

HB 147-FN - AS INTRODUCED

2021 SESSION

21-0338

04/05

HOUSE BILL ***147-FN***

AN ACT relative to assault against an elderly person.

SPONSORS: Rep. Abbas, Rock. 8; Rep. Love, Rock. 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill creates a first degree assault offense for an assault against a person 65 years of age or older by a person who is more than 10 years of age older than the victim.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to assault against an elderly person.

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

1 1 First Degree Assault. Amend RSA 631:1, I to read as follows:

2 I. A person is guilty of a class A felony if he ***or she***:

3 (a) Purposely causes serious bodily injury to another; or

4 (b) Purposely or knowingly causes bodily injury to another by means of a deadly weapon,

5 except that if the deadly weapon is a firearm, he ***or she*** shall be sentenced in accordance with RSA

6 651:2, II-g; or

7 (c) Purposely or knowingly causes injury to another resulting in miscarriage or stillbirth;

8 or

9 (d) Knowingly or recklessly causes serious bodily injury to a person under 13 years of

10 age; ***or***

11 (e) ***Purposely or knowingly causes serious bodily injury to a person 65 years of***
12 ***age or older where the victim is more than 10 years of age older than the actor.***

13 2 Effective Date. This act shall take effect January 1, 2022.

**HB 147-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to assault against an elderly person.

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 | 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 |

COUNTY:

| | | | | |
|---------------------|-----|-------------------------|-------------------------|-------------------------|
| Revenue | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

METHODOLOGY:

This bill contains a penalty 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 Branch | FY 2021 | FY 2022 |
|---|--|--|
| Simple Criminal Case | \$309 | \$309 |
| Routine Criminal Felony Case | \$494 | \$494 |
| Appeals | Varies | Varies |
| It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. | | |
| Judicial Council | | |
| 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 – Major | \$2,490/Case | \$2,490/Case |

| | | |
|--|--------------------------|--------------------------|
| Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault) | | |
| Assigned Counsel – Major Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault) | \$100/Hour up to \$8,000 | \$100/Hour up to \$8,000 |
| Assigned Counsel – Felony | \$60/Hour up to \$4,100 | \$60/Hour up to \$4,100 |
| 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. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). | | |
| Department of Corrections | | |
| FY 2020 Average Cost of Incarcerating an Individual | \$47,691 | \$47,691 |
| FY 2020 Annual Marginal Cost of a General Population Inmate | \$6,407 | \$6,407 |
| FY 2020 Average Cost of Supervising an Individual on Parole/Probation | \$584 | \$584 |
| NH Association of Counties | | |
| County Prosecution Costs | Indeterminable | Indeterminable |
| Estimated Average Daily Cost of Incarcerating an Individual | \$105 to \$120 | \$105 to \$120 |

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 would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

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