consuming, growing, processing, or transporting an amount of***
7 ***cannabis that does not exceed the possession limit; or***

8 ***(b) Transferring ¼ of an ounce of cannabis, 5 grams of hashish, cannabis-***
9 ***infused products containing no more than 300 milligrams of THC, or 3 immature, non-***
10 ***flowering cannabis plants to a person who is 21 years of age or older without***
11 ***remuneration. For purposes of this subparagraph, a transfer is for remuneration if***
12 ***cannabis is given away contemporaneously with another transaction between the same***
13 ***parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of***
14 ***goods or services, or if the gift of cannabis is contingent upon a separate transaction for***
15 ***goods or services; and***

16 ***(c) Manufacturing, possessing, or purchasing cannabis accessories, or***
17 ***distributing or selling cannabis accessories to a person who is 21 years of age or older.***

18 ***I-b. No person who is 21 years of age or older shall cultivate cannabis plants except***
19 ***as provided in this section:***

20 ***(a) Cannabis plants shall not be cultivated in a location where the plants are***
21 ***subject to public view, including to view from another private property, without the use of***
22 ***binoculars, aircraft, or other optical aids.***

23 ***(b) A person who cultivates cannabis shall take reasonable precautions to***
24 ***ensure the plants are secure from unauthorized access. Cultivating cannabis in an***
25 ***enclosed, locked space to which unauthorized persons do not have access, or other similar***
26 ***security precautions, shall be prima facie evidence of reasonable precautions.***

27 ***(c) Cannabis cultivation shall only occur at the cultivator's primary residence.***

28 ***(d) A person who violates this section shall be guilty of a violation and may be***
29 ***fined not more than \$750.***

30 ***I-c. No person shall consume cannabis in a public place. A person 21 years of age***
31 ***or older who violates this paragraph shall be guilty of a violation and may be fined not***
32 ***more than \$100.***

33 **II. Except as provided in RSA 126-X, any person *under 21 years of age* who knowingly**
34 **possesses 3/4 of an ounce or less of ~~marijuana~~ *cannabis*, including adulterants or dilutants, shall**
35 **be guilty of a violation, and subject to the penalties provided in paragraph [V] IV.**

1 III. Except as provided in RSA 126-X, any person *under 21 years of age* who knowingly
2 possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation,
3 and subject to the penalties provided in paragraph ~~V~~ IV.

4 IV. ~~Except as provided in RSA 126-X, any person 21 years of age or older possessing a~~
5 ~~personal use amount of a regulated marijuana-infused product shall be guilty of a violation, and~~
6 ~~subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21~~
7 ~~years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.~~

8 ~~V~~(a) Except as provided in this paragraph, any person 18 years of age or older who is
9 convicted of violating paragraph II or III~~, or any person 21 years of age or older who is convicted of~~
10 ~~violating paragraph IV~~ shall be subject to a fine of \$100 for a first or second offense under this
11 paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any
12 person convicted based upon a complaint which alleged that the person had 3 or more prior
13 convictions for violations of paragraph ~~II, III or IV~~ **II or III**, or under reasonably equivalent
14 offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year
15 period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall
16 forfeit the ~~[marijuana, regulated marijuana-infused products,]~~ **cannabis** or hashish to the state. A
17 court shall waive the fine for a single conviction within a 3-year period upon proof that person has
18 completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of
19 the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court,
20 which shall schedule the matter for review after 180 days. Should proof of completion of an
21 assessment be filed by or before that time, the court shall vacate the fine without a hearing unless
22 requested by a party.

23 (b) Any person under 18 years of age who is convicted of violating paragraph II or III
24 shall forfeit the ~~[marijuana]~~ **cannabis** or hashish and shall be subject to a delinquency petition
25 under RSA 169-B:6.

26 ~~VI~~ V(a) Except as provided in this section, no person shall be subject to arrest for a
27 violation of paragraph ~~II, III, or IV~~ **II or III** and shall be released provided the law enforcement
28 officer does not have lawful grounds for arrest for a different offense.

29 (b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from
30 investigating or charging a person for a violation of RSA 265-A.

31 (c) Nothing in this chapter shall be construed as forbidding any police officer from taking
32 into custody any minor who is found violating paragraph ~~II, III, or IV~~ **II or III**.

