

SB 323-FN – AS AMENDED BY THE SENATE

02/19/14 0561s

2014 SESSION

14-2754
04/03

SENATE BILL **323-FN**

AN ACT relative to imprisonment in a county correctional facility.

SPONSORS: Sen. Carson, Dist 14; Sen. Boutin, Dist 16; Rep. Charron, Rock 4; Rep. Ulery, Hills
37; Rep. Pantelakos, Rock 25

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill specifies the financial responsibilities for counties and the state involving persons convicted of felony offenses who are sentenced to a county correctional facility for a term exceeding 12 months.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 323-FN – AS AMENDED BY THE SENATE

02/19/14 0561s

14-2754
04/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to imprisonment in a county correctional facility.

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

1 1 County Department of Corrections; Place of Commitment. Amend RSA 30-B:15, I to read as
2 follows:

3 I. For any person sentenced to a term of imprisonment of up to 12 months, the expense of
4 lodging such person in a county correctional facility shall be a charge upon the county in which the
5 offense was committed. For persons sentenced to terms of imprisonment in a county correctional
6 facility ***for a felony conviction*** that exceed 12 months, ***including any consecutive felony***
7 ***sentences imposed which in the aggregate exceed 12 months***, the first 12-month sentence shall
8 be a charge upon the county. Any sentence exceeding 12 months of imprisonment, ***including any***
9 ***consecutive felony sentences imposed which in the aggregate exceed 12 months***, shall be a
10 charge upon the state.

11 2 Effective Date. This act shall take effect 60 days after its passage.

SB 323-FN – AS AMENDED BY THE SENATE

LBAO
14-2754
Amended 04/01/14

SB 323-FN FISCAL NOTE

AN ACT relative to imprisonment in a county correctional facility.

FISCAL IMPACT:

The Department of Corrections and New Hampshire Association of Counties state this bill, as amended by the Senate (Amendment #2014-0561s), will have an indeterminable fiscal impact on state expenditures, may increase county expenditures, and may decrease county revenue by an indeterminable amount in FY 2014 and each year thereafter. There will be no fiscal impact on local expenditures, or state and local revenue.

METHODOLOGY:

The Department of Corrections states this bill requires that imprisonment in a county correctional facility for a felony conviction in excess of 12 months shall be a charge to the state. The Department states this bill will decrease state expenditures if the amount to be reimbursed to the counties is limited to only felony convictions in excess of 12 months. However, if this bill results in individuals being moved from a county correctional facility to a state correctional facility, the Department states it will have an indeterminable increase in operational costs. The marginal (operational) cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2013 was \$5,680. 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.

The New Hampshire Association of Counties states this bill will increase county expenditures by an indeterminable amount. The Association states this bill no longer requires the state to reimburse the counties for misdemeanor convictions longer than 12 months. The Association is not able to predict the number of individuals that may be convicted of a misdemeanor and incarcerated in a county correctional facility for longer than 12 months to determine the exact impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. As a result of the state no longer reimbursing the counties for misdemeanor convictions longer than 12 months, counties will have a decrease in revenue.