

LEGISLATIVE COMMITTEE MINUTES

SB361

Bill as
Introduced

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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COMMITTEE: Executive Departments and Administration **OTF 5-0 CONSENT**

ANALYSIS

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- 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
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AGENCIES CONTACTED:

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

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: December 21, 2021

HEARINGS

Wednesday	01/19/2022	
(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 362	relative to training as a certified service plumber.
9:15 a.m.	SB 227-FN	relative to death benefits for first responders who die from suicide.
9:30 a.m.	SB 357-FN	relative to mental health training for first responders.
10:00 a.m.	SB 330-FN	relative to reciprocal licensing requirements for boards, commissions, and councils administered by the office of professional licensure and certification and establishing registration of paid feeding assistant programs.
10:20 a.m.	SB 230-FN	relative to the practice of body art.
10:40 a.m.	SB 361-FN	requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 362

Sen. Birdsell

Sen. Avard

Rep. Milz

Rep. Potucek

SB 227-FN

Sen. Birdsell

Rep. S. Pearson

Sen. Prentiss

Sen. Carson

Sen. Cavanaugh

SB 357-FN

Sen. Birdsell

Rep. Soucy

Sen. Carson

Sen. Prentiss

Sen. Watters

Rep. S. Pearson

Sen. Cavanaugh

SB 330-FN

Sen. Giuda

Sen. Avard

Rep. P. Schmidt

Sen. Hennessey

Sen. Rosenwald

Rep. McGuire

Sen. Watters

Sen. Carson

Sen. Birdsell

Rep. Lang

SB 230-FN

Sen. Cavanaugh

SB 361-FN

Sen. Gannon

Sen. Bradley

Sen. Carson

Rep. Edwards

Sen. Hennessey

Sen. French

Sen. Prentiss

Rep. Welch

Sen. D'Allesandro

Sen. Reagan

Sen. Cavanaugh

Sen. Watters

Sen. Avard

Rep. Piemonte

Chantell Wheeler 271-1403

Sharon M Carson

Chairman

Senate Executive Departments and Administration Committee

Chantell Wheeler 271-1403

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

Hearing Date: January 19, 2022

Time Opened: 10:50 a.m.

Time Closed: 11:22 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent : None

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

Sponsors:

Sen. Gannon

Sen. Hennessey

Sen. D'Allesandro

Sen. Watters

Sen. Bradley

Sen. French

Sen. Reagan

Sen. Avard

Sen. Carson

Sen. Prentiss

Sen. Cavanaugh

Rep. Piemonte

Rep. Edwards

Rep. Welch

Who supports the bill: Senators Gannon, Bradley, Watters, Cavanaugh, Reagan, French, Carson, Avard and Hennessey, John Potucek, Vicky Sousa, Paul Leary, Ed Mencis, Trixie Lefebvre, James Moody

Who opposes the bill: Vinnie Baiocchetti, Tracy Haynes

Who is neutral on the bill: None

Summary of testimony presented in support:

Senator Gannon:

- Senator Gannon stated that the bold text in the bill is the only language he is proposing to change.
- Bail commissioners travel many miles averaging 60 calls per month, and more in the summer.
- The average mileage for the commissioners in his area is 2100 miles per month and they receive no mileage.

- Senator Gannon offers to request an amendment to describe how to collect the mileage.

Senator Carson asks who is going to pay for the mileage reimbursement. Senator Gannon states that he is looking to Senator Carson's experience in the Judicial Committee to suggest possible options, but suggests that the commissioner could collect the mileage at the time the fee is collected. The commissioners indicate they collect 80-90% of their bails and can collect the mileage as well.

Senator Reagan asks for the average mileage for bail commissioners. Senator Gannon replied that the mileage varies based on the commissioner locations and averages about 23 miles round trip.

