

Amendment to SB 92-FN

Amend the bill by replacing section 1 with the following:

1 Criminal Mischief; Penalty Amended. Amend RSA 634:2, VI to read as follows:

VI. Any person who is found guilty of criminal mischief under paragraph III of this section because he or she has vandalized, defaced, destroyed, tampered with, or made any other unauthorized alteration, whether permanent or temporary, on public property, shall be guilty of a ~~[violation]~~ **class A misdemeanor if the damage is \$1,000 or more, a violation if the damage is less than \$1,000**, and shall also make restitution for any damage he or she has caused.

Amend RSA 597:2, III(a)(1) as inserted by section 2 of the bill by replacing it with the following:

**(1) A person who is charged with homicide under RSA 630:1; first degree assault under RSA 631:1; second degree assault under RSA 631:2; domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; stalking under RSA 633:3-a; trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; computer pornography and child exploitation under RSA 649-B; or felonious use of firearms under RSA 650-A:1, shall, upon arrest, be detained for a period of not more than 72 hours from the time of his or her arrest, excluding Saturdays, Sundays, and holidays, based upon the rebuttable presumption the person charged is a danger to the public.**

Amend RSA 597:2, III(b)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) If the court determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past ~~[5]~~ **3** years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required **and the person shall be detained in pre-trial detention.**

Amend RSA 597:2, III(c) as inserted by section 2 of the bill by replacing it with the following:

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2 (c) Failure of a person to abide by previous bail conditions. If there is probable cause to  
3 believe that, while on release pending resolution of a previous offense, the person committed a  
4 felony, class A misdemeanor, or driving or operating while impaired, ***was released on bail, and***  
5 ***thereafter was arrested for a third felony, class A misdemeanor, or driving or operating***  
6 ***while impaired***, there shall be a rebuttable presumption that the person will not abide by a  
7 condition that the person not commit a new offense ***and the person shall be detained in pre-trial***  
8 ***detention***. ~~[The court shall not impose a financial condition that will result in the pretrial detention~~  
9 ~~of the person solely as a result of that financial condition unless the court determines by clear and~~  
10 ~~convincing evidence after a hearing that no reasonable alternative or combination of conditions will~~  
11 ~~assure that the person will not commit a new offense.]~~ The court may consider any relevant factors  
12 in making its determination.