33 (d) Any person in possession of an identification card, license, or other form of
34 identification issued by the state or any state, country, city, or town, or any college or university,
35 who fails to produce the same upon request of a police officer or who refuses to truthfully provide his
36 or her name, address, and date of birth to a police officer who has informed the person that he or she
37 has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of

1 ~~[marijuana, a personal use amount of a regulated marijuana-infused product,]~~ **cannabis** or 5 grams
2 or less of hashish, may be arrested for a violation of paragraph ~~[II, III, or IV]~~ **II or III**.

3 ~~[VII.]~~ **VI.** All fines imposed pursuant to this section shall be deposited into the alcohol abuse
4 prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed
5 substance abuse prevention programs.

6 ~~[VIII.]~~ **VII.**(a) No record that includes personally identifiable information resulting from a
7 violation of this section shall be made accessible to the public, federal agencies, or agencies from
8 other states or countries.

9 (b) Every state, county, or local law enforcement agency that collects and reports data
10 for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the
11 number of violations of paragraph ~~[II, III, or IV]~~ **II or III**. The data collected pursuant to this
12 paragraph shall be available to the public. A law enforcement agency may update the data annually
13 and may make this data available on the agency's public Internet website.

14 **VIII. Nothing in this section shall:**

15 (a) *Be construed to require an employer to permit or accommodate the use,*
16 *consumption, possession, transfer, display, transportation, sale, or growing of cannabis in*
17 *the workplace or to affect the ability of employers to have policies restricting the use of*
18 *cannabis by employees.*

19 (b) *Be construed to permit driving or operating under the influence of drugs or*
20 *liquor pursuant to RSA 265-A, nor prevent the state from enacting and imposing penalties*
21 *for driving under the influence of or while impaired by cannabis.*

22 (c) *Be construed to permit the transfer of cannabis, with or without*
23 *remuneration, to a person under 21 years of age, or to allow a person under 21 years of age*
24 *to purchase, possess, use, transport, grow, or consume cannabis.*

25 (d) *Prohibit a state or county correctional facility from prohibiting the*
26 *possession, consumption, use, display, transfer, distribution, sale, transportation, or*
27 *growing of cannabis on or in the correctional facility's property.*

28 (e) *Prohibit a person or other entity that legally owns, leases, or controls any*
29 *property from prohibiting or otherwise regulating the sale, use, or growing of cannabis on*
30 *or in the property.*

31 5 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

32 (c) In the case of more than 3/4 ounce of ~~[marijuana]~~ **cannabis, cannabis-infused**
33 **products containing more than 300 milligrams of THC**, or more than 5 grams of hashish,
34 including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of
35 ~~[marijuana-infused]~~ **cannabis-infused** products possessed by persons under the age of 21 ~~[or~~
36 ~~marijuana-infused products as defined in RSA 318-B:2 e, other than a personal use amount of a~~

1 ~~regulated marijuana infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a~~
2 ~~person 21 years of age or older], the person shall be guilty of a misdemeanor.~~

3 (d) In the case of 3/4 ounce or less of [~~marijuana~~] **cannabis** or 5 grams or less of
4 hashish, including any adulterants or dilutants, **possessed by a person under 21 years of age**, the
5 person shall be guilty of a violation pursuant to RSA 318-B:2-c. [~~In the case of a person 21 years of~~
6 ~~age or older who possesses a personal use amount of a regulated marijuana infused product as~~
7 ~~defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]~~

8 6 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after
9 paragraph VIII the following new paragraph:

10 VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA
11 126-X, shall perform solvent-based extractions on cannabis using solvents other than water,
12 glycerin, propylene glycol, vegetable oil, or food grade ethanol.

13 (b) No person shall extract compounds from cannabis using ethanol in the presence or
14 vicinity of an open flame.

15 (c) Any person who violates this paragraph shall be guilty of a class A misdemeanor.

16 7 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

17 I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, **the**
18 **possession, use, manufacture, sale, or transportation of which is not otherwise authorized**
19 **by law.**

20 8 Effective Date. This act shall take effect January 1, 2023.

SB 299-FN- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-1907h)

AN ACT relative to the penalty for escape and relative to home cultivation of cannabis plants and the possession of certain cannabis-infused products.

