

SB 391 – FINAL VERSION

03/27/14 1121s
23Apr2014... 1421h
7May2014... 1655h
06/04/14 2000CofC

2014 SESSION

14-2745
05/08

SENATE BILL **391**

AN ACT relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

SPONSORS: Sen. Carson, Dist 14; Sen. Boutin, Dist 16; Rep. Pantelakos, Rock 25; Rep. Long, Hills 42; Rep. Charron, Rock 4

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

- I. Revises the membership and duties of the juvenile justice advisory board.
- II. Requires the governor and council to appoint a director of juvenile justice services and Sununu Youth Services Center.
- III. Revises the amount the department of health and human services is directed to reduce state general fund appropriations to the Sununu Youth Services Center for the biennium ending June 30, 2015.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

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

1 1 Juvenile Justice Advisory Board. RSA 621-A:9 and RSA 621-A:10 are repealed and reenacted
2 to read as follows:

3 621-A:9 Juvenile Justice Advisory Board Established.

4 I. There is hereby established a juvenile justice advisory board. The board shall provide
5 oversight and advice to the director of juvenile justice services and the commissioner relative to
6 programs and services provided to children at the youth development center and youth services
7 center.

8 II. The board shall be composed of the following members:

9 (a) One member of the house children and family law committee, appointed by the
10 speaker of the house of representatives.

11 (b) One member of the house finance committee, appointed by the speaker of the house
12 of representatives.

13 (c) One member of the senate, appointed by the senate president.

14 (d) The bureau chief of the bureau of behavioral health, department of health and
15 human services, or designee.

16 (e) The commissioner of the department of education, or designee.

17 (f) One justice from the judicial branch family division, specializing in juvenile justice,
18 appointed by the administrative judge of the circuit court.

19 (g) One superintendent of a county correctional facility, appointed by the
20 New Hampshire Association of Counties.

21 (h) One parent whose child has received services at the youth development center,
22 appointed by the governor.

23 (i) A nonsupervisory employee of the youth development center, who has daily contact
24 with children assigned to the center, appointed by the State Employees' Association of
25 New Hampshire, Chapter 21 President.

26 (j) One juvenile probation and parole officer, appointed by the commissioner of the

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1 department of health and human services.

2 (k) One attorney specializing in juvenile justice, appointed by the governor.

3 (l) One representative of a juvenile diversion program, appointed by the governor.

4 III. Members of the advisory board shall serve without compensation, except that legislative
5 members shall receive mileage at the legislative rate while attending to the duties of the board.

6 621-A:10 Terms of Office; Organization.

7 I. The legislative members of the board and the commissioners shall serve terms co-
8 terminous with their terms in office. The remaining members of the board shall serve 3-year terms.

9 II. Each appointed member of the advisory board shall hold office until a successor is
10 appointed and qualified. The appointment of successors for the filling of vacancies for unexpired
11 terms shall be by appointment in the same manner as the original appointment.

12 III. The advisory board shall elect its own chairperson. The commissioners shall not be
13 eligible to serve as chairperson of the advisory board. Any one of the legislative members of the
14 board may call the first meeting. The board shall meet 6 times during the first year; thereafter, the
15 board shall meet at least 4 times a year. Five members of the advisory board shall constitute a
16 quorum.

17 IV. On or before the anniversary of the first meeting called after the effective date of this
18 section, and biennially thereafter until 2025, the advisory board shall submit a written report to the
19 speaker of the house of representatives, the president of the senate, the governor, and the following
20 legislative committees: the house children and family law committee, the house criminal justice and
21 public safety committee, the senate judiciary committee, and the house and senate finance
22 committees. The report shall detail the activities of the board and any recommendations made by
23 the board to the department relative to juvenile justice services. The report shall include the board's
24 assessment of the policies and procedures of the youth development center.

25 2 Duties of the Advisory Board. Amend RSA 621-A:11 to read as follows:

26 621-A:11 Duties of the Advisory Board.

27 I. The advisory board shall act in an ***oversight and*** advisory capacity to assist the
28 commissioner of the department of health and human services ***and the director of juvenile justice***
29 ***services and Sununu Youth Services Center*** relative to juvenile justice programs and services
30 provided to children at the youth development center and other juvenile justice facilities. The board
31 ~~may~~ ***shall*** also provide advice and input on fiscal and budgetary matters ~~[related to such facilities,]~~
32 ***and shall make recommendations to the commissioner and the director of juvenile justice***
33 ***services and Sununu Youth Services Center on ways to reduce costs at the youth***
34 ***development center. The board shall also explore*** the availability of state and federal grants,
35 business partnerships, and other funding sources ***that may be*** available to the department for such
36 facilities.

1 ~~[I-a.]~~ **II.** The board *shall assess whether the youth development center is meeting the*
2 *objectives of RSA 621:2 and* shall seek information from the director of ~~[the division of]~~ juvenile
3 justice services *and Sununu Youth Services Center* in the department of health and human
4 services concerning the successes and challenges relative to the state’s juvenile justice programs and
5 services.

6 ~~[I-b.]~~ **III.** The board shall be available to address emergent issues identified by the
7 commissioner of health and human services, the director of ~~[the division of]~~ juvenile justice services
8 *and Sununu Youth Services Center*, the chair of the advisory board, or any board member. In
9 furtherance of this paragraph, the board may solicit comments from the public or any other entities
10 as it deems appropriate.

