

CHAPTER 59
SB 34 – FINAL VERSION

2013 SESSION

13-0949
05/01

SENATE BILL **34**

AN ACT relative to the appointment of bail commissioners.

SPONSORS: Sen. Cataldo, Dist 6

COMMITTEE: Judiciary

ANALYSIS

This bill provides that the superior court and circuit court shall not appoint a bail commissioner whose appointment would present a conflict of interest or appearance of bias.

The bill is a request of the supreme court.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 59
SB 34 – FINAL VERSION

13-0949
05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the appointment of bail commissioners.

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

1 59:1 Appointment of Bail Commissioners; Superior Court. Amend RSA 597:15 to read as
2 follows:

3 597:15 ~~[Appointment]~~ **Superior Court.** The superior court may appoint justices of the peace
4 and quorum as commissioners authorized to fix and receive bail in criminal or civil cases as
5 hereinafter provided. ***The superior court shall not appoint as a bail commissioner anyone***
6 ***whose appointment would present a conflict of interest or an appearance of bias in the***
7 ***carrying out of his or her duties as a bail commissioner.***

8 59:2 Circuit Court. Amend RSA 597:15-a to read as follows:

9 597:15-a ~~[District Courts]~~ **Circuit Court.** ~~[District courts]~~ ***The circuit court*** may appoint ~~[3 or~~
10 ~~more]~~ justices of the peace and quorum as commissioners authorized to fix and receive bail and other
11 fines and fees as authorized by law in criminal or civil cases ~~[to be brought before the appointing~~
12 ~~court or any other district court]~~ ***as hereinafter provided. The circuit court shall not appoint***
13 ***as a bail commissioner anyone whose appointment would present a conflict of interest or***
14 ***an appearance of bias in the carrying out of his or her duties as a bail commissioner.***

15 59:3 Applicability. Nothing in this act shall require the removal from office of any currently
16 commissioned bail commissioner.

17 59:4 Repeal. The following are repealed:

18 I. RSA 597:15-b, relative to appointment of bail commissioners in the judicial branch family
19 division.

20 II. RSA 597:16, relative to appointment of bail commissioners in the municipal courts.

21 59:5 Effective Date. This act shall take effect upon its passage.

22 Approved: June 6, 2013

23 Effective Date: June 6, 2013