Bill as Introduced

SB 337-FN - AS AMENDED BY THE SENATE

3/9/00 3643s
4/20/00 4196s

2000 SESSION

00-2081
05/09

SENATE BILL ***337-FN***

AN ACT requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

SPONSORS: Sen. Roberge, Dist 9; Rep. Bradley, Carr 8

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill:

I. Requires any person applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC).

II. Authorizes the collection of interest on outstanding unpaid fines, with proceeds dedicated to the general fund.

III. Broadens the scope of personal recognizance defaults subject to interest penalties.

IV. Requires that any person who provides false information when applying for a license forfeit any fee paid.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

3/9/00 3643s
4/20/00 4196s

00-2081
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

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

1 New Section; Service by State Police. Amend RSA 106-B by inserting after section 12 the following new section:

106-B:12-a Service by State Police. The director shall make a quarterly report to the commissioner of safety and the governor, the senate president and the speaker of the house on the results of service of criminal process, warrants and notices and arrests of persons wanted for outstanding warrants and court defaults. This report shall include the number of persons arrested and denied a license, and the amount of revenue raised.

2 NCIC Record Checks Required Prior to Issuance of Permanent Driver's License. Amend RSA 263:5-a, III to read as follows:

III. The director may issue a temporary driver's license to a person who applies for a license under paragraph I until he receives the record and determines whether the person should be granted a driver's license. The director may refuse to issue a temporary driver's license to a person who is under suspension or revocation in another jurisdiction or who would present a hazard to the safety of others. ***After issuance of the temporary license and prior to issuance of a permanent license the applicant's record for outstanding warrants or defaults shall be checked through the NCIC, by running the exact name and date of birth given on the surrendered license or birth certificate through the NCIC computer system. The department shall not isolate applicants based on NCIC "Soundex", phonetic matches; name only; or date of birth only computer matches. If there is an exact match of name and date of birth, the application shall be denied until such time as the warrant or court default is cleared. During that period the applicant's current license and operating privileges shall be suspended by the state.***

3 New Paragraph; Nonrefundable Fee. Amend RSA 263:5-a by inserting after paragraph VI the following new paragraph:

VII. Any person who provides false information as provided in paragraph VI shall forfeit any fee paid.

4 New Paragraph; Interest after Suspension. Amend RSA 263:56-a by inserting after paragraph

II the following new paragraph:

II-a. After suspension as provided in paragraph II, interest on amounts not paid when due shall be computed at the rate of 1 percent per month from the date of suspension to the date payment is actually made. Interest shall be collected by the department or the court and deposited into the general fund. No interest shall be computed on fines assessed before January 1, 2001. The commissioner and the court shall have the discretion, as justice may require, to waive the payment of interest computed under this paragraph.

5 Interest on Fines Credited to the General Fund. Amend RSA 263:56-d to read as follows:

263:56-d Suspension for Forfeitures of Recognizances. Notwithstanding the provisions of RSA 263:56-a, I, I-a, II and III-VII, the procedure for suspension of licenses and collection of payments for forfeited recognizances for driving offenses shall be in accordance with RSA 597:38-b. Payments collected by the court under RSA 597:38-b shall be deposited into a special fund, known as the default bench warrant fund. The commissioner may draw on such fund to pay the cost of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for driving-related offenses up to a maximum amount of $100 per bench warrant. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the disbursement of moneys from the default bench warrant fund to pay the costs related to law enforcement officials and bench warrants. The commissioner may also draw upon such fund to pay the cost of breath analyzer machines, upon the recommendation of the advisory committee on breath analyzer machines pursuant to RSA 106-G:1.

6 Notice of Interest on Unpaid Fines. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to [~~his~~] ***the*** summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" [~~which~~]***; the fine schedule*** shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail ***and notification that unpaid fines may be subject to interest pursuant to RSA 263:56-a, II-a***. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within

14 days of their receipt.

7 Default of Personal Recognizance. Amend RSA 597:38-b, I to read as follows:

I. Whenever a party recognized to appear for any offense [~~involving driving~~] makes default and the recognizance is declared forfeited, the court shall send a notice of default to the division of motor vehicles. The division shall send a notice to the person owing the recognizance, demanding payment within 30 days and stating that failure to make payment within the 30-day period shall result in suspension of such person's driver's license or driving privilege until such time as the person provides proof to the department of safety that he ***or she*** has paid the amount of the forfeited recognizance to the court.

8 Effective Date. This act shall take effect January 1, 2001.

50K appear in Bench Warrant issued
100K appear prompted for Breathalyzer
prompted

LBAO

00-2081
Amended 3/23/00

SB 337 FISCAL NOTE

AN ACT requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

FISCAL IMPACT:

The Department of Safety determined this bill, as amended by the Senate, will increase state highway fund expenditures by $525,586 in FY 2001, $374,677 in FY 2002, $389,323 in FY 2003 and by $529,627 in FY 2004. State restricted revenue will increase by $115,000 in FY 2001 and by $230,000 each year thereafter. State general fund revenue will decrease by $106,500 in FY 2001 and by $213,000 each year thereafter. There will be no fiscal impact on county and local revenue or expenditures.

METHODOLOGY:

The Department stated increased highway fund expenditures are attributable to salary and benefits, vehicles, uniforms, vehicle expense and training and materials for five new State Police Officers. Also included are the salary and benefits for two Clerks, one Hearings Officer and a one-time expense for computer programming.

This bill authorizes the assessing of interest on defaulted fines assessed after January 1, 2001. Assuming a default rate of about 6% and average period of default at 60 days, and using calendar year 1999 fines assessed of about $14 million, this would yield about $17,000 interest income annually deposited into the default bench warrant fund. This bill also broadens the scope of personal recognizance defaults subject to interest penalties. This would result in annual collections of $213,000 currently deposited into the general fund being shifted to the default bench warrant fund.

LBAO
00-2081
Amended 5/4/00

SB 337 FISCAL NOTE

AN ACT requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

FISCAL IMPACT:

The Department of Safety has determined this bill, as amended by the Senate, will increase state restricted expenditures by $272,819 in FY 2001, $103,389 in FY 2002, $107,441 in FY 2003 and by $136,653 in FY 2004. The Department has stated that state general fund revenues will decrease by $98,000 in FY 2001 and by $196,000 each year thereafter, and that state restricted revenues will increase by $106,500 in FY 2001 and by $213,000 each year thereafter. There will be no fiscal impact on county and local revenue or expenditures.

METHODOLOGY:

The Department has stated that this bill requires the Department to initially issue temporary licenses to new residents who apply for a driver's license, and perform record checks through the National Crime Information Center (NCIC). In addition, this bill requires the Department to charge interest on outstanding default balances and deposit the interest collected into the general fund. The Department has stated that they will need to hire one additional Trooper at labor grade 17, a Clerk at labor grade 8, purchase a trooper vehicle, uniform and equipment, and provide training and materials in order to run checks and follow up on NCIC hits. The Department has also stated that in order to assess and collect the interest on outstanding default balances and related fines, the Bureau of Financial Responsibility will need to hire an additional Clerk at labor grade 8 and program the Department's mainframe computer system. The fiscal impact would be as follows:

	FY 2001	FY 2002	FY 2003	FY 2004
State Trooper (LG 17)	$ 17,714	$ 36,884	$ 38,418	$ 40,034
Benefits @ 31%	5,491	11,434	11,910	12,411
2 Clerks (LG 8)	18,369	38,298	39,858	41,457
Benefits @ 31%	5,694	11,872	12,356	12,852
Police Vehicles	25,000	0	0	25,000
Uniforms, cleaning, medical exams, etc.	8,000	900	900	900
Cruisers expenses	3,500	3,500	3,500	3,500

Changes to forms	50,000	0	0	0
Computer programming	134,050	0	0	0
Training & materials	5,000	500	500	500
Total Cost	$272,819	$103,389	$107,441	$136,653

Assuming a default rate of 6%, an average period of default at 60 days, and using calendar year 1999 fines assessed of about $14 million, the Department has estimated that annual income to the state general fund, as a result of interest charged on outstanding default balances, would total $8,500 in FY 2001 and $17,000 in FY 2002 and each year thereafter. The Department has stated that section 7 of this bill is ambiguous. The Department has interpreted the section to mean that all defaulted recognizance income will be deposited into the default bench warrant fund. This would result in approximately $106,500 in FY 2001 and $213,000 in FY 2002 and each year thereafter that is currently deposited in the general fund, would be deposited into the default bench warrant fund.

Amendments

Sen. Roberge, Dist. 9
May 9, 2000
2000-4440s
05/09

Rejected

Amendment to SB 337-FN

Amend the bill by replacing all after the enacting clause with the following:

1 NCIC Record Checks Required Prior to Issuance of Permanent Driver's License. Amend RSA 263:5-a, III to read as follows:

III. The director may issue a temporary driver's license to a person who applies for a license under paragraph I until he receives the record and determines whether the person should be granted a driver's license. The director may refuse to issue a temporary driver's license to a person who is under suspension or revocation in another jurisdiction or who would present a hazard to the safety of others. ***After issuance of the temporary license and prior to issuance of a permanent license the applicant's record for outstanding warrants or defaults shall be checked through the NCIC, by running the exact name and date of birth given on the surrendered license or birth certificate through the NCIC computer system. The department shall not isolate applicants based on NCIC "Soundex", phonetic matches; name only; or date of birth only computer matches. If there is an exact match of name and date of birth, the application shall be denied until such time as the warrant or court default is cleared. During that period the applicant's current license and operating privileges shall be suspended by the state.***

2 New Paragraph; Administration of NCIC Record Checking Process. Amend RSA 263:5-a by inserting after paragraph III the following new paragraph:

III-a. The department shall be authorized to draw money from the default bench warrant fund established in RSA 263:56-d to reprogram computers for the record checking process.

3 New Paragraph; Nonrefundable Fee. Amend RSA 263:5-a by inserting after paragraph VI the following new paragraph:

VII. Any person who provides false information as provided in paragraph VI shall forfeit any fee paid.

4 New Paragraph; Interest after Suspension. Amend RSA 263:56-a by inserting after paragraph II the following new paragraph:

II-a. After suspension as provided in paragraph II, interest on amounts not paid when due shall be computed at the rate of one percent per month from the date of suspension to the date payment is actually made. Interest shall be collected by the department or the court and deposited into the default bench warrant fund established in RSA 263:56-d to pay for costs associated with employing department of safety personnel and other related expenses necessary to the enforcement

of this section. Department of safety personnel employed to administer NCIC background checks on applicants for permanent driver's licenses shall not be paid out of the highway fund or the general fund. No interest shall be computed on fines assessed before January 1, 2001. The commissioner and the court shall have the discretion, as justice may require, to waive the payment of interest computed under this paragraph.

5 Notice of Interest on Unpaid Fines. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to [~~his~~] ***the*** summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" [~~which~~]***; the fine schedule*** shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail ***and notification that unpaid fines may be subject to interest pursuant to RSA 263:56-a, II-a***. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

6 Default Bench Warrant Fund. Amend RSA 597:38-b to read as follows:

597:38-b Collection of Forfeitures; Motor Vehicles.

I. Whenever a party recognized to appear for any offense involving driving makes default and the recognizance is declared forfeited, the court shall send a notice of default to the division of motor vehicles. The division shall send a notice to the person owing the recognizance, demanding payment within 30 days and stating that failure to make payment within the 30-day period shall result in suspension of such person's driver's license or driving privilege until such time as the person provides proof to the department of safety that he has paid the amount of the forfeited recognizance to the court.

II. Payments of the forfeited recognizance under paragraph I shall be sent to the department of safety and deposited into a special fund, known as the default bench warrant fund, established in RSA 263:56-d to pay the costs of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for driving-related offenses [~~and~~], to pay the cost of breath analyzer machines ***and to pay the costs of mailing notices under***

RSA 597:38-b.

7 New Section; Notice of Defaults. Amend RSA 597 by inserting after section 38-b the following new section:

597:38-c Notice of Defaults. The commissioner shall send a notice in September of each year to the last known address of all individuals with outstanding fines and payments. The notice shall inform all individuals with outstanding fines and payments that the general court is serious about court defaults and that from January 1, 2001 forward interest shall accrue on all overdue fines and default payments until the default is cleared or the driving privilege is reinstated. Interest on amounts not paid when due shall be computed at the rate of one percent per month from the date of suspension to the date payment is actually made. Interest payments collected by the department or the court shall be deposited in the default bench warrant fund established in RSA 265:56-d. The commissioner is authorized to draw funds from the default bench warrant fund on an annual basis to pay the costs associated with mailing such notices.

8 Positions Authorized; Funding. There are established in the department of safety 2 labor grade 8 positions and one labor grade 17 state trooper position for the administration of the NCIC record check processing under RSA 263:5-a. The positions shall be funded from sums in the default bench warrant fund in RSA 263:56-d.

9 Repeal. RSA 597:31, relative to declaration of forfeitures, is repealed.

10 Effective Date.

I. Sections 6 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2001.

2000-4440s

AMENDED ANALYSIS

This bill:

I. Requires any person applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC).

II. Authorizes personnel positions to conduct NCIC checks and related duties.

III. Authorizes the collection of interest on outstanding unpaid fines, and dedicates interest proceeds to the default bench warrant fund.

V. Requires that any person who provides false information when applying for a license forfeit any fee paid.

VI. Requires notice to be sent to persons with outstanding defaults annually in September beginning in 2000.

VII. Repeals RSA 597:31, relative to declaration of forfeitures.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

10:00

Bill # SB337-FN Date Tues. May 2, 2000

Committee Transportation

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON SB 337-FN

BILL TITLE: (2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

DATE: May 2, 2000

LOB ROOM: 203 **Time Public Hearing Called to Order:** 10:00

Time Adjourned: 11:45

(please circle if present)

Committee Members: Reps. Packard, J. Flanders, G. Katsakiores, Bartlett, Milligan, Boriso, Kobel, Langone, Letourneau, Cossette, Beaulieu, Bruno, Czech, Mosher, Turgeon, P. Cote, Haley, Leonard, Arthur, LaPorte, Lerandeau and Mendenhall.

Bill Sponsors: Sen. Roberge, Rep. Bradley

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Sheila Roberge, Dist. 9, Prime Sponsor:
Sen. Roberge introduced the bill and explained how it would work. Sen. Roberge suggested that several speakers to follow would go into the details of the bill. However she felt that New Hampshire might become a dumping ground for criminals should this bill fail to pass.

Rep. Jeb Bradley, Carr. 8, Co-Sponsor:
Rep. Bradley felt as though if this bill was in place that the young Curley boy may not have been murdered because there were outstanding warrants in the state of Massachusetts on the perpetrator. Rep Bradley suggested that this bill could be a solution to the outstanding fines and that the Dept of Safety would need to establish new rules should this legislation pass.

Mr. Peter DeVere, Melvin Village: in support
Mr. DeVere opened by explaining that this bill would only effect new residents moving into New Hampshire from out of state. Mr. DeVere talked at length about people moving into New Hampshire and receiving NH drivers licenses after surrendering their current license that they held from the state they moved from. Mr. DeVere feels that they should be subjected to a NCIC criminal background check before they are issued a NH driver's

license. He further stated that they would only need to be checked for an exact match, no soundex. Mr. DeVere claimed that there would be no cost associated to this bill and asked that the committee request an amended fiscal note. Mr. DeVere stated that he went to the Dept. of Safety yesterday (5-1-00) and paid $10 for a criminal background check and that the clerk checked his record in 18 seconds and that a NCIC check was automatic in 1 second and it is free. During questioning Mr. DeVere was asked if he believed that the clerks at the Dept. of Safety were qualified without special training to do NCIC background checks. He replied that "yes" they could and that they were able to do his without any trouble.

Mr. John Stephen, Asst. Comm. DOS: in opposition * written testimony and supporting information included.
Mr. Stephen began his testimony by making it clear that "no one is opposed to catching wanted criminals" however there is a cost associated with this process. Mr. Stephen explained that NCIC is based upon the soundex system and that you cannot change the system. Mr. Stephen further explained that after a similar bill was filed in 1995 and was sent to Interim Study, the Dept. of Safety did a pilot project on this subject matter to determine the benefit it would provide for pubic safety.

The Dept checked 16,000 new license issued, possible NCIC hits 33, positive hits 6. After 101 hours of research and computer time with an estimated 45 more hours would be needed only one individual was identified positively as a suspect in a robbery. Mr. Stephen suggested that the most effective way to apprehend criminals is to simply provide more State Police officers and went on to explain that more wanted suspects are apprehended during routine traffic stops that through NCIC background checks of every individual applying for a new NH drivers license. Mr. Stephen felt as though applying resources to where there is a proven success rate, would better use of those resources. No other state is currently doing this; most likely because of the previous mentioned issues.

Mr. Stephen provided the committee with a copy of the mandatory fields for record entry using the NCIC system.

Mr. Stephen then explained to the committee what the law enforcement community is doing about outstanding warrants. There is a Fugitive Task Force, combined of Federal, State, County and Local law enforcement departments that resulted in the apprehension of 78 fugitives and clearing an additional 48 outstanding warrants held by the Hillsborough County Sheriff. The complete report is included in the written testimony introduced by Mr. Stephen.

Mr. Stephen further thought that the default money in the bill was in doubt, most likely around $17,000 a year realistically.

During questioning Mr. Stephen was asked about the cost of adding 20 troopers. Cost estimates were $1.3 Million to start, $1.4 Million next year, and $1.5 in 2002, $2 Million by 2005. The cost to implement SB 337 as written would be at least $200,000.00 per year.

Mr. Gary Gillman, Manchester: in support
Mr. Gillman testified that he was a member of the "Parents of Murdered Children" and that he supported the bill and felt that all that could be said was already do so by previous speakers.

Mr. Peter DeVere: added a few more comments

Sen. Roberge:
Added that she has all her employees checked by NCIC here in Concord.

Closed public hearing 11:45 am

These minutes are from my notes taken during the public hearing. For additional detail, the complete hearing was also taped with my personal tapes and a transcription is attached to the official record.

Respectfully submitted,

Rep. Robert J. Letourneau, clerk

HOUSE TRANSPORTATION COMMITTEE

Transcript of Public Hearing on SB 337-FN

(2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations

May 2, 2000
10:00 a.m. – Room 203 LOB

Sen. Sheila Roberge, Sponsor: (in progress) ...requires that people coming into the state be checked through the National Crime Information Center for their criminal record. Right now, they're checked for their driving record, but this would require them to also be checked for their criminal record. Right now, somebody coming into the state, they get a temporary license, which is good for six months. During that temporary time the Department of Safety would have that six months to check the National Crime Information Center for the criminal record. If, in fact, they're found to have a criminal record, then they probably would not get a license. We feel that it's about time we started to do this. We feel that New Hampshire may be becoming a dumping ground for criminals when they know that no one is checking their criminal record, and we don't want this to happen. We want New Hampshire to be a safe place for all of us. With that, I will defer to those who will speak following me.

Rep. Milligan: Senator, do other states have a bill of this nature?

Sen. Roberge: I don't know.

Rep. Milligan: Senator, on the first page of the bill, you mention requiring any new resident applying for a permanent license.

Sen. Roberge: Yeah, coming into the state.

Rep. Langone: On the amended analysis, it says, "requiring any person..." Does that mean a teenager who is just applying for a license?

Sen. Roberge: No. They did not change that when we amended the bill. We amended the bill to only have people coming into the state to be checked. So that is wrong.

