

HB 31-FN - AS INTRODUCED

2023 SESSION

23-0063

04/10

HOUSE BILL

31-FN

AN ACT repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Notter, Hills. 12; Rep. Cushman, Hills. 28; Rep. Santonastaso, Ches. 18; Rep. Hynes, Hills. 2; Sen. Pearl, Dist 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill repeals the prohibition, penalty, and exceptions relating to the carrying and possessing with intent to sell a black jack, slung shot, or metallic knuckles.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

In the Year of Our Lord Two Thousand Twenty Three

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

8

**HB 31-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles.

FISCAL IMPACT: ☒ **State** ☒ **County** ☐ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
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

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill repeals penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be avoided as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	\$119	\$122	\$122
Appeals	Varies	Varies	Varies
Judicial Council	FY 2023		FY 2024
Public Defender Program	Has contract with State to provide services.		Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case \$70 administrative fee \$100 incarceration fee (If applicable)		\$300/Case \$70 administrative fee \$100 incarceration fee (If applicable)
Assigned Counsel- Misdemeanor.	\$90/Hour up to \$2,000		\$90/Hour up to \$2,000

Travel time to court does not count toward the cap.		
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		
NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Judicial Branch, Department Justice, Judicial Council, and New Hampshire Association of Counties