

HB 247-FN – AS INTRODUCED

2013 SESSION

13-0652  
04/09

HOUSE BILL            **247-FN**

AN ACT                increasing compensation for wrongful incarceration.

SPONSORS:            Rep. Robertson, Ches 6; Rep. Sapareto, Rock 6; Rep. Christiansen, Hills 37;  
Rep. Itse, Rock 10

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill provides that a person who is wrongfully incarcerated shall be eligible for compensation of \$20,000 per year of incarceration.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    increasing compensation for wrongful incarceration.

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

1            1 Claims Against the State; Limitations on Claims and Actions. Amend RSA 541-B:14, II to  
2 read as follows:

3            II. If a claim is filed against the state for time unjustly served in the state prison when a  
4 person is found to be innocent of the crime for which he ***or she*** was convicted, such a claim shall be  
5 limited to an award [~~not to exceed~~] ***of \$20,000 per year of incarceration.***

6            2 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
13-0652  
01/07/13

**HB 247-FN - FISCAL NOTE**

AN ACT                    increasing compensation for wrongful incarceration.

**FISCAL IMPACT:**

The Department of Justice states this bill, **as introduced**, may increase state expenditures by an indeterminable amount in FY 2013 and each year thereafter. There is no fiscal impact on county and local expenditures, or state, county, and local revenue.

**METHODOLOGY:**

The Department of Justice states this bill increases the amount for wrongful incarceration from an amount not to exceed \$20,000, to \$20,000 per year of wrongful incarceration. The Department states it would be responsible for defending the State against a claim of wrongful incarceration and would absorb any related costs in its budget. The Department indicates there have not been any payouts under this statute to date, therefore they are not able to determine the impact on state expenditures. If there is a payout related to this statute it would increase state general fund expenditures by an indeterminable amount.