Rep. Jeb Bradley, Co-sponsor: Thank you, Chairman Packard and members of the Transportation Committee. I appear today as a co-sponsor of this bill and strongly recommend that you pass this bill. You'll hear testimony later on about how this bill could have potentially kept Jeffrey Curley – I believe I have his name correct – the little boy who was stuffed into a trash bag, dismembered and stuffed. Pretty horrific. Had this bill been in place, the perpetrators of this crime potentially could have been apprehended prior to committing this horrific crime. As I understand this bill – and I don't pretend to understand the inter-machinations of the Department of Safety and all the myriad of details – but had this bill been in place, or if this bill is in place, wanted felons, criminals who are seeking to come into the state and get a New Hampshire license during that six-month period, could potentially be picked up and arrested for their wanted felon status. As I understand it – and I've been pretty busy – but this bill has had quite a storied history in the Senate. It was on the table for a while, the Department of Safety was dead-set against it, and as I understand the testimony from the Department of Safety and as I recall the Senate hearing, it was too complicated, it would require waits in lines for New Hampshire citizens and new expenditures of money and that the system, the NCIC system was not perfect. If I've missed any of the objections, I'm sure Mr. Stephen can fill the committee in on those objections. I think the Senate saw through those objections and passed the bill with this amendment. As I understand it, the amendment applies to new people, not everybody renewing a license, but new people coming into the state. It's a pilot program perhaps. Look at it that way. It's not quite as all-encompassing as each and every New Hampshire citizen applying for a license. As I understand it, Massachusetts is either about to do this type of check or is currently doing it. Mr. DeVere will probably testify on that. I would just say that if this issue is either too expensive or too complicated, ask the Department of Safety how to fill in the details and how to do this and put it back on them to actually go out and find these wanted felons and to use the information age that all the rest of us are using in our daily lives and businesses to accomplish this goal. I don't believe it's that hard. I remember the same arguments were made several years ago when Mr. DeVere first brought it to the attention of the Legislature that there was millions of dollars of uncollected fines that people – whether it was speeding

tickets, DWI, whatever – were avoiding paying. I remember co-sponsoring legislation with Senator Roberge, as I recall – I've been here so long I'm having a hard time recalling everything – that asked, in essence, the Department of Safety to go out and track down this source of money and unpaid fines, etcetera, etcetera, etcetera. It wasn't the easiest thing in the world perhaps for the Department of Safety to do. But you know after a lot of good people put their minds to it, they came up with solutions to this issue of back fines. I think this is a similar situation. If the NCIC isn't perfect, let the Department of Safety try to figure out a way to accomplish the goal, and that's the issue here. I think we're all probably in agreement with that. If we have the ability to use the information age to try to prevent some of these horrific crimes from being perpetrated or to just simply track down wanted felons, we ought to be able to use the technology that is available to us. I know that this committee will give this bill its due diligence as it always does in the House, and I commend it to you and stand willing to work with you.

Rep. Letourneau: Representative Bradley, do you know of any other states that have this?

Rep. Bradley: Mr. DeVere just told me Massachusetts either is about to do it or does do it. But that's the extent of my knowledge.

Rep. Letourneau: About the case with the perpetrator of the crime you spoke about came from Massachusetts.

Rep. Bradley: That's correct – but also applied or had a valid New Hampshire license.

Mr. Peter DeVere, Melvin Village, N.H.: My name is Peter DeVere. I live in Melvin Village. Senate Bill 337 was amended in the Senate to only do new people that moved to New Hampshire, and that's somebody who moves here and turns in an out-of-state license. This is the only thing it applies to. In 1988, I went to Senator Delahunty and told him that 157 people were moving to New Hampshire every day. I checked the people for one day moving here and six moved to here and got New Hampshire licenses and were under suspension in other states for drunk driving. They were given New Hampshire licenses, and when they went to get insurance, insurance companies checked their motor vehicle record here and found out they had a clean slate. So each of those 157 people got a 15 percent discount

on their insurance. Senator Delahunty put a bill in that people get a temporary license, people who move here from another state and turn in a license, get a six-month, temporary license that Commissioner Flynn checks to see if their license they are turning in is valid, and he gets their driving record from every state and country and puts in on their New Hampshire record, so when the insurance company checks, they see drunk drivings or speedings and they pay their fair share. Senate Bill 337 is going to do the same thing, but for criminals wanted. We say felons, but it could be for misdemeanors. It could be for any outstanding *capias*. So we check to see if somebody is moving here from Florida, if they're under suspension in Florida for speeding. But if they're under suspension in Florida for murder, rape or robbery or probation or parole, and they're wanted, they move to New Hampshire and we don't check them. I went over to the Department of Safety and paid $10 to get my criminal record. In 18 seconds they found that I had no criminal record, and the computer checked NCIC automatically. It took one second and it's free. It took the clerk 30 seconds to write the receipt out for me. In New Hampshire every day the police run people and registrations through NCIC 16,000 times. This bill is going to make an extra 150 checks a day. That's all. There's a federal law that says no vehicle can come to a state and get a New Hampshire title if it's wanted. So any time somebody moves here from another state, we check to see if that vehicle is wanted. We check NCIC, but we don't check the person moving here. I'm not talking convicted people. I'm talking people who are wanted. We don't check for wanted people, but we check to see if the vehicle is wanted. So it's a big problem. This bill will address it. The Mass. Legislature – I've been down meeting with Mass. since 1994, and I've met with Secretary O'Toole for over five hours. She's the Secretary of Public Safety, the registry, the corrections, everything. There is a bill co-sponsored by Reed Hillman. He's a representative. He was the head of Mass. State Police, and he doesn't want Mass. State Troopers out there stopping people who've got a Mass. license who are wanted in Florida for probation of parole violation. They don't want to try to arrest somebody at 1 o'clock in the morning out on the highway. They want to arrest them right at the registry. The Mass. Legislature is doing this. I have a booklet here. There was an investigation after Jeffrey Curley died. I passed a lot of these out in the Senate. I'll be glad to show anybody this book. They did an investigation, and they found out the Mass. Registry was giving licenses to people who were wanted. It says that on October 1, 1997, Jeffrey Curley of Cambridge was brutally murdered. One of the men convicted of the crime, Charles Jaynes, was wanted in 75 outstanding warrants out of 18 courts. He

had just moved to New Hampshire and got a New Hampshire license. Senator Roberge had this bill in '94, '95, '96, '97, '98. And if the bill had passed, he would have been arrested at the counter at the Department of Safety. So Mass. is doing this now. We don't even check the computer when I go to get a license to see if I'm wanted in Merrimack Court for rape. We don't even check our own computer to see. We just give out our licenses. That's wrong and it needs to change. The Department of Safety has been taking the position that there's not that many people out there and there's no need for this bill. There was an article in the paper last year that in 1998, 12,500 people went to buy guns under the Brady Bill. Twelve thousand, two hundred and fifty were given guns and all the records were destroyed. Two hundred and fifty were turned down. They all committed felonies. The Clinton Administration didn't go after any one of those people for committing a felony. Sixty-four of those people were wanted fugitives. They were wanted all around the country. So I asked Commissioner Flynn for their names and what they were wanted for and what towns they were living in. He said that those criminals had privacy rights, that it was none of my business. So I took Commissioner Flynn to Merrimack Court. After four hearings, Judge Maguire[sp?] ordered Commissioner Flynn to turn over how many of those 64 wanted fugitives had New Hampshire licenses. He wrote a letter saying that 58 are currently licensed drivers in New Hampshire. Out of the 58, nine are under suspension. So there are 49 people who are wanted fugitives who committed a felony trying to buy a gun, just in '98, having licenses. I mean, if I was a wanted felon and moved to New Hampshire and got a license, I certainly wouldn't be down trying to buy a gun. It's a big problem. Every day somebody moves here and is wanted for some offense. One hundred and fifty people move here every day. The other part of the bill is charging interest on court fines, charging 1 percent interest. It is going to charge 12 percent interest on outstanding court fines as of 2001. This bill doesn't need any personnel. It won't have any lines. The Assistant Commissioner said there would be lines at the Department of Safety because when somebody turns in a Mass. license, they'd have to be checked through NCIC. It takes under 18 seconds to check, but we're giving them up to 6 months to check. So somebody will turn in a Mass. license, be given a New Hampshire temporary license with their picture on it. The State Police can check. If it's a hit, an exact name, they can contact Florida and fax up the person's photo and match it against the photo on the license. They can check to see if they can extradite them. They can do all this checking, and if it's true, they can notify the police chief in the town or the troop station or the sheriff's department. So there won't

be any lines. It's just not wanted people for criminal offense. In 1995, a Richard Jones moved here from Florida. He's wanted for cocaine possession. He had a regular Florida license. He applied and got a New Hampshire tractor-trailer license with hazardous material. He's out driving tractor-trailers. Now, Florida won't come and get him. But RSA 263:56-a says when somebody's in court default, they shall not have a license. He is in court default in Florida for not showing up in court for cocaine. He shouldn't have a New Hampshire license. So that's what this bill does. It stops people from moving here and getting a license. Now some states won't extradite them back. So if somebody moves here from Florida and we check and they say, "Well we're not going to extradite him," that means that person is never going to have a New Hampshire license until he goes back to that court in Florida and gets a letter that he has cleared the default. Nobody should have the privilege to drive in New Hampshire until they've cleared their defaults. I think that's my testimony.

Rep. Katsakiores: When you do the NCIC records check, if a name on the registration or the license is, let's say, George Katsakiores, not George N. Katsakiores, and I don't put the "N" on my license, and they go to check at NCIC and they find another George Katsakiores, how do we handle that situation? We don't want to make a mistake and have the wrong person.

Mr. DeVere: Well, we do this 16,000 times a day in New Hampshire, and we don't have a problem. They go to other things – the height, the weight, the hair color, the eye color. But this bill says it has to be an exact match. That means my license says "Peter F. DeVere," and I don't plan on getting in trouble. But if I did get in trouble here, and there was a warrant out for my arrest for some terrible offense, I'm turning that license in in another state, let's say Mass. they're checking now. They're going to check for Peter F. DeVere. I'm not changing my name. I can't drop the "F" off my license. It's already on the license. So this bill says it has to be an exact match.

Rep. Katsakiores: I want to call your attention to line 19 on the first page. It says, "If there is an exact match of name and date of birth..." And that's all that's required here from what I'm reading. You're talking about, I guess, exact match in some other form. But it doesn't say so here.

Mr. DeVere: No. Exact match, name and date of birth. My criminal record yesterday, that's what they needed. My name and date of birth. They

didn't ask for my social security number. They asked for my name, date of birth and license number. And that's all on my license and that's all on the licenses that people turn in when they move from another state. In the past years, the Department of Safety has come in and talk about a *Soundex* response. It could have this name, it could be "Vere" rather than "DeVere," there could be confusion. So we're not doing *Soundex*, we're doing exact things. If it's any different, that person's to be given a license and walk out of the Department of Safety.

Rep. Katsakiores: Just one more question dealing with page 2. I see in the first paragraph, on line 4, "Interest shall be collected by the department or the court and deposited into the general fund." I guess it's a new paragraph. Tell me why that money goes into the general fund when in the back on the Fiscal Note, you said there was not extra cost for anything or anybody, but you look at the Methodology and it says, "stated increased highway fund expenditures are attributable to salary and benefits, vehicles, uniforms, vehicle expense and training materials for five new State Police Officers." I noticed that the expenditure, the increased expenditure to the highway fund, is a considerable amount of money, over $500,000. Explain to us why the money, because I know you had a lot to do with drafting this bill, why the amount of money that comes in goes into the general fund, and yet the money that goes out, I guess to the DOS, is out of the highway fund?

Mr. DeVere: Well, this fiscal impact was for the other bill. There is no cost to this bill. The other bill was going to do every month 16,000 people in New Hampshire come up for renewals. The bill said to give Commissioner Flynn two to five troopers, and those troopers would have been at the counters. So when a new resident comes up for a license, a trooper would be at the counter checking them, and they wouldn't get a license until they were checked. The amended bill says we're going to give them a temporary license and check NCIC later. It talks about the interest being put into the default bench warrant fund on the Methodology, and just as you stated, it's going into the general fund. So we were going to charge interest on criminals and pay for these troopers to do the checking for everybody, all the million people in New Hampshire and the people moving here. Senator Fernald came up with the idea of just doing the new people. You know, Jeffrey Curley was killed by somebody that moved here from another state. He was the problem, and I thought that was an excellent idea, and that's what passed the Senate. This is not true on the back. They don't need any troopers, they don't need any additional personnel, and...

Rep. Katsakiores: You said that there's another bill. Is there an amendment to this bill? Is there something else that we're looking at?

Mr. DeVere: No. Senate Bill 337 was for checking new residents and all renewals. It was amended in the Senate just to do new people, not the renewals.

Chairman Packard: This is the amended bill.

Question: Why does he have the old Fiscal Note and totally different Methodology?

Mr. DeVere: This shouldn't be here. It's not true. It says, 1 percent interest going into the default bench warrant fund and that's not true.

Sen. Roberge: It wasn't changed when it was amended. That's the old Fiscal Note.

Rep. Langone: Mr. Chairman, could we have the bill that we're going to be dealing with?

Chairman Packard: This is the bill that you're going to be doing.

Rep. Langone: But the amendment the Senator said shouldn't be here.

Sen. Roberge: No. It's the Fiscal Note that is not correct. It says, "Senate Bill 337 as Amended by the Senate." What you're looking at is the way the Senate amended it and what we're talking about – except that the Fiscal Note applies to the old bill before it was changed. As Peter says, we were going to check everybody and now we're only going to check new people coming into this state.

Mr. DeVere: The Fiscal Note says anybody applying or renewing. We're not doing renewals. We were going to do 330,000 people a year. This bill is only going to do 30,000.

Rep. Bradley: I would just say that if the committee wants to ask for an amended Fiscal Note, you certainly have the authority to do that.

Chairman Packard: This is the amended bill that you're asking us to look at. I think what you're finding out is that the Fiscal Note wasn't taken out of the amendment when it was done.

Rep. Langone: Shouldn't we get the correct amended Fiscal Note?

Chairman Packard: We can try to do that, yes. Try and ask for a corrected Fiscal Note. The language of the bill and the substance and policy is what you're looking at now.

Rep. LaPorte: On page 1, line 16, it says, "...by running the exact name and date of birth given on the surrendered license..." What if I say I never had a license anyway? Just come in and...

Mr. DeVere: You wouldn't be checked.

Rep. LaPorte: If I was a criminal, wouldn't that be a smarter thing to do?

Mr. DeVere: That would be the smarter thing to do, but you'd have to go through road tests, you'd have to take the written test. Each year that we do this, the Department of Safety raises a different concern, and every year it's killed for a different reason. So what we tried to do was just do the basic majority of the people who move here. That was the people turning their licenses in. I think the Department of Safety would be awfully suspicious of a 40-year-old guy who said he never had a license. But this bill wouldn't mandate checking them.

Rep. Cossette: You mentioned earlier that you felt there would be no cost to the state for 150 checks per day. But physically, if I go in for a license and I get a temporary license, that means I have to make a second trip back to the registry to get my final license. Correct?

Mr. DeVere: No it doesn't. If you lost your wallet today, you can just send $10 in to the Department of Safety and they'll mail you a new license.

Rep. Cossette: It doesn't say that in here though.

Mr. DeVere: That's how it happens. They store your picture. Unless you ask, unless you were Neal Kurk, you'd have to go in because you'd have to have your picture taken again. He asked his picture not to be saved. But

they save everybody's picture. So if you lose your wallet, you send $10 in and they mail it to you. People who are not hits, can have their permanent licenses sent to them. If they can't find one of these people after they know they are wanted, they're not going to mail them their permanent license, and their license is going to expire in six months. So, there's no extra trips for anybody. There's no lines. There's no extra cost.

Rep. Letourneau: Not even mailing out licenses?

Mr. DeVere: We do that right now. When somebody moves here, they get a six-month, temporary license. When their driving record comes from the other state, and we get their record from the other state and we put it on the record here, we mail them their permanent license before the six-month license expires.

Rep. Letourneau: Mr. DeVere, you have a lot of knowledge in this. Tell me, you can have a wanted felon. Does that mean he's wanted for a felony or he's a past felon and just wanted for not paying a speeding fine? What does that term mean?

Mr. DeVere: Well, it's a wanted person, not necessarily a felon. Right now, if somebody's wanted for not paying a speeding or motor vehicle-related thing, they cannot get a license. They are denied a license. But if they're wanted for a non-motor vehicle offense – anything from probation, parole, drugs, anything – they can get a license. We check a computer for a motor vehicle, called National Driver Register or Problem Driver Pointer System in Washington, but we don't check NCIC. So nobody can move here if they're in court default for a motor vehicle related thing, but they can if it's for non-motor vehicle – any superior court, any criminal complaint. It's only people that are wanted, not somebody that was convicted of something and did their time and paid their debt to society. They can come and get a license. We don't check that history. Just to see if they're wanted.

Rep. Milligan: As a follow-up to Representative Langone's request, I would think that this is an important factor – the impact, the methodology and all that, and they're saying this is not true. I think we should have the proper data in front of us for a bill of this nature.

John Stephen, Assistant Commissioner, Department of Safety: First of all, my name is John Stephen, for the record, Assistant Commissioner for the

Department of Safety. What I'm handing out to you is what we prepared for the Senate Finance hearing on the original version of the bill. So it's been changed. I want to make sure I don't cause any misdirection for any of you. This is still information here, though, that I want to relate to you about the whole concept. To me, that's important that this committee knows about the concept and where the Department of Safety was coming from when we objected to the original version. We are still opposed to this version of this bill the way it's drafted. Nobody is opposed to catching wanted persons, not Commissioner Flynn, not anyone. The State Police that I work with on a day-to-day basis...and, yes, they passed it, but Senate Finance, after hearing the costs associated, voted 7 to nothing, *Inexpedient to Legislate*. That was the original version. And that's what created the amendment. O.k., well, then they can just do out of state. I'm here to tell you today, you still have costs associated with that. To say it costs nothing is laughable. I'm just telling you that. I can't sit here and say, I wish we could say it doesn't cost anything. We all want to catch these people. Everybody. But I just want to talk to you about some of the things we've done and maybe give you an idea of the process so that you understand the whole issue here, looking at this bill when you vote on it, because we do agree with the Senate and with the position of catching wanted persons. That's not a disagreement. It's how do we get there. That is the whole issue here. That is the entire issue. Originally, if you look, March 21, 2000, on the original version, I sent this to Senate Finance, and we did talk about a *Soundex* system. The NCIC is operated, as Representative Katsakiores alluded to, on a *Soundex* base. To say we're only going to check date of birth and name, fine. But you can't change the system. The NCIC is based on *Soundex*. That's what you're going to get when you put in the name and DOB and everything else. Just so you're aware – and I brought some information on background – because Mr. DeVere, in the Senate, indicated that I gave incorrect testimony on social security numbers, that there's always going to be social security numbers in that NCIC data base. I'm going to hand out to you from the operating manual of the NCIC. It says, "The following fields are mandatory to cause acceptance of a wanted person's entry: Name. Must be included: Sex, Race, Height, Weight...," and it goes on, "...at least one of the following numeric identifiers: Date of Birth, FBI ID Number, Miscellaneous, Social Security Number." So, social security number is not a mandatory field. If it's not in the data base, you're not going to be able to get a match. I think that's why the bill is just kind of geared toward just name and date of birth. Sometimes a social security number is there. And maybe we're able to get an exact match. But from the people that I've

spoken to, exact matches are not easy, are not simple. That's why the State Police out on the road use this system dearly, but they start asking questions. They use it as an investigative technique to go out and start seeing if the individual is the same person with the height, weight, date of birth. So, originally the version was to do it at the counter basically, and that's what we were trying to say. You're not always going to have that exact match. You're going to have questions and you're going to have to ask questions of people. That's why we looked at other states and we couldn't find a state that did it at the counter with all their license applicants. Now they want us to run the NCIC checks on people coming in-state, and they say that's no cost. What I can share with you here is the process that a nonresident has to go through to get to this point where you get a license. If you look at the process, Mr. Chairman and members of the committee, it's a pretty, not complex, process but pretty involved process when a out-of-state resident comes into this state and tries to get a license. We give them a temporary. Then they have to hand over their driver's license. They tell us their name, date of birth. We then do checks with the Problem Driver Pointer System in Washington. If they're from a state that doesn't contribute to the Problem Driver, we then go to that individual state. We wait to get responses. Some of them have to be mailed to us, because in this information age, we're not on-line with some of these states. So we wait. And when that process is completed and we find out there are no problems with the driving record, we then do mail a license. And that's the process for an out-of-state individual. So it's spelled out right there. To say it's not going to cost anything now to do this extra check, I believe, again, is not correct, and I've got to tell you why. The Senate, during the hearings, kept saying, "Well, they've got six months." Who's going to do it? The people that we have working right now doing this, in Licensing? They're working around the clock doing the best they can. So there's no question we're going to need more people. And Mr. DeVere comes in and says, "Oh they take one second." I sat there at the counter and watched one do an NCIC check just putting the name in and the date of birth took some time and you had to wait and the computer came up and, yeah, it might have been less than a minute, maybe 30 seconds. Then what happens when you get all these possible match issues? You have to go from there. Who's going to do that? And then you've got to go from there. That's what I brought forward to the Senate in terms of the original bill. The original bill, we did a pilot study, I believe. And I did some history, research on this, and I'm not sure if people from this committee were present, but in '95, the Assistant Commissioner at the time had them do a pilot, and they took 16,000 licenses and they ran NCIC checks. I gave the information to