Ed Mencis, Bail Commissioner for 5 years

- Mr. Menses explained that bail commissioners support all law enforcement agencies and the courts.
- He is called out 24/7 and uses his own vehicle. Costs are increasing.
- Mr. Menses is asking for support for the maintenance and fuel used.

Paul Leary, Bail Commissioner for 7 years

- Testified that 32-38% of fees are not paid.
- Tele-bail was allowed during COVID and that reduced the number of in person visits.
- Mr. Leary's catchment area extends from Allenstown to Campton, and from Loudon to Bradford.
- Mr. Leary works 24/7, 365 days a year because there are not enough bail commissioners to go around.
- In 6 years, Mr. Leary reports that the Court has waived his fee only once because the defendant was indigent.

Senator Reagan asked Mr. Leary for his average mileage. Mr. Leary replied with the following data for past years:

- 573 bails, 1926 miles
- 598 bails, 3419 miles
- 574 bails, 4396 miles
- 599 bails, 4789 miles
- 731 bails, 5600 miles

Trixie Lefebvre, Bail Commissioner 13 years

- Ms. Lefebvre stated that this bill contains provision for mileage, but does not provide a mechanism for collection or enforcement.
- Ms. Lefebvre reports that the payment of the bail commissioner fees has been part of each legislative session since 2019 and HB498 failed in 2021 and provided documentation to be included in the report.

- Ms. Lefebvre indicates that the current payment rate for bail commissioner fees is 60%-65% of calls and that commissioners currently forgo \$6,500.00-\$8,000.00 in fees annually.
- Ms. Lefebvre asked for a bill amendment that guarantees bail commissioner fee payments for non-indigent persons.

James Moody, Bail Commissioner for 33 months

- Mr. Moody is owed over \$20,000.00 in bail fees and receives payment about 60%-65% of the time.
- In 2021 Mr. Moody drove 4000 miles and saw 550 individuals.
- Mr. Moody reports that often times he see multiple defendants at the same location and he is unsure about how the fee would be divided between multiple people.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

cbw

Date Hearing Report completed: January 20, 2022

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB361 on 2022-01-19

Support: 10 Oppose: 2

Name	Title	Representing	Position
Bradley, Senator Job	An Elected Official	SD3	Support
Watters, Senator David	An Elected Official	Myself	Support
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Reagan, Senator John	An Elected Official	Myself	Support
French, Senator Harold	An Elected Official	Myself	Support
Carson, Senator Sharon	An Elected Official	Myself	Support
Avard, Senator Kevin	An Elected Official	SD 12	Support
Hennessey, Sen. Erin	An Elected Official	Myself	Support
Potucek, John	An Elected Official	Myself	Support
Baiocchetti, Vinnie	A Member of the Public	Myself	Oppose
Sousa, Vicky	A Member of the Public	Myself	Support
Haynes, Tracy	A Member of the Public	Myself	Oppose

Testimony

Chantell Wheeler

From: CHAD HOWE <cshowe1@comcast.net>
Sent: Tuesday, January 11, 2022 4:21 PM
To: ~House Executive Departments and Administration
Cc: Carol McGuire; Jennifer Rhodes; John Sytek; Steve Pearson; Michael Yakubovich; Tony Lekas; Mark Alliegro; grbailey@metrocast.net; tomlanzara@gmail.com; Santonastaso@CheshireLiberty.com; Jeff Goley; Dianne Schuett; Jean Jeudy; Peter Schmidt; William Marsh; Sallie Fellows; Tim Fontneau; Jaci Grote; Michael O'Brien; William Gannon; Erin Hennessey; Lou D'Allesandro; David Watters; Jeb Bradley; Harold French; John Reagan; Kevin Avard; Sharon Carson; Suzanne Prentiss; Kevin Cavanaugh; Tony Piemonte; Jess Edwards; David Welch
Subject: Senate Bill 361

Good afternoon Committee Members and Bill Sponsors,

It has recently come to attention of many state Bail Commissioner appointees that Senate Bill 361 will be introduced during your next session. I have served as a Bail Commissioner for the past 8 years and not once have I thought that we should be compensated for the miles we drive while performing our duties. Keeping track of miles and submitting a reimbursement request, or getting a defendant to pay a few additional cents is not an additional task that interest many if any of us.