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 Decrease	Indeterminable Decrease	Indeterminable Decrease
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 amends the penalty for escape. The bill also permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

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
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
<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, Department of Justice, Judicial Council, and New Hampshire Association of Counties

LBA
 22-2976
 Amended 5/6/22

**SB 299-FN FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-1907h)**

AN ACT relative to the penalty for escape and relative to home cultivation of cannabis plants and the possession of certain cannabis-infused products.

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
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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 amends the penalty for escape. The bill also permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

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However, the entities impacted have provided the potential costs associated with these penalties below.

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AGENCIES CONTACTED:

Judicial Branch, Department of Justice, Judicial Council, and New Hampshire Association of Counties

Amendments

Sen. Carson, Dist 14
January 28, 2022
2022-0374s
04/08

Amendment to SB 299-FN

1 Amend RSA 642:6, III as inserted by section 1 of the bill by replacing it with the following:

2

3 III. The offense is a class A felony if the actor employs force against any person or threatens
4 any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm,
5 the actor shall be sentenced in accordance with RSA 651:2, II-g. The offense is a class B felony,
6 *regardless of whether force is used*, if the actor was on parole, subject to a bail order, was a
7 prisoner at an adult or juvenile correction facility at the time, or had been released from any
8 correctional institution pursuant to administrative home confinement or any treatment program or
9 other place as directed by the correctional authority or sentencing court, or had a prior conviction of
10 the crime of escape. *In all other cases*, if no physical force was used by the actor and no persons
11 other than the actor sustained bodily injury as a result of the escape, the offense is a class A
12 misdemeanor.

UNAPPROVED

2022-0374s

AMENDED ANALYSIS

This bill amends the penalty for escape.

UNAPPROVED

Amendment to SB 299-FN

1 Amend RSA 642:6, III as inserted by section 1 of the bill by replacing it with the following:

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6 **regardless of whether force is used**, if the actor was on parole, subject to a bail order, was a
7 prisoner at an adult or juvenile correction facility at the time, or had been released from any
8 correctional institution pursuant to administrative home confinement or any treatment program or
9 other place as directed by the correctional authority or sentencing court, or had a prior conviction of
10 the crime of escape. **In all other cases**, if no physical force was used by the actor and no persons
11 other than the actor sustained bodily injury as a result of the escape, the offense is a class A
12 misdemeanor.

UNAPPROVED

2022-0666s

AMENDED ANALYSIS

This bill amends the penalty for escape.

UNAPPROVED

Committee Minutes

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: December 20, 2021

HEARINGS

	Wednesday	01/12/2022
	(Day)	(Date)
Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. SB 303-FN	relative to reimbursement of sheriffs offices for prisoner custody and control.	
1:15 p.m. SB 375-FN	relative to requirements for charitable organizations.	
1:30 p.m. SB 301-FN-LOCAL	relative to the procedure for violations under the right to know law.	
1:45 p.m. SB 304	relative to discrimination in public workplaces and education.	
2:00 p.m. SB 299-FN	relative to the penalty for escape.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 303-FN

Sen. Hennessey
 Sen. D'Allesandro

Sen. Whitley
 Rep. Trottier

Sen. Bradley

Sen. French

SB 375-FN

Sen. Gannon
 Sen. Daniels
 Rep. Potucek

Sen. Hennessey
 Sen. Giuda

Sen. Perkins Kwoka
 Rep. Espitia

Sen. French
 Rep. Alexander Jr.

SB 301-FN-LOCAL

Sen. French

Sen. Avarad

Sen. Gannon

SB 304

Sen. Kahn
 Sen. Prentiss
 Sen. Cavanaugh

Sen. Whitley
 Sen. Rosenwald
 Sen. Soucy

Sen. Sherman
 Sen. Perkins Kwoka

Sen. Watters
 Sen. D'Allesandro

SB 299-FN

Sen. Carson

Sen. D'Allesandro

Sen. Prentiss

Jennifer Horgan 271-7875

Sharon M Carson
 Chairman

Senate Judiciary Committee
Jennifer Horgan 271-7875

SB 299-FN, relative to the penalty for escape.

Hearing Date: January 12, 2022

Time Opened: 6:20 p.m.

Time Closed: 6:29 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill amends the elements required for charging felony or misdemeanor escape.