the Senate as to what was discovered, and in those checks, as you can see, there was a letter to Major Booth or from Major Booth. They did May 1994 driver's licenses – 16,000 checks. Absolute hits from NCIC were six. Possible hits – 33. So 33 had to be turned over for further investigation. That took some time. Then they got down to some possible hits, I believe. The absolute hits were 6. There were a couple that were taken out for some reason that I'm not aware of. Then what you get here is a letter to Peter DeVere, May 1, 1995, where there were actually four names he modeled that pilot project for. And one of the agencies, from what I've got here, this letter to Mr. DeVere, at least one of the agencies, and Mr. DeVere can correct me if I'm wrong, did not want to extradite. So we took 16,000, and the hours that this took to identify to get to these matches and to figure out who these individuals were, the hours that it took, and this is what the Department of Safety has been saying: Is it worth the money that we put into that program, or should you give us the money that this bill's going to give us to hire officers who work the highways or you stop people and use NCIC daily and maybe you'll catch more than four? We feel, on the highway, if you take the money you're going to give us and hire the troopers, put them on the highway, you're going to catch more than four wanted individuals. I will tell you there are more than four caught yearly out there on the road. You know that. And then the statement was made, "We'll make it work." Well, again, if this is what the legislative body wants us to do, believe me, Commissioner Flynn is going to do it. He always adheres to what the legislative body says. If you take this pilot project we did. On the second page you have, and this is just a hypothesis, and I don't know if this is the way it would happen, but I'm just going from what I saw in that pilot project. If you take the project: 2,300 new residents a month are given 6-month licenses. 2,300 a month. Again, not going to require a cost? If we did NCIC checks on all of them, that's 26,400 checks. Based on the pilot project, how many absolute hits are you going to end up having? Again, you put name and date of birth there. I'm not quite sure how this is going to work. I don't understand Mr. DeVere. Maybe he needs to explain it to me a little clearer when he says, "We're taking *Soundex* out so it only has to be an exact match." Well, again, you can get an exact name and date of birth and it's a different person. I've seen that personally. It was the case of a Nashua individual who had to go to a hearing in our department until they finally realized it wasn't the same guy, I believe it was in Colorado, a problem driver situation. So I'm not quite sure what Mr. DeVere is getting at when he says, "Take out *Soundex*." How can you take that out of a system? I'm not sure how that's going to work. So then you turn these

cases over to SIU. Individual officers specialized will then have to go out and find these individuals. Senator Russman, on the Senate floor when he spoke against this bill, said, "Most of these individuals are transients. You're going to be able to find them?" We're going to then go out and try to locate them because we're going to do what you people want us to do. And, once located, is the state going to extradite if it's another state? Don't know. Is it worth doing? Again, I leave it up to you people. But I think Commissioner Flynn is saying, "If you're going to give us $200,000 from the General Fund, which this bill does, let us hire the troopers." That's how I respond to Mr. Bradley, Representative Bradley. We'll put these troopers out there going after people if you want to designate that. But you know, under our RSA, the State Police have so many functions. They used to be just traffic or highway patrol, and every other year the Legislature would then say, "We want you to do this," and we got good at some of the things we do. I take that as a compliment. We have a gun permit division that goes out and makes calls and checks on the gun line. Mr. DeVere says, "A hundred and fifty wanted." That's because the system worked. We stopped these people from purchasing guns, the Division of State Police, turned that information over to the locals. That's working. But we only have so many people. We asked for 20 new troopers this year to save lives on the highway because the Governor's task force group is going to come out with recommendations that we don't have enough troopers on the highway. Every one trooper you put out on the highway, you're going to save a number of lives, just through the enforcement aspect alone. If you're going to give us $200,000, let's put some troopers out on the roadway. That's what the Commissioner is saying. We're not opposed to the idea of catching wanted felons. So, look at this bill as we have it in front of you: "Interest and Fines. Section 5, Page 2." I've heard talk that – it actually starts at Line 2 – one percent on all outstanding fines per month is going to give us so much money. I don't know how much it's going to give us. I leave that up to the people at the Department of Safety that work in the business office that see how much money is collected. Senator Roberge, again, and I have respect for the Senate and what they're attempting to do, but Senator Roberge states that that's going to bring in, I think she said, and I'll try to get the right figure, it was around $500,000 a year that will take in. Think about this. Maybe there is $7 million or so in outstanding fine money out there. I leave that to Mr. DeVere. He really knows these figures inside and out. But if there is $7 million or so outstanding fine money, don't have the false impression that we're going to get 1 percent on all that money. They're not paying their money. They're not paying the fine money. And

then we're going to charge the 1 percent, and our people in Business that collect the fines that look at this have estimated that for the Senate. I think it was $17,000 year is what that makes. So what Senator Roberge did, and I applaud her for doing this, she looked at this, thought about our concern, and gave us $200,000 from the General Fund which is in this bill. And you can say it's not here, but I read this bill to say, and maybe it's been amended, but if you look at page 3, follow with me, "Whenever a party recognized to appear for any offense..." It used to say, "involving driving." That's stricken. "Involving driving" is stricken. That takes $200,000 approximately a year that goes to the General Fund from the courts, money forfeited, puts it into our fund at Safety to run the program. That's what the Senator had, I believe, intended. So, is there a fiscal impact? Yes, there is. We estimated originally about $500,000 with troopers. From what my people are telling me or the workers are saying, we still need a clerk to run it. We need someone to do the extra checks. We're going to need a trooper to probably go out and get these people. So that $200,000 a year is probably going to be enough for us to run the program if this passes. But now, let's look at that section. We've got to amend that section because that section is based on $100 stipend going out to officers that catch people that have outstanding driving-related warrants. That has to be changed then, so that the Commissioner can also draw on that fund to pay for this program. The bench warrant fund itself, just so you know, the bench warrant fund had a couple hundred thousand dollars in it. About 50-something thousand average a year goes into that fund. We've built it up to the point where law enforcement doesn't ask us too often for reimbursement. I think the only department that did was Enfield. So a few years ago we went to House Finance. We said, "We're running out of intoxilyzer machines." We have machines that run the breath program all over the state at police departments. Those machines cost $6,000 apiece. When they go up to being 7 years of age, defense attorneys start arguing that, you know, the warrantee period. We've got to replace them. The Breath Advisory Committee – Representative Musler sits on that committee, a senator sits on that committee, I'm the chairman of that committee – voted to approve two years ago a five-year plan for the purchase of 20 machines a year to go out and replete the stock. Twenty a year. That's over $100,000 a year that's going to be drawn from that fund. We may get to a point where we may have to draw upon some federal funds at some point. But we didn't want to touch that fund. But now we're adding a couple hundred thousand to it, so I think we'd be all set. Again, I would hope that if you're going to pass this bill, don't strip the money. And when it goes to House Finance and they look at

it and they say, "You're taking $200,000 out of the General Fund...," we're going to need that money to run this program. So don't let anyone think it's not going to cost money. I'm amenable to meeting and talking with any rep about how they think this can work, have them come over, talk to our people that actually do this. Representative Bradley talks about "Make it work." We have an SIU unit that when they actually find a wanted person, if a local calls us to assist, we'll go out and help them. We'll do whatever we can within our resources. The other day I was reading a newspaper article about 50 wanted felons. We have more than 50 rounded up. The sheriffs are supposed to be doing this daily out there in the state. We've got a bit more than 50 rounded up on warrants. In the packet I gave you, I put in the back to show you we are actually working on this. In the past, in '95, if you look at the packet, there's a section in here. In 1995 we worked out a program with the U.S. Marshal. It was a combined effort. The United States Marshal, U.S. Attorney's Office, State of New Hampshire State Police, local police, sheriffs together went out after wanted people. The money came from the federal government, added to the resources, and everyone working together went out and they apprehended a number of people. I think that's good police work, and that's got to continue. We've got to continue to do that. But we're guided by our other obligations to serve the public on the roadway, in our major crime unit, in our state lab, in our SIU unit now that has been overwhelmed recently with all these gambling investigations in terms of, you know, the video poker illegal. Again, we can do it, but I think from the Commissioner's standpoint, I know if he was here today, he'd probably say to you, "If you're going to give us that money, don't put the string attached, that $100 stipend. Give us the money, then, and we'll do whatever we can by hiring troopers." We asked the Senate for 20 new troopers. A lot of the senators were very willing to help us. They looked at the budget situation and said we can't do it this year. Again, and Representative Letourneau, I know you serve on the committee that's looking at the traffic fatalities last year, the 140-plus. I don't want to see that again this year. I'll never forget Senator King when he said at one of the committee hearings, "If I'm driving home to Colebrook and just see one extra trooper on that road, that makes a difference." And that's what makes a difference in saving lives. So does this idea as well, in terms of trying to apprehend wanted individuals. But it's the way it is set out in this bill that we just don't think is the best use of our resources. That is simply it. It's not a disagreement of trying to catch wanted felons. We'd be happy to work with this committee, with the House and the Senate, as we always do, in

trying to achieve the purpose of this bill. I'd be happy to answer any questions.

Rep. Milligan: Commissioner, one of the points that you bring up and is interesting, did you ever give Senate Finance or anybody a figure as to what the cost of these 20 additional troopers would be, figuring in all the factors involved – salary, social security, health and so forth?

Mr. Stephen: Representative, it was about $1.4 million, just off the top of my head.

Question: $1.4 million for 20 additional troopers?

Mr. Stephen: Yes. I think that's what it was. I'm just, again, going from my memory. It was about $1.4 million from the highway fund. That bill was introduced, by the way, from the Troopers Association and the original version had something to do with overtime. Thank you. $1.3 million to start it out. $1.4 million the next year, fiscal 2001. $1.5 in 2002. In 2003, it goes up to $2 million. That's, I think, because every two or three years, I'm not sure, the vehicle wear and tear and stuff is in there. In any event, the original version was drafted, Representative, to require two police officers to staff each vehicle at night so you'd have two troopers in the vehicle. The Commissioner came and testified at that hearing and said, "We need more troopers on the road." And we tried to convince Senate Transportation that we need 20 new troopers, and the Commissioner obviously would like more than that. We would want, but 20 we thought we could take from the highway fund.

Rep. Milligan: You bring up another point. You say the Commissioner mentioned the fact of two troopers per vehicle. Twenty troopers certainly won't supplement the amount of troopers you have now to put two in every vehicle, would it?

Mr. Stephen: No. These were vehicles staffed in the evening, Representative, that were working the night shift, I believe. So it would be in the night shift and it would only be in the areas that they have, I think the original version was like from 12:00 or 2:00 in the morning till 8:00 in the morning or so. So that would accomplish that task. Because on the midnight shift, we don't have as many troopers out there working the actual roadway.

Rep. Milligan: So therefore, they would be supplemented on those particular shifts.

Mr. Stephen: Yes. But I think the Commissioner was quoted in the Dover Democrat paper. There was a front-page article that he thought 100 troopers would keep us consistent with other states that are in similar number of traffic stops and amount of activity that we do. Again, the Commissioner has always, you know we sit here and we're talking about let's do things other than traffic duty. Traffic duty is so important. I know the Commissioner daily he is asking the Colonel, weekly at least, and I'll go in and hear him, "I need more troopers on the roadway." I don't want to bring them in to a desk or to another position. I need them out there. The people are crying for enforcement on the road." He'll tell you that if he comes over here.

Rep. Milligan: Follow up on this. How many troopers do we have now?

Mr. Stephen: A little over 200, I believe.

Question: So it would be 220 if they got these troopers. I agree with you. I wouldn't want to be out there alone as a trooper in the middle of the night, even though I know they have done it for many, many years. Thank you.

Rep. LaPorte: You said there are 2,300 people licensed each month?

Mr. Stephen: Those are the figures that I got from Information Services when the Senate was amending the bill. Those are just new residents or new application.

Rep. Laporte: So roughly around.....?

Mr. Stephen: About 26,400 a year. Again, that's all average and that's just estimate. So to say, well they have six months to do it – 26,000. I don't know how you can sit here and say we don't need more people to run it.

Rep. Katsakiores: I'll revert to page 3, the reference you made to the change in language from "involving driving" and "any offense." Tell me your take on this because I don't understand exactly why they want "any

offense," but on the other hand I guess it's all-inclusive when you talk "any offense."

Mr. Stephen: Again, Representative, I would first say that maybe you should speak to the sponsors of the bill to find out what their intent was originally. I thought it was to give us more funds to run the program. When the bill was amended, that staved it because I thought at the time they knew that it is still going to cost money. Maybe I'm incorrect, and maybe that was just an oversight and they wanted to take that out. Currently, Representative, the money, it says, "Whenever a party recognized to appear for any for any offense involving driving..." That's current law. Fails to appear. That money goes to the Department of Safety in the bench warrant fund. It pays for intoxilyzers and it does pay for officers that go out and apprehend people on driving-related type things. But that's not happening. I'm not saying the officers aren't going out there, they're just not sending in. They have to send a voucher, they have to fill out a form. We have rules on this. We're not seeing that. So to change that now and say all offenses. Originally, I didn't know how much money that was, so I called Don Goodnow, Administrative Office of the Courts, who's in charge of the courts. All I asked Don was how much money is this that the courts take every year for non-driving offenses? He said to me, "Last year, we turned over $213,000 to the General Fund. That's what we based our estimate on. I said, "Don, is it fair to say that there's about $200,000 a year?" He said, "Yes. That's probably a good estimate." So I know that we would be able to accomplish, obviously, I think we'd have the money to accomplish the fiscal impact. The fiscal impact here has to be revised, you've all seen that, and I think when you look at the fiscal impact from our office, you'll see it should be close to that point. Because even though you say don't need the troopers, you still need someone to go out and actually do the work and figure out where they are and whether or not they're the same individual, and you need a clerk to regulate the program, put the program into place. And then there are some computer changes. Another thing to think about, too, on costs. That 1 percent surcharge. It says here in the bill, the notice of fine schedule. These are the summonses that officers and troopers and towns and locals give every day. [page 2, line 22] "Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles"; the fine schedule...for which a plea may be entered by mail and notification that unpaid fines may be subject to interest..." What that tells me as an administrator – I've got to call back now all these traffic tickets, the thousands that are out there. I'm not sure

how much it is, and every other year or so we change our tickets, so, yeah, we're going to be able to change it and add this and it shouldn't be a problem. But I remember when the penalty assessment was changed, like last year, from 20 percent to 17. We talked to the Speaker. We had to call back all these tickets. The effective date was an issue. It cost us a lot of money just to issue, to make up all these new tickets. And what did we end up having? The Department of Safety warehouse had like, again I'm speculating, it was a few thousand dollars worth of traffic tickets that we basically had to tear up. The bill here says we have to notify them on that plea by mail basically. I'm just looking at that saying that's another small cost. And then the 1 percent charge. We have to change our computer systems in financial responsibility to track that, every month, 1 percent on this particular case. That is a data processing issue they tell me is going to cost money to change that system. Again, not trying to make an excuse, just trying to say, yes, there is a fiscal impact.

Rep. Katsakiores: I just wanted to ask what's happening up to now with regard to law enforcement with regard to mistaken identity. Have you ever seen a case where there has been a case of mistaken identity and could you give us an idea what it would cost to adjudicate that if a case requires that?

Mr. Stephen: O.k. Representative, all I can tell you is the last experience that I recall was the Nashua incident. It made, I think, the front page of the Nashua Telegraph. It involved an individual – it was either Colorado or Minnesota – just came in for a driver's license, out-of-state, I believe. We had picked up something on the Problem Driver Pointer System based on same name, date of birth. He was denied a license. That individual was then told, "You have a right to a hearing because our rules give everyone denied the right to a hearing." So these individuals would have a hearing. He had a hearing. The cost to that individual was described in that newspaper article. I don't know what it was, but the article was almost two pages long about the process and how someone's mistaken identity can really cause a lot with the process... that to me is a key difference here. The NCIC, as I indicated to you, the social security not a mandatory field. Major Fred Booth yesterday, who is our Executive Major – he's our guru at State Police Division that deals with computer technology, he's the NCIC individual – I asked him about the social security issue because I thought it might come up. He said to me in an e-mail, "John, a social security number is not a primary key for inquiry into NCIC. Usually the name and DOB is used. Second, in order for NCIC to make a hit on social security, it must be

part of the NCIC entry. Just because a person is wanted doesn't necessarily mean that it will hit on the social security number." The other thing he said, "I am unaware of any edit that is placed on the social security so it would be possible to enter an invalid social security and not get a hit and have no notification of an invalid social security." These are just some of the issues. You can also possibly get a false hit on a social security number if another subject has used it in the past as an alias. These are just some issues he raised with me yesterday. Again, not to complicate this process, but if you want to give us the funds, if this legislative body wants to give us the funds, I think Commissioner Flynn, his intent is, if you can get us some additional troopers that can also be out on that highway and that can run checks when they stop motor vehicles, you're going to see that you're going to catch more wanted individuals in the long run. I believe that's the Commissioner's feeling. So that again is where we're coming from.

Rep. Letourneau: John, looking at this material that you gave us going back to 1995 on the pilot program, all the wanted felons are probably not going to go to a state agency and give them correct information for a driver's license, more than likely. I'm sure there are people out there that qualify for Darwin awards that would. But I'm looking at I guess page 1. This was written up by Colonel Lynn Presby. There was 146 hours of time put into this program to find one individual, and then the state did not want to extradite that person because it was a burglary suspect and not a convicted person. It was a suspect in a burglary. Knowing what I just said to you, doesn't it make more sense to apply the resources that were put into this into regular law enforcement to find wanted felons? How would we go about finding a person like this Jaynes fellow, the perpetrator in the Curley murder?

Mr. Stephen: In my opinion, from my standpoint, I put it in here, the packet of information. Fugitive Task Force – a federal, state, county and local law enforcement initiative. This occurred with some federal funds back in, I believe, '95 or so, and it was a team effort. And again, it involved troopers and officers. It involved local agencies, multi-agency cooperation. And I believe they do this from time to time. The sheriffs are out there doing a good job trying to apprehend people that they have *capiases* on daily from the courts. They've got to be part of it. We could devote some of our officers if we had additional funding. I guess this was a fully funded program. That's the type of thing that we would want. In this particular program, they had, I believe the total number of arrests and detentions were

99. One other thing just so you're aware, I believe one of the individuals that worked on this program, Dave Cargles(?), a sergeant from our State Police Division right now currently. He does a lot of the gambling investigations. I asked him because I want to know. Is Senator Roberge's way the best way? I want to ask our people who do this day to day. I want to ask them. And they all said, no, it's not the best way. But if we get some additional resources in SIU Unit, we could possibly go out and try to find people, which they do daily in a lot of respects.

Rep. Langone: What is SIU?

Mr. Stephen: The Special Investigations Unit. The question is, the resources. Right now, they're doing all kinds of investigations. We assist locals, we assist the state, the county sheriffs. We do the brunt of all the gambling investigations, video poker. We have a unit that does homicide investigation. We do basically every homicide investigation that the unit does for the State of New Hampshire outside of, like, Manchester or Nashua. They're working around the clock. We pay overtime. So much comes out of our budget a year in overtime alone to pay people for 2:00 in the morning to head up to Littleton, 3:00 in the morning to head over to Rochester. Those people that headed to Rochester, I was there myself. I did it. I went to these scenes. I worked with the State Police. I worked with that unit. Those troopers are typing away at reports for two straight weeks. And then you're trying to say to them, "Well, officer, can you help me? Trooper, can go and do this particular function today?" "Do you want me to stop the murder case, or do you want me to do that function?" And that's what we're constantly stuck with over at Safety, is where can we allocate our resources most effectively. And that SIU Unit has the major crime.

Rep. Letourneau: To follow up, John, on that same vein. This task force was some sort of a federal grant, I assume, and it was a special event that happened and it probably happens once in a while. What do we do as a state to prevent felons from out-of-state from committing the crimes? I mean, what process do we have for finding these felons? Do we have reports from other states of possible wanted felons from their states?

