CHAPTER 114 SB 14 – FINAL VERSION

01/29/2015 0005s 15Apr2015... 1242h 05/14/2015 1603EBA

2015 SESSION

15-0311 09/01

SENATE BILL	14
AN ACT	making technical corrections to the laws relative to the judicial council and repealing a limitation on compensation of counsel for indigent defendants.
SPONSORS:	Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Cataldo, Dist 6; Rep. Rowe, Hills 22; Rep. M. Smith, Straf 6
COMMITTEE:	Judiciary

ANALYSIS

This bill makes technical corrections to the laws relative to the judicial council. The bill also repeals a limitation on compensation for counsel for indigent defendants.

This bill was requested by the judicial council.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 114 SB 14 - FINAL VERSION

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> 15-031109/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT making technical corrections to the laws relative to the judicial council and repealing a limitation on compensation of counsel for indigent defendants.

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

1 114:1 Judicial Council. Amend RSA 494:1 to read as follows: $\mathbf{2}$ 494:1 Judicial Council. There is hereby established a judicial council which shall consist of the following: 3

- 4 I. The [5] 4 members of the judicial branch administrative council, appointed pursuant to $\mathbf{5}$ supreme court rules.
- 6

II. The attorney general or designee.

- 7 III. A clerk of the superior court, selected by the *chief justice of the* superior court [Clerks' 8 Association].
- 9 IV. A clerk of the [district and municipal courts] circuit court, selected by the [District 10Court Clerks' Association] administrative judge of the circuit court.
- 11

V. The president-elect of the New Hampshire Bar Association.

- 12VI. The chairperson of the senate judiciary committee or a designee from such committee 13appointed by the chairperson.
- 14VII. The chairperson of the house judiciary [and family law] committee or a designee from 15such committee appointed by the chairperson.

VIII. Eight other members appointed by the governor and council, 3 of whom shall be 1617members of the New Hampshire Bar Association of wide experience who have been admitted to 18practice in the state for more than 5 years, and 5 of whom shall be [lay persons] members of the 19

public who are not lawyers[; and].

20IX. Five other members appointed by the chief justice of the supreme court, 3 of whom shall 21be members of the New Hampshire Bar Association of wide experience who have been admitted to 22practice in the state for more than 5 years, and 2 of whom shall be [lay persons] members of the 23public who are not lawyers.

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114:2 Appointment and Tenure of Office. Amend RSA 494:2 to read as follows:

25494:2 Appointment and Tenure of Office. The term of each member except the members of the 26judicial branch administrative council, the attorney general, the president-elect of the 27New Hampshire Bar Association, and the chairpersons of the senate judiciary committee and the

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1	house judiciary [and family law] committee shall be for 3 years and until a successor is appointed
2	and qualified. Vacancies shall be filled for the remainder of the term in the same manner and from
-3	the same group as the original appointment. Each member of the judicial branch administrative
4	council, the attorney general, the president-elect of the New Hampshire Bar Association, and the
5	chairpersons of the senate judiciary and house judiciary [and family law] committees shall be ex
6	officio members and shall serve during their term of office.
7	114:3 Duties of the Council. Amend RSA 494:3, IV-VI to read as follows:
8	494:3 Duties of the Council. It shall be the duty of the judicial council:
9	IV. To recommend and provide general information to the general court, to the supreme
10	court, to the superior court, to the [probate] <i>circuit</i> court[, and to the district and municipal courts],
11	to any public official, department or agency or to the state bar association, either upon request or
12	upon the council's own motion, such changes in the law or in the rules, organization, operation or
13	methods of conducting the business of the courts, or with respect to any other matter pertaining to
14	the administration of justice, as it may deem desirable.
15	V. [To collect, compile, analyze and publish statistics pertaining to the judicial system as
16	prepared and provided by the administrative office of the courts.
17	VI.] To serve as a catalyst for the discussion of legal and judicial issues through seminars,
18	forums and special studies, and any other means, within the limits of available state and private
19	funding.
20	
	VI. To administer the indigent defense delivery system and ensure its quality and
21	VI. To administer the indigent defense delivery system and ensure its quality and cost effectiveness, pursuant to RSA 604-A and RSA 604-B.
21	cost effectiveness, pursuant to RSA 604-A and RSA 604-B.
21 22	cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases,
21 22 23	cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13.
21 22 23 24	cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship
21 22 23 24 25	cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A.
21 22 23 24 25 26	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows:
21 22 23 24 25 26 27	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows: 494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice
21 22 23 24 25 26 27 28	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows: 494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice chairperson from among its members. The council shall appoint an executive director who
21 22 23 24 25 26 27 28 29	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows: 494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice chairperson from among its members. The council shall appoint an executive director who shall be qualified by reason of education and experience and who shall serve at the
21 22 23 24 25 26 27 28 29 30	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows: 494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice chairperson from among its members. The council shall appoint an executive director who shall be qualified by reason of education and experience and who shall serve at the pleasure of the council. The executive director's annual salary shall be that prescribed by
21 22 23 24 25 26 27 28 29 30 31	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows: 494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice chairperson from among its members. The council shall appoint an executive director who shall be qualified by reason of education and experience and who shall serve at the pleasure of the council. The executive director's annual salary shall be that prescribed by RSA 94:1-a. The executive director shall serve as a secretary when the council is meeting. The
21 22 23 24 25 26 27 28 29 30 31 32	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows: 494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice chairperson from among its members. The council shall appoint an executive director who shall be qualified by reason of education and experience and who shall serve at the pleasure of the council. The executive director's annual salary shall be that prescribed by RSA 94:1-a. The executive director shall serve as a secretary when the council is meeting. The council may make all necessary rules and regulations for its own procedures and the conduct of its meetings. The meetings of the council shall be held in compliance with the provisions of RSA 91-A, the right-to-know law. Members of the council shall receive no compensation for their services, but
21 22 23 24 25 26 27 28 29 30 31 32 33	 cost effectiveness, pursuant to RSA 604-A and RSA 604-B. VII. To provide legal and guardian-ad-litem services in child protection cases, pursuant to RSA 169-C:10, RSA 604-A, and RSA 170-C:13. VIII. To provide legal services for indigent proposed wards in guardianship proceedings brought under RSA 463 and RSA 464-A. 114:4 Organization of Council; Expenses. Amend RSA 494:7 to read as follows: 494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice chairperson from among its members. The council shall appoint an executive director who shall be qualified by reason of education and experience and who shall serve at the pleasure of the council. The executive director's annual salary shall be that prescribed by RSA 94:1-a. The executive director shall serve as a secretary when the council is meeting. The council may make all necessary rules and regulations for its own procedures and the conduct of its meetings. The meetings of the council shall be held in compliance with the provisions of RSA 91-A,

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- 1 114:5 Repeal. RSA 604-A:5, relative to compensation limited, is repealed.
- 2 114:6 Effective Date. This act shall take effect 60 days after its passage.
- 3
- 4 Approved: June 8, 2015
- 5 Effective Date: August 7, 2015