

HB 592-FN - AS INTRODUCED

2015 SESSION

15-0175
03/01

HOUSE BILL **592-FN**

AN ACT relative to vulnerable users of highways.

SPONSORS: Rep. Gould, Hills 7; Rep. Gagne, Hills 13; Rep. LeBrun, Hills 32; Rep. Moore, Hills 21; Rep. Higgins, Graf 12; Rep. Borden, Rock 24; Rep. Verschueren, Straf 13; Rep. Cordelli, Carr 4; Sen. Carson, Dist 14

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill increases the penalty for vehicular assault when the victim is a vulnerable user, as defined in the bill.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to vulnerable users of highways.

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

1 1 Vehicular Assault. Amend RSA 265:79-a to read as follows:

2 265:79-a Vehicular Assault.

3 ***I.*** Any person who, without intent, causes death or serious bodily injury as defined in
4 RSA 625:11, VI to another while using a vessel or propelled vehicle as defined in RSA 637:9, III shall
5 be guilty of a class A misdemeanor, where such person's unlawful operation of the propelled vehicle
6 or vessel causes or materially contributes to the collision, ***or guilty of a class B felony where such***
7 ***person's unlawful operation of the propelled vehicle or vessel causes or materially***
8 ***contributes to the collision and the victim is a vulnerable user as defined in paragraph II.***
9 ~~[Evidence that the driver violated any of the rules of the road shall be prima facie evidence that the~~
10 ~~driver caused or materially contributed to the collision.]~~

11 ***II. In this section, "vulnerable user" means:***

12 ***(a) A pedestrian, including a person engaged in work in or along a highway or***
13 ***engaged in the provision of emergency services within a right-of-way.***

14 ***(b) A person riding an animal.***

15 ***(c) A person lawfully operating any of the following on a way or the shoulder of***
16 ***a way: bicycle, implement of husbandry, skateboard, roller skates, in-line skates, scooter,***
17 ***moped, motorcycle, horse-drawn carriage, electric personal assistive mobility device, or***
18 ***wheelchair.***

19 2 Effective Date. This act shall take effect July 1, 2016.

HB 592-FN - FISCAL NOTE

AN ACT relative to vulnerable users of highways.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, Department of Corrections, 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 2017 and each year thereafter. There will be no fiscal impact on local expenditures or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch, Judicial Council, Department of Corrections, Department of Justice and New Hampshire Association of Counties state this bill increases the penalties for vehicular assault when a vulnerable user, as defined by the bill, is the victim from a class A misdemeanor to a class B felony, effective July 1, 2016. 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, Judicial Council, and Department of Corrections, 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>Judicial Council#</u>		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$756/Case	\$756/Case
Contract Attorney – Misdemeanor	\$275/Case	\$275/Case

Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
#It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
<u>Department of Corrections</u>		
FY 2014 Average Cost of Incarcerating an Individual	\$33,540	\$33,540
FY 2014 Average Cost of Supervising an Individual on Parole/Probation	\$535	\$535
<u>NH Association of Counties</u>		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Cost of Incarcerating an Individual	\$35,000	\$35,000

The Department of Justice states this bill on its revenues or expenditures as such offenses are prosecuted by county prosecutors.