Mr. Stephen: The process right now is, what Mr. DeVere raised, is from catching them on the roadway and other areas through this computer. Every state gets information. Again, not exact matches. Let's say a trooper stops someone on the road and does the NCIC check. He's got the person right in

front of him. Blue eyes? Yeah, he's got blue eyes. Did you ever live in Texas, sir? Yeah, a few years ago. What county? You start asking investigative questions. I'll tell you what. You're going to come back to the station with me. We're going to ask you some more questions. So they start investigating. That is a tool that they use. It's a tool. Maybe later on in the evening I've got to let this guy go because he's not the same one. But, you know, they feel they need to keep continuing to look, and we're going to dig until we find out, whether it's THE person or not. That data base was used throughout the United States, the federal government. We also have the State of New Hampshire Criminal Record Checks, our own data base. And Representative Bradley says, "Well, make it work." I can't tell you the unbelievable amount of work. I've got to give so much credit to the Information Systems in our division for putting together the "spot system." The State of New Hampshire came to bat for the locals years ago and put together a spot system, which is the State Police online terminal system. Every single local police officer in this state, when they want to find out what someone's status is in the state, it's more of an accurate hit than here, what do they do? They tap into the Department of Safety system and they get the check right back. That's what we put together for them. We give them the computers. We do all that work. That's how we catch people. We also, and I'd like to add one other thing we also do, we have a system set up now where we've done this, and especially after some of the homicides we saw, we now put on the system that they get the quick response, on our State Police system, we added things that some states don't have – restraining orders. The State of New Hampshire again came to bat and said that was a good idea. We made it work. We got some additional funding, federal funding, and put together a restraining order system so now all restraining orders are on that system. When a police officer stops someone, he knows whether that person has a domestic violence order or not outstanding. We also then got together with the Department of Corrections, Probation, and said we want to have new parole information. So now daily they are sending us information and we're working great together, and an officer on the road has parole status. That's been in effect for a few years. So you've got these things working. And again, it's not that we don't want to catch them, we're going to catch them if you put more officers out there. We're going to eventually catch them. It's just, what's the best way? What's the best way? If we're going to get the 200-some-odd thousand to hire maybe four troopers, there doesn't need to be a bill written that has all these duties. But the money ought to be allocated, and we will do, I believe an effective job. Every time we're asked to do a task by this legislature, we do a good job.

Rep. Letourneau: Just one more on this same vein. This particular fellow, Jaynes, that perpetrated the crime to the Curley boy, the purpose of this bill, as I understand from the responses, that this would have prevented that from occurring. Tell me how that could have worked.

Mr. Stephen: Again, I don't know all the circumstances of that case. If he was from out of state and came here to get a license, he would have had the same process gone through as this process I outlined for you. And he may eventually have received a license. I think Mr. DeVere could probably express that to you. He knows that case inside out, I guess. He's researched it. I haven't. Could it have saved that boy's life? I don't know. I don't know. That's, I think, what Mr. DeVere is committed on, that it would have saved that life. But I think the Jayneses of the world, in my opinion, are more apt to be caught on the highways, from my firsthand impression, than over here this way. That's just my general impression. But if this legislative body wants us to catch them using these resources, again, if you fund it and we have those resources available, again, I know Commissioner Flynn. He's going to make it work.

Rep. Milligan: A very major item I think in today's society and it's relative to the point that you brought up with restraining orders, suppose a judge assigns at, say, 10:00 in the morning a restraining order. How soon does that get out to where the trooper is or it's put on the spot system so therefore it's available for knowledge to the different departments within the state?

Mr. Stephen: From my speaking to the unit that does this activity, it is instantaneous, in my opinion from speaking to them. I've watched them do the inputs. As soon as the court notifies us, that's the key. As soon as the court notifies us, we would always put it in for the temporary, emergency ones. Those are the more important. Get them in right away. We worked out a system now with the courts, and this is something that I pushed for two years, to get the courts to start inputting the entry themselves. Because the court is right next to that judge. They know what that order says. They know what the certain points are. Today in New Hampshire, the court system, the Administrative Office of the Courts, have taken over the input on the actual daily, non-temporary, non-emergency orders. They are inputting the order as soon as it comes down from the bench, which I think is just, again, a remarkable thing for us.

Rep. Milligan: I think it's a major item where some lady wants a restraining order out and should get it out as soon as possible. Judge Kelly asked me to sit in on a court, which I sat in on the busiest one in the state, district court, which is Merrimack, which is the busiest in the state, the town of Merrimack. It was utterly amazing the cases which come out. It was totally shocking, and I just think that these ladies that ask for a restraining order should be protected to the utmost because of the, and you mentioned Nashua before and a case we had there where a lady was beaten to death because of the fact that the restraining order was overlooked or whatever you'd like to call it.

Mr. Stephen: Again, we'll do whatever we can. Sometimes those things don't get inputted in the data base right away because there are some questions, and we have to ask the court. But today, I believe we're at a state where we're in a much better position than we were before.

Rep. Leonard: John, on the money that was allocated from the federal government that Senator Gregg put in a couple of weeks ago, how is that going to help New Hampshire get more law enforcement?

Mr. Stephen: I don't think it applies to more law enforcement, Representative Leonard. I'm not sure of the money you're talking about. If you're talking about some of the stuff he stated the other day, I thought it was geared towards what he has done for our lab, DNA testing, and how much more money he's making available in the future for our lab and some of the other... We have lap-tops in our cruisers. A lot of that's the money that has come from the federal government. Is there money available for police officers? We're looking at that right now, Representative Leonard. We're doing whatever we can to see if we can get additional money, but, you know, the Commissioner's feeling on this is this, and this is his conservative approach, too – there's always strings attached. And as soon as we tap into the federal government for some hiring of police officers, it's a two-year. They do it for two years and then you've got to fund them after two. Or you've got to fund a half of it. And then the state has to pay the medical or the state has to pay the benefits. And we're being asked now to cut back 3 percent? These are the things we have to look at.

Rep. Letourneau: I just wanted to finish the follow-up on the Curley thing again. When this Jaynes fellow came to New Hampshire, he had to turn his license in to the Department of Safety in order to get a New Hampshire

license. That license obviously is sent back to Massachusetts? Is that the process?

Mr. Stephen: Yes.

Rep. Letourneau: And he had outstanding warrants down there from what we understand here. Why is it that that wasn't notified to New Hampshire at that time?

Mr. Stephen: Again, I haven't researched that issue. Mr. DeVere might be able to answer that question. What I think, I'm just speculating now, it was probably that he didn't have any driving-related offenses on the Problem Driver System in the State of Mass., but Mr. DeVere can answer that. I don't know the answer.

Rep. Letourneau: I don't mean to put you on the spot, I just thought maybe you could answer the question of why we didn't know about the warrants.

Chairman Packard: I guess I'm trying to follow everything here. If this person was so bad in Massachusetts, why did not the Mass. authorities go after him? I guess that's kind of a speculative question, but...

Mr. Stephen: I don't know. But if it was in New Hampshire where the offenses occurred... I was a prosecutor, as you know, down in the Hillsborough County Attorney's Office. I worked closely with the sheriff's department there. They've got people every day picking up *capiases* that came down from a court when someone fails to appear or someone jumps bail. Every sheriff's department in the state, they have a *capias*. They've got sheriff's deputies. They go out and try to find them. They do the best they can. In our state, you know, we rely on their efforts, and I think they're doing a good job. And if they were here, they'd probably say they're doing the best they can. But can they improve? Possibly. Can we all improve? Possibly. But the question here is how do we improve and we need resources. And that's really what it is.

Chairman Packard: If this system was in place, say, theoretically we were to pass this, and this guy, was his name Mason? Jaynes? If he had been turned over to this SIU Unit, or would a separate trooper been sent out? What would have happened at that point?

Mr. Stephen: I can't answer that. I would have to run his name and date of birth and see if it was an NCIC hit. Maybe Mr. DeVere has done that. And if there was an NCIC possible match, *Soundex*, then we'd have to look at other factors. And then we'd have to go out and track him down, figure out where he was. And then we'd have to see if he was the person that met that match. So without going through that exercise, Representative, I don't know what came on that NCIC...

Rep. Packard: My question is, where would that go from the point that the initial hit was...

Mr. Stephen: See, if this were to work, if this bill were to be drafted, I guess the way this is written, we would have to then have the clerks that run the checks first go through the training. The training is a few days or a week at least to learn the system. Then they would probably then turn it over to SIU or some trooper to go out and look. That's why we think we'd need an additional trooper because you've got to have that person to do the actual leg work. The NCIC though, again, keep in mind, it's only as good as the information that's inputted. So I don't know in that case if the out-of-state jurisdiction put the warrant in the system. I assume they did, but maybe...

Chairman Packard: I understand. I just wanted to know where the process went.

Gary Gilman, Manchester: I don't want to take up a lot of your time, but I just want to say I'm a member of the New Hampshire chapter of "Parents of Murdered Children," and I have been since 1993 with the death of my son, Paul. "Parents of Murdered Children" is a self-help organization for the emotional support of family and friends who have lost a loved one through homicide. Since I've been a member, since 1993, I've seen its membership grow, and that's why I'm here in support of this bill. I think it would be an important tool for law enforcement to keep murderers and rapists and other criminals behind bars where they belong. If you pass this bill, you will be responsible for saving countless numbers of lives and prevent criminals from creating survivors such as I. I just wanted to state that, and I wanted to thank you for your time.

Mr. DeVere: I'd like to talk about PR bail. I didn't bring that up in my testimony. In 1990, I went to Representative Bob Daly, and I told him that

people in my county who were picked up for drunk driving, if I was picked up and somebody else picked up for drunk driving, if I had $500 in cash, my bail is $500 in cash. If somebody else doesn't have any money, their bail is PR bail. In the history of New Hampshire, when somebody doesn't show up, if I don't show up in court for drunk driving, the judge keeps my $500. In the history of New Hampshire, all the people who have been defaulted on PR bail, never had to pay the state one penny, which was millions of dollars. I had a friend, a county attorney, and he was a judge, Judge Paine[sp?], and John was good friends with him. I went to him and I asked him, "Why don't you bring this man in front of court and get the $500 he owes the state?" It was up to the county attorney to take somebody in front of the superior court and have a hearing, a civil hearing, on paying the state back money. So, Representative Bob Daly put a bill in that when you default on PR bail, when a judge defaults you, you owe the money to the state. And that was going to be put in the DWI bench warrant fund to fund police going out and arresting people. When it was written, it was only put in motor vehicle-related defaults. And that's brought in over a half million dollars in the past ten years. Only the chief of police in Enfield has collected twice on it, $99, and it's only because I went to him. No other police have put in for this half million dollars that's been available to the police. And that fund currently has $300,000 in it. It's actually unconstitutional to do that to people if it's motor vehicle related, if you don't do it to the criminals. You have to do it to everybody. And what this bill says is if you default on PR bail for motor vehicle or non-motor vehicle and the judge defaults you, you owe the state the money and it's put in this bench warrant fund now that funds breathalyzers. There's no mention of $200,000 going to the Department of Safety, no mention of a new unit of State Police. The conversation that John had with the head of the AOC, I had the same conversation, and John misinterpreted what he said. He asked what amount of money for non-motor vehicle offenses. That's Fish and Game violations. Nobody's ever had to pay PR bail until this bill went into effect in 1990. So we're just making it for criminals, along with motor vehicle offenses, to go into this, it's called the "default fund" now, rather than "DWI bench warrant fund." But there's no funding for troopers. I gave John a copy of the bill that Senator Trombly put in, and it was for 20 new troopers, you know, two in a cruiser. Senator Trombly's bill was killed and Senator Trombly is 100 percent for this bill. Not for the troopers now. He's for this bill. He got on the Senate floor and said if that guy, Charles Jaynes had to wait four more minutes in line for a driver's license and was arrested, that he'd be willing to wait an extra four minutes to get his license renewed. The Senate voted 23 to 1 to pass this

bill. So, I just wanted to make it clear on the PR bail. That's money to go into a fund and John can use it to buy breathalyzer machines, he can pay police to go out and arrest people on bench warrants, but it's no unit of State Police, no additional personnel. The question was asked why they didn't arrest Charles Jaynes. And on page 7 of this report that the Legislature found that the Registry was at fault for giving people who were wanted licenses. This is a senator telling the committee: "The key player in the efforts to snag warrants and scoflaws was the Registry of Motor Vehicles was criticized in the January report, this is the report, for issuing new licenses to some people wanted in felonies. The legislature is very upset now. Why would you give the privilege of a license when they're wanted? And here's the report. A child's murderer was wanted on 75 warrants. On April 1993, Charles Jaynes wrote a letter threatening to rape a high school teacher and her children. He was convicted of making a threat, sentenced to a year of probation, ordered to seek psychiatric help. Only three months into his probation, he stopped appearing for meetings with his counselor and probation officer. He started accumulating default in other arrest warrants for such crimes as violating probation, robbing ATMs, fraud, forgery. In 1994 to October of '97 when Charles Jaynes was arrested and charged with the murder of 10-year-old Jeffrey Curley of Cambridge, he had accumulated 75 warrants. During this time, he lived in plain view of the police in Brockton with his father and then in Cambridge with his mother, apparently without any fear of being arrested on those 75 warrants. John wants 20 new troopers, and it's just like years ago when we had smoke detectors, whoever is in charge of this building has to have a smoke detector. He said, "Well, let's not put smoke detectors, let's get firefighters driving around looking for fires." And that's what it is. They don't want to use the technology that's available, that can catch them right at the counter instantly. They want to let them go out and drive around and commit other crimes in New Hampshire and hope they get stopped. I drive 50,000 miles a year. I never get stopped because I don't want to get a ticket. Those people who are wanted, they're going to drive just like I do. They don't want to get stopped. This is the Boston Herald, February 24th of this year. A six-year-old boy was dragged to his death. A guy hijacked the car, pushed the mother out of the car, hijacked the car. The guy was just released from jail that morning, and come to find out, the guy was wanted in other jurisdictions and the sheriff didn't check NCIC. The sheriff said, "It's not my job to check NCIC." Well, I've talked with the sheriffs in New Hampshire and they don't let anybody out of jail without checking NCIC. And they all tell me it takes under 15 seconds to do the checking and it's free, and they'd be negligent if

they ever let somebody out of jail without checking. If there's some criminal that's in jail, some police department finds out, solves the crime, puts out a warrant for somebody, it would be a crime to let somebody out of jail. And this is what happened to this six-year-old boy. So this is a good bill. It's not going to cost anything, even if we gave them one labor grade 8, clerk, to do the checking, and there are women that do this checking at Motor Vehicles. They could take that money out of this bench warrant fund, where there will be plenty of additional money, because we're going to charge criminals on PR bail. So if we gave them one labor grade clerk to do the checking, I think that would be a good idea. But if they checked me in 18 seconds yesterday, you know, if they just took a minute every day, every person, we could do the checking. Maybe they need one labor grade 8 thing, but no troopers. This bill doesn't say troopers to go out and pick them up. This says we don't give them a permanent license. Now, if Commissioner Flynn wants to report to the town of Tuftonboro that some guy who is wanted for rape in Massachusetts just got a temporary license and you might want to go pick him up, he can do that. But this bill doesn't say it. This says, don't send him a permanent license. That's what we're trying to do here.

Rep. Katsakiores: If we followed your rationale here, you say they don't have to send somebody out to extradite them, and then you say they don't have to do that, and yet our purpose is mainly to reduce the criminals out there that are driving, isn't that the thrust of your argument? If that's the case, then it's going to cost to get these people off the streets and get their licenses from them?

Mr. DeVere: They didn't ask for additional personnel then. Their job is to arrest criminals. If we can better identify who they are, that doesn't mean they get extra troopers. John says it's not much of a problem and then they say they need all these troopers to go arrest these wanted people. I don't see how they can have it both ways. I really don't.

Rep. Letourneau: Mr. DeVere, you mentioned that they could hire a clerk to do these NCIC checks, and I'm looking at these NCIC checks that are in this brochure Mr. Stephen provided the committee. I consider myself a fairly intelligent guy. I can't make heads nor tails out of this. I mean, you'd have to be trained and experienced in looking at NCIC checks in order to, I mean, you have to be qualified. I think that a person that's qualified is a police officer who's trained in NCIC technology. There's a lot of numbers

here and there's a lot of shorthand, which I don't understand the shorthand... So you expect a level 8 clerk to do this?

Mr. DeVere: Well, a level 6 does it now. A female did it for me yesterday. If you come from Massachusetts and you want to carry a gun in New Hampshire, you go over to the Department of Safety to the second room on the left and you apply and they check you NCIC. If you want to be a security guard, they check you NCIC. If you want to be a private investigator, a female clerk, labor grade 6, does all that checking. I'd be glad to take you over today and pay the $10 to check your criminal record and do an NCIC check. It'll take under 30 seconds, and a female clerk will do it. You mentioned that John did his NCIC check. I have John's NCIC check, and the man that was a hit on John was named Reed, John Stephen. He has the same date of birth as John, but his social security number is 566, and John is Stephen, last name – not Reed. Their first names are the same, middle initials are completely different, and John's social security number is 001. This would not be a hit. John testified in front of the Senate that he was wanted in all these things, all these aliases. We do not do the aliases on this. We only check the exact name on the hit against the license being surrendered. So this is not a hit on John Stephen, and the man coming in to get a license would walk out with a license and he would not be wanted. So, females do that now.

Rep. Letourneau: How many people go over to the Department of Safety to get an out-of-state gun permit or a private investigator license a day?

Mr. DeVere: I have no idea, but there is always somebody in that room. I bet you there's 50 or 100 people that go there every day. They have to pay $10, and certainly the Department would know those figures, but there's always somebody in that office. When I was there for that minute yesterday, three people came in. And they arrest them there. A guy who is wanted in Texas for rape, he can go in there and apply for a security guard license. He's already got his driver's license, his registration. He thinks he can beat the system, but he doesn't know they check NCIC. They've arrested wanted fugitives in that office applying for a gun permit, private investigator's license, and for a security guard. So it is a problem. They identify them and they arrest them right there. So it's being done.

Chairman Packard: Further questions? Thank you.

Senator Roberge: I just want to add that I own a large apartment building in Manchester, and because of the nature of the people that live in our building, anybody who is hired by me I have them checked over at Safety at NCIC for a criminal background because I do not want to be responsible for hiring somebody who may have a history of theft and might steal from my tenants. I would certainly be liable for that. So everybody who gets hired by me goes through NCIC.

Chairman Packard: With no further testimony, we will close the hearing on Senate Bill 337.

Testimony

DRAFT 5-8-00

SB 337

Transportation

May 2, 2000, 10:00 am

TESTIMONY

Sen. Sheila Roberge, Dist. 9, Prime Sponsor:
Sen. Roberge introduced the bill and explained how it would work. Sen. Roberge suggested that several speakers to follow would go into the details of the bill. However she felt that New Hampshire might become a dumping ground for criminals should this bill fail to pass.

Rep. Jeb Bradley, Carr. 8, Co-Sponsor:
Rep. Bradley felt as though if this bill was in place that the young Curley boy may not have been murdered because there were outstanding warrants in the state of Massachusetts on the perpetrator. Rep Bradley suggested that this bill could be a solution to the outstanding fines and that the Dept of Safety would need to establish new rules should this legislation pass.

Mr. Peter DeVere, Melvin Village: in support
Mr. DeVere opened by explaining that this bill would only effect new residents moving into New Hampshire from out of state. Mr. DeVere talked at length about people moving into New Hampshire and receiving NH drivers licenses after surrendering their current license that they held from the state they moved from. Mr. DeVere feels that they should be subjected to a NCIC criminal background check before they are issued a NH driver's license. He further stated that they would only need to be checked for an exact match, no soundex. Mr. DeVere claimed that there would be no cost associated to this bill and asked that the committee request an amended fiscal note. Mr. DeVere stated that he went to the Dept. of Safety yesterday (5-1-00) and paid $10 for a criminal background check and that the clerk checked his record in 18 seconds and that a NCIC check was automatic in 1 second and it is free.
During questioning Mr. DeVere was asked if he believed that the clerks at the Dept. of Safety were qualified without special training to do NCIC background checks. He replied that "yes" they could and that they were able to do his without any trouble.

Mr. John Stephen, Asst. Comm. DOS: in opposition * written testimony and supporting information included.
Mr. Stephen began his testimony by making it clear that "no one is opposed to catching wanted criminals" however there is a cost associated with this process. Mr. Stephen explained that NCIC is based upon the soundex system and that you cannot change the system. Mr. Stephen further explained that after a similar bill was filed in 1995 and was sent to Interim Study, the Dept. of Safety did a pilot project on this subject matter to determine the benefit it would provide for pubic safety.

The Dept checked 16,000 new license issued, possible NCIC hits 33, positive hits 6. After 101 hours of research and computer time with an estimated 45 more hours would be needed only one individual was identified positively as a suspect in a robbery. Mr. Stephen suggested that the most effective way to apprehend criminals is to simply provide more State Police officers and went on to explain that more wanted suspects are apprehended during routine traffic stops that through NCIC background checks of every individual applying for a new NH drivers license. Mr. Stephen felt as though applying resourses to where there is a proven success rate, would better use of those resources. No other state is currently doing this; most likely because of the previous mentioned issues.

Mr. Stephen provided the committee with a copy of the mandatory fields for record entry using the NCIC system.

