

CHAPTER 277
HB 224 – FINAL VERSION

20Mar2013... 0612h
06/06/13 1947s
26June2013... 2139CofC

2013 SESSION

13-0305
10/01

HOUSE BILL **224**

AN ACT relative to the authority of the superintendent of a county correctional facility.

SPONSORS: Rep. Pantelakos, Rock 25; Rep. Shurtleff, Merr 11; Rep. Fesh, Rock 6;
Rep. Charron, Rock 4; Rep. J. Belanger, Hills 27

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill establishes a procedure for the superintendent of the county correctional facility to release a prisoner in order to obtain gainful employment, perform uncompensated public service, or serve the sentence under home confinement.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the authority of the superintendent of a county correctional facility.

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

1 277:1 Discretionary Sentences; Release for Certain Purposes. Amend RSA 651:19 to read as
2 follows:

3 651:19 Release for Purpose of Gainful Employment, Rehabilitation, or Home Confinement.

4 ***I.*** A sentencing court may ~~order~~ ***recommend at the time of sentencing, or the***
5 ***superintendent of the county correctional facility may, at any time during the sentence,***
6 ***allow*** any person who has been committed to a correctional institution other than state prison under
7 a criminal sentence ~~may~~ ***to*** be released therefrom for the purpose of obtaining and working at
8 gainful employment, for the performance of uncompensated public service as provided in
9 RSA 651:68-70, under the terms of a day reporting program, provided the correctional facility has a
10 day reporting program, or to serve the sentence under home confinement, provided the correctional
11 facility has a home confinement program.

12 ***II.*** If the ***sentencing court recommends a person for release and the*** superintendent
13 determines the person is inappropriate for such release, the court shall be notified and, at the
14 request of the defendant, a hearing may be scheduled.

15 ***III.*** ***If the sentencing court does not include a recommendation for release pursuant***
16 ***to paragraph I in its order, but at any time during the sentence the superintendent deems***
17 ***such a release to be conducive to the person's rehabilitation, the court and the prosecutor***
18 ***shall be notified and, at the request of the prosecutor, a hearing may be scheduled. The***
19 ***decision of the superintendent for release under this paragraph shall stand unless,***
20 ***following the hearing, the court orders otherwise.***

21 ***IV.*** In any case, the defendant shall first serve 14 consecutive days prior to eligibility for
22 home confinement, or for such other purpose as the court ***or the superintendent*** may deem
23 conducive to his or her rehabilitation, for such times or intervals of time and under such terms and
24 conditions as the rules and regulations of the correctional facility may allow or as the court may
25 order. Any part of a day spent in the free community, or in home confinement, under such a release
26 order shall be counted as a full day toward the serving of the sentence unless otherwise provided by
27 the court. If a person violates the terms and conditions laid down for his or her conduct, custody,
28 and employment, he or she shall be returned to the correctional facility. The superintendent may
29 then require that the balance of the person's sentence be spent in actual confinement.

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- 1 277:2 Effective Date. This act shall take effect 60 days after its passage.
- 2 Approved: July 24, 2013
- 3 Effective Date: September 22, 2013