Sponsors:

Sen. Carson

Sen. D'Allesandro

Sen. Prentiss

Who supports the bill: Senator Carson; Lyn Cusack, NHDOC; David Goldstein

Who opposes the bill: Yasmin

Summary of testimony presented in support:

Senator Carson

- This bill amends the elements required for charging felony or misdemeanor escape.
- This was a request from the Department of Corrections.
- The chiefs have voiced some concerns and would like time to work on the language.

Lynmarie Cusack (Department of Corrections) (provided written testimony)

- In 2015 RSA 642:6 III had a line put in that impacted the DOC's ability to prosecute consistently or successfully those individuals that escape from the facilities.
- An escape could be from behind the walls or an absconding from a halfway house or transitional work center.
- The original statute stated 'If no physical force was used by the actor and no persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A misdemeanor'
- As that language was struck out, and prosecutors have determined that if no force was used then what is the point of prosecuting this, it is a class A misdemeanor, it will run concurrent with the individual's sentence.

- Therefore, there is no longer a deterrent to escape.
- In the escape from Dannemora in NY, the residents tunneled out and no force was used in their escape.
- If that were to happen in NH today that individual would not be prosecuted for their escape.
- Shared an incident of an individual in NH absconding from a transitional work center recently and they were on the run for six weeks. This individual was in for attempted murder and the prosecutor said they weren't going to prosecute the escape.
- Under this bill there is a three-tier system with three types of prosecution.
- Class A felony for an escape resulting in serious bodily injury, class B felony if there was a prior conviction for escape, and a class A misdemeanor if no force is used.
- Captain Ebert expressed concern about the language on lines 2-3 'which results or could result in serious bodily injury'. He was concerned that it will add an additional layer they don't need to have.
- Suggests getting rid of that language and on line 5 put the language back into the bill that was struck out and add the "the offense is a class B felony, regardless of whether force is used if the actor was on parole...", then on line 9 add "in all other cases if no physical force was used"

Summary of testimony presented in opposition:

None

jch

Date Hearing Report completed: January 14, 2022

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill SB299 on 2022-01-12

Support: 1 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
..., Yasmin	A Member of the Public	Myself	Oppose
Goldstein, David	A Member of the Public	Myself	Support

Testimony



STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
DIVISION OF PROFESSIONAL STANDARDS

Helen Hanks, MM
Commissioner

Lynmarie C. Cusack, Esq.
Director

PO Box 1806, Rm. 328A
Concord, NH 03302-1806
603-271-3707 FAX: 603-223-2333
TDD Access: 1-800-735-2964

To: The Honorable Members of the Senate Judiciary Committee

From: Lynmarie Cusack, Esq., Director, Professional Standards Division
New Hampshire Department of Corrections

Date: January 12, 2022

Re: SB 299 *An act relative to penalty for escape.*

The New Hampshire Department of Corrections (NHDOC) supports the adoption of SB 299 *relative to penalty for escape*, and provides the following testimony.

An amendment to the current law found in RSA 642:6 relative to criminal charges relating to persons escaping from official custody is warranted to act as a deterrent for those contemplating an escape from prison or walking away from a transitional housing unit. The change is necessary to remedy unforeseen consequences from a legislative amendment made in 2015. For years, prior to 2015, an escape from a penal institution (which includes a jail, prison, or a Corrections' transitional housing unit) was considered a class A felony if physical force or a deadly weapon was used to affect the escape. If no force or weapon was involved, an individual was charged with a class B felony.

Effective January 1, 2015, the law changed reducing the criminal penalties to a class A misdemeanor if no force was used, and no person other than the actor sustained bodily injury during the escape. The resulting implications are that a County Attorney has refused to prosecute cases in which felons have absconded from the transitional housing units in Concord. Where the cases have been prosecuted, the deterrent value of a suspended one-year sentence or one year added to an already lengthy sentence is nominal at best. The same would be true if a resident escaped from behind the walls of the secure facility and no force was used – the escapee would face no more than one year added to his or her sentence.

For example, consider a convicted person who somehow escapes from behind the walls of one of our prisons, where no physical force or deadly weapon is used by the prisoner during the escape. If those circumstances existed under current New Hampshire law, the escaping incarcerated individual would only be charged with a class A misdemeanor, which is punishable by no more than a year – and at best would be served at a county facility, only after the remaining sentence was served if the escape sentence was not suspended or made to run concurrent with the existing sentence on the original offense.