Mr. Stephen then explained to the committee what the law enforcement community is doing about outstanding warrants. There is a Fugitive Task Force, combined of Federal, State, County and Local law enforcement departments that resulted in the apprehension of 78 fugitives and clearing an additional 48 outstanding warrants held by the Hillsborough County Sheriff. The complete report is included in the written testimony introduced by Mr. Stephen.

Mr. Stephen further thought that the default money in the bill was in doubt, most likely around $17,000 a year realistically.

During questioning Mr. Stephen was asked about the cost to implement this program. Cost estimates were $1.3 Million to start, $1.4 Million next year, and $1.5 in 2002, $2 Million by 2005.

Mr. Gary Gillman, Manchester: in support
Mr. Gillman testified that he was a member of the "Parents of Murdered Children" and that he supported the bill and felt that all that could be said was already do so by previous speakers.

Mr. Peter DeVere: added a few more comments

Sen. Roberge:
Added that she has all her employees checked by NCIC here in Concord.

Closed public hearing 11:45 am

These minutes are from my notes taken during the public hearing. For addition detail, the complete hearing was also taped and these tapes are included in the file for accuracy.

Respectfully submitted,

Rep. Robert J. Letourneau, clerk

SB-337

75,861 COURT DEFAULTERS

OWE

$6,343,000. DOLLARS IN OUTSTANDING FINES AS OF 3/16/00

X 12% INTEREST PER YEAR

$ 761,160. INTEREST ASSESSED EACH YEAR

Out-of-State Resident Obtaining N.H. Driver's License
The Process

Any nonresident wishing to obtain a NH driver license MUST:

1. Established a bona-fide residency in NH
   (RSA 263:35 and RSA 261:45 grants a nonresident 60 days from the date they establish residency – to transfer driver licenses and registrations.)

2. MUST show valid proof of residency –such as a bill from a major utility, or a letter from the city or town clerk

3. MUST surrender any and all out-of-state driver licenses at the time of application

4. MUST pass eye exam/test (also the written and road if not currently licensed in another jurisdiction)

5. MUST pay fee

6. MUST have photo taken

Once 1-6 is satisfied, the driver is given a 6-month temporary license.

6. Within that 6-month period, driver licensing MUST run checks on the individual in all 50 states. As all states are not computerized, letters to those not computerized are written and mailed. Results from those letters can take weeks to ascertain whether or not there are any outstanding suspensions or revocations.

7. Driver licensing MUST then run a check with the problem driver pointer system (PDPS), which is a Washington based data base.

9. Once all the approvals are in, driver licensing MUST then print a new driver license and then mail it to the new resident's address.

10. The out-of-state licenses MUST be mailed back to the originating state.

11. An additional check MUST be done on any commercial driver licensee through the CDLIS (Commercial Driver License Information System).

Key facts re: SB 337

1. Approximately 2300 new residents are given 6-month temporary licenses each month

2. A National Criminal Information Check on all new residents will result in approximately 26,400 checks a year.

3. Based on the Department's 1995 Pilot Project, where the names of 16,000 licensees were entered into the system and 1600 "possible NCIC hits" identified a person with an outstanding warrant in 4 cases, it is estimated that the project will result in the following:

    - approximately 10% of the checks, or 2,640 will come back with "possible hits" and will need further review

    - After review by experienced division of state police personnel, approximately 52 names would be turned over to the division of state police intelligence unit for further investigation. The SIU would cross-reference other sources and make phone calls to outside jurisdictions.

    - SIU personnel will then begin the process of investigating the 52 names to determine whether the person applying for the license is the actual person named in the NCIC file. After an intensive investigation, approximately 6 individuals would be found to have actual outstanding felony warrants.

    - SIU personnel would then attempt to locate these individuals.

Once located and arrested, the State for which the warrant is outstanding would have to be notified and be willing to extradite. From the results of the 1995 pilot project, it is expected that some states will refuse to extradite

SB337 Docket

Bill Title: (2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

Date	Body	Description
1/5/2000	S	Introduced and refer. to Transportation; SJ Convening Day, Pg. 8
1/6/2000	S	Hearing , Feb. 8 , Room 104 , LOB , 3:30 p.m.;SC1,Pg.8
2/16/2000	S	== RECESSED Feb.8 ==
2/16/2000	S	==NEW DATE== Hearing, Feb.22, Room 104, LOB, 2:45 p.m.; SC 12, Pg.9
3/6/2000	S	Committee Report Ought to Pass with Amendment{3643},[New Title]; SC15 Pg.5
3/9/2000	S	Ought to Pass with Amendment{3643},[New Title], RC 16y-7n, AA,[Rule 24] Refer to Finance
3/9/2000	S	SJ 5, P 149-150
3/21/2000	S	Committee Report Inexpedient to Legislate; 3/23/2000, SC18
3/23/2000	S	Inexpedient to Legislate (not voted on); Sen Trombly Sub Motion , OTP (Not voted on)
3/23/2000	S	Sen. Larson Moved Laid on Table, MA, VV; SJ 7, P 202-203
3/30/2000	S	Sen. Roberge Moved Remove From Table, MA, VV; Inexpedient to Legislate Not Voted On
3/30/2000	S	Sen. Roberge Sub Motion Ought to Pass, MA, VV
3/30/2000	S	Sen. Roberge Floor Amendment{3964},[New Title], Not Voted On
3/30/2000	S	Sen Russman Moved Laid On Table, MA, VV; SJ 8, Pg. 240-242
4/20/2000	s	Sen. Roberge Moved to Remove from Table, MA, VV; SJ 11, Pg.315
4/20/2000	s	Sen Roberge Floor Am, {4196} [2nd New Title], AA, VV; SJ 11, Pg.315-317
4/20/2000	s	Sen Trombly moved to Suspend Rule 24 nec 2/3 vote MA, VV; Refered to Finance[Rule24];SJ 11, Pg.317
4/20/2000	S	OT3rdg MA, VV; SJ 11, Pg.317
4/20/2000	H	Introduced and ref to Transportation;
4/24/2000	H	Copy to Chairman on 4/24/2000 due Early f
4/24/2000	H	Hearing May 2 10:00 RM203,LOB

SECTION 2--ENTRY

2.1 EXAMPLE OF AN ENTRY

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EW-C.MD1012600.DOE,   JOHN   J.M.W.TX.101231..510.175.BRO.BRO..DRK.SC   R   HND.
121011CO141159TTCI13.AS-375145249.375145249.34862561.MD.84.0907.120186.TEST.
ARMED AND DANGEROUS--TEST RECORD.ABC123.MD.83.PC.2Y27H5L100009.75.PONT.VEN.
2D.BLU
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Acknowledgment:

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MD1012600
NAM/DOE, JOHN J NIC/W146203706
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2.2 MANDATORY FIELDS FOR RECORD ENTRY

The following fields are mandatory to cause acceptance of a wanted person entry into NCIC storage: MKE, ORI, NAM (The base record NAM must be included in all entry messages, and it must contain the individual's true name), SEX, RAC, HGT, WGT, HAI, OFF, DOW, OCA, and at least one of the following numeric identifiers: date of birth including month, day, and year; stolen/fraudulent name and stolen/fraudulent date of birth, (a stolen/fraudulent name is required if a stolen/fraudulent date of birth is entered as the only searchable numeric identifier); FBI Identification Number; miscellaneous identifying number other than originating agency police or identification number; Social Security number; operator's license number with operator's license state and operator's license year of expiration; license plate number with license plate state, license plate year, and license plate type; or vehicle identification number with vehicle year, vehicle make, and vehicle style.

The mandatory fields for entry of a record permit entry when the only known identifier for an individual is a stolen/fraudulent identifier. Since stolen/fraudulent identifiers are processed as a supplemental record, and since at least one unique identifier is required to enter a base record, the base record entry format allows an entering agency to transmit both the base record and one of each type of stolen/fraudulent identifier in one transaction. This provides for the inclusion of a numerical identifier for record entry purposes.

The base record entry format includes one of each of the stolen/fraudulent identifier fields. These fields immediately follow Vehicle Color (VCO) Field and are entered in the following order: stolen/fraudulent name; stolen/fraudulent date of birth; stolen/fraudulent Social Security number; stolen/fraudulent miscellaneous identifying number; and stolen/fraudulent operator's license number, state, and year of expiration. For example:

From US DOT: FBI NCIC operating MANUAL REV. 1998

Wednesday, May 3, 2000

Criminal checks on drivers: Worth it?

By Liz Anderson
Eagle-Tribune Writer

CONCORD -- No one denies the state might nab a few wanted criminals if it begins checking up on people applying for New Hampshire driver's licenses.

But some question whether the money would be well-spent.

Right now the state checks whether a person has outstanding traffic tickets or other driving mishaps on his record. But officials do not run the person's name through a national database to look for criminal arrest warrants.

The bill under consideration in the House would require the state to do the criminal background check after a person has obtained a 6-month temporary license but before his permanent license is issued by the state.

It has already passed the Senate, where it was changed from a proposal that originally called for all drivers to be checked when they obtained or renewed their licenses.

The bill's sponsor, state Sen. Sheila Roberge, R-Manchester, said the state could become a "dumping ground" for criminals from other places if the change is not enacted.

"We feel it's about time we do this," she said.

A co-sponsor, Rep. Jeb E. Bradley, R-Wolfeboro, cited the notorious murder of 6-year-old Jeffrey Curley in Massachusetts in 1997. He said one of the killers had obtained a New Hampshire license shortly before the crime -- despite the fact that the man had many outstanding arrest warrants in

Massachusetts.

If New Hampshire had checked up on him, Rep. Bradley said, it could potentially have saved the boy's life.

Peter DeVere, an activist who pursues changes to the state's motor vehicle laws, said Massachusetts lawmakers were considering a measure similar to the New Hampshire bill.

Mr. DeVere said it was strange the state would check to see if someone had a speeding ticket or whether the car they planned to register was stolen, but not whether someone was wanted for murder. He said New Hampshire authorities already do 16,000 criminal background checks a day and the change would add 150 more at little or no cost.

Assistant Safety Commissioner John Stephen challenged that contention, saying the state would need a clerk to look up the extra records and at least one trooper to make sure those who appeared questionable were really wanted criminals and to track them down.

"To say it costs nothing is laughable," he said.

Mr. Stephen said the state ran a pilot program in May 1994 in which it checked every person applying for or renewing a driver's license. The screening turned up six people who were wanted and another 33 people who might be, of which only four had outstanding warrants. Two of those were in state; and the states that wanted the other two people refused to bring them back to face charges, he said.

He said when he checked his own name in the database he came up with people with similar names wanted by police around the country -- proving it would take time to weed through the possible "hits" on a name.

Mr. Stephen estimated the bill in its current form could cost $200,000 a year, and said the money spent on the work was better spent putting troopers out on the highways where "maybe you'll catch more than four."

Members of the House Transportation Committee who attended the hearing gave the bill what appeared to be a skeptical reception.

Rep. Robert J. Letourneau, R-Derry, for example, questioned whether criminals would simply get around the requirement.

"If I'm a wanted felon I'm probably not going to go to a state agency and give them correct information," he said.

The lawmaker said after the hearing that he was no stranger to confusion in police record checks. He recalled a 45-minute wait he endured once after a traffic stop while a Massachusetts state trooper ensured he was a different man than the Robert Letourneau wanted for a murder.

He said the bill was too "big brother" for his tastes, adding, "You're going to put a lot of people through an unnecessary process."

Committee chairman Sherman A. Packard, R-Londonderry, said he believed the bill had a lot of problems, and the committee may not have enough time left to work through them. Under the House schedule, the committee will have to take a vote when it meets again Tuesday on whether to recommend the bill be passed, killed or studied.

Liz Anderson covers politics for The Eagle-Tribune. She can be reached at (978) 946-2179, by mail at Box 100, Lawrence, MA 01842, or by e-mail at landerson@eagletribune.com.

Next Story: More cars clog I-93

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Contact Online editor



The owner of Dunkin Donuts on Union Avenue in Lakeport, visible in foreground, wants to move his operation to the site of the 19th century Clark House across the street.

(Citizen Photo/Jim Cole/AP)

LACONIA — Word that the owner of a Lake- the petition. A total of 10 petitions are being cir retary o port Dunkin Donuts franchise does not want to relocate around the community. cuss the clear down a local landmark is being well The petition drive was launched after the city Tibbett received by a community group, but it still plans said it had received preliminary plans for a new had mad to press on with efforts to save the plan said. Dunkin Donuts store that would require tearing down Clear the Capitol Victorian house on Union Avenue. the house filled with Hundreds of people have already signed a pe Dunkin Tuesday Marie Babcock said. was raised. "I plan to save the Clark House. never said to anybody that the plan to tear down to build

"I didn't know that many people were interest the building. There are so many things you can't ed in Victorian houses," said Wanda Tibbetts as she was first learning that demolition would be a

Background checks urged

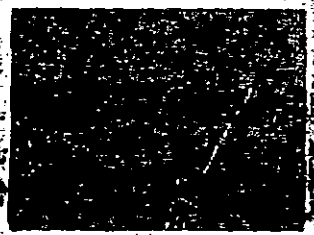
Proposal seeks to nab felons applying for a drivers license

By BEA LEWIS
Staff Writer

CONCORD — Assistant Commissioner of Safety John Stephen testified before a House committee on Tuesday that his department shares an interest in arresting wanted felons but questions whether proposed legislation mandating criminal record checks on drivers is the best way to do it.

The House Transportation Committee is now considering legislation that would require any person applying for a license to have his or her name run through the National Crime Information Center (NCIC), a federal data base of court defaults.

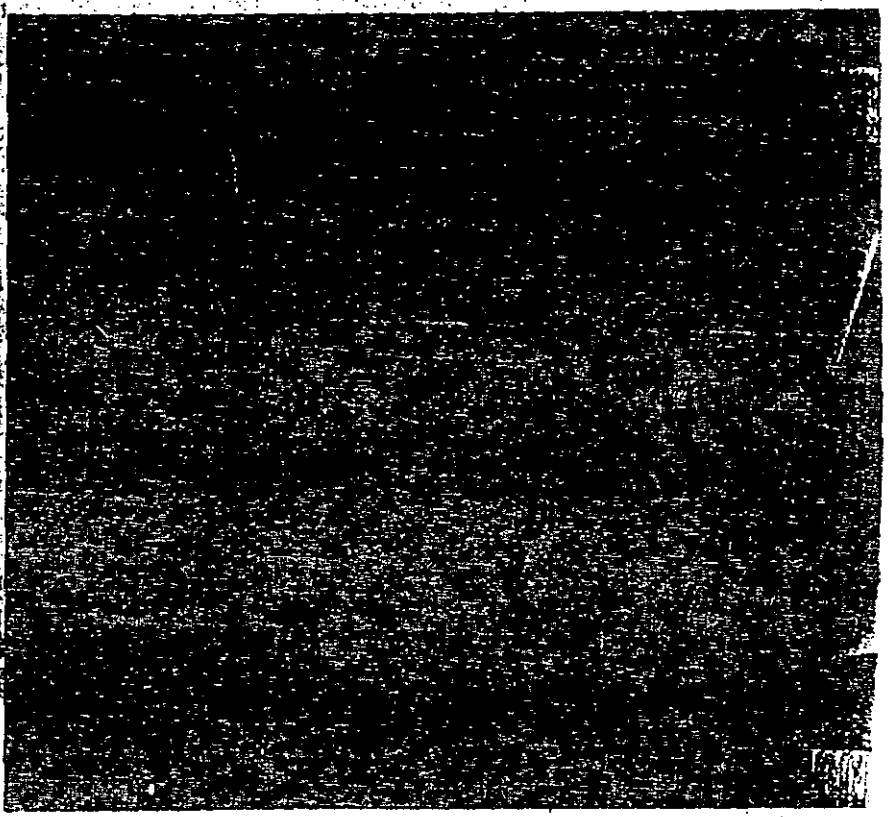
Without added personnel, Stephen said, the Department of Safety would



Anti-drunk driving activist Peter DeVere of Tuftonboro gets his point across as he testified before the House Transportation Committee on Tuesday.

(Citizen Photo/Bea Lewis)

FELONS, Page A6



Assistant Commissioner of Safety John Stephen holds a document aloft during testimony before the Hous Transportation Committee. The Department of Safety needs more staff if lawmakers support a bill ma dating criminal record checks on drivers, he said.

(Citizen Photo/Bea Lewi

Sex offender loophole leaves NH at risk

By RAY CARBONE
Staff Writer

CONCORD — The New Hampshire State Police Trooper who manages the state's sexual offender registry says people need to understand the threat of Granite State child sex offenders moving to Maine.

Trooper Bill Rockey told *Fos-ter's Sunday Citizen* that in conversations with police officers around the state she had learned that a small number of people who were on the Granite State's sex offender registry had moved to the Pine Tree State recently. That's because out-of-state offenders who were sentenced before September 1998 are not listed on the public "Megan's Law" list in Maine.

Maine officials responded by saying that sexual offenders are usually under some kind of probation or parole, and because of that, they are registered with police authorities when they move into the state.

But the authorities also admitted that the out-of-state offenders are not on their "Megan's Law" list, which was institu allow people to be aware of the offen presence in the community, and that make Maine attractive to them.

However, the problem is more signif than just that, Rockey said Tuesday

MEGAN'S LAW, Pag

MAY-05-2000 11:03 NH SAFETY DEPT COMM OFFIC 6035271505 P.02/03

MAY-25-2000 11:04 NH SAFETY DEPT COMM OFFIC 6032711403 P.03/03

...interest.

Pernaw said from studying Resio Associates' results and from conducting his own spot testing of traffic patterns Monday, Pernaw determined that traffic patterns have not changed much since 1998 when the first studies were done.

"It shows that things haven't changed significantly," Pernaw said.

By studying the traffic patterns and 1990 census data, Pernaw said that the most of the traffic flows north from Belmont to Laconia. Over 1,000 Belmont residents work in Laconia. That's 70 percent of the traffic flow which heads north in the morning, and 65 percent heads back during the peak hours of the afternoon.

Traffic from Laconia also uses Route 106 as a means to get to Exit 20 via Route 140 instead of going by Route 3 through Tilton. Currently, Pernaw said that depending on where a car is in the city of Laconia determines which route the driver chooses.

Route 106 then cuts the corner.

"If you build this, it will now be the fastest route," Pernaw said, adding that as many as 1,035 cars a day would be drawn from Route 3.

The southerly route being considered would do nothing to lessen the northerly traffic flow. One of the few advantages of S3 would be to allow traffic to get to New Hampshire International Speedway faster. The only other advantage would be that some traffic coming from the south on Route 106 would be diverted, so there would be a big drop in Concord Street traffic. The downside would be that Jamestown Road would end up picking up more traffic.

Pernaw also said that the bypass routes currently being considered are large projects and expensive projects. Given that even though traffic volumes are expected to grow, if they are not that high. Also, Pernaw reminded the town that the expansion of Route 106 to five lanes is slated in the DOT's 10-year plan. That alone would alleviate some of the long run.

Pernaw's suggestion to the town was something many already knew — none of the current options, save improving the existing Route 140, is the best solution.

He said the town needs to determine what the main goal of having a bypass would be for the town and then it needs to come up with its own bypass option, one that is smaller in scale and perhaps made from a combination of existing options, or it could decide to improve the existing route.

The Board of Selectmen and the Planning Board decided to meet with Pernaw on May 8 and draw up some preliminary alternatives during a work session between the two boards.

Town Administrator Debbie McClelland said that the boards would then schedule a public hearing where residents could see the new options and offer up suggestions of their own.

"It's rumor and gossip," D'Allesandro said. He and co-sponsor Sen. Arthur Klemm, R-Wenham, ...

Lovell called video slot machines the most addictive kind of gambling.

week. He would not elaborate on what he has in mind. Sardinha current operates a Dunkin Donuts across Union Avenue from the Clark House. Tibbetts acknowledged that current location is too small. The house was built in the late 1800s by Samuel Clement Clark, a local lawyer with gubernatorial aspirations. Clark's daughter, Clarabel, lived in the house until the 1940s. Since then, the house has changed hands many times, housing a clothing and import boutique and later two restaurants. Most recently it was the location of Plant Peddler, a nursery that went out of business last year. A attempt to ...

auction the property off earlier this year failed, when no one met the minimum bid.

The property is currently owned by the Wentworth Corporation.

Tibbetts said that a couple of association members would try to make an appointment with Sardinha to discuss his plans.

"We're not going to stop just because he says the building isn't going to be demolished. We'll keep going until we see the plans," said Tibbetts.

Interest in the house has prompted a larger turnout at association meetings, according to Brock.

Tibbetts said that with high hopes ...

on the property she understands that the only sensible use for the site is for a business. "It's never going to be a home again," she acknowledged.

