

SB 144-FN – AS INTRODUCED

2013 SESSION

13-0948

04/09

SENATE BILL ***144-FN***

AN ACT relative to forfeiture of bail.

SPONSORS: Sen. Lasky, Dist 13; Sen. Carson, Dist 14; Sen. Soucy, Dist 18; Rep. Hackel, Hills
29; Rep. Gale, Hills 28

COMMITTEE: Judiciary

ANALYSIS

This bill provides for forfeiture of bail after default and permits the aggrieved party to contest the forfeiture.

This bill is a request of the New Hampshire 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to forfeiture of bail.

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

- 1 1 Bail and Recognizances; Declaration of Forfeiture. Amend RSA 597:31 to read as follows:
- 2 597:31 Declaration of Forfeiture. If any party recognized to appear makes default, the
- 3 recognizance shall be declared forfeited[, ~~state may cause proceedings to be had immediately for the~~
- 4 ~~recovery of~~] ***by the court for the benefit of the state, provided that an interested party may***
- 5 ***contest the recovery of*** such forfeiture ***upon notice in a accordance with court rules.***
- 6 2 Effective Date. This act shall take effect January 1, 2014.

SB 144 FISCAL NOTE

AN ACT relative to forfeiture of bail.

FISCAL IMPACT:

The Judicial Branch states this bill, **as introduced**, may increase state general fund expenditures by an indeterminable amount in FY 2014 and each year thereafter. There is no fiscal impact on county and local expenditures, or state, county and local revenue.

METHODOLOGY:

The Judicial Branch states this bill amends RSA 597:31 to remove the requirement that the State institute proceedings for the recovery of forfeited bail. The Branch will be required to give notice of the forfeiture to interested parties and allow them to contest the recovery of the forfeiture. The Branch states this bill will not add new cases to the Branch's caseload but could add new hearings within existing cases and increase clerical time to the processing of criminal cases where bail had been received. The Branch does not have information on how much judge or clerical time will be required to determine the impact on expenditures, however the Branch states the impact is not likely to be significant.