

SB 361-FN - AS INTRODUCED

2022 SESSION

22-2987

04/11

SENATE BILL

361-FN

AN ACT requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

SPONSORS: Sen. Gannon, Dist 23; Sen. Hennessey, Dist 1; Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. French, Dist 7; Sen. Reagan, Dist 17; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5; Sen. Cavanaugh, Dist 16; Rep. Piemonte, Rock. 4; Rep. Edwards, Rock. 4; Rep. Welch, Rock. 13

COMMITTEE: Executive Departments and Administration

ANALYSIS

 This bill allows bail commissioners to receive mileage for travel related to the performance of their official duties.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

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

- 1 1 Bail Commissioners; Fees. Amend RSA 597:20 to read as follows:
- 2 597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of \$40, ***plus***
- 3 ***mileage at the maximum rate per mile established in the United States Internal Revenue***
- 4 ***Code and Regulations for the number of round trip miles traveled while in the***
- 5 ***performance of their official duties.*** However, clerks of court or members of their staffs who are
- 6 bail commissioners shall be entitled to collect such fee ***and mileage*** only when called while not on
- 7 active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer,
- 8 constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police
- 9 powers, such person shall not receive the fee established in this section, but instead such amount
- 10 shall be remitted to the town or city in which the district court is situated. If the defendant is
- 11 indigent, the fee ***and mileage*** shall be waived.
- 12 2 Effective Date. This act shall take effect 60 days after its passage.

SB 361-FN- FISCAL NOTE
AS INTRODUCED

AN ACT requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill allows bail commissioners to receive mileage for travel related to the performance of their official duties.

The Judicial Branch states this bill would provide that, in addition to the \$40 fee, bail commissioners would be entitled to payment for mileage for the number of round trip miles traveled while in the performance of official duties. The Judicial Branch does not have any data regarding the number of miles traveled by bail commissioners and is therefore unable to calculate a fiscal impact.

The New Hampshire Municipal Association stated that current law (RSA 597:2-b) provides: “*If the offender elects to utilize the bail commissioner's services and is not indigent, the offender shall pay the bail commissioner's fee directly to the bail commissioner. If the offender elects to utilize the services of the bail commissioner, but claims indigence, the court shall, to the extent of available funding, utilize all possible means to pay the bail commissioner's fee, and shall include written evidence of fee payment in the offender's case file.*” The Municipal Association indicates neither current law nor the proposed bill requires municipalities to pay for the services of a bail commissioner.

The New Hampshire Association of Counties does not expect this bill would have a fiscal impact on the counties.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Judicial Branch, New Hampshire Municipal Association and New Hampshire Association of Counties