The most pressing concern for all Bail Commissioners at this time is the collection of unpaid bail fees by defendants, which by my estimate is about 8,820 calls per year totaling \$352,800. When you break that number down, we currently have 98 Bail Commissioners in the state who roughly average 90 unpaid bail calls each year. When that number is multiplied by the \$40 bail fee you get \$352,800 in unpaid bail fees EACH year or about \$3,600 per Commissioner. By comparison that would be 6,545.54 miles of travel at .55 per mile.

Bail Commissioners across the state are having a hard time collecting the current required \$40 bail fee. How are we going to fair tacking on a mileage fee? In my opinion it is only going to drive up the annual amount of unpaid fees which is counterproductive to what I believe the underlying motivation is driving at, getting the Bail Commissioners paid for their services so they continue providing the valuable service that the courts rely on.

It does not matter whether the fee is \$40, \$55 or \$65 per transaction, the issue will always be the collection of and the inability for those with outstanding fees to be held accountable. If the court deems a defendant indigent that should not be applicable to the bail fee due at the time of service. That determination is between the defendant and the court for fees and fines after our services have already been rendered. Bail Commissioners are not made aware of the financial status of a defendant, nor should we be, as it is a personal matter outside of our purview.

I reached out to many of my fellow Bail Commissioners and none of them know where this notion was generated from nor the reason 14 of you sponsored this bill. Furthermore, if it is unfunded and there are no enforcement capabilities by either the Bail Commissioners or the courts then the bill, in my opinion, is just a lip service attempt to hush the voices and concerns of the states Bail Commissioners surrounding the above-mentioned concern of unpaid fees.

At the hearing on the 19th there will be a Bail Commissioner present to offer the above opinions in addition to answering any questions that you may have surrounding this matter. Please feel free to reach out to me with questions prior to the hearing and I will communicate them to the group for answering and feedback.

Thank you for your time and have a great day.

Respectfully submitted.

Chad Howe
Bail Commissioner
Newport NH

Chantell Wheeler

From: William Gannon
Sent: Tuesday, January 11, 2022 8:11 PM
To: CHAD HOWE; ~House Executive Departments and Administration
Cc: Carol McGuire; Jennifer Rhodes; John Sytek; Steve Pearson; Michael Yakubovich; Tony Lekas; Mark Alliegro; grbailey@metrocast.net; tomlanzara@gmail.com; Santonastaso@CheshireLiberty.com; Jeff Goley; Dianne Schuett; Jean Jeudy; Peter Schmidt; William Marsh; Sallie Fellows; Tim Fontneau; Jaci Grote; Michael O'Brien; Erin Hennessey; Lou D'Allesandro; David Watters; Jeb Bradley; Harold French; John Reagan; Kevin Avard; Sharon Carson; Suzanne Prentiss; Kevin Cavanaugh; Tony Piemonte; Jess Edwards; David Welch
Subject: Re: Senate Bill 361

Hi Chad

I was asked to bring this bill forward by a bail commissioner representing himself and other bail commissioners. As they would like mileage reimbursement and are spending their own money filling their tanks when called upon. They see this as a separate issue from their fee scale and non recovered fees. They plan to attend the hearing and have informed me they have support from many in the law enforcement community who will mail or in person support the bill.

