

CHAPTER 188
SB 151-FN – FINAL VERSION

01/30/14 0040s
16Apr2014... 1215h

2014 SESSION

13-1006
01/03

SENATE BILL ***151-FN***

AN ACT relative to the payment of witness fees and other fees for services in criminal cases.

SPONSORS: Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Boutin, Dist 16; Sen. Cataldo, Dist 6; Rep. Wall, Straf 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill clarifies the procedure for payment of witnesses in criminal cases.

This bill also clarifies payment for services in a post-conviction proceeding.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the payment of witness fees and other fees for services in criminal cases.

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

1 188:1 Payment of Witnesses in Criminal Cases. RSA 592-A:12 is repealed and reenacted to read
2 as follows:

3 592-A:12 Payment of Witnesses in Criminal Cases. Any person who attends any court for the
4 state in criminal cases pursuant to subpoena shall be paid the witness fees provided by RSA 516:16.
5 Any such person shall sign a witness log, which shall be available in the office of the clerk of court,
6 on which the individual shall provide the following information: name, mailing address, and the
7 name of the case for which the person was subpoenaed. The prosecuting agency shall review the log
8 each day and certify that each individual appeared as indicated on the log. The attorney general
9 shall pay all witness fess to all such persons who are entitled to such fees.

10 188:2 Indigent Defendants; Appointment of Counsel. Amend RSA 604-A:2, I to read as follows:

11 I. In every criminal case in which the defendant is charged with a felony or a class A
12 misdemeanor and appears without counsel, the court before which he *or she* appears shall advise
13 the defendant that he *or she* has a right to be represented by counsel and that counsel will be
14 appointed to represent him *or her* if he *or she* is financially unable to obtain counsel. Unless the
15 defendant waives the appointment of counsel, if the defendant indicates to the court that he *or she*
16 is financially unable to obtain counsel, the court shall instruct the defendant to complete a financial
17 affidavit in such form as designated by the unit of cost containment. If after review of the financial
18 affidavit and application of the rules established pursuant to RSA 604-A:10, IV the commissioner of
19 administrative services, is satisfied that the defendant is financially unable to obtain counsel, the
20 court shall appoint counsel to represent him *or her*; provided, however, that in any case in which the
21 defendant is charged with a capital offense, the court may appoint 2 counsel to represent him *or her*.
22 Whenever defendants have such conflicting interests that they cannot be properly represented by the
23 same counsel, or when other good cause is shown, the court shall appoint separate counsel for each of
24 them. ***In a post-conviction proceeding in which a defendant seeks to attack the validity of***
25 ***an underlying conviction, the court shall appoint counsel or approve a request for services***
26 ***other than counsel when the interests of justice or judicial economy require.***

27 188:3 Effective Date. This act shall take effect January 1, 2015.

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2 Approved: July 11, 2014

3 Effective Date: January 1, 2015