

HB 205-FN - AS INTRODUCED

2021 SESSION

21-0376

04/08

HOUSE BILL ***205-FN***

AN ACT relative to incarceration under a suspended sentence.

SPONSORS: Rep. Schapiro, Ches. 16; Rep. Bordenet, Ches. 5; Rep. Abbas, Rock. 8; Rep. Welch, Rock. 13; Sen. Kahn, Dist 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the amount of time that must be served by a person incarcerated under a suspended sentence before petitioning for the suspension of the remainder of the sentence.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to incarceration under a suspended sentence.

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

- 1 1 Incarceration Under a Suspended Sentence. Amend RSA 651:20, I(a) to read as follows:
- 2 (a) Any person sentenced to state prison for a minimum term of 6 years or more shall
- 3 not bring a petition to suspend sentence until such person [~~has served at least 4 years or 2/3 of his~~
- 4 ~~minimum sentence, whichever is greater,~~] ***is within 18 months of serving 2/3 of the minimum***
- 5 ***sentence,*** and not more frequently than every 3 years thereafter. Any person sentenced to state
- 6 prison for a minimum term of less than 6 years shall not bring a petition to suspend sentence until
- 7 such person has served at least 2/3 of the minimum sentence, or the petition has been authorized by
- 8 the sentencing court. For the purposes of this subparagraph:
- 9 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 205-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to incarceration under a suspended sentence.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

| STATE: | Estimated Increase / (Decrease) | | | |
|------------------------|---|------------------------------------|----------------------------------|--------------------------------|
| | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
| Appropriation | \$0 | \$0 | \$0 | \$0 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | Indeterminable Decrease | Indeterminable Decrease | Indeterminable Decrease |
| Funding Source: | <input checked="" type="checkbox"/> General | <input type="checkbox"/> Education | <input type="checkbox"/> Highway | <input type="checkbox"/> Other |

METHODOLOGY:

This bill reduces the amount of time that must be served by a person incarcerated under a suspended sentence before the person may petition for suspension of the remainder of their sentence. The Department of Corrections indicates it cannot predict when current or future residents will petition the court to suspend their sentence or the outcome of such petitions. The Department expects the fiscal impact would be either no change or a decrease in expenditures.

The Judicial Branch indicates there may be an influx of petitions to suspend sentences from those newly eligible. It is not possible to estimate how many petitions there may be, but the Branch assumes any increase in workload would likely be absorbed by the Branch within existing resources.

It is assumed the fiscal impact of this bill will not occur until FY 2022.

AGENCIES CONTACTED:

Department of Corrections and Judicial Branch