Sincerely
Senator
Bill Gannon

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From: CHAD HOWE <cshowe1@comcast.net>
Sent: Tuesday, January 11, 2022 4:21:08 PM
To: ~House Executive Departments and Administration
<HouseExecutiveDepartmentsandAdministration@leg.state.nh.us>
Cc: Carol McGuire <carol@mcguire4house.com>; Jennifer Rhodes <Jennifer.Rhodes@leg.state.nh.us>; John Sytek <John.Sytek@leg.state.nh.us>; Steve Pearson <Steve.Pearson@leg.state.nh.us>; Michael Yakubovich <Michael.Yakubovich@leg.state.nh.us>; Tony Lekas <rep.tony.lekas@gmail.com>; Mark Alliegro <Mark.Alliegro@leg.state.nh.us>; grbailey@metrocast.net <grbailey@metrocast.net>; tomlanzara@gmail.com <tomlanzara@gmail.com>; Santonastaso@CheshireLiberty.com <Santonastaso@CheshireLiberty.com>; Jeff Goley <jgoley03104@yahoo.com>; Dianne Schuett <Dianne.Schuett@leg.state.nh.us>; Jean Jeudy <jean.jeudy@leg.state.nh.us>; Peter Schmidt <peterbarrettschmidt@gmail.com>; William Marsh <William.Marsh@leg.state.nh.us>; Sallie Fellows <Sallie.Fellows@leg.state.nh.us>; Tim Fontneau <Tim.Fontneau@leg.state.nh.us>; Jaci Grote <Jaci.Grote@leg.state.nh.us>; Michael O'Brien <Michael.O'Brien@leg.state.nh.us>; William Gannon <William.Gannon@leg.state.nh.us>; Erin Hennessey <Erin.Hennessey@leg.state.nh.us>; Lou D'Allesandro <dalas@leg.state.nh.us>; David Watters <David.Watters@leg.state.nh.us>; Jeb Bradley <Jeb.Bradley@leg.state.nh.us>; Harold French <Harold.French@leg.state.nh.us>; John Reagan <john.reagan111@gmail.com>; Kevin Avard <Kevin.Avard@leg.state.nh.us>; Sharon Carson <Sharon.Carson@leg.state.nh.us>; Suzanne Prentiss <Suzanne.Prentiss@leg.state.nh.us>; Kevin Cavanaugh <Kevin.Cavanaugh@leg.state.nh.us>; Tony Piemonte <Tony.Piemonte@leg.state.nh.us>; Jess Edwards <Jess.Edwards@leg.state.nh.us>; David Welch <repdawelch@gmail.com>
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Respectfully submitted.

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Bail Commissioner
Newport NH

Chantell Wheeler

From: T HAYNES <tracylah@yahoo.com>
Sent: Tuesday, January 18, 2022 10:13 PM
To: Chantell Wheeler
Subject: SB361

To senate committee

Unfortunately I will be out of state for this hearing but for the past two years I have attended several hearings on the Bail Commissioner Issue and would like to offer my opinion as a long time (30 years) bail commissioner. Before the bail reform there were really no issues with the payment process. Defendant was arrested and bailed with little to no issues. I honestly don't know of many defendants that were held because they didn't have the bail fee. Since the reform, bail commissioners have had to bail the defendants for no money. These defendants come from all walks of life and yes there may be a very small percentage of people who are actually indigent but for the most part they are not. These defendants can afford cell phones, drugs, alcohol, cigarettes, cars etc. the first thing that most of them learned when the reform passed was that they no longer needed money and we could no longer hold them for court without documenting good reason. This has slightly changed in the past year when the court allowed some cases/ defendants to be held and we can once again use our discretion. For the past 3 years I have watched Bills come up to fix our problem only to have someone add on to the bill that has nothing to do with bail. I am opposed to this bill because adding mileage to an already difficult fee to collect will only complicate the issue. My opinion the following would most likely alleviate the problem:

1. Change the wording on the law stating that bail fee is not necessary at the time of arrest.

The second problem is when the law changed Police Departments no longer made any effort to arrange for defendants to call for bail. Defendants were being arrested and out in 5 minutes with no regard to acquiring the bail fee.

The third issue is the phrase "if you cannot pay at this time, you can pay at court. Most courts will not collect our money. A judge personally told me "the courts were not a collection agency" and I believe that is what prompted bail commissions to seek relief through the Legislature.

