

HB 404-FN – AS INTRODUCED

2013 SESSION

13-0356
04/10

HOUSE BILL ***404-FN***

AN ACT relative to earned time credits for inmates participating in rehabilitative programming.

SPONSORS: Rep. Vaillancourt, Hills 15; Rep. Chase, Ches 8; Rep. Frazer, Merr 13; Rep. J. Tilton, Merr 3; Rep. Emerson, Ches 11; Rep. Ginsburg, Straf 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill authorizes the commissioner of the department of corrections to award earned time credits for a prisoner's participation in or completion of educational, vocational, mental health, or substance abuse treatment programming.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 earned time credits for inmates participating in rehabilitative programming.

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

1 1 New Section; Parole of Prisoners; Earned Time Credits. Amend RSA 651-A by inserting after
2 section 22 the following new section:

3 651-A:22-a Earned Time Credits.

4 I. In addition to credit for good conduct as provided in RSA 651-A:22, the commissioner
5 shall, on a monthly basis, review the conduct of each prisoner subject to parole to determine whether
6 the prisoner shall receive credit for earned time as provided in this section. If, as a result of this
7 review, the commissioner determines that a prisoner is entitled to credit for earned time, the
8 commissioner shall monthly reduce the additional disciplinary period provided in RSA 651:2, II-e of
9 such prisoner as follows:

10 (a) A prisoner who is assigned work by the department shall be entitled to a reduction of
11 2 days in the prisoner's minimum sentence and a reduction of 2 days in his or her maximum
12 sentence for each month that the prisoner works at his or her assigned job.

13 (b) A prisoner who participates in an educational program authorized and approved by
14 the department shall be entitled to a reduction of 4 days in his or her minimum sentence and a
15 reduction of 4 days in his or her maximum sentence for each month the prisoner participates in such
16 educational program. Such educational programs may include, but are not limited to, a GED
17 program, or secondary, postsecondary, vocational, or other educational programs that the
18 commissioner deems valuable to the prisoner's rehabilitation.

19 (c) A prisoner who participates in a mental health or substance abuse treatment
20 program authorized and approved by the department or who participates in a mental health or
21 substance abuse treatment program that the commissioner deems to be valuable to a prisoner's
22 rehabilitation, shall be entitled to a reduction of 3 days in his or her minimum sentence and a
23 reduction of 3 days in his or her maximum sentence for each month in each program in which the
24 prisoner participates.

25 II. In addition to the reductions authorized under paragraph I, the commissioner, after
26 reviewing a prisoner's record, shall award to a prisoner a one-time reduction in his or her minimum
27 and maximum sentences for successful completion of each of the following programs while
28 incarcerated:

29 (a) Education Programs:

30 (1) GED

90 day reduction in the prisoner's minimum

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- 1 sentence and 90 day reduction in the
2 prisoner's maximum sentence.
- 3 (2) High School Diploma 180 day reduction in the prisoner's minimum
4 sentence and 180 day reduction in the
5 prisoner's maximum sentence.
- 6 (3) Associate's Degree 180 day reduction in the prisoner's minimum
7 sentence and 180 day reduction in the
8 prisoner's maximum sentence.
- 9 (4) Bachelor's Degree 180 day reduction in the prisoner's minimum
10 sentence and 180 day reduction in the
11 prisoner's maximum sentence.
- 12 (5) Master's Degree 180 day reduction in the prisoner's minimum
13 sentence and 180 day reduction in the
14 prisoner's maximum sentence.
- 15 (6) Doctor of Philosophy 180 day reduction in the prisoner's minimum
16 sentence and 180 day reduction in the
17 prisoner's maximum sentence.

18 (b) Vocational Programming. A prisoner who successfully completes a vocational
19 program that is authorized and approved by the department or who successfully completes a
20 vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall
21 be entitled to a reduction of up to 60 days in his or her minimum sentence and a reduction of up to 60
22 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be
23 exempt from RSA 541-A, for awarding such reductions.

24 (c) Mental Health and Substance Abuse Treatment Programming. A prisoner who
25 successfully completes a mental health or substance abuse treatment program that is authorized and
26 approved by the department or who successfully completes a mental health or substance abuse
27 treatment program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall
28 be entitled to a reduction of up to 60 days in his or her minimum sentence and a reduction of up to 60
29 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be
30 exempt from RSA 541-A, for awarding such reductions.

31 III. The earned time reductions authorized in paragraph I of this section shall be available to
32 prisoners who were incarcerated on or after the effective date of this section. The earned time
33 reductions authorized in paragraph II of this section shall be available to prisoners who were
34 incarcerated prior to, on, or after the effective date of this section.

35 2 Sentences and Limitations. Amend RSA 651:2, II-e to read as follows:

36 II-e. To the minimum sentence of every person who is sentenced to imprisonment for a
37 maximum of more than one year shall be added a disciplinary period equal to 150 days for each year

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1 of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice
2 shall certify, at the time of sentencing, the minimum term of the sentence and the additional
3 disciplinary period required under this paragraph. This additional disciplinary period may be
4 reduced for good conduct as provided in RSA 651-A:22 *and for earned time as provided in*
5 *RSA 651-A:22-a*. There shall be no addition to the sentence under this section for the period of pre-
6 trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

7 3 Effective Date. This act shall take effect 60 days after its passage.

HB 404 FISCAL NOTE

AN ACT relative to earned time credits for inmates participating in rehabilitative programming.

FISCAL IMPACT:

The Department of Corrections states this bill, **as introduced**, will have an indeterminable fiscal impact on state expenditures in FY 2014 and each year thereafter. There is no impact on state revenue, or county and local revenue and expenditures.

METHODOLOGY:

The Department of Corrections states this bill authorizes the commissioner to award earned time credits for a prisoner's participation in or completion of educational, vocational, mental health, or substance abuse treatment programming. The Department has no data to determine how many inmates would be affected by this bill to determine the fiscal impact. The Department states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2013 was \$32,872. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2013 was \$570.