As another example, the Department has one case in which a resident absconded from parole in October 2018 and was a fugitive from justice for approximately 4 months. No criminal charges were brought despite the escaped felon having been charged and sentenced for a previous escape in 2010. When he returned to prison on the parole warrant in February 2019, he was given a minimum setback and escaped from custody in November, by absconding from the North End House in Concord.

In that case, the ambiguities in the current version of RSA 642:6 made it unclear that the individual could be charged with the class B felony, despite the prior conviction. It was the position of the prosecuting attorneys that because the last sentence of the current statute reads "If no physical force was used by the actor and no persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A misdemeanor," the section nullifies the ability to bring the felony charge despite a previous escape conviction.

In another case a resident enlisted the aid of his girlfriend to help him escape from the transitional work center, rent him a hotel room, procure him a weapon, and provide him a rented automobile. He was found weeks later in Virginia, but only after considerable effort was made to extend the warrant outside of New Hampshire, since warrants generally will not extend beyond New Hampshire, or in some instances New England, when the charged crime only carries a misdemeanor sentence.

The proposed bill, **SB 299**, is an effort to return the state of the law to that which existed prior to the 2015 only for incarcerated individuals and those on parole, but leave the intent of the 2015 changes applicable to those under arrest, subject to a bail order or other confinement.

NHDOC would also request one adjustment to the proposed legislation, as we inadvertently excluded parole in our revisions. The text of SB 299 should read:

1 Obstructing Governmental Operations; Escape. Amend RSA 642:6, III to read as follows:

III. The offense is a class A felony if the actor employs force against any person *which results or could result in serious bodily injury* or threatens any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm, the actor shall be sentenced in accordance with RSA 651:2, II-g. The offense is a class B felony if the actor was ~~[on parole, subject to a bail order, was a prisoner at an adult or juvenile correction facility at the time, or had been released from any correctional institution pursuant to administrative home confinement or any treatment program or other place as directed by the correctional authority or sentencing court, or had a prior conviction of the crime of escape. If no physical force was used by the actor and no persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A misdemeanor]~~ *incarcerated in an adult or juvenile correctional facility at the time, on parole, or had a prior conviction for escape. The offense is a class A misdemeanor if the actor is under arrest, or subject to a bail order or other confinement pursuant to a court order, unless the actor uses physical force, in which case it is a class B felony.* 2 Effective Date. This act shall take effect January 1, 2023.

Thank you for considering this testimony.

If you have questions, please feel free to call me at 603-271-5603 or to e-mail me at Lynmarie.C.Cusack@doc.nh.gov.

SB 299-FN - AS INTRODUCED

2022 SESSION

22-2976
04/11

SENATE BILL **299-FN**

AN ACT relative to the penalty for escape.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Prentiss, Dist 5

COMMITTEE: Judiciary

ANALYSIS

This bill amends the elements required for charging felony or misdemeanor escape.

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.

22-2976
04/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the penalty for escape.

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

1 Obstructing Governmental Operations; Escape. Amend RSA 642:6, III to read as follows:

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

LBA
22-2976
11/19/21

**SB 299-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the penalty for escape.

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	Indeterminable	Indeterminable
<i>Funding Source:</i>	<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	Indeterminable	Indeterminable

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.
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AGENCIES CONTACTED:

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

Jennifer Horgan

From: Mascio, Lissa <Lissa.D.Mascio@doc.nh.gov>
Sent: Tuesday, January 18, 2022 5:32 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Cc: Cusack, Lynmarie; Elizabeth C. Sargent; Ebert, Joseph
Subject: SB 299 relative to the penalty for escape
Attachments: SB 299 proposed replace all amendment 1.18.22.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Senator Carson and Honorable Members of the Senate Judiciary Committee,

In light of the concerns raised to both Senator Carson and later to Attorney Cusack, and the discussion during last week's hearing on SB 299, the DOC has readdressed the needed change. Attached you will find a proposed amendment to the bill, which entirely replaces the original bill's language. Both the State Police and the Police Chief's Association have provided support for the current "Replace ALL" version which we have provided. This version should explicitly fix the needed change for the NHDOC.

Please let me know if you have any questions or concerns. We look forward to continued work with your committee on this matter.