I'm sorry this is long but it's a 5 year issue that should never have happened and is taking longer than it should to correct. Many of us are owed thousands of dollars. We use our own vehicles. Respond within minutes of getting called and many instances we bail on several warrants at a time and incur the cost of stamps, envelopes, money orders etc.

I appreciate your time.

Respectfully

Tracy Haynes
Bail Commissioner
Salem/Rockingham County

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

Senator Carson and members of the Committee,

I am Eddie Mencis from Sandown, NH and have just started my fifth year as a Bail Commissioner. It is with great pleasure that I have come to Concord today to help all New Hampshire Bail Commissioners receive compensation in mileage. Many Bail Commissioners have communicated with me their frustration with the lack of financial support afforded to the work we do on behalf of the NH Court System.

We need to use our personal vehicles in the performance of our duties as Bail Commissioners while supporting the work of the police departments, state police, Fish & Game, sheriff's departments and the jails in each county. The work of the Bail Commissioner is challenging. We are called to perform our duties 24 hours a day, sometimes several times in the same day or night.

We take our responsibilities very seriously and would like to be compensated for the use of our personal vehicles.

Chantell Wheeler

From: Vicky <sousav2000@yahoo.com>
Sent: Wednesday, January 19, 2022 9:38 AM
To: Chantell Wheeler
Subject: SB 361

I am a Bail Commissioner for the state of NH- in the Upper Valley. I do bails in Alexandria, Danbury, Grafton, Canaan, Enfield, Lebanon, Hanover, Grantham, Plainfield, and State Troopers.

I have had arrestees that still owe me from 2015. I know I'll never see that money and I'm out almost 9,000 dollars. The arrestees will lie directly to the Judge and say they've paid, which on the paperwork I highlight in yellow that they have not. I give the clerk a list of who hasn't as well. Some do not show up for court as well.

I don't know what paying mileage will do for any of us, besides not being paid for anything.

I am Not in support of this

Bill SB361.

Sincerely,

Vicky L. Sousa

Bail Commissioner, Upper Valley.

Sent from Yahoo Mail on Android

Senator Carson and members of the Committee,

I am Eddie Mencis from Sandown, NH and have just started my fifth year as a Bail Commissioner. It is with great pleasure that I have come to Concord today to help all New Hampshire Bail Commissioners receive compensation in mileage. Many Bail Commissioners have communicated with me their frustration with the lack of financial support afforded to the work we do on behalf of the NH Court System.

We need to use our personal vehicles in the performance of our duties as Bail Commissioners while supporting the work of the police departments, state police, Fish & Game, sheriff's departments and the jails in each county. The work of the Bail Commissioner is challenging. We are called to perform our duties 24 hours a day, sometimes several times in the same day or night.

We take our responsibilities very seriously and would like to be compensated for the use of our personal vehicles.

Good Morning Madam Chair and Members of the Committee:

My name is Trixie Lefebvre. I live in Londonderry. I am an appointed Bail Commissioner and have served the State in this role for thirteen years. I am here today to speak regarding SB361. This Bill intends to provide reimbursement for mileage but contains no enforcement for collection. It is payment of this statutory fee that has been the crux of several years of legislation and hearings. The Bail Commissioner community is no further along in gaining support and payment for our services since the 2019 Legislature established a Committee to Study this growing problem. The non-payment of Bail Commissioner fees has been part of each Legislative Session since 2019. Payment for our services continues at approximately 60 to 65% of the calls that we respond to.

Since 2019, I have given testimony to Committees and at Public Hearings with the hope of legislation being passed that would insure the fee set by Statute is paid for each call. Collection rates continue to hover at this 60% to 65% payment within our professional community, yet we continue to answer calls and assist our Courts and Police Departments any time of day or night and every day of the week.

