

HB 568-FN - AS INTRODUCED

2015 SESSION

15-0027
09/04

HOUSE BILL **568-FN**

AN ACT requiring a supervisory law enforcement officer to arrest a law enforcement officer when the supervisor knows that the law enforcement officer has committed a criminal offense.

SPONSORS: Rep. Tasker, Rock 2; Rep. Schleien, Hills 37; Rep. H. French, Merr 2; Rep. Spillane, Rock 2; Rep. Hansen, Hills 22; Rep. Edwards, Hills 11

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires a supervisory law enforcement officer to arrest a law enforcement officer under his or her supervision when the supervisor knows that the law enforcement officer has committed a criminal offense.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring a supervisory law enforcement officer to arrest a law enforcement officer when the supervisor knows that the law enforcement officer has committed a criminal offense.

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

1 1 New Section; Failure to Arrest Law Enforcement Officer. Amend RSA 642 by inserting after
2 section 10 the following new section:

3 642:11 Failure to Arrest Law Enforcement Officer. A supervisory law enforcement officer shall
4 be guilty of a misdemeanor for failure to arrest a law enforcement officer under his or her
5 supervision when the supervisor knows that the law enforcement officer has committed a criminal
6 offense.

7 2 Effective Date. This act shall take effect January 1, 2016.

HB 568-FN - FISCAL NOTE

AN ACT requiring a supervisory law enforcement officer to arrest a law enforcement officer when the supervisor knows that the law enforcement officer has committed a criminal offense.

FISCAL IMPACT:

The Judicial Branch, Department of Justice, and New Hampshire Association of Counties state this bill, **as introduced**, may increase state and county expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch, Department of Justice, and New Hampshire Association of Counties state this bill creates a misdemeanor offense if a supervisory law enforcement officer fails to arrest a law enforcement officer under his or her supervision who has committed a crime. The bill contains 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 Judicial Branch, Department of Justice, and New Hampshire Association of Counties have 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.		
<u>NH Association of Counties</u>		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Cost of	\$35,000	\$35,000

Incarcerating an Individual		
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The Department of Justice states it investigates and prosecutes some public officials for criminal conduct committed in their official capacity. Therefore, the Department assumes under this bill it may receive additional referrals of possible violations to investigate and prosecute, which may increase its expenditures. The Department states the extent of the potential fiscal impact is not known as it would depend on quantity and complexity of possible violations to which it is referred.