Lissa Mascio, Esq.
Attorney, Division of Professional Standards
NH Department of Corrections
105 Pleasant St.
Concord, NH 03301
Tel: 603-271-5612

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SB 299 – AS AMENDED

Proposed by NH Department of Corrections

Replace ALL amendment to SB 299 as introduced

1 Obstructing Governmental Operations; Escape. Amend RSA 642:6, III to read as follows:

III. The offense is a class A felony if the actor employs force against any person or threatens any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm, the actor shall be sentenced in accordance with RSA 651:2, II-g. The offense is a class B felony, *regardless of whether force is used*, if the actor was on parole, subject to a bail order, was a prisoner at an adult or juvenile correction facility at the time, or had been released from any correctional institution pursuant to administrative home confinement or any treatment program or other place as directed by the correctional authority or sentencing court, or had a prior conviction of the crime of escape. *In all other cases*, [I]f no physical force was used by the actor and no persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A misdemeanor.

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

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # 299

Hearing date: _____

Executive Session date: _____

Motion of: 0374 Vote: 5-0

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: consent Vote: 5-0

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: Compromise
request of DOC

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 10, 2022

THE COMMITTEE ON Judiciary

to which was referred **SB 299-FN**

AN ACT relative to the penalty for escape.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2022-0666s

Senator Sharon Carson
For the Committee

This bill amends the penalty for escape and was a request of the Department of Corrections. A change in the statute in 2015 hindered the State's ability to consistently or successfully prosecute individuals that escape from State facilities. This bill as amended corrects that issue moving forward, enacting clear and appropriate lines about the penalties that are in place when an individual escapes whether or not force is used. This language is a compromise between the Department of Corrections and law enforcement to address concerns that were raised.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

SB 299-FN, relative to the penalty for escape.

Ought to Pass with Amendment, Vote 5-0.

Senator Sharon Carson for the committee.

This bill amends the penalty for escape and was a request of the Department of Corrections. A change in the statute in 2015 hindered the State's ability to consistently or successfully prosecute individuals that escape from State facilities. This bill as amended corrects that issue moving forward, enacting clear and appropriate lines about the penalties that are in place when an individual escapes whether or not force is used. This language is a compromise between the Department of Corrections and law enforcement to address concerns that were raised.

General Court of New Hampshire - Bill Status System

Docket of SB299

Docket Abbreviations

Bill Title: (New Title) relative to the penalty for escape and relative to home cultivation of cannabis plants and the possession of certain cannabis-infused products.

Official Docket of SB299.:

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Judiciary; SJ 1
12/20/2021	S	Hearing: 01/12/2022, Room 100, SH, 02:00 pm; SC 50
2/10/2022	S	Committee Report: Ought to Pass with Amendment #2022-0666s , 02/16/2022; Vote 5-0; CC; SC 7
2/16/2022	S	Committee Amendment #2022-0666s , AA, VV; 02/16/2022; SJ 3
2/16/2022	S	Ought to Pass with Amendment 2022-0666s, MA, VV; OT3rdg; 02/16/2022; SJ 3
3/23/2022	H	Introduced 03/17/2022 and referred to Criminal Justice and Public Safety
4/4/2022	H	Public Hearing: 04/08/2022 01:45 pm LOB 202-204
4/19/2022	H	Executive Session: 04/08/2022 01:45 pm LOB 202-204
4/19/2022	H	Committee Report: Ought to Pass (Vote 14-4; RC)
5/4/2022	H	Amendment # 1907h: AA VV 05/04/2022 HJ 11
5/4/2022	H	Ought to Pass with Amendment 1907h: MA VV 05/04/2022 HJ 11
5/12/2022	S	Sen. Carson Moved Nonconcur with the House Amendment, RC 15Y-9N , MA; 05/12/2022; SJ 12

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB299

Senate Committee: Judiciary

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 # 0374s ___ - amendment # _____

- amendment # 0666s ___ - 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 # _____ ___ - 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

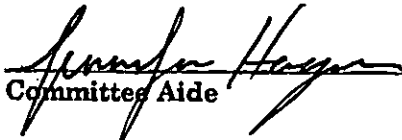
All available versions of the bill: {Clerk's Office}

as amended by the senate

as amended by the house

___ final version

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


Committee Aide

8/12/22
Date

Senate Clerk's Office AK