

# Senate Judiciary Committee

*Matthew Schelzi 271-3266*

**HB 504-FN**, relative to the adult parole board and making an appropriation therefor.

**Hearing Date:** April 27, 2023

**Time Opened:** 1:01 p.m.

**Time Closed:** 1:27 p.m.

**Members of the Committee Present:** Senators Carson, Abbas, Whitley and Chandley

**Members of the Committee Absent :** Senator Gannon

**Bill Analysis:** This bill allows the appointment of a previous adult parole board member to sit on the board, amends the stipend for the vice chairperson of the adult parole board, and makes an appropriation to the board.

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**Sponsors:**

Rep. Wallner

Rep. Sytek

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**Who supports the bill:** Rep. Mary Jane Wallner (Merr. 19), Rep. Dan McGuire (Merr. 14), Roger Phillips (Parole Board), Jay Mackey (Parole Board).

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Representative Mary Jane Wallner** said HB 504-FN does two things. First, it allows the Chair of the Adult Parole Board to use people who have previously served on the parole board as substitute members for five days per year with a stipend of \$300 dollars per day. She said the parole and revocation hearings don't always have enough members present. Using former members would ensure the substitute will understand the Board process.

Rep. Wallner said the second part of the bill is to increase the reimbursement to the Parole Board members. The Chairman is a state employee. She said the other four members are paid with a stipend. HB 504-FN raises the stipend for the Vice Chair to \$40,000 per year and the other three members would be raised to \$30,000 per year. She said serving on the Board entails a lot of work and thought. She said it's a serious undertaking to serve on the Board and it has been very hard to recruit members. She said the Board had over 1,000 hearings on parole or revocation in 2022.

**Senator Whitley** asked if the House put the appropriation contained in HB 504-FN in their version of HB 2-FN-A-L.

Rep. Wallner said they did not roll HB 504-FN into the budget; it is a standalone bill.

**Senator Carson** asked if the Vice Chair currently receives the \$300 per day stipend.

Rep. Wallner said the Vice Chair receives a \$20,000 stipend per year and HB 504-FN raises it to \$40,000 because of the added duties the Vice Chair undertakes. She said Parole Board members are either attorneys, people who worked in the prison system, or law enforcement officials. She said it is a specialized job that they are recruiting for.

**Representative Dan McGuire** said HB 504-FN went to the House Finance Division I, of which he is the Vice Chair, and passed easily. He said some members felt that doubling someone's salary was excessive. He agreed that it is a complicated job that requires a specialized background so he did not have a problem with it. He said the main thing to ensure that would not be trimmed would be the \$300 dollars per day for the substitute members because that is a new provision. He said HB 504-FN isn't part of HB 1-FN-A-L or HB 2-FN-A-L but is in the House's surplus statement so it is being accounted for in the grand scheme of things by the House Finance Committee.

**Roger Phillips**, Chairperson of the New Hampshire Adult Parole Board, read from his written testimony. The Board holds hearings on Tuesday's and Thursday's almost every week, with 15 to 20 hearings scheduled each hearing day. He said before the process was digitized, each parole meeting would have a 30-to-60-page packet for each hearing that the members would need to read through, which he said could take between eight and sixteen hours. He said the documents for a revocation hearing also takes six to eight hours to review. He said even though there are only two hearing days per week, the other three days are needed for preparation. He said the first part of HB 504-FN would allow him to call on a former member of the Board to serve as a substitute. In 2022, the Board had to cancel two hearing days because three members were not available. RSA 351-A:3, IV requires 36 days of hearings be held each year, but the Board usually holds closer to 45 to ensure the rights of parolees can be met. He said he would ensure the substitute had access to the laptop and materials. He compared the substitute members to senior judges who return to the bench to help with case load. He said the substitutes would be allowed a \$300 dollar per day stipend. He said parole is important to ensure the Constitutional rights of individuals who have been rehabilitated are respected.

Mr. Phillips said the Adult Parole Board initially had nine members, but was reduced to five. He said the legislation that reduced the size of the Board included \$30,000 per year in compensation when the bill was introduced, but was reduced during the legislative process. He said he has difficulties recruiting members to the Board when vacancies arise, taking up to five months in some cases. Under RSA 651-A:3, II, there are two attorneys, one law enforcement or corrections official, one person with criminal justice experience, and one general member, limiting the potential pool of applicants. He said the limited compensation is a factor in filling vacancies, as is the significant stress involved with the cases the Board hears. He said the Parole Board members have a very tough job and that is why he requested the \$30,000 per year stipend for

members and \$40,000 per year stipend for the Vice Chair. He said only the Chair and Vice Chair can sign warrants, after alternative sanctions have been attempted. He noted HB 504-FN had bipartisan support in the House and hoped that it would also receive support from the Senate Finance Committee.

Sen. Carson explained that the Senate Judiciary Committee is a policy committee, not the Senate Finance Committee. She said if Senate Judiciary Committee feels the policy is good, then it will be sent to the Senate Finance Committee.

Mr. Phillips said that they had discussed the change with the Senate Finance Committee during the agency presentations for the budget.

**Jay Mackey**, Director of Operations at the New Hampshire Adult Parole Board, said he attempted to recruit a former colleague to serve on the Board, but he could not because of the time commitment and the stress of the cases. He said he is the person who schedules and cancels hearings, and it is very difficult to reschedule a hearing while still meeting the deadlines to respect an individual's rights.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

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Date Hearing Report completed: May 1, 2023