

CHAPTER 156
HB 644-FN – FINAL VERSION

20Mar2013... 0738h
05/02/13 1296s

2013 SESSION

13-0658
04/05

HOUSE BILL ***644-FN***

AN ACT relative to parole procedures and relative to sanctions for violations of probation.

SPONSORS: Rep. Shurtleff, Merr 11; Rep. Sytek, Rock 8; Rep. Charron, Rock 4; Sen. Carson,
Dist 14

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

I. Makes various changes to the laws governing parole of prisoners.

II. Requires the department of corrections to post notice of parole hearings on the department's website.

III. Amends the procedure for calculating the recommittal period for persons who violate the conditions of parole.

IV. Amends the authority of a probation/parole officer to sanction a probationer for violations of probation.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 parole procedures and relative to sanctions for violations of probation.

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

1 156:1 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11, I to read as follows:

2 I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
3 shall twice publish, in a newspaper of general circulation within the county where the offense
4 occurred, a notice stating the intention of the person to seek parole **and shall post notice stating**
5 **the intent of the person to seek parole in the adult parole board section of the department**
6 **of corrections' Internet site**. Said ~~[notice]~~ **notices** shall ~~[contain]~~ **include** the name **and birth**
7 **date** of the applicant and the date, **time**, and location of the parole hearing.

8 156:2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11, II-a to read as follows:

9 II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole
10 board shall ~~[send]~~ **provide** a copy of the information described in paragraph I ~~[by first class mail]~~ to
11 the **department of corrections which shall send a copy of such information by first class**
12 **mail to the** victim of the person seeking parole, or to the next of kin of such victim if the victim has
13 died, if request for such notice has been filed with the ~~[board]~~ **department of corrections**. The
14 victim or next of kin so requesting shall keep the ~~[board]~~ **department of corrections** apprised of his
15 **or her** current mailing address.

16 156:3 Parole of Prisoners; Report Required. Amend RSA 651-A:16, I(e) to read as follows:

17 (e) Is placed in an intermediate sanction ~~[program]~~ by a probation/parole officer in lieu of
18 revocation.

19 156:4 Parole of Prisoners; Intermediate Sanction. Amend RSA 651-A:16-a to read as follows:

20 651-A:16-a Intermediate Sanction ~~[Programs]~~.

21 I. The commissioner shall establish ~~[one or more intermediate sanction programs to include]~~
22 a 7-day residential ~~[program]~~ **sanction** located in a halfway house facility.

23 II. Probation/parole officers may place a parolee in an intermediate sanction ~~[program]~~ in
24 lieu of a parole revocation hearing only if the offender agrees to participate.

25 156:5 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19, I to read as follows:

26 I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on
27 parole or the remainder of his or her maximum sentence, whichever is shorter, or may be subject to
28 an extended term of recommittal pursuant to paragraphs III and IV. The time between the return of

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1 the parolee to prison after arrest and revocation of parole shall be considered as time served as a
2 portion of the maximum sentence. ***The 90-day recommittal period may be calculated from the***
3 ***date of the arrest or from the date of the hearing, as ordered by the parole board.***

4 156:6 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19, III(a) to read as follows:

5 (a) The prisoner has previously been [~~recommitted~~] ***found true*** for a parole violation ***on***
6 ***his or her current sentence or another sentence for which he or she was concurrently***
7 ***servng a term of parole; or***

8 156:7 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19, VII(a) to read as
9 follows:

10 (a) The prisoner has not been previously [~~recommitted~~] ***found true*** for a parole violation
11 ***on his or her current sentence or another sentence for which he or she was concurrently***
12 ***servng a term of parole;***

13 156:8 Sentences and Limitations. Amend RSA 651:2, V(i) to read as follows:

14 (i) The court may include, as a condition of probation for a felony offense, a jail sentence
15 of [~~one~~] ***up to [5] 30 days*** that a probation/parole officer may impose in ***segments of one to 7 days***
16 ***over the course of the probation period, in*** response to [~~a~~] ***any*** violation of a condition of
17 probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county
18 jail facility closest to or in reasonable proximity to where the probationer is under supervision.

19 156:9 Probationers and Parolees; Violations of the Terms of Probation or Parole. Amend RSA
20 504-A:4, III to read as follows:

21 III. A probation or parole officer may require any probationer, whose sentence includes a
22 [~~one to 5 day~~] ***provision for jail [sanction] sanctions*** pursuant to RSA 651:2, V(i), to serve a county
23 house of corrections sanction [~~or a portion thereof~~] ***one to 7 days***, provided that the probationer is
24 advised of and waives his or her right to counsel and to a preliminary hearing under RSA 504-A:5
25 and violation of probation hearing. If the probation officer intends to impose this sanction, the
26 officer shall advise the offender of the violations alleged, the date or dates of the violation, and the
27 number of days the offender shall serve. If the offender objects to the imposition of the jail sanction,
28 a violation of probation hearing shall be held. This short jail stay may not be issued for any violation
29 of probation which could warrant an additional, separate felony charge. ***In the event that a***
30 ***probationer commits a fifth violation of probation after having been incarcerated under***
31 ***this section on 4 separate occasions during the term of probation, the probation/parole***
32 ***officer shall file a violation of probation with the court.***

33 156:10 Repeal. RSA 651-A:6, I(b), relative to the parole of certain nonviolent offenders, is
34 repealed.

35 156:11 Applicability. The provisions of sections 1-8 of this act shall apply to:

36 I. Any person who is on parole or eligible for parole, on or after the effective date of this act;

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1 and

2 II. Any person who, on or after the effective date of this act, has violated the conditions of
3 parole after a hearing pursuant to RSA 651-A:17.

4 156:12 Effective Date. This act shall take effect July 1, 2013.

5

6 Approved: June 28, 2013

7 Effective Date: July 1, 2013