In addition to trying to build local support for saving the building, Tibbetts said that her group has been in contact with Dunkin Donuts headquarters. She said the company official she spoke to asked that the association keep the firm informed about the group's efforts.

The Lakeport Association is scheduled to meet again on May 16.

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The Associated Press contributed to this report.

FELONS,

From Page A1

be hard pressed to complete the checks.

He told House members that NCIC uses a "sounder system" which assigns a certain numerical value to each letter of the alphabet, excluding vowels. The typical NCIC inquiry based on a name and date of birth, Stephen explained, will generate a response which lists persons on the system who have similar names and dates of birth. To weed out false positive matches, Stephen said, is labor intensive. And even when wanted felons are identified, depending on the felon's severity of the charge, some agencies are unwilling to travel to New Hampshire to extradite an arrested person.

Stephen estimates that approximately 2,300 new residents are given six-month temporary licenses each month. A National Crime Information Check on all new residents will require some 16,400 checks annually, Stephen told the committee.

Anti-drunk driving activist Peter DeVere of Tuftonboro, who has been pushing for the bill's passage, told committee members the legislation sponsored by Sen. Sheila Roberge (R-Bedford) is specific. Only applicants whose names and dates of birth are an exact match with NCIC will be denied a permanent license.

"We're not telling them that they have to go out and arrest them, just don't give them a permanent license," DeVere said.

The Department of Safety currently has a trained clerk who uses NCIC to check out-of-state residents seeking pistol permits or people applying for a license to work as a private investigator or security guard, DeVere told the committee. On Monday, DeVere said, he paid the $30 fee and filled out the needed paperwork to have his own name run through the NCIC computer.

He maintains that two trained clerks who could be paid with money taken from the state's bench warrant fund could complete the added checks. The bill would target on the fellow through on warrants, prompting the state to comply with existing RSA 263:56-A that mandates that anyone in default shall lose their license, or if it's motor vehicle related, also have their registration suspended.

But Stephen argues the department of safety has a much greater chance of arresting wanted felons on the road than at the licensing counter, maintaining hiring new troopers is a much better use of state resources.

He said the department shares DeVere's goal of snaring wanted felons, but questions whether this bill is the best method to do it.

"We're not opposed to the idea of catching wanted felons," Stephen said, reminding lawmakers that Commissioner Richard Flynn asked for 20 additional state troopers this year. There were 140 traffic fatalities in New Hampshire last year, and Flynn believes hiring more troopers will help save lives.

"Instead of installing smoke detectors, they want to hire firemen to drive around looking for fires," he told the committee, which is chaired by Rep. Sherman Packard (R-Londonderry).

In 1995, in response to SB 167, the Department of Safety conducted a pilot project to test the feasibility of a similar proposal. The department used NCIC to review a month's worth of license applications and renewals amounting to a total of approximately 16,000 names. A computer comparison between DMV files and the NCIC system yielded about 1,800 possible hits, which were reviewed by civilian personnel in the Division of State Police. All but 33 of the cases were ruled out as a result of that review.

Those 33 names were turned over to the state police intelligence unit (SIU) for further investigation. After checking with out-of-state law enforcement agencies it was determined that seven of the 33 hits were most likely accurate. Ultimately, Stephen told the committee of the 14,000 names run, four turned out to be correct NCIC hits.

But following the hearing, DeVere said the pilot study turned up nine genuine hits.

In April, DeVere won a right-to-know lawsuit against Flynn which required the Department of Safety to release statistics showing that 58 people who were wanted felons in 1998 are licensed drivers in New Hampshire.

Gary Gilman of Manchester, a member of the New Hampshire Chapter of Murdered Children was among those testifying in support of the bill on Tuesday.

"This (bill) is an important tool in helping to keep murderers and rapists where they belong behind bars," said Gilman whose son, Paul, was stabbed to the heart by his wife in 1989.

Rep. Jeb Bradley (R-Wolfeboro) also spoke on behalf of the bill urging the Department of Safety to show a willingness to make the measure work. Sen. Roberge has sponsored similar legislation six times, but the Department of Safety's opposition has always helped scuttle enactment of a criminal record check law.

Following Tuesday's two hour hearing, DeVere said, he wrote an amendment which would allow the Department of Safety to hire a grade six clerk and a grade 11 supervisor who would be paid for by the bench warrant fund to help complete the checks.

Rep. Robert Letourneau (R-Derry) is among committee members who question whether the bill will accomplish what its supporters want it to do.

"I think it adds another level of bureaucracy without any net gain," he said following the hearing.

Rep. Packard, who chairs the committee, lamented that the proposed bill remained tabled in the Senate providing little time to craft an amendment before the measure must be heard on the floor of the House.

"I see a lot of problems and I'm not sure this bill is going to do exactly what they want to do," he said.

on the explicit nature of the depositions.

Though he has yet to fully read Attorney General Phil McLaughlin's interview with Fox, Jacobson said the Fox deposition seemed to cover the same ground as McLaughlin's report.

"There's no interplay," Jacobson said of committee members interrogating the witnesses. Questions from committee members may only be given to the special counsel, Joseph Steinfield, who then questions the person being deposed, Jacobson said Tuesday.

The House Judiciary Committee is charged with investigating whether there is cause to impeach Brock and Justices Sherman Horton ...

said John Broderick. The inquiry stems from McLaughlin's investigation of misconduct and improper influence by Justice Stephen Thayer, who resigned March 31 rather than face prosecution.

McLaughlin reported that Thayer tried to influence court cases in which he excused himself. One glaring impropriety involved his own divorce case. Thayer, according to McLaughlin, picked up a list of prospective judges to sit on his divorce case and then complained to Brock and the other justices about the selection. McLaughlin said Brock broke the law by letting himself be influenced by Thayer.

On Friday, the Judicial Conduct Committee announced there is insufficient evidence to continue investigating any wrongdoing by Justice John Broderick and retired Justice William Johnson. The committee, a select group of judges, lawyers and members of the public charged with disciplining judges, voted to continue investigating possible misconduct by Brock and Horton.

The committee resumes deliberations later this week, and court clerk Howard Zibel is expected to be questioned Thursday. Zibel was given credit by McLaughlin for writing a memo to the office sent to the Judicial Conduct Committee about Thayer's alleged improper actions and comments. The "Zibel Memorandum," as it is officially called, was the foundation for McLaughlin's secret, five-week investigation and subsequent report.

Mock said people asked to give depositions will receive a transcript of their deposition a day or two before they go before the full committee. "The transcripts will be released to the public at the end of the witness period," he said.

When asked whether committee members should be under a gag rule such as the one imposed on Strickland, Mock responded, "How you going to do that?"

"These are the people's representatives, you know," he said, contrasting the judiciary committee with a confidential police investigation.

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TOTAL P.03

DEPARTMENT OF SAFETY

TESTIMONY and SUPPORTING INFORMATION

REGARDING SENATE BILL 337

MARCH 21, 2000

PREPARED BY:

ASSISTANT COMMISSIONER
JOHN A STEPHEN
DEPARTMENT OF SAFETY

State of New Hampshire
DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 10 HAZEN DR.
CONCORD, N.H. 03305
603/271-2559

RICHARD M. FLYNN
COMMISSIONER OF SAFETY

JOHN A. STEPHEN
ASSISTANT COMMISSIONER

TO: Senate Finance Committee

FROM: John A. Stephen, Esquire
Assistant Commissioner

RE: SB 337

DATE: March 21, 2000

To assist you in reviewing the merits of Senate Bill 337, I would like to provide you with the following information:

THE NCIC SYSTEM

NCIC operates on a so-called "soundex system," whereby letters of the alphabet receive certain numerical values. Vowels are not counted. The typical NCIC inquiry based on a name and date of birth will generate a response which lists persons on the system who have similar names and dates of birth. For instance, if a John Jones with a date of birth identical to John Jones were listed as a wanted felon on NCIC, an inquiry run on Jones' name would come back initially as a match, or a "hit".

At that point, the officer conducting the inquiry needs to utilize the various physical identifiers on NCIC (such as height, eye color and race) and, frequently, verbal interrogation of the subject (which might determine factual information such as the subject's prior residency in the state which issued the warrant) in order to ascertain whether the subject at hand is actually the wanted person. Even if there is an absolute hit, the officer still must contact the agency that issued the warrant to ensure that the warrant is outstanding, and that the agency will extradite. Depending on the relative severity of the charge, some agencies may not be willing to travel to New Hampshire in order to pick up the arrestee.

THE 1995 NCIC PILOT PROJECT

In 1995, in response to SB 167, the Department conducted a pilot project to test the feasibility of a similar proposed system. DOS chose for NCIC review a single month's worth of license applications and renewals amounting to a total of approximately 16,000 names. A computer comparison between the DMV files and the NCIC system yielded about 1600 possible hits, which were reviewed by civilian personnel in the Division of State Police. All but 33 of the cases were ruled out as a result of that review.

The 33 names were turned over to the Division of State Police Intelligence Unit (or SIU) for further investigation. The SIU cross-referenced other sources and made telephone calls to outside jurisdictions.

That labor intensive investigation revealed that 7 (seven) of the 33 hits probably were correct. Upon further checking with the out-of-state law enforcement agencies, it was revealed that 3 (three) of the 7 (seven) should no longer have been listed on NCIC. Thus, of the 16,000 names run, there turned out to be 4 (four) correct NCIC hits.

Two troopers then went to the last know address of each of those 4 (four) persons. None of the 4 (four) individuals could be located.

PROJECTED NCIC COSTS

The Department of Safety projects the fiscal impact of proposed Senate Bill 337 to be approximately $513,554 for the first six months of 2001, until the beginning of fiscal year 2002. Thereafter, the costs are projected to be $349,592 for fiscal year 2002 and $363,216 for fiscal year 2003. The costs associated with Senate Bill 337 include: (1) Salaries and benefits for 5 troopers at labor grade 17 plus benefits at 31% and step increases each year; (2) Salaries and benefits of a clerk to assist the troopers with administrative process in locating individuals with outstanding warrants; (3) Salaries and benefits of a Hearings Officer to hear cases where drivers argue wrongful deprivation of a driver license; (4) Police vehicles, uniforms, cleaning, and medical exam; (5) Cruiser expenses; (6) Changes to forms; (7) Computer programming; (8) Initial training and materials; (9) Ongoing training.

Please note that further amounts would need to be expended in cases where the subject is apprehended. These would arise out of the arrest, the resulting arraignment, handling of extradition, and any subsequent court hearings.

THE SURCHARGE

Finally, the surcharge contemplated in SB 337 already has been voted inexpedient to legislate by the House in HB 543. Although SB 337 requires the establishment of a unit of troopers, the bill establishes no definitive, non-contingent funding source. It does not seem likely that defaulters who already have failed to respond to a license suspension will be induced to clear the default by being required to pay an even greater amount. For those who are in default because they are truly unable to pay, this bill will make it even harder; for those who simply refuse to pay, this bill will not provide any meaningful incentive. The bottom line is this: even the greatest proponents of SB 337 undoubtedly would agree that the amount of money which will be available from the surcharge will be minimal compared to the costs associated with detection and apprehension. If the funding is insufficient, we will be precluded from obtaining other funding and we will be forced with the prospect of taking Troopers off the road to operate this project. Thus, whatever the merits of a plan to use NCIC and licensing files to apprehend felons, or to use some mechanism for the elimination of outstanding defaults, we cannot support SB 337.

In addition, the surcharge plan has some hidden potential costs. We estimate, for instance, that there will be $10 - $20,000 expended in computer work, and an indeterminable amount of time which will need to be spent in reviewing the requests for waiver which undoubtedly will be filed with us. Moreover, the 1% surcharge will have a substantial effect on the existing workload of the clerks in the Financial Responsibility section of DMV, thus, creating significant delays to an already overflowed workload. This additional task may result in the need for additional help in the Financial Responsibility area

I hope that this fully lays out our position. Please do not hesitate to contact me if you have any questions or if we can be of any assistance.

State of New Hampshire
Department of Safety

JAMES H. HAYES SAFETY BUILDING, CONCORD, N.H. 03305

RICHARD M. FLYNN
COMMISSIONER OF SAFETY

ROBERT E. DUNN JR.
ASSISTANT COMMISSIONER

May 1, 1995

Mr. Peter DeVere
PO Box 392
Melvin Village, NH 03850

RE: NCIC Pilot Project

Dear Peter:

The following four names are the persons whom the Division of State Police consider to be the reliable hits from the NCIC pilot project:

1. Richard Jones, DOB 02/06/45
   312 Cedar Street, Manchester, NH
   Wanted: Cocaine Possession
   Agency: Hillsborough County (Fla.) Sheriff's Office
   (Agency will extradite only from Ala., Ga., La., Miss. and S.C.)

2. James Fascione, DOB 05/21/54
   15 Ellsmere Avenue, Salem, NH
   Wanted: Theft By Unauthorized Taking
   Agency: Rockingham County Sheriff's Office

3. Jose Ramos, DOB 05/03/62
   329 Merrimack Street, Manchester, NH
   Wanted: Cocaine Possession
   Agency: Rockingham County Sheriff's Office

4. Royal Cummings, DOB 09/07/61
16 Highland Avenue, Salem, NH
Wanted: Burglary, Assault, False Imprisonment
Agency: Sonoma County (Cal.) Sheriff's Office

Very truly yours,

Robert E. Dunn, Jr.
Assistant Commissioner
Department of Safety

RED/lm

CC: Bruce Friedman, Esquire
Stephen Judge, Senior Ass't Atty. Gen.
Richard M. Flynn, Commissioner

STATE OF NEW HAMPSHIRE

Inter-Department Communications

Date March 31, 1995

At(Office) Support Services Bureau

SS95-036

FROM Major Frederick H. Booth

SUBJECT NCIC checks on Drivers Licenses

TO Robert Dunn
Assistant Commissioner

The following represents a break down as a result of the driver licenses inquiries for both originals and renewals that were ran against NCIC to detect possible wanted persons.

May 1994 Drivers licenses	16,000
Absolute hits from NCIC	6
Possible hits from NCIC	33

Of the 33 possible hits, it is possible that there are other absolute hits, however, in order to determine this, it would require more investigative work and contact with the individual to determine identity.

As a result of this exercise, approximately 30 hours was expended determining these results excluding computer time which was approximately an additional 16 hours because the program was run interactive with other hot file inquiries. If this were put into a daily or weekly production run, the hours indicated would be greatly reduced as I have indicated to your before. On a daily bases, it would not take any longer to run the drivers licenses against NCIC than the current title application file tape that is ran against NCIC for possible stolen vehicles.

For your review, I have included copies of the 6 absolute hits.

```
18193
09.*        MKM.
TXT
1L010W*         MKM
NHNSP0810

MKE/WANTED PERSON
ORI/CA0490000 NAM/CUMMINGS,ROYAL JAMES SEX/M RAC/W POB/MA DOB/090761
HGT/510 WGT/190 EYE/BRO HAI/BRO
SOC/022640592 OLN/C3176965 OLS/CA OLY/00 OFF/BURGLARY DOW/092591
OCA/5050758
MIS/459 BURGLARY, 220 ASSLT W INT TO COMMIT, 236 FALSE IMPRISONMENT
ORI IS SONOMA CO SO SANTA ROSA CA
NIC/W659311468
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

IN NCIC NBR 02992 AT 14:09 31MAR95
OUT  OPERATION NBR 00013 AT 14:09 31MAR95 MSG 18193/31MAR95
```

```
18178
QW.*          MKM.
TXT
1L019W*          MKM
NHNSP0910
NO NCIC WANT DOB/092970 NAM/LOWELL,AARON

IN NCIC NBR 02888 AT 14:08 31MAR95
OUT  OPERATION NBR 00011 AT 14:09 31MAR95 MSG 18178/31MAR95
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19213
QW.*        MKM.
TXT
1L010W*        MKM
NHNSP0910

MKE/WANTED PERSON
ORI/DEDSP0500 NAM/COTTRELL, DEBBIE SEX/F RAC/W DOB/103168 HGT/507
WGT/300 EYE/HAZ HAI/BRO
MNU/DA-593020376 OLN/P660129564837 OLS/MD OLY/94 OFF/FRAUD DOW/111993
OCA/593000539
MIS/THEFT BY FALSE PRETENSE WAREX DAG ADKINS UNLIMITED MILES
ORI IS SP TROOP 5 BRIDGEVILLE DE
AKA/PRYOR,DEBBIE
NIC/W780439276
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

IN NCIC NBR 02895 AT 14:10 31MAR95
OUT  OPERATION NBR 00015 AT 14:10 31MAR95 MSG 19213/31MAR95
```

19241
QW.* MKM.
TXT
1L010W* MKM
NHNSP0810

MKE/WANTED PERSON
ORI/NH0080000 NAM/FASCIONE,JAMES SEX/M RAC/W DOB/052154 HGT/510
WGT/190 EYE/BLU HAI/BRO
SOC/002440209 OFF/PROB VIOLATION - SEE MIS DOW/120992 OCA/90-S-395
MIS/ORIG OFF/THEFT BY UNAUTH TAKING/EXTR NEWENGLAND STATES
ORI IS SO ROCKINGHAM COUNTY BRENTWOOD NH
NIC/W724909577
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

IN NCIC NBR 02900 AT 14:11 31MAR95
OUT OPERATION NBR 00017 AT 14:11 31MAR95 MSG 19241/31MAR95

```
19275
QW.*        MKM.
TXT
1L01QW*        MKM
NHNSP0910

MKE/WANTED PERSON
ORI/NHOOB0000 NAM/RAMOS,JOSE SEX/M RAC/W POB/PR DOB/051362 HGT/506
WGT/210 EYE/BRO HAI/BRO
SMT/TAT R BRST SOC/012562024 OFF/FAILURE TO APPEAR - SEE MIS
DOW/111694 OCA/92-S-1922
MIS/EXTR/NEW ENGLAND STATES,ORIG/POSS OF COCAINE,LKA/329 MERRIMACK ST
  MANCHESTER NH
ORI IS SO ROCKINGHAM COUNTY BRENTWOOD NH
DOB/050362
SMT/TAT L BRST
NIC/W838555199
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

IN NCIC NBR 02905 AT 14:12 31MAR95
OUT  OPERATION NBR 00019 AT 14:12 31MAR95 MSG 19275/31MAR95
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```
18117
QW.*        MKM.
TXT
1L010W*        MKM
NHNSP0810

MKE/WANTED PERSON
ORI/MS0300000 NAM/JONES,LUTHER EARL SEX/M RAC/B POB/MS DOB/020646
HGT/511 WGT/148 EYE/BRO HAI/BLK FBI/503140Y10
FPC/PI64PMP017POPO121513 SOC/427901701
OLN/427901701 OLS/MS OLY/84 OFF/AGGRAV ASSLT - NONFAMILY-STGARM
DOW/011587 OCA/87-52765
ORI IS JACKSON CO SO PASCAGOULA MS
DOB/020546 020645
AKA/JONES,LUTHER E
NIC/W434027007
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

MKE/WANTED PERSON
ORI/FL0290OK1 NAM/JONES,RICHARD JIMMY SEX/M RAC/B DOB/020645 HGT/507
WGT/126 EYE/BRO HAI/BLK

F12 = NEXT PAGE, SHIFT F12 = CANCEL MSG, F11 = PREV PAGE, SHIFT F11 = 1ST PAGE
SOC/049345629 OLN/049345629 OLS/MA OLY/94 OFF/COCAINE - POSSESS
DOW/031794 OCA/20501005
MIS/FOR CONFIRMATION CONTCT ORI FL0290000 TERMINAL TAMP2 POSS COCAINE
     EXTRADITE ONLY FROM ALA GA LA MISS SC
ORI IS HILLSBOROUGH CO SO TAMPA FL
AKA/JONES,JIMMY
NIC/W800348836
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

IN NCIC NBR 02876 AT 14:07 31MAR95
OUT  OPERATION NBR 00007 AT 14:07 31MAR95 MSG 18117/31MAR95
```

STATE OF NEW HAMPSHIRE

Inter-Department Communication

To: Robert Dunn
Assistant Commissioner

Date: April 11, 1995

From: Colonel Lynn M. Presby
Director

Office: State Police
Headquarters

Subject: ***Potential Wanted Persons***

For your information, the approximate work hours utilized for the review and action on the May 1994 Driver License applications file in searching for Wanted Felons is as follows:

1.	Computer Time	16 hours
2.	Initial Review	30 hours
3.	Secondary Review	10 hours
4.	Probable "HIT" (30)	30 hours
5.	Absolute "HIT" (7)	10 hours
6.	Out-of-state research	5 hours
7.	Estimated arrest time per person	25 hours
8.	Estimated court time per person	20 hours
	TOTAL HOURS	146 hours

From this, one individual has been identified which the originating state has indicated a willingness to extradite that being a Burglary suspect from the State of California.

