

HB 1621-FN – AS INTRODUCED

2014 SESSION

14-2077
04/06

HOUSE BILL ***1621-FN***

AN ACT redefining simple assault.

SPONSORS: Rep. Sapareto, Rock 6; Rep. Keith Murphy, Hills 7

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill redefines the type of physical contact that constitutes simple assault.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT redefining simple assault.

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

1 1 Simple Assault. Amend RSA 631:2-a to read as follows:

2 631:2-a Simple Assault.

3 I. A person is guilty of simple assault if he ***or she***:

4 (a) Purposely or knowingly causes bodily injury [~~or unprivileged physical contact~~ to
5 another; or

6 (b) ***Purposely or knowingly causes physical contact with another when the***
7 ***nature of the contact is such that the actor knows or a reasonable person should know that***
8 ***the other person will regard the contact as offensive, threatening, or provocative; or***

9 (c) Recklessly causes bodily injury to another; or

10 [~~(e)~~] (d) Negligently causes bodily injury to another by means of a deadly weapon.

11 II. Simple assault is a misdemeanor unless committed in a fight entered into by mutual
12 consent, in which case it is a violation.

13 ***III. Nothing in this section shall affect or alter the provisions of RSA 632-A.***

14 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1621-FN - FISCAL NOTE

AN ACT redefining simple assault.

FISCAL IMPACT:

The Judicial Branch and New Hampshire Association of Counties state this bill, as introduced, may decrease state and county expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no fiscal impact on local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill amends RSA 631:2-a to require that for purposely or knowingly causing unprivileged physical contact to another, the contact must cause physical pain or injury to the other person for it to be an offense. The Branch states that in the past 10 years, there has been an average of 9,000 simple assault charges each year handled by the courts. This bill has the potential of reducing the number of simple assault charges which may decrease the Branch's expenditures. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor. The Branch estimates a class A misdemeanor will cost \$66.17 per case in FY 2015, and \$67.64 per case in FY 2016 and each year thereafter, and a class B misdemeanor will cost \$46.99 per case in FY 2015, and \$48.02 per case in FY 2016 and each year thereafter. Any decrease in appeals will result in a decrease in expenditures. All costs are estimated based on case weight information from the last needs assessment completed in 2005. Since that timeframe there have been various changes that may impact the costs, such as the creation of the circuit court, the increase in self-represented litigants, and the change to presume that an unspecified misdemeanor can be treated as a class B misdemeanor.

The New Hampshire Association of Counties states to the extent less individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties will have decreased expenditures. The Association is unable to determine the number of individuals who may be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Judicial Council states this bill will not have a fiscal impact on the Council. If the charges are a class B misdemeanor, which does not carry a potential for incarceration, there is no right to counsel for the indigent accused. The Council further states that it does not anticipate any change in the number of charges that would be classified as a misdemeanor A, therefore there would be no impact on the Council.

The Department of Justice states this bill will not have a fiscal impact on the Department because such offenses are typically prosecuted by local and county prosecutors not the Department and any appeals for a conviction for such an offense could be handled within the Department's existing budget.