

HB 137 - AS INTRODUCED

2017 SESSION

17-0089

09/08

HOUSE BILL **137**

AN ACT relative to qualifications of referees in the superior courts and circuit courts.

SPONSORS: Rep. Itse, Rock. 10; Rep. Hoell, Merr. 23; Rep. Spillane, Rock. 2; Rep. Baldasaro, Rock. 5; Sen. Daniels, Dist 11; Sen. Reagan, Dist 17

COMMITTEE: Judiciary

ANALYSIS

This bill requires referees, marital referees, or marital masters serving in the superior courts and the circuit courts who are not former or retired judges to be commissioned as justices of the peace.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to qualifications of referees in the superior courts and circuit courts.

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

1 1 Findings. The legislature finds that every marital master discharged as a consequence of
2 2012, 66 (HB 151) who has not retired nor become a judge has been hired as a referee without
3 statutory authorization and is performing the same function as a marital referee. Therefore, it is
4 necessary to provide legislative and executive oversight of all individuals serving as jurists.

5 2 New Section; Superior Court Referees. Amend RSA 491 by inserting after section 23 the
6 following new section:

7 491:23-a Referees. A referee serving in the superior court on or after January 1, 2018 who is
8 not a former or retired judge shall be required to be commissioned as a justice of the peace.

9 3 Circuit Court Referees. Amend RSA 490-F:15 to read as follows:

10 490-F:15 Referees.

11 ***I.*** The circuit court, with the consent of the parties shall, and without the consent of the
12 parties may, commit to one or more referees any cause at law or in equity, or the determination of
13 any question of fact pending in the court wherein the parties are not, as matter of right, entitled to
14 a trial by jury; and with the consent of the parties shall in the same manner commit any other
15 cause or the determination of any other question of fact.

16 ***II.*** ***A referee, marital referee, or marital master serving in the circuit court on or***
17 ***after January 1, 2018 who is not a former or retired judge shall be required to be***
18 ***commissioned as a justice of the peace.***

19 4 Effective Date. This act shall take effect 30 days after its passage.