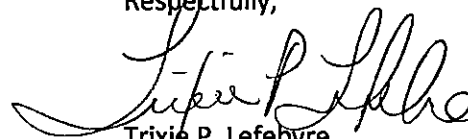
During the 2021 Session there was hope that HB498 would bring relief to us but at the end of the 2021 Legislative Session, Judicial Branch attached a Fiscal Note to this Bill in the amount of \$636,000 for 2022 and in excess of \$850.00 annually thereafter. If these figures are accurate and is spread across the 100 plus/minus appointed Bail Commissioners – the State of New Hampshire and its municipalities expect each Bail Commissioner to forego \$6,000 to \$8,500 annually in the statutorily required payment of fees.

I do not want to appear unappreciative of this Bill but driving up a Fiscal Note for any future Legislation to correct the glaring oversight of non-payment to the Bail Commissioner community will be a mistake. The non-payment of all uncollected Bail Commissioner fees (not just those defendants who have been determined by the Court to be indigent) needs to be corrected with enforcement language.

Prior to passage of this Bill, I ask the Sponsors to introduce an amendment to SB361 which guarantees payment for those individuals not considered indigent after the appropriate finding of the Court. Additionally, an amendment which provides enforcement tools to the Bail Commissioner to advocate for themselves and their rightfully due fee.

Thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to read 'Trixie P. Lefebvre', with a large, stylized flourish extending to the left.

Trixie P. Lefebvre
Londonderry, NH

HB 498-FN- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2021-0255h)

AN ACT relative to the payment of bail commissioners.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	In Excess of \$636,000	In Excess of \$848,000	In Excess of \$848,000
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill requires the court to determine the offender's indigence using established criteria for the purpose of the offender's ability to pay the bail commissioner's fee.

The Judicial Branch indicates this bill would amend RSA 597:2-b, 1 by striking the limitation on payment of bail commissioner fees for an indigent party; "to the extent of available funding." The payment of bail commissioner fees for indigent parties is not funded in the budget. Although the number of parties that would qualify as indigent varies, the Branch estimates the fiscal impact for this bill is approximately \$848,000 calculated as follows:

- In 2019, the Circuit Court received approximately 65,750 criminal court filings. The Circuit Court estimates approximately 50% of those are class A misdemeanors, and approximately 50% of those class A misdemeanor parties are indigent.
- In 2019, the Superior Court received approximately 9,510 criminal court filings. The Superior Court estimates approximately 50% of those involve indigent parties.

Based on these 2019 figures, approximately 21,200 parties would qualify as indigent. Bail Commissioner fees are \$40.00, which would require an additional appropriation of \$848,000. Since the bill would become effective 60 days after passage, the Branch assumed a start date of September 1, 2021. The Branch suggests the estimate of 50% eligibility for State payment of bail commissioner fees may be conservative given that approximately 90% of defendants qualify for court appointed counsel. The estimate is also conservative since it was based on felonies and Class A misdemeanor cases, although is it not unusual for a bail commissioner to be called for non-A misdemeanor cases, for example a DUI offense

The Branch expects there may be reductions to their annual cost estimate based on case-specific determinations that a party is not indigent for purposes of payment of the bail commissioner fee. Any such reduction cannot be determined until a process is established and the Courts have data on the number of parties who, on average, are not indigent for purposes of payment of the fee.


The Branch states it would also incur additional costs to develop forms for parties to complete in order to provide information about ability to pay. Bail commissioner fees are generally collected by the bail commissioners themselves without court involvement. In order to implement the bill, the Judicial Branch and bail commissioners will need to develop a process by which the status of payment to the bail commissioner can be communicated to the court and recorded by the clerk in order to avoid double payment to the bail commissioner.

AGENCIES CONTACTED:

Judicial Branch

597:2-b Determination of indigence and payment of bail commissioner's fee

I. The arresting officer, at the point of arrest, shall inform the offender of the availability of the services of the bail commissioner. 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.

