

# Senate Judiciary Committee

*Jennifer Horgan 271-7875*

**HB 178-FN**, relative to the parole of prisoners and the procedures of the adult parole board.

**Hearing Date:** April 13, 2021

**Time Opened:** 1:26 p.m.

**Time Closed:** 1:39 p.m.

**Members of the Committee Present:** Senators Carson, Gannon, French, Whitley and Kahn

**Members of the Committee Absent :** None

**Bill Analysis:** This bill amends various provisions of the adult parole process including the definition of violent crime and recommittal of prisoners who violate parole.

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**Sponsors:**

Rep. Abbas

Sen. Daniels

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**Who supports the bill:** Rep. Abbas; Senator Gary Daniels; Honorable Donna Sytek, NH Adult Parole Board; Commissioner Helen Hanks, NHDOC; Roger Phillips; Jennifer Sargent, NH Adult Parole Board; Horace Henriques, NH Adult Parole Board; Joe Francis, NH Adult Parole Board

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Honorable Donna Sytek** (Adult Parole Board) (provided written testimony)

- The Adult Parole Board requested this bill in response to the observations in the performance audit conducted last year and also to update some sections of RSA 651-A to improve efficiency, assure public safety, and reflect actual practice.
- Sections 1 and 2 are housekeeping provisions to eliminate a cross reference to a statute being repealed in this bill.
- Section 3 adds a definition of “violent crime”.
- The current chapter defines “nonviolent crime” stating it is everything except certain listed offenses.
- There is no reference at all to nonviolent crime in the chapter, which is a call back to SB 500 (2010), which originally required release of anyone convicted of a nonviolent crime after serving 120% of their minimum.

- Because that provision was repealed, the chapter no longer mentions nonviolent crimes, but it does have specific provisions for violent crimes, so it makes sense to define “violent crimes.”
- Violent crimes under RSA 651-A:5, XIII includes crimes from capital murder, first degree assault, child sexual abuse images, etc.
- This bill adds to the definition of “violent crimes”, violation of protective orders, second degree assault, felony reckless conduct, criminal threatening involving the use of a deadly weapon, stalking, burglary, tampering with witnesses and informants, and felonious use of firearms.
- Section 4 clarifies the notice requirement.
- Currently, when an individual comes up for parole, the Board notifies the county attorney, the police chief, and the victim.
- The audit conducted pointed out that this is not done for other public hearings, like parole revocation hearings, reconsideration hearings or review hearings.
- Since the latter types of hearings can result in extending the period of incarceration for someone already approved for parole at a duly noticed hearing, there is no need to notify the same people again.
- The bill makes clear that the 15-30 day notice requirement applies only to parole release hearings.
- Under Right-to-Know law the Board provides notice of all hearings to the public.
- Section 5 makes changes affecting the length of recommittal.
- When the Board approves parole for an individual, certain conditions are specified. If the individual does not abide by those conditions, their parole officer files a violation and the Board has a hearing to determine if they should be recommitted to prison and for how long.
- The standard setback/recommittal period is 90 days, and the current law states they must be released after those 90 days regardless of whether they have met the criteria for parole.
- This bill requires an individual in a recommittal meet the same criteria for parole as all other individuals.
- On page 2, line 21 it eliminates a reference to dynamic risk factors for sex offenders who violate parole.
- The Board believes that regardless of the nature of the infraction, whether it is a dynamic risk factor, like stopping going to treatment, or not abiding by other conditions, if someone is a sex offender the Board will be able to give more than an 90 day sanction.
- Page 2, line 26 it adds the crimes added earlier in the bill to the list of “violent crimes “
- Page 2, line 34 eliminates references to “the focused, evidenced-based programming aimed at reengaging parolees in their parole plan”
- As envisioned in SB 500, all parole violators would get a 90-day recommittal and be housed in a separate unit where they would participate in a specific program that would encourage adherence to their parole conditions.

- This separate program never happened.
- Everyone's treatment needs are different, and therefore they are currently plugged into the program that is appropriate for their needs.
- Section 6 removes the requirement that the Board review every parole file every three years.
- Does not think this has ever been done by the Board, as it is already done by the Chief PPO of the district offices.
- Section 7 repeals two sections.
- Right now, the Administrative Rules of the Board requires the Board to provide an audio copy of all parole hearings, but the Right-to-Know law requires parole hearings be nonpublic.
- Determined that if everyone can get a copy of the hearing, why can't it be public.
- Opened the parole hearings up to the public.
- This bill eliminates that conflict between the rules.
- Page 3, line 29 eliminates the requirement to hold a parole hearing for an inmate nine months before his maximum sentence.
- Currently, if someone's behavior is so awful that they haven't completed their programs or have a place to go, but it is nine months to their maximum the Board must hold a hearing.
- This bill repeals that requirement for a hearing but does not take away an inmate's rights to have a hearing at any time during those nine months once they have an approved housing situation and set up their treatment.
- This bill will enhance efficiently, conform with the recommendations of the audit and enhance public safety.

**Summary of testimony presented in opposition:**

None

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Date Hearing Report completed: April 14, 2021