

CHAPTER 35  
SB 68 - FINAL VERSION

2017 SESSION

17-0768  
04/03

SENATE BILL           **68**

AN ACT               relative to sentencing for violations of probation.

SPONSORS:          Sen. D'Allesandro, Dist 20; Rep. Welch, Rock. 13; Rep. Cushing, Rock. 21

COMMITTEE:       Judiciary

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ANALYSIS

This bill amends the sentencing and limitations statute to provide the court with additional options for sentencing a probationer who violates his or her probation.

This bill is a request of the department of corrections.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                      relative to sentencing for violations of probation.

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

1            35:1 Sentences and Limitations. Amend RSA 651:2, V(a) to read as follows:

2                      (a) A person may be placed on probation if the court finds that such person is in need of  
3 the supervision and guidance that the probation service can provide under such conditions as the  
4 court may impose. The period of probation shall be for a period to be fixed by the court not to  
5 exceed 5 years for a felony and 2 years for a class A misdemeanor, ***provided that the court may***  
6 ***extend or modify the period of probation in accordance with subparagraph VII(a).*** Upon  
7 petition of the probation officer or the probationer, the period may be terminated sooner by the  
8 court if the conduct of the probationer warrants it.

9            35:2 Sentences and Limitations. Amend RSA 651:2, VII to read as follows:

10                      VII.(a) ***If a probationer violates his or her probation, the court may order any of***  
11 ***the following:***

12                              (1) ***Continue the sentence of probation.***

13                              (2) ***Modify the conditions of the probation.***

14                              (3) ***Extend the period of probation, provided the probationer agrees to the***  
15 ***extension and the original period of probation plus any extension shall not exceed the***  
16 ***probation periods authorized in paragraph V.***

17                              (4) ***Revoke the sentence of probation.***

18                      (b) When a ***sentence of*** probation or a conditional discharge is revoked, the [defendant]  
19 ***probationer*** may be fined, as authorized by paragraph IV, if a fine was not imposed in addition to  
20 the probation or conditional discharge. Otherwise, the [defendant] ***probationer*** shall be sentenced  
21 to imprisonment as authorized by paragraph II.

22            35:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 09, 2017

Effective Date: July 08, 2017