 II. The court shall develop uniform criteria to evaluate and determine whether an offender is indigent or not indigent for the purpose of the offender's ability to pay the bail commissioner's fee. Based on the criteria, the court shall render a finding of indigent or not indigent for the purpose of the offender's ability to pay the bail commissioner's fee.

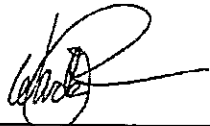
III. If the court finds that the offender is not indigent for the purpose of paying the bail commissioner's fee, the offender shall reimburse the court for payment of the bail commissioner's fee.

IV. If the court finds that the offender is indigent for the purpose of paying the bail commissioner's fee, the offender shall not be liable to pay the fee.

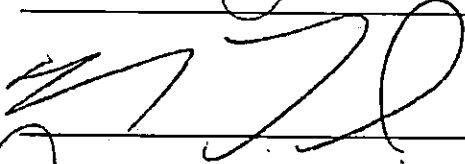
Source. 2020, 12:11, eff. July 16, 2020.

To Senator Sharon Carson and the EDA Committee

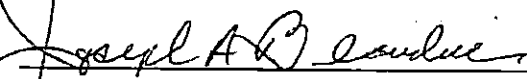
We, the undersigned, support the passage of the New Hampshire Senate Bill SB361 which will require that Bail Commissioners be reimbursed for mileage traveled in the performance of duties. Currently, Bail Commissioners travel many miles to a variety of police departments, county jails and medical facilities 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



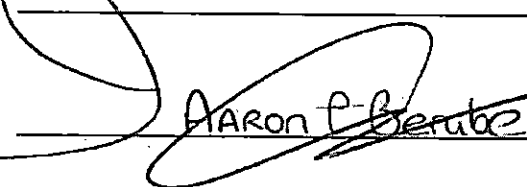
Michael Labell, Raymond PD
HAMPSHIRE PD



Chief Joseph Braudwin



Derry P.D. Chief of Police

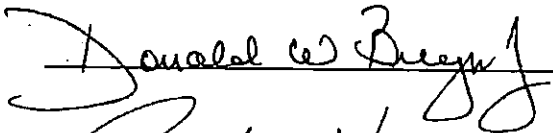


Londonderry PD, Chief of Police

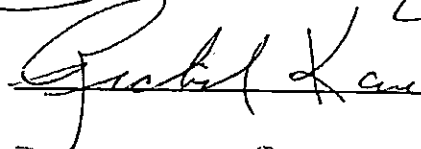
John Sable

Chester PD Chief of Police

SANDOWN P.D., LIEUTENANT



Donald W. Briggs Jr Kingston Police



Richard Kane Plaiston P.D



Richard Sawyer RESO



Michael J. Wallace, Epping PD

Chantell Wheeler

From: Paul Leary <paulmaggie709@gmail.com>
Sent: Wednesday, January 26, 2022 5:21 PM
To: Sharon Carson
Subject: Items form SB361 Hearing
Attachments: Police Department Round Trip Mileage.docx; 2022 Bail Fee Chart for SB 361.dotx

Senator Carson,

I have added two documents to this e-mail, one was the note I used for number of Bails and unpaid and mileage. The second is a list of round trip mileage to the majority of the Police Departments, Jails and Hospitals that I cover, this list is for me to keep track of total mileage for the year as a Bail Commissioner for my Accountant and COVID-19 has dropped my annual mileage as the telebail or remote bailing was used. I add this just in case it might help Senator Reagan in the question he was asking.

I want to thank you for all you have done for the Bail Commissioners over the last few years, your effort is most appreciated. One though from the cheap seats so to speak is to have the Court System pay the Bail Commissioners for each Bail they do and assess the Defendant a Court Cost of the BC Fee and other associated administrative cost that may be caused by the collection of the BC Fee as a court cost. The BC Fee would be paid every two weeks for those bails that we submitted the previous two weeks and if not Bails, no pay. At the end of the year they would process a 1099 for the BC and we would remain as agents and not employees as we currently are. Just a thought.