11 ~~[II. Beginning in December 2010, and biennially thereafter, the board shall submit a written~~
12 ~~report to the speaker of the house, the president of the senate, the governor, and the following~~
13 ~~legislative committees: the house children and family law committee, the house criminal justice and~~
14 ~~safety committee, and the senate judiciary committee. The report shall detail the activities of the~~
15 ~~board and any recommendations made by the board to the department relative to juvenile justice~~
16 ~~services.]~~

17 3 New Paragraph; Department of Health and Human Services; Director of Juvenile Justice
18 Services and Sununu Youth Services Center. Amend RSA 126-A:4 by inserting after paragraph V
19 the following new paragraph:

20 VI. Notwithstanding any other provision of law to the contrary, the commissioner shall
21 appoint a director of juvenile justice services and Sununu Youth Services Center, who shall be
22 responsible for the administration of the youth development center under RSA 621, the youth
23 services center under RSA 621-A, and the supervision of juvenile probation and parole officers under
24 RSA 170-G. The director of juvenile justice services and Sununu Youth Services Center shall have
25 the same status within the department as the director of the division responsible for the
26 administration of services to children and youth under RSA 170-G.

27 4 New Section; Appointment of a Director of Juvenile Justice Services and Sununu Youth
28 Services Center. Amend RSA 621-A by inserting after section 4 the following new section:

29 621-A:4-a Appointment of a Director of Juvenile Justice Services and Sununu Youth Services
30 Center. The commissioner shall nominate and the governor, with the consent of the council, shall
31 appoint a director of juvenile justice services and Sununu Youth Services Center. The director shall
32 serve at the pleasure of the commissioner.

33 5 Youth Development Center; Reference to Sununu Youth Services Center Added. Amend
34 RSA 621:1, I to read as follows:

35 I. The New Hampshire youth development center, a juvenile correctional facility formerly
36 known as the industrial school, may also be referred to as ~~[the]~~ YDC, ~~[or]~~ the center, *or the Sununu*
37 *Youth Services Center*. References to the industrial school, ~~[or the]~~ YDC, *or the Sununu Youth*

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1 **Services Center** in statutes or other documents shall mean the youth development center.

2 6 Department of Health and Human Services, Sununu Youth Services Center; Reduction in
3 Appropriation. Amend 2013, 143:14 to read as follows:

4 143:14 Department of Health and Human Services, Sununu Youth Services Center; Reduction
5 in Appropriation. The department of health and human services is hereby directed to reduce state
6 general fund appropriations to the Sununu Youth Services Center by [~~\$500,000~~] **\$231,926** for the
7 fiscal year ending June 30, 2014 and by [~~\$750,000~~] **\$1,018,074** for the fiscal year ending June 30,
8 2015. [~~The department shall develop a reduction plan for the reductions required under this section~~
9 ~~and present the plan to the fiscal committee of the general court no later than September 30, 2013.~~]

10 7 Effective Date.

11 I. Sections 1, 2, and 6 of this act shall take effect upon its passage.

12 II. The remainder of this act shall take effect 90 days after its passage.

13

14 VETOED: July 28, 2014

SB 391 - FISCAL NOTE

AN ACT relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

FISCAL IMPACT:

The Department of Health and Human Services states this bill, **as amended by the House (Amendment #2014-1655h)**, will increase state expenditures in FY 2014 by \$268,074 and increase state revenue and expenditures by indeterminable amounts in FY 2015 and in each year thereafter. There will be no impact on county and local revenues or expenditures.

METHODOLOGY:

The Department states the bill requires the Commissioner to appoint a director of juvenile justice services from a list of candidates submitted by the Juvenile Justice Advisory Board. The Department assumes the bill will require the creation of an additional unclassified director position at salary grade “HH”. The Department further assumes appointment of a separate director for juvenile justice services will necessitate the appointment of a separate field services administrator for juvenile justice services. The Department indicates additional costs for equipment, travel, and operating costs for each position will be incurred. In addition, the Department expects the change in management structure will increase other personnel costs by an indeterminable amount. The Department states section 6 of the bill moves a portion of the required budget reduction for the Sununu Youth Service Center from FY 2014 into FY 2015. The Department states sections 1, 2, and 5 will have no fiscal impact. The Department estimates the costs as follows:

Estimated Costs	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Director Position Salary Grade HH:	\$0	\$90,267	\$95,219	\$100,171	\$100,171
Benefits:	\$0	\$36,103	\$38,088	\$40,068	\$40,068
Field Services Administrator Labor Grade 31:	\$0	\$60,811	\$64,409	\$67,431	\$70,493
Benefits:	\$0	\$25,672	\$25,763	\$26,972	\$28,197
Equipment, travel and operating costs:	\$0	\$10,000	\$5,000	\$5,000	\$5,000
Other personnel costs (Indeterminable):		IND	IND	IND	IND
Change in required budget reduction:	\$268,074	(\$268,074)	\$0	\$0	\$0
Totals:	\$268,074	(\$45,221)	\$228,479	\$239,642	\$243,929