If I can provide additional details, please let me know.

Colonel Lynn M. Presby
Director

LMP/ess
c:presby/inter/wanted

LQW 5
SP0080

/WANTED PERSON
/OR026023C NAM/REED,JOHN STEVEN SEX/M RAC/W DOB/19620921
/510 WGT/135 EYE/HAZ HAI/BRO FBI/741591X6 SMT/TAT R SHLD
/OA-157350 SOC/566136366
/LARCENY
/19871026 OCA/DA350578
/EXTR WA,ID,MT,UT,WEST SD,NW WY BY SHUTTLE-FTA ARRAIGN THEFT I-
IS MULTNOMAH CO SO JAIL WARRANTS PORTLAND 503 248-3210
/19631021
/REED,JOHN JAMES
/DAWSON,JOHN JAMES
/DAWSON,JON JAY
/JAPPE,JOHN JAMES
/PLOUNSE,JOHN JAMES
/REED,JAMES JAMES
/STEPHENS,MICHAEL JAMES
/DAY,JOHN
/KEIFER,KEVIN PATRICK
/W995684754 DTE/19970416 0000 EDT
ED CONFIRM WARRANT AND EXTRADITION WITH ORI

```
1QW          5
SP0080

/WANTED PERSON
/NJ0070000 NAM/SMITH,JOHN C SEX/M RAC/B DOB/19800815
/510 WGT/165 EYE/BRO HAI/BLK FBI/607466EB6
/P01110PM07PIC012PM06 MNU/OA-274008C
/RECEIVE STOLEN PROP
/19990503 OCA/509699S
/WANTED REC STLN PROP BWN-99-01-0192-I ALSO 509899S EXTR NY CT PA DE MD ONLY
/DET MONGIELLO LKA/59 DELMAR PL IRVINGTON NJ
 IS ESSEX CO SHERIFFS OFF NEWARK 973 621-4111
/W162282828 DTE/19990602 0000 EDT
ED CONFIRM WARRANT AND EXTRADITION WITH ORI

NC2S NBR 3692 AT 07FEB00 12:37:42
 WORK1 NBR 13 AT 07FEB00 12:37:43 MSG 20833/07FEB00
```

1QW 5
SP0080

:/WANTED PERSON
:/PA0020000 NAM/SMITH,JESSE BLAKE SEX/M RAC/W POB/OH DOB/19751015
:/510 WGT/130 EYE/BLU HAI/BRO FBI/597024CB2
:/278827805
N/25335982 OLS/PA OLY/1999
F/PROB VIOLATION - SEE MIS
W/19990430 OCA/9606885
S/VIO PRO/PAR ORIG OFF/UNLAW USE COMPUTER/THEFT DECEPTION/BAD CHECKS EXT
S/NATIONWIDE
I IS ALLEGHENY CO SO PITTSBURGH 412 350-4714
C/W155076837 DTE/19990503 0000 EDT
MED CONFIRM WARRANT AND EXTRADITION WITH ORI

NC2S NBR 3678 AT 07FEB00 12:35:52
T WORK1 NBR 9 AT 07FEB00 12:35:53 MSG 20765/07FEB00

STATE OF NEW HAMPSHIRE
Inter-Department Communication

Date March 25, 1995

At (Office) S I U

FROM Trp. David Cargill Jr. Lt. F. Breen

SUBJECT Fugitive Task Force

TO Colonel Lynn Presby

Dear Colonel Presby,

This letter is to give you an update on the New Hampshire Fugitive Task Force "Operation Safe Streets." This Task Force started on March 6, 1995 and consists of State, Local, County and Federal law enforcement officers. The objective of this task force is to assist the Hillsborough County Sheriffs Department with the apprehension of wanted fugitives from the State of New Hampshire. The Hillsborough County Sheriffs Office, at the start of this operation had a list of 880 Felony Warrants. The Task Force took from this list what it believed to be the most violent fugitives. We started with 330 fugitive warrants.

As of March 27, 1995, the halfway point in this Task Force, the following statistics have been compiled. Total cases cleared: 21. These cases involved the finding of the fugitive and are beyond extradition limits set by the County Attorney or deceased. Total arrests: 52. These cases involved the apprehension of the fugitive by arrest or detainer. The offenses are broken down as follows:

	ARRESTED / DETAINED	CLEARED
Murder	1	
Burglary	15	8
Kidnaping	1	
Escape	2	1
Weapons Offense	2	1
Robbery	3	
Fugitive from Justice	2	
2nd Degree Assault	2	6
Receiving Stolen Property	1	
Theft by Extortion	2	

	ARRESTED / DETAINED	CLEARED
Aggravated Felonious Sexual Assault	5 *	
Hindering Apprehension	1	
Sale Narcotic Drug	7	4
Sale Control Drug	3	1
Possession Narcotic Drug	4	2
Possession Control Drug	1	
Probation Violation	5	
Theft by Unauthorized Taking	2	
Issuing Bad Checks	1	
Willful Concealment	1	
Forged Prescriptions	1	
Fraudulent Use Credit Cards	1	
Forgery		1
Bail Jumping		1

* There are two cases that total 21 counts of Aggravated Felonious Sexual Assault.

Respectfully submitted.

David L Cargill Jr.

