

HB 1654-FN – AS AMENDED BY THE HOUSE

8Mar2012... 0646h

2012 SESSION

12-2074

04/01

HOUSE BILL ***1654-FN***

AN ACT relative to earned time credits for inmates participating in rehabilitative programming.

SPONSORS: Rep. Welch, Rock 8; Rep. Villeneuve, Hills 18; Rep. Charron, Rock 7; Rep. Shurtleff, Merr 10; Rep. Pantelakos, Rock 16; Rep. Gile, Merr 10; Rep. Tholl, Coos 2; Sen. D'Allesandro, Dist 20; Sen. Stiles, Dist 24; Sen. Larsen, Dist 15

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of corrections to award earned time credits for a prisoner's participation in or completion of educational or vocational programming.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to earned time credits for inmates participating in rehabilitative programming.

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

1 New Section; Parole of Prisoners; Earned Time Credits. Amend RSA 651-A by inserting after section 22 the following new section:

651-A:22-a Earned Time Credits.

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated:

(a) Education Programs:

(1) GED 90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

(2) High School Diploma 120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.

(3) Associate's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(4) Bachelor's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(5) Master's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(6) Doctor of Philosophy 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a reduction of up to 60 days in his or her minimum sentence and a reduction of up to 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

II. The earned time reductions authorized in paragraph I shall be available to prisoners who were sentenced prior to, on, or after the effective date of this section.

2 Sentences and Limitations. Amend RSA 651:2, II-e to read as follows:

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 ***and for earned time as provided in RSA 651-A:22-a***. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

3 Effective Date. This act shall take effect 60 days after its passage.

LBAO

12-2074

12/23/11

HB 1654-FN - FISCAL NOTE

AN ACT relative to earned time credits for inmates participating in rehabilitative programming.

FISCAL IMPACT:

The Department of Corrections states this bill will have an indeterminable fiscal impact on state expenditures in FY 2012 and each year thereafter. There is no fiscal impact on county and local expenditures, or state, county and local revenue.

METHODOLOGY:

The Department of Corrections states this bill authorizes the commissioner to award earned time credits for inmates participating in or completion of educational, vocational or mental health programming. The Department is not able to estimate if this bill will result in an increase in inmate participation. However, the Department notes that its work, vocational and educational programs typically are at capacity. The Department states the number of inmates housed by the Department exceeds the number of inmate jobs available. For example, for the week ending 11/26/11, of the 2,165 inmates listed in the inmate pay system 433 inmates were potentially able to work but no job was available. The Department has 320 vocational spots per semester, all usually filled. Any increase in the number of spots would require additional funding to increase the number of teachers and additional space would be needed. Mental health services are provided based upon a mental health diagnosis and do not usually result in a certification of completion, therefore can not be compared to an educational program. Additionally, inmates participating in mental health services may stop and restart services making it difficult to track and monitor someone participating in these services to determine when earned time would apply. Lastly, there are 300 education spots per semester, all usually filled. As with the vocational programming, any effort to increase the education spots would result in the need for additional funding to hire more teachers and the need for additional space. A GED takes two years to complete and a high school diploma from the Granite State High School takes over four years to complete. Education beyond high school is allowed on an individual basis at the expense of the inmate. To the extent this bill results in earlier paroles for

inmates, there may be a decrease in expenditures. The Department of Corrections states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2010 was \$32,492. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2010 was \$659.