

SB 303-FN – AS INTRODUCED

2012 SESSION

12-2922
09/01

SENATE BILL ***303-FN***

AN ACT relative to the penalty assessment on fines for criminal offenses.

SPONSORS: Sen. D'Allesandro, Dist 20; Rep. Fesh, Rock 5; Rep. Panek, Straf 3

COMMITTEE: Ways and Means

ANALYSIS

This bill requires the penalty assessment on fines for criminal offenses to apply to the total fine, regardless of whether a portion of the fine has been suspended.

This bill was requested by the police standards and training council.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the penalty assessment on fines for criminal offenses.

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

1 1 Penalty Assessment on Fines for Criminal Offenses. Amend RSA 188-F:31 to read as follows:
2 188-F:31 Penalty Assessment[~~Waiver of Penalty~~].

3 I. Every court shall levy a penalty assessment of \$2 or 24 percent, whichever is greater, on
4 each **total** fine or penalty imposed by the court for a criminal offense, including any fine or penalty
5 for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal
6 ordinance relating to motor vehicles unlawfully left or parked.

7 II. If multiple offenses are involved, the penalty assessment shall be imposed on the total
8 fine.

9 III. [~~If a fine is suspended in whole or in part, the penalty assessment shall be reduced in
10 proportion to the suspension.~~]

11 IV.] The clerk of each court shall collect all penalty assessments and shall transmit the
12 amount collected under paragraphs [~~I-III~~] **I-II** to the state treasurer for deposit in the following
13 funds. The state treasurer shall deposit 66.66 percent of the amount collected in the police
14 standards and training council training fund, 16.67 percent of the amount collected in the victims'
15 assistance fund, and 16.67 percent of the amount collected in the judicial branch information
16 technology fund.

17 [~~V. If it is determined by a court that the payment of all or any part of a penalty assessment
18 would work a hardship on the person convicted or on such person's immediate family, the court may
19 suspend the payment of all or any part of the assessment.~~]

20 2 Effective Date. This act shall take effect January 1, 2013.

LBAO
12-2922
Revised 01/05/12

SB 303 FISCAL NOTE

AN ACT relative to the penalty assessment on fines for criminal offenses.

FISCAL IMPACT:

The Judicial Branch, Department of Safety, Department of Justice, and Police Standards and Training Council state this bill will increase state restricted revenue by an indeterminable amount in FY 2013 and each year thereafter. There will be no fiscal impact on county or local revenue or state, county, or local expenditures.

METHODOLOGY:

The Judicial Branch, Department of Safety, Department of Justice, and Police Standards and Training Council state this bill would amend RSA 188-F:31 to remove current section III, which states that the penalty assessment on fines is reduced in proportion to the amount of the fine that is suspended where the fine is suspended in whole or in part, and to remove current section V, which allows a court to suspend all or a part of the penalty assessment where payment of it would cause a hardship. All of the entities state the removal of these sections that allow reductions of the penalty assessment will increase penalty assessment revenue, which is allocated to the Police Standards and Training Council Fund (66.66%), the Victim's Assistance Fund (16.67%), and the Judicial Branch Information Technology Fund (16.67%), by an indeterminable amount in FY 2013 and each year thereafter. The Judicial Branch states, in calendar year 2010, the circuit court suspended payment of \$285,014 in fines, which would have generated \$68,403 (\$285,014 of fines x 24% penalty assessment rate) of penalty assessment revenue distributed in the following manner:

<u>Dedicated Fund</u>	<u>Allocation</u>	<u>Amount</u>
Police Standards and Training Council Fund	66.66%	\$45,597
Victim's Assistance Fund	16.67%	\$11,403
<u>Judicial Branch Information Technology Fund</u>	<u>16.67%</u>	<u>\$11,403</u>
Total Penalty Assessment Revenue		\$68,403

The Branch does not possess any information on penalty assessment suspensions related to financial hardship.