Thankfully,

Paul
Bail Commissioner

Paul M. Leary, BC
709 Central Street
Franklin, NH 03235-2023
Cell: (603) 748-0494
E-mail: paulmaggie709@gmail.com

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

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	680	7	49(1/23/22)	363.2
2023				
TOTAL DUE	\$42,359	281 (11,240)	3,542	

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 537 from 4/25/20 to 1/23/2022.

This was the breakdown that I gave while talking about SB 772 (2019). This form has been update four times since SB 772 testimony, and once since SB 361 (2022) testimony. Please let me know if you need more information. (updated 1/24/2022)

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

Voting Sheets

**Senate Executive Departments and
Administration Committee**
EXECUTIVE SESSION RECORD
2022 Session

Bill # SB 361fn

Hearing date: 1/19/2022

Executive Session date: 3/9/2022

Motion of: OTP Vote: 50

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	/	/		/	
Sen. Reagan, Vice Chair	/		/	/	
Sen. Ricciardi	/			/	
Sen. Cavanaugh	/			/	
Sen. Prentiss	/			/	

Motion of: consent Vote: 50

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	/			/	
Sen. Reagan, Vice Chair	/	/		/	
Sen. Ricciardi	/			/	
Sen. Cavanaugh	/			/	
Sen. Prentiss	/		/	/	

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair					
Sen. Reagan, Vice Chair					
Sen. Ricciardi					
Sen. Cavanaugh					
Sen. Prentiss					

Reported out by: Sen Carson

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # HB 361-FW

Hearing date: N/A

Executive session date: 03/22/22

Motion of: OTP

VOTE: 6-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input checked="" type="checkbox"/>	Hennessey <input checked="" type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 9, 2022

THE COMMITTEE ON Executive Departments and Administration
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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill entitles bail commissioners to collect an amount for mileage traveled while performing official duties in an amount consistent with IRS federal regulations. The amount for mileage is in addition to the current \$40 fee.

Chantell Wheeler 271-1403

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, March 23, 2022

THE COMMITTEE ON Finance

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 6-0

Senator Erin Hennessey
For the Committee

Deb Martone 271-4980

Docket of SB361

Docket Abbreviations

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

Official Docket of SB361.:

Date	Body	Description
12/17/2021	S	To Be Introduced 01/05/2022 and Referred to Executive Departments and Administration; SJ 1
12/21/2021	S	Hearing: 01/19/2022, Room 103, SH, 10:40 am; SC 50
3/10/2022	S	Committee Report: Ought to Pass, 03/17/2022; Vote 5-0; CC; SC 11
3/17/2022	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 03/17/2022; SJ 5
3/23/2022	S	Committee Report: Ought to Pass, 03/31/2022; SC 13
3/31/2022	S	Ought to Pass: MA, VV; OT3rdg; 03/31/2022; SJ 7
4/1/2022	H	Introduced 03/31/2022 and referred to Criminal Justice and Public Safety
4/4/2022	H	Public Hearing: 04/08/2022 02:30 pm LOB 202-204
4/19/2022	H	Executive Session: 04/08/2022 02:30 pm LOB 202-204
4/19/2022	H	Majority Committee Report: Inexpedient to Legislate (Vote 19-2; RC)
4/19/2022	H	Minority Committee Report: Ought to Pass
5/4/2022	H	Inexpedient to Legislate: MA VV 05/04/2022 HJ 11

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 361

Senate Committee: ED A

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

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

Committee Action Documents: {Legislative Aides}

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

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

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

- amendment # _____ - 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:

CBW
Committee Aide

5.13.2022
Date

Senate Clerk's Office AK

Senate Inventory Checklist for Archives

Bill Number: SB 361-FN

Senate Committee: FINANCE

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

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

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

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

___ - amendment # _____ ___ - 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:

Debra A. Martore
Committee Aide

06/23/22
Date

Senate Clerk's Office AK