

SB 320-FN – AS AMENDED BY THE SENATE

03/07/12 0871s

2012 SESSION

12-2986
08/09

SENATE BILL **320-FN**

AN ACT directing the department of safety to subscribe to a scrap metal theft alert system.

SPONSORS: Sen. Carson, Dist 14; Sen. Gallus, Dist 1; Sen. Luther, Dist 12; Sen. Merrill,
Dist 21; Rep. Swinford, Belk 5; Rep. Welch, Rock 8; Rep. Shurtleff, Merr 10

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill directs the department of safety to subscribe to a scrap metal theft alert system.

This bill also directs local law enforcement agencies to report stolen scrap metal to the scrap metal theft alert system.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 320-FN – AS AMENDED BY THE SENATE

03/07/12 0871s

12-2986
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT directing the department of safety to subscribe to a scrap metal theft alert system.

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

1 1 New Section; Scrap Metal Theft; Database. Amend RSA 322 by inserting after section 13 the
2 following new section:

3 322:14 Stolen Scrap Metal Database.

4 I. The department of safety shall subscribe to a scrap metal theft alert system to receive
5 alerts regarding the theft of commodity metals in New Hampshire and the surrounding geographic
6 area. Information from subscription to such system shall be obtained by the department of safety at
7 no cost, made available to the public on the department of safety's website, and shall contain the
8 date of the reported theft, the location of the reported theft, a description of the materials stolen,
9 and, if available, the final disposition of the case.

10 II. Upon receiving a report of stolen scrap metal, local law enforcement agencies shall report
11 the theft of such stolen scrap metal to the scrap metal alert system for inclusion in alerts issued to
12 subscribers of the scrap theft alert system. Such report shall be made within 24 hours of the initial
13 report of the crime to a local law enforcement agency.

14 2 Effective Date. This act shall take effect January 1, 2013.

SB 320 FISCAL NOTE

AN ACT directing the department of safety to subscribe to a scrap metal theft alert system.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, Department of Corrections, and New Hampshire Association of Counties state this bill may increase state and county expenditures by an indeterminable amount in FY 2013 each year thereafter. The Department of Safety states this bill will increase highway fund expenditures by \$92,613 in FY 2013, \$54,463 in FY 2014, \$57,453 in FY 2015, and \$60,653 in FY 2016. There will be no fiscal impact on local expenditures or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill repeals and reenacts RSA 322:13 to deal with receiving, retaining or disposing of stolen scrap metal. The Branch states the potential for fiscal impact is in the prospect of new class B felonies and/ or new class A misdemeanors. The Branch has no information to estimate how many charges would be brought as a result of the changes contained in the bill to determine the fiscal impact on expenditures but does have information on the cost for processing a class B felony and a class A misdemeanor. All costs are estimated based on case weight information from the last needs assessment completed in 2005. The Branch states any felony resulting from RSA 322:13, I would be classified as an average routine criminal case. The Branch states an average routine criminal case will cost \$389.84 per case in FY 2013 and \$401.48 per case in FY 2014 and each year thereafter. The Branch states a class A misdemeanor will cost \$59.11 per case in FY 2013 and \$61.31 per case in FY 2014 and each year thereafter. The possibility of appeals increases the likelihood the fiscal impact on the Branch will exceed \$10,000.

The Judicial Council states this bill may result in an indeterminable increase in general fund expenditures. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor and \$756.24 per felony is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor charge and \$4,100 for a felony charge. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel

SB 320-FN – AS AMENDED BY THE SENATE
- Page 3-

attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal.

The Department of Safety states this bill also establishes a database for reports of stolen scrap metal. The Department will need to purchase or create a database to report on stolen scrap metal, maintain a public website, and purchase additional computer equipment or servers to store information. The Department estimates the design and implementation of a website will cost \$60,000 of highway funds in FY 2013 and then \$7,000 to maintain and support the website beginning in FY 2013 and each year thereafter. The Department assumes it will need one additional data entry position to handle the increased workload if there is a high volume of reports and data entry otherwise the Department may be able to absorb the workload with existing resources. The Department estimates the following highway fund expenses, based on effective date of bill:

	FY 2013	FY 2014	FY 2015	FY 2016
Data entry position (LG 9) salary	\$11,856	\$24,171	\$25,107	\$26,062
Benefits	10,757	23,292	25,346	27,591
Website design and support	67,000	7,000	7,000	7,000
Office furniture and supplies	1,500	0	0	0
Computer	1,500	0	0	0
Total	\$92,613	\$54,463	\$57,453	\$60,653

The Department of Corrections states it is not able to determine the fiscal impact of this bill because it does not have sufficient detail to predict the number of individuals who would be subject to this legislation. The Department of Corrections states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2011 was \$33,698. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2011 was \$672.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

SB 320-FN – AS AMENDED BY THE SENATE
- Page 4-

The Department of Justice states this bill will have no fiscal impact on the Department. The Department states county attorneys, not the Department, typically prosecute these types of cases and if this bill results in a minimal increase in criminal appellate work, this cost could be absorbed by the Department.