

HB 540-FN - AS INTRODUCED

2015 SESSION

15-0694
05/10

HOUSE BILL ***540-FN***

AN ACT relative to access to court records in parenting cases.

SPONSORS: Rep. Brewster, Merr 21; Rep. Ingbretson, Graf 15

COMMITTEE: Judiciary

ANALYSIS

This bill requires the court to provide the parties with access to all records filed in a parenting or child support case.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to access to court records in parenting cases.

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

1 1 New Section; Parental Rights and Responsibilities; Access to Records. Amend RSA 461-A by
2 inserting after section 24 the following new section:

3 461-A:25 Access to Records. In any proceeding under this chapter, notwithstanding any
4 provision of law regarding confidentiality or privilege to the contrary, the court shall make all
5 records, pleadings, and reports filed with the court available to the parties. The court may charge a
6 reasonable fee, not to exceed \$.10 per page, for copies of such records. Any court officer or employee
7 who fails to comply with this section shall be subject to prosecution for official oppression pursuant to
8 RSA 643:1.

9 2 Effective Date. This act shall take effect 60 days after its passage.

HB 540-FN - FISCAL NOTE

AN ACT relative to access to court records in parenting cases.

FISCAL IMPACT:

The Judicial Branch states this bill, as introduced, may increase state expenditures and revenue by an indeterminable amount in FY 2016 and each year thereafter. There will be no impact on county and local expenditures or revenue.

METHODOLOGY:

The Judicial Branch states this bill requires the courts to provide the parties with access to all records filed in a parenting or child support case at a charge not to exceed ten cents per page. The Branch reports this bill may reduce revenue because the courts currently charge fifty cents per page for copies. The Branch reports that failure by a court officer or employee to comply with the new requirement would result in an unspecified misdemeanor, which can be either class A or class B, with the presumption being a class B misdemeanor. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the Branch has provided the potential costs associated with the penalties contained in this bill, where they can be determined. See table below for average cost information:

	FY 2016	FY 2017
<u>Judicial Branch*</u>		
Class B Misdemeanor	\$48	\$51
Class A Misdemeanor	\$69	\$71
Appeals	Varies	Varies
*It should be noted average case cost estimates for FY 2016 and FY 2017 are based on data that is more than nine years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		