

CHAPTER 176  
HB 1227 – FINAL VERSION

19Feb2014... 0240h  
05/15/14 1731s  
4Jun2014... 1919CofC

2014 SESSION

14-2196  
04/03

HOUSE BILL            **1227**

AN ACT                making changes to parole and parole board procedures and relative to jail sentences as a condition of probation.

SPONSORS:            Rep. Sytek, Rock 8; Rep. Shurtleff, Merr 11; Rep. Charron, Rock 4; Rep. Pantelakos, Rock 25; Sen. Carson, Dist 14; Sen. Soucy, Dist 18

COMMITTEE:          Criminal Justice and Public Safety

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AMENDED ANALYSIS

This bill makes various changes to the procedures for parole of prisoners and allows the court to include a jail sentence to be imposed by a probation/parole officer as a condition of probation for felony and misdemeanor offenses.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    making changes to parole and parole board procedures and relative to jail sentences as a condition of probation.

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

1            176:1 Parole of Prisoners; Adult Parole Board; Duties. Amend RSA 651-A:4, I to read as follows:

2            I. Be responsible for paroling prisoners from the state prison ***and recommitting those who***  
3 ***have violated the conditions of parole***, subject to the applicable provisions of this chapter;

4            176:2 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

5            (c) A prisoner who has not been previously ***approved for parole or*** paroled, or who was  
6 recommitted to prison more than one year prior to the expiration of the maximum term of his or her  
7 sentence, shall ~~be released on parole~~ ***have a parole hearing to be considered for release at***  
8 ***least 9 months prior to the expiration of the maximum term of his or her sentence***~~[, unless the parole~~  
9 ~~board votes to deny such release]~~. This provision shall not apply to any prisoner who is the subject of  
10 a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not  
11 civilly committed, he or she shall be ~~released~~ ***considered for release*** on parole for the remainder  
12 of his or her sentence.

13            176:3 Parole of Prisoners; Medical Parole. Amend RSA 651-A:10-a, I(c) to read as follows:

14            (c) The parole board has determined that ~~[the inmate will not be a danger to the public,~~  
15 ~~and that]~~ there is a reasonable probability that the inmate will not violate the law while on medical  
16 parole and will conduct himself or herself as a good citizen.

17            176:4 Parole of Prisoners; Medical Parole. Amend RSA 651-A:10-a, III to read as follows:

18            III. Medical parole shall ~~only~~ be granted by a majority vote ~~[which includes at least 3 votes]~~  
19 of the members ~~[who are present and voting]~~ ***of the hearing panel.***

20            176:5 Parole of Prisoners; Early Discharge for Good Conduct. Amend RSA 651-A:14 to read as  
21 follows:

22            651-A:14 Early Discharge for Good Conduct. Whenever the board finds that the parolee is  
23 no longer in need of supervision because of his ***or her*** good conduct it may issue him ***or her*** a  
24 certificate of discharge, ***provided that the parolee is not recommitted to the state prison or***  
25 ***has not been cited as a parole violator, pursuant to the provisions of this chapter.***

26            176:6 Parole of Prisoners; Report Required. Amend RSA 651-A:16 to read as follows:

27            651-A:16 Report Required.

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1           I. The department may report any parolee who violates the conditions of his *or her* parole to  
2 the parole board. However, the department shall, within 30 days of official knowledge of such an  
3 occurrence, submit a report on any parolee who:

4           (a) Is arrested for any felony or misdemeanor offense;

5           (b) Is convicted of any felony, misdemeanor or other offense; provided, however, that the  
6 department need only report traffic offenses deemed to be serious traffic offenses under RSA 265; **or**

7           (c) Absconds from supervision for a period of 30 days or more[;]

8           ~~(d) Commits 3 or more parole violations of any type within a 12-month period; or~~

9           ~~(e) Is placed in an intermediate sanction by a probation/parole officer in lieu of~~  
10 ~~revocation].~~

11           II. This report shall include information on the circumstances of the alleged violation [~~as~~  
12 ~~well as a recommendation as to whether parole should be revoked].~~

13           176:7 Parole of Prisoners; Effect of Recommitment. Amend RSA 651-A:19, III to read as follows:

14           III. The parole board may impose an extended term of recommitment for greater than 90 days  
15 if:

16           (a) The prisoner has previously been found true for a parole violation on his or her  
17 current sentence or another sentence for which he or she was concurrently serving a term of parole;  
18 or

19           (b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an  
20 offense against a child as defined in RSA 651-B:1, VII[;] and

21           ~~[(1) The conduct underlying the parole violation is related to his or her offense or~~  
22 ~~offending pattern; or~~

23           ~~(2)]~~ (2) the prisoner has displayed a combination of dynamic risk factors, including but  
24 not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as  
25 determined by the department of corrections sexual offender treatment program staff; or

26           ~~[(3) Both subparagraphs (1) and (2); or]~~

27           (c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or

28           (d) The nature of the conduct underlying the parole violation constitutes a criminal act  
29 or is otherwise so serious as to warrant an extended period of recommitment; **or**

30           **(e) The conduct underlying the parole violation is related to his or her offense or**  
31 **offending pattern.**

32           176:8 Parole of Prisoners; Effect of Recommitment. Amend the introductory paragraph of RSA 651-  
33 A:19, IV(a) to read as follows:

34           (a) A prisoner ~~may~~ **shall** be brought before the parole board at any time during the 90-  
35 day term of recommitment to determine whether a longer term is warranted if:

36           176:9 Parole of Prisoners; Final Discharge. Amend RSA 651-A:21, I to read as follows:

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1           I. Upon the expiration of the term of his maximum sentence [~~as provided in RSA 651-A:18~~  
2 ~~and 19~~], a paroled prisoner shall be entitled to receive a final discharge, provided that at the time of  
3 such expiration no proceedings are pending for his recommitment. Such proceedings shall be deemed  
4 to be pending when a warrant has been issued or an arrest has been made under RSA 651-A:15-a.

5           176:10 Sentences; Sentences and Limitations. Amend RSA 651:2, V(i) to read as follows:

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

11           176:11 Repeal. RSA 651-A:18, relative to requiring parole revocation, is repealed.

12           176:12 Effective Date. This act shall take effect July 1, 2014.

13  
14           Approved: July 11, 2014

15           Effective Date: July 1, 2014