

HB 132-FN-LOCAL – AS INTRODUCED

2013 SESSION

13-0274
01/04

HOUSE BILL ***132-FN-LOCAL***

AN ACT relative to responsibility for medical costs incurred by a person in custody.

SPONSORS: Rep. J. Belanger, Hills 27; Rep. Shurtleff, Merr 11

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill declares that if a person who is in custody pursuant to a valid arrest or detention order causes injury to himself or herself purposely then he or she shall be responsible for all his or her medical costs associated with the injury.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to responsibility for medical costs incurred by a person in custody.

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

- 1 1 Custody; Medical Expenses. Amend RSA 402:79 to read as follows:
2 402:79 Custody; Reimbursement for Medical Expenses. Whenever the state or any of its
3 subdivisions, or any agency of the state or of any of its subdivisions, is required to pay under the
4 provisions of RSA 623:1, I for the medical care of any person in its custody pursuant to a valid arrest
5 or detention, such governmental unit shall be entitled to obtain reimbursement for such payments
6 from any insurer to the extent that such insurer would be liable to pay for such medical care
7 pursuant to any health, medical, group health or medical, liability, or other insurance policy.
8 ***Notwithstanding RSA 30-B:4, V, whenever any person in custody pursuant to a valid arrest***
9 ***or detention order causes bodily harm or self injurious behavior to himself or herself***
10 ***purposely, he or she shall be responsible for all medical costs. The health care provider***
11 ***shall forward all invoices and bills to the detained person and not the detention facility.***
12 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
13-0274
12/11/12

HB 132-FN-LOCAL - FISCAL NOTE

AN ACT relative to responsibility for medical costs incurred by a person in custody.

FISCAL IMPACT:

The New Hampshire Association of Counties states this bill, **as introduced**, may decrease county expenditures by an indeterminable amount in FY 2012 and each year thereafter. There is no fiscal impact on state and local expenditures, or state, county and local revenue.

METHODOLOGY:

The New Hampshire Association of Counties states this bill would shift the liability for inmate medical costs due to self-injury from the county correctional facility to the inmate by requiring the health care provider bill the inmate, not the county correctional facility. The Association is not able to determine the number of instances where the cost would be shifted to the inmate, or the actual cost of medical services shifted, in order to determine the actual impact on county expenditures. The Association states that any shift in responsibility for payment of medical costs from the correctional facility to the inmate will result in a decrease in county expenditures.