Trp. David L. Cargill Jr. #577
Special Investigation Unit

Note -
As of 3/30
65 Arrests
35+ Cleared

SECTION 2--ENTRY

2.1 EXAMPLE OF AN ENTRY

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EW-C.MD1012600.DOE,   JOHN   J.M.W.TX.101231..510.175.BRO.BRO..DRK.SC   R   HND.
121011CO141159TTCI13.AS-375145249.375145249.34862561.MD.84.0907.120186.TEST.
ARMED AND DANGEROUS--TEST RECORD.ABC123.MD.83.PC.2Y27H5L100009.75.PONT.VEN.
2D.BLU
```

Acknowledgment:

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MD1012600
NAM/DOE, JOHN J NIC/W146203706
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2.2 MANDATORY FIELDS FOR RECORD ENTRY

The following fields are mandatory to cause acceptance of a wanted person entry into NCIC storage: MKE, ORI, NAM (The base record NAM must be included in all entry messages, and it must contain the individual's true name), SEX, RAC, HGT, WGT, HAI, OFF, DOW, OCA, and at least one of the following numeric identifiers: date of birth including month, day, and year; stolen/fraudulent name and stolen/fraudulent date of birth, (a stolen/fraudulent name is required if a stolen/fraudulent date of birth is entered as the only searchable numeric identifier); FBI Identification Number; miscellaneous identifying number other than originating agency police or identification number; Social Security number; operator's license number with operator's license state and operator's license year of expiration; license plate number with license plate state, license plate year, and license plate type; or vehicle identification number with vehicle year, vehicle make, and vehicle style.

The mandatory fields for entry of a record permit entry when the only known identifier for an individual is a stolen/fraudulent identifier. Since stolen/fraudulent identifiers are processed as a supplemental record, and since at least one unique identifier is required to enter a base record, the base record entry format allows an entering agency to transmit both the base record and one of each type of stolen/fraudulent identifier in one transaction. This provides for the inclusion of a numerical identifier for record entry purposes.

The base record entry format includes one of each of the stolen/fraudulent identifier fields. These fields immediately follow Vehicle Color (VCO) Field and are entered in the following order: stolen/fraudulent name; stolen/fraudulent date of birth; stolen/fraudulent Social Security number; stolen/fraudulent miscellaneous identifying number; and stolen/fraudulent operator's license number, state, and year of expiration. For example:

From US DOJ: FBI NCIC Operating Manual rev. 1998

HILLSBOROUGH COUNTY SHERIFF'S DEPARTMENT
MANCHESTER POLICE DEPARTMENT
NASHUA POLICE DEPARTMENT
NEW HAMPSHIRE STATE POLICE
MERRIMACK POLICE DEPARTMENT
U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
and the
UNITED STATES MARSHALS SERVICE
FUGITIVE TASK FORCE

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into by the above mentioned law enforcement agencies and the United States Marshals Service.

PURPOSE

The purpose of the Memorandum of Understanding (MOU) is to outline the combined mission of the United States Marshals Service and the Hillsborough County Sheriff's Dept., Manchester Police Dept., Nashua Police Dept., New Hampshire State Police, Merrimack Police Department, U.S. Dept. of Housing & Urban Development here after known as "Operation Streets" that will concentrate on individuals wanted on federal and/or city and local warrants with a history of violence. The intent of this operation will be to locate and arrest of fugitives, wanted by both federal or local jurisdictions, thereby increasing public safety. This MOU will formalize the policy, guidance and planning between the

participating agencies involving fugitive investigations, apprehensions, and related matters.

MISSION

The primary mission of this Fugitive Task Force will be to seek out and attempt to take into custody those persons wanted on felony warrants classified as being violent crimes. The targetted crimes will concentrate on fugitives wanted on weapons offenses, violent crimes against the person including sexual assault and rape, murder, drug offenses, and career criminals with extensive felony histories. The warrants selected will be those that due to budget or manpower constraints currently are not being investigated by either the federal, city or municipal agencies. The United States Marshals Service and each law enforcement agency will identify those outstanding warrants on which the Fugitive Task Force will focus. The intent of this joint effort will be to locate and arrest those federal and state fugitives, thereby increasing public safety.

AUTHORITY

United States Marshals Service investigators gain authority through R.S.M.O. 590.150 Peace Officer Authority. City and Municipal authority to work federal cases is gained through Federal Code 28 CFE, Subpart T, Section 0.112, U.S.

Marshals Service Manual Section 9.8-1. This Federal Code allows state and municipal investigators to be sworn in as Deputy, U. S. Marshals for duties directly related to the Fugitive Task Force.

COMPOSITION

The task force will consist of a combined body of members of participating law enforcement agencies who have executed this MOU. Each particpating agency agrees to provide at least one (1) officer during operational activities involving arrests.

DIRECTION

The police, program involvement, and direction of the task force shall be the joint responsibility of all participating agencies.

The local officers will, for administrative purposes, report directly to their commanding officer. The supervising United States Marshals Service employee will report directly to the United States Marshals Service Supervisor, District of New Hampshire.

SUPERVISION

Supervision of the personnel assigned to the Fugitive Task Force will be the mutual responsibility of the participating agencies. Responsibility for the

conduct of the assigned personnel will remain with the respective agency's policies and procedures.

Operational problems will be mutually addressed and resolved by the assigned supervisors. If problems arise which cannot be resolved to their mutual satisfaction, they should be presented progressively to the next highest authority in both agencies for resolution. It is agreed that resolution of the operational problems at the lowest possible level is in the best interest of the operation.

The Fugitive Task Force headquarters is located in the Hillsborough County Sheriff Department offices in Manchester.

REPORTS AND RECORDS

All warrants, investigative reports, and arrest reports will be maintained by the agency responsible for the investigation. Copies of adopted cases will be kept with the USMS coordinator, in the event of a collateral lead.

EQUIPMENT

Each agency will be equipped with its own radio frequency and any other means used to transmit information. Radio will be the main source of communication.

All motor vehicles will be operated from the purpose of furthering the mission of the Memorandum of Understanding. Each agency is responsible for the fueling, maintenance, liability of the motor vehicle that their respective

investigators operate.

PROCEDURES

United States Marshals Service personnel assigned to the Fugitive Task Force will be assigned full time for the duration of the Task Force. The mission is to investigate and execute outstanding federal and local warrants. All cases will be jointly investigated. Each new unit will consist ideally of city, county, state police, and United States Marshals Service and other federal agency representatives. It is agreed that unilateral action on the part of either agency/participant is not in the best interest of the Fugitive Task Force.

United States Marshals Service personnel assigned to the Fugitive Task Force will maintain supervision over federal cases, and maintain control of the case files. Similarly full-time Fugitive Task Force members will maintain control and supervision over their respective cases. It is within the understanding of this document that the federal and state/county/local warrants will overlap through the investigation, with this cooperation amongst agencies aiding all investigations. Each agency will be liable for actions and dissemination of information distributed by their investigator.

An arrest will be prosecuted in the federal or state court that has venue. A determination will be made on a case-by-case basis when there is an arrest of a fugitive who has a warrant in the federal court system and the city/state court system, as to sequence of prosecution.

The criteria for the decision will be based on which level the prosecution would be of the greatest benefit to the overall operation and carrying out the purpose of the MOU. Investigators will assist in prosecutions.

FINANCIAL RESPONSIBILITIES

All costs accrued by the Fugitive Task Force will be borne by the individual agencies.

FIREARMS POLICY

Each participating agency will adhere to its own firearms policy as set forth in their policy and guidelines and ensure that each participant is current in their qualifications.

PRESS EMBARGO

It is agreed that no mention will be made to the press about the Fugitive Task Force, or United States Marshals Service involvement until a joint press statement can be prepared. That press statement will be coordinated through the United States Marshals, District of New Hampshire.

RELEASE OF LIABILITY

The United States Marshals Service is relieved of all liability regarding the actions of other agency participants and each agency will be liable, to the extent recognized under law, for the actions of its employees.

This Memorandum of Understanding, is agreed to this 14th day of February, 1995.

Raymond Lagmon
UNITED STATES MARSHAL
DISTRICT OF N.H.

NEW HAMPSHIRE DIVISION OF
THE STATE POLICE

<<PRESS RELEASE>>

FUGITIVE TASK FORCE

A

Federal, State, County, & Local
Law Enforcement Initiative

PARTICIPATING AGENCIES:

- UNITED STATES MARSHALS SERVICE
- U.S. DEPT. OF HUD-INSPECTOR GENERAL FOR INVESTIGATIONS
- NEW HAMPSHIRE STATE POLICE
- HILLSBOROUGH COUNTY SHERIFFS
- HILLSBOROUGH COUNTY ATTORNEY'S OFFICE
- MANCHESTER POLICE DEPT.
- NASHUA POLICE DEPT.
- MERRIMACK POLICE DEPT.
- GOFFSTOWN POLICE DEPT.

OPERATIONAL OVERVIEW:

Federal, State, County & local law enforcement officials announced today the successful culmination of a short term (6 week) Fugitive Task Force in Hillsborough County, which resulted in the apprehension of **78** fugitives from justice, and was also responsible for clearing an additional **48** warrants held by the Hillsborough County Sheriff.

The Fugitive Task Force was established in response to United States Attorney General Janet Reno's commitment to combatting violent crime. The United States Marshals Service, as part of the U.S. Attorney's Violent Crime Task Force has, under the direction of United States Marshal Raymond Gagnon, organized this multi-agency Fugitive Task Force that concentrated efforts primarily in Hillsborough County, however some cases overlapped into neighboring northern Massachusetts communities and involved the participation of the Massachusetts State Police Fugitive Task Force. This multi agency effort successfully resulted in the apprehension of **78** felons wanted in Hillsborough

County.

The primary mission of this multi-agency Fugitive Task Force was to seek out and take into custody persons wanted on felony warrants classified as violent crimes, thereby increasing the general public's safety.

The operation concentrated on fugitives wanted on weapons offenses, violent crimes against persons including sexual assault and rape, murder, drug offenses and career criminals with extensive felony histories. It was our intent to target a particular region, of the state, for a specific period of time, involving multi-agency participation by local, state, county, and federal law enforcement.

MULTI-AGENCY COOPERATION:

The Fugitive Task Force represents a first in New Hampshire, in regards to the number of arrests and inter-agency participation, where federal marshals, state police, county sheriffs, and local law enforcement agencies jointly cooperated in sharing resources and expertise in working together towards the apprehension of fugitives. Law Enforcement Agencies participating in addition to the United States Marshals were; the New Hampshire State Police, Hillsborough County Sheriffs, Manchester Police Department, Nashua Police Department, Merrimack Police Department and the Goffstown Police Department, plus agents from the U.S. Department of Housing & Urban Development operating in concert with their Safe Homes Program.

- OPERATIONAL MECHANICS:
    - Task Force participants were sworn in as Special Deputy United States Marshals, which empowered them to operate throughout the nation.
    - Hillsborough County Sheriff's Criminal Division was responsible for the compilation, coordination and maintenance of all warrants, as well as furnished office space for the duration of the project.
    - HUD Involvement was twofold: 1.) assistance in securing assistance from N.H. Housing Finance to assist local and state law enforcement, and 2.) assignment of two inspectors to assist the actual operation.

- Coordination with the N.H. State Police Intelligence Unit in addition to participating as an active team member, assistance in accessing data and other intelligence.

- Assignment by each participating department (USMS, HUD, NHSP, HCS, MPD, NPD, MPD, GPD) of line officers, with equipment, for the duration of the project.

- Cooperation and assistance from Massachusetts State Police Fugitive Task Force in the apprehension of individuals residing in the Commonwealth of Massachusetts.

IMPACT:

- Demonstrated the effectiveness of multi-agency collaboration in combatting crime,

- Made the streets of New Hampshire more safe as the result of 78 arrests plus the clearing of an additional 48 cases,

- Enhanced capacity to utilize all available tools in the combatting Crime,

- Fugitive Training to all law enforcement professionals participating in the Fugitive Task Force.

U.S. Marshal Fugitive Task Force

DATA OVERVIEW:

- TOTAL # ARRESTS or DETAINED: 99

- BREAKDOWN BY:
  - CRIME:
    - Murder: 1
    - Attempted Murder: 1 (3 counts)
    - Burglary: 18
    - Kidnapping: 1
    - Escape: 3
    - Weapons Offense: 2
    - Robbery: 3
    - Fugitive from Justice: 3
    - 1st Degree Assault: 3
    - 2nd Degree Assault: 5
    - Theft by Extortion: 1
    - Aggravated Felonious Sexual Assault: 7 (2 cases = 21 counts)
    - Drug Sales: 16
    - Other Drug Offenses: 9
    - Violation of Probation: 6
    - Forgery: 1
    - Bail Jumping: 2
    - All Other Felonies: 17

    - Total number of arrested individuals were 78, however the number of warrants executed was 99.

  - Sex: 64 Male:: 14 Female

  - Total Number of Cases Cleared: 48 (Individuals have been located but not yet arrested.)
    - Males: 41
    - Females: 7

HIGHLIGHTED CASES

"ONE OF THE MOST WANTED PERSONS IN N.H."

PLACENCIA, WILSON:
Arrested in Lawrence Massachusetts, by the Task Force on 4/11/95. Subject was wanted in N.H. for 2 counts of attempted murder, and by the Commonwealth of Massachusetts for attempted murder, Assault & Battery with a Dangerous Weapon, Robbery and Spousal Abuse.

"OLDEST CASE CLOSED"

HEALY, JOHN:
Wanted by the N.H. Department of Corrections for escape in 1979. Located serving time in Bridgewater State Prison, Massachusetts. He is serving time under his true name of JAMES HEALY, but was using a different DOB. Fingerprint comparison done by state fingerprint technician confirmed identity. Detainer lodged.

"SEX CRIMES."

LODSDON, JAMES:
Located by Task Force members serving time in Massachusetts for Aggravated Felonious Sexual Assault, had 12 counts for the same offense pending in Hillsborough County. Detainer lodged.

"ONE OF THE MOST DANGEROUS INDIVIDUALS ARRESTED."

SUPRENANT, ROBERT:
Subject is wanted by Hillsborough County for Kidnapping and Aggravated Felonious Sexual Assault and was the subject of a nationwide manhunt. The Task Force learned that the subject was working as a bartender in St. Petersburg, Florida. He was arrested at work by members of the St. Petersburg Police and the Tampa office of the U.S. Marshals Service.

"ODDITIES."

The Task Force cleared six warrants by finding that the wanted individuals were in fact deceased. 2 died of AIDS; 1 died of drowning; 1 died of an illicit drug overdose; 1 died of alcohol poisoning (BAC .50); and 1 individual was

confirmed dead by the corners office, however cause of death could not be disclosed without written consent of the next of kin.

"OLDEST BURGLARY CASE CLOSED"

RICH, RONALD:
Charged in 1981 with burglary in Francestown, N.H., Mr. Rich was found living in Clinton Massachusetts using a different Date of Birth (DOB). All law enforcement officers who handled the 1981 burglary investigation, after 14 years are still with their same departments (Francestown & N.H. State Police)

"YOUR NOT SAFE FROM ARREST EVEN IN THE HOSPITAL."

CASTONGUAY, DAVID; MORRIS, JOHN; FARLAND, RAYMOND:

David Castonguay wanted for possession of a firearm by a convicted felon checked himself into Catholic Medical Center (CMC). John Morris, wanted for extortion nationwide, was located in the Veteran Administration Hospital in St. Petersburg Florida. Raymond Farland wanted by Illinois authorities for failure to appear on charges of Aggravated Assault and Unlawful Use of a Weapon was found working at the Manchester Veterans Administration Hospital.

"DON'T THINK LEAVING THE COUNTRY WILL HELP."

Three individuals who will remain unnamed have been located by the Task Force living overseas. Two have been identified living in Europe, while one is in South America. These cases have been referred to the Department of Justice, International Assistance Desk and Interpol for further action.

"BAD OF THE BAD."

VINCENT, DOUGLAS:
Located and arrested in Magalia California, Vincent was thrown out of the Hells Angels because of extreme conduct. He was arrested on a charge of 2nd degree assault.

3/15/95....1701s
3/28/95....1894s

SENATE BILL AMENDED BY THE SENATE

1995 SESSION

0425L
95-0199
03/05

SENATE BILL *167-FN*

AN ACT requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center for wanted felons and the National Law Enforcement Telecommunications Systems, as a precondition to issuance, and imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles.

SPONSORS: Sen. Roberge, Dist 9; Sen. Lovejoy, Dist 6; Rep. J. Bradley, Carr 8; Rep. R. Foster, Carr 10

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill:

(1) Requires any person applying for or renewing a driver's license to be checked through the National Crime Information Center or the National Law Enforcement Telecommunications Systems, as a precondition to issuance.

(2) Authorizes the director of state police, department of safety, to establish a new unit of the state police and assign 2 to 5 police officers to serve criminal processes, warrants, court defaults, and arrest persons wanted for misdemeanors.

(3) Requires that any person who provides false information when applying for a license forfeit any fee paid.

- -

EXPLANATION: Matter added to current law appears in *bold italics*.
Matter removed from current law appears in [brackets].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

2 Record Check Required of License Issuance. Amend RSA 263:5-a, I to read as follows:

263:5-a Application by New Resident.

I. When a person who has established residency as provided in RSA 263:35 applies for a driver's license the director shall not issue a driver's license to the applicant until [he] *the director* has:

(a) Determined the validity of all licenses being surrendered; [and]

(b) Secured a certified copy of the motor vehicle record or records on file in the jurisdiction or jurisdictions of the licenses being surrendered[.]*;*

(c) Checked the applicant's record through the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications Systems (N-LETS). If the applicant is listed with the NCIC or N-LETS as a wanted felon, the application shall be denied.

3 New Paragraph; Nonrefundable Fee. Amend RSA 263:5-a by inserting after paragraph VI the following new paragraph:

VII. Any person who provides false information as provided in paragraph VI shall forfeit any fee paid.

4 Record Check Required for License Renewal. Amend RSA 263:10 to read as follows:

263:10 License Expiration.

I. All licenses shall expire on the fourth anniversary of the license holder's date of birth following the date of issuance. The department shall notify each holder of a license by mail addressed to the holder's last known address, 30 days prior to the expiration date thereof of a place and time when [he] *the holder* shall appear for the issuance of a new license.

II. Before a license may be reissued, the director shall check the applicant's record through the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications Systems (N-LETS). If the applicant is listed as a wanted felon, the application shall be denied.

7 New Subparagraph; Funds Designated. Amend RSA 6:12, I by inserting after subparagraph (kkk) the following new subparagraph:

(lll) Moneys received from the surcharge on overdue fines and default payments pursuant to RSA 263:56-f, which shall be credited to the fund established under RSA 263:56-d.

8 Report. The commissioner shall send a notice in June 1995 with a follow up notice in September 1995 to the last known address of all individuals with outstanding fines and payments. The notice shall inform all individuals with outstanding fines and payments that the general court is serious about court defaults and that as of January 1, 1996 a surcharge shall be collected on all overdue fines and default payments.

9 Applicability. The surcharges assessed under RSA 263:56-f, as inserted by section 6 of this act, shall be collected on all overdue fines and default payments outstanding beginning January 1, 1996, regardless of when such fines and default payments were initially imposed.

10 Effective Date.

I. Section 8 shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1996.

TESTIMONY FROM BOB DUNN - SB-167 BEFORE HOUSE TRANSPORTATION
April 13, 1995

I'm Robert Dunn, Assistant Commissioner of the Department of Safety and we are in opposition to this bill. Now, we are in agreement with the purposes of the bill. We, you know, it's a good idea to check people through NCIC and try to apprehend wanted felons and it's a good idea to try to collect the money that is owed to the state by those thousands of people out there that are in default to the court.

But the big problem we have with this bill is that this bill doesn't give the funding to carry out the purposes of the bill. Basically if it's a good enough idea to require us do it, then we should get the funding to do it. and I'm going to talk in some further detail about that.

Really, it's, I want to start off by talking about the NCIC system because the NCIC, I think that's critical to an understanding of this whole bill because it's not simply just punching a button. The NCIC system runs on a so called Soundex basis so that when you enter somebody's name into NCIC you enter a name and a date of birth your going to come back with a match on similar names and date of births.

Each alphabet letter except vowels gets a numerical value, so if for instance John Doe is run through the system then probably you're going to get a hit back on a Jan Doe or a Jane Doe that has the same date of birth. And when that happens, then the officer who is conducting the inquiry and usually they are obviously officers out on the road, they need to take a look at the other physical identifiers that are in the NCIC system.

Things like height, weight, eye color, race, gender, and then they can usually rule out some of the various individuals involved. But, under certain circumstances even that doesn't serve to rule the person out so they'll have to engage that individual in some kind of verbal discussion.

If the warrant is from Missouri, they might want try to ask the person whether they ever lived in Missouri. So that's the way that the NCIC checks are usually done. If it looks like that is a good hit or a good match, then the individual has to, the trooper or the officer has to contact the out of state jurisdiction to determine whether or not that warrant is still outstanding, and also to determine whether or not the out of state jurisdiction is willing to come and extradite the wanted person.

You know, if they're from Florida and they're wanted say for theft in Florida, Florida might not be willing to come all the way to NH and extradite. Now if the person does get arrested, then you need to go through the process of extradition. You need to take officers to bring the person to Court to get a fugitive warrant to handle the extradition and maybe to testify at any court cases.

So what we did here after the hearing in the Senate was we started this pilot project and tried to see just what would the results be, if we took a month's worth of license applications and renewals on the DMV system and ran that through the NCIC system, and as Peter indicated this is something that the FBI at first was telling us they couldn't do and now they put in writing that this is possible, we are able to do it so from that perspective, there is no problem with the Federal Government. It is a legal possibility but the question is again, one of funding.

We ran 16,000 names through the system and out of that we had 1600 possible matches that came back and after those were reviewed by state police dispatchers we were able to narrow that down to thirty three possible hits. Most of those again came up because they were hits that arose out of the similarity of the name. Those 33 were turned over to the State Police Intelligence Unit or the SIU and, in what is probably the most labor intensive part of the NCIC process they cross referenced other files, they used telephone calls, other agencies computerized checklists, and they were able to eliminate all except six people which looked like they were absolute hits.

They took those six and then contacted the out of state jurisdiction and it turned out that two of the people out of those checks were erroneously on NCIC. They had been retained on NCIC by the out of state jurisdiction mistakenly. And those out of state agencies are in the process of taking those people off. So that left us with four. Out of those four, one of those people was wanted in another state, and that state was not willing to travel this far to extradite. Of these four people I think two of them were wanted for theft crimes, and two of them were wanted for drug possession charges.

So that left three that were hits and that were people that the out of state, actually two of them were, turned out to be Rockingham County people and one of them was from the West Coast. The State Police sent out two troopers to try to track down these folks and they were not able to locate them at their last known addresses. They talked to some people, they don't believe they are going to be able to make any arrests arising out of this investigation.

So that was the result of the test of one month's worth of work in this particular area. The idea about the use of the terminal, and that's obviously one way to do it, we are assuming that if we were to be instructed to carry out this program we would be doing it on a sort of off line basis, the same way that we do the National Driver Register checks now for defaulters. When somebody comes in they get a temporary license and then during the pendency of the temporary license we conduct the check, we check the records and if they are in default we suspend that license or don't issue them a permanent license. Because if you don't do it like then that means every person who's coming in for a new license has to come in to Concord. If they live in Colebrook, they live in Nashua, they live in Portsmouth, they're going to have to come in to Concord personally to get the license.

The state police estimated that in order to carry this program out to carry NCIC portion of this out, that they would need four troopers and two support staff, and their estimate of the cost of that is $365,000. Now that is for the NCIC portion of it, obviously, and as Peter indicated that would take up the vast bulk of the time. The bench warrants that have been issued on violations, would be something that this unit would not be able to make a significant dent in, just by virtue of the numbers.

Now, looking at it on the other side of the picture here we get back to the funding side. HB-543 was the surcharge bill that's contained in this piece of legislation and it is, that bill was already killed in House Finance. Basically what that portion of this bill does is require that people pay a one percent per month surcharge on defaults that are overdue by more than one year. We opposed HB-543 when it came before House Finance, and one thing that we pointed out that I think is persuasive is that, all of these people from whom the surcharge is supposed to be collected are people whose licenses, and in most cases there registrations also have been suspended. So these people are folks who have not responded to a license suspension. They not only ignored their summons and didn't appear in court, or didn't do what they were obligated to do, but then when they got a license suspension, they didn't respond to that either, and presumably have been out there driving without a license.

And that's why it seems at least questionable whether or not by saying to these same folks that you're going to have to pay even more money, that we're going to get them to come in from the cold and make good on their obligation. The other part of the funding of this bill would come from the various bail sources. But the one thing that I think is the most critical fact of all in this policy decision that you all

have to make is that there is no specific definitive amount of money that anyone can point to that would be used to fund this project. We're being ordered by the legislature to set up this unit and do these checks but there is no definitive amount of money that someone can point to and say one year from now when you set up this unit, you are going to have this money in your hand. And that is our biggest problem with this legislation.

We don't necessarily disagree with the purposes here but it just is not adequately funded. Just a note in closing, there has been a lot of effort over the course of prior years, and Peter DeVere certainly deserves a lot of credit in this regard, in terms of trying to bring in those defaulters to try to get that money returned to the state. There are a couple of court default projects which have been ongoing, they are still ongoing, they to date have brought in about one and a half million dollars, a little less than a million and a half dollars. They are ongoing and hopefully they are going to continue to bring more in. That is something that everybody needs to keep working on. But you know as Peter said, this particular unit would probably not end up being able to spend a lot of time working on the defaulters who owe all this money to the state because they'd be spending their time, appropriately enough, trying to track down the folks that were the really the most dangerous criminals that were out there. And I would be happy to answer any questions you might have.

Rep. : Mr. Dunn, in the bill it states the new unit would have no more than 5 police officers. Is there a reason why they must be uniformed officers or can NCIC be accessed by staff personnel?

Bob Dunn: I think the reason that they need to be uniformed is because a lot of the investigative, there is a really big investigative component in NCIC, that requires dealing with other agencies in using police work to track these folks down, so they really do need to be uniformed officers in that unit. They could be assisted by civilians at certain points along the way, but you need to have uniformed officers to carry this out.

Rep. : I'm going to ask you a question that I asked earlier regarding the cost of NCIC/NLETS. Is there a cost associated with this either through subscription or per inquiry?

Bob Dunn: I ..... from Charlie Sova who is our director of Administration. He tells me that for either NLETS or NCIC we have a subscription. I'm not sure what the amount is, I don't think the amount changes, I think it's just a flat

rate, so I don't think it depends on, I don't think the amount that we pay depends on the usage we have.

Rep. : In telling us how NLETS functions, I have the question, I have the notion that it seemed to function best when the wanted felon was obliging enough to use a real name as opposed to an alias. If an alias is used say felon Mr. Jones applies in his application as Mr. Kowolski, is it substantially more difficult to track him down?

Bob Dunn: On NCIC, yeah, because it is based on the name. If you run Jones, your not going to get a possible hit back on Kowolski.

Rep : I have an additional question that you may .... responsibility but on the fiscal note on the back it says there is an increasing of the license fee, and I do not see this in the text. Is that .....?.

Bob Dunn: That was in a prior version of the bill. The bill as it was originally drafted with would have funded this with a one dollar per license application fee increase. So this has substituted that license fee, substituted the funding mechanisms that are embodied in the bill that's in front of you now, for the license fee increase.

Rep. : On the third page of the bill, I see that driving offenses has been deleted and in it's place any offense is included. Am I to assume by this liberal reading that means any type of violation, misdemeanor whether it be related to a vehicle's particular use or not?

Bob Dunn: That's right.

Rep. : With the testimony which was given here this morning that identified there is a problem, has the agency in this division looked at towns to resolve this problem without creating this division? I mean if there is a problem out there, and statistics are right, and there is felons that are out there, then what is the agency doing to make it different, if this bill is not being supported, then is there any other way to resolve this problem, that is to become more effective than what we are doing?

Bob Dunn: Well, I mean, that gets back, I guess, to the issues that Corporal Doucette talked about. The most effective way, I guess, that exists right now, to apprehend folks, is to encounter them on the road, to run checks where you can and to utilize normal law enforcement techniques to capture them. The idea that's embodied in this bill is certainly one way of addressing that problem. The pilot project showed that there were at least 4 people that were out there who hold NH

licenses that were wanted on NCIC. You know, I guess, it becomes a policy question about whether or not the resources are better put into trying to find them through this method, or to having troopers out on the road that would be stopping people and trying to check them out. But, this is one way of doing it, again, if that's the way that the legislature chooses to ask us to do it, all we're saying is we need to make sure that we have the money to be able to pay for that.

Rep. : So at what point then cost is a factor? I mean, unless you reach a certain point and you start ..... crime, the cost, at the end, that is a factor in making a certain decision. If you're looking at figures of 16,000 people then it comes down to 16,000 people matched to 1600 down to "X" amount, and then down to three people and your looking at also the cost factor for extradition.

Bob Dunn: Yes, there certainly there's costs. There's a cost attached to everything, there'd be a cost attached to all of this. And I guess we just have to make the decision about whether you think that the costs here is something that's going to bear sufficient fruits.

Rep. : How long did you run this.....?

Bob Dunn: Over the course of about a month. It was one month's worth of names.

Rep.: And that was .....?

Bob Dunn: Yes, it was all done by that.

Rep.: It was four..... and the original run was how many people?

Bob Dunn: 16,000 names

Rep. : It is stated here that originally nothing was being done because the FBI wouldn't give you, or wouldn't give anybody in the state permission to enter this NCIC and then at some point in time that was given, and then at some point in time many months after this, you started this test program. Is that true? In other words, from the time that you knew you had permission to enter the system to get this information, a period of months elapsed before you started the test program to see how it would work out. Was that a true statement?

Bob Dunn: Yes, we did the pilot project in response to this legislation.

Rep.: Was there any particular, did it take that long to implement what you wanted to do? Why would it be that time lag?

Bob Dunn: We did it in order to provide information to the legislature, to decide what to, to be able to look at the facts to make a decision about whether it made sense.

Rep. Mock: Mr. Dunn, is there a central repository where all defaults are known, for instance names, addresses, everybody in NH who is in default today? Is that available?

Bob Dunn: Defaults, criminal, civil, the whole nine yards?

Rep. Mock: They have not answered their speeding tickets, yellow lines, burglary, robbery, they did not show up in Court.

Bob Dunn: If you are in default in any NH court, then at least as a matter of state law, the court is able to send to the Dept. of Safety, the notification of the default and then we are able to suspend the license. So, to that degree there is a central repository. If all the names have been sent in from the Court, then that's a central repository. It's in the possession of the Dept. of Safety.

Rep. Mock: All those names that you are receiving are going into a computer and being flagged or something, so that when that when that person comes up for renewal or applies for a license, they don't get it?

Bob Dunn: That's right.

Rep. Mock: That's their only punishment? No issuance, is that correct?

Bob Dunn: Well, the court is authorized if the person defaults, to issue a bench warrant and then the person is subject to arrest on the bench warrant.

Rep. Mock: But they're not being arrested. Your job is to deny the license, period.

Bob Dunn: That's right.

Rep. Mock: Now, can I get into the funding issue? The way I read section 6? of the bill, is 20% of all money collected from the surcharge shall be retained by the Dept. of Safety to defray costs. So, I guess what that means is you collect a hundred bucks in interest from one percent on the fine you can keep that. That seems like not very much to me.

But, if that read twenty percent of all monies collected shall be retained by your agency, or maybe even better, forget creating new state positions and say to all the police in the state, here Town of Bartlett, here is the list of people who live in your town, from you. New Hampton, here is a list of people in your town, town of Hampton here's a bunch in your town. You go get that money and you can keep twenty percent of it.

Bob Dunn: You know, that's one thing that ...

Rep. Mock: Give us some incentive to go get it. I know how the police officers are treated. They go out, they work hard, they make an arrest, they do everything, and the court says, so and so, not here, find him in default, fifty dollar fine that's the end of it. That's pretty discouraging. But, if you could collect twenty percent of the hundred dollar fine, there might be some incentive to go knock on some doors. For these local police.

Bob Dunn: Undoubtedly, but you still have the same problem if you don't know if you go to look for the person that you're actually going to find them.

Rep. Mock: But you won't know if you don't go.

Bob Dunn: It's a chicken and egg thing, certainly.

Rep. Mock: That's it, thank you.

Rep. : That brings another question for Commissioner Dunn. Twenty percent of the funds would be allowable for your expenses. As I figure it and this is just a real quick sum, $365,000 gives four troopers and two staff. Figuring about ten percent additional or twenty percent additional because of overhead and various and sundry expenses comes to about a half a million dollars a year for operation. Twenty percent means you're going to have to collect two and a half million dollars in additional fines in order to break even. Is there that much money in the collection of fines? Not necessarily the collection of the total fines but in that portion which is the surcharge? Two and a half million dollars based on that one percent per month.

Bob Dunn: I frankly don't know.

Rep. : I don't think the numbers work out. Some other means of funding has to be found.

Rep. Katsakiores: OK, I've just got a couple of things I want to tie together to make sure everyone understands what's been said here today. One is that I take it that all the information you've given and I guess essentially your complete testimony, is also, would also be the testimony of the Commissioner if he were to be here?

Bob Dunn: Yes.

Rep. Katsakiores: And second question is, is it your understanding in Mr. DeVere's testimony, all the references he made to the Commissioner essentially were really directed at the Department rather than any individual and is it your understanding that that's sufficient to say that he has no personal?

Bob Dunn: The reason I didn't speak to the personal statements that Peter made about the Commissioner is that I think, and Peter will correct me if I'm wrong, that he stepped back a little bit from those. I don't need to defend the Commissioner in front of the legislature, his record speaks for itself, and the Dept. of Safety is now, and has carried out the laws doing what the legislature has asked us to do. As Peter pointed out, as far as the NCIC checks go, there's not a single state doing it, and there is no law which requires us to do that sort of check right now, nor is there any kind of appropriation to allow us to do that kind of check, so the Commissioner is carrying out the law, the Department is carrying out the law.

Rep. Katsakiores: Thank you very much. I don't see any other questions. You'll be available I guess when we get ready to work on this bill the assistance of George Roberts.

Bob Dunn: Sure, sure.

Rep. Katsakiores: Thank you.

Transcribed by Linda DeVere from tape on personal tape recorder of Peter DeVere on April 17, 1995.

HB 605-FN, requiring boating safety education. INEXPEDIENT TO LEGISLATE.
Rep. Peter O. Crowell for Resources, Recreation and Development: This bill originally envisioned boater safety education for 16 years olds. During the summer, a subcommittee investigated the issue of safety on New Hampshire's waters via three public hearings. Three problem areas were identified: (a) the boating public lacks knowledge of the boating rules, (b) lack of enforcement on the lakes, i.e. not enough law enforcement officers available, and (c) people operating boats under the influence of alcohol. It was determined that HB 605-FN would not address the heart of the problem by limiting boater safety education to only 16 year olds. Therefore, it is recommended this bill be voted Inexpedient To Legislate. Three different pieces of legislation will be filed this session which will address properly these three issues which are of such concern to the boating public. Vote 16-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 297, allowing commercial or industrial businesses located in New Hampshire to obtain special competitive electric rates in certain circumstances. INEXPEDIENT TO LEGISLATE.
Rep. Lawrence J. Guay for Science, Technology and Energy: This bill would have allowed a commercial or industrial business located in New Hampshire to obtain approval from the public utilities commission for special competitive electric rates. The subject matter of this bill is being examined by the Retail Wheeling and Restructuring Study Committee, as part of its examination of the entire electric utility industry. Vote 12-0.

HB 380, to legalize the substitution of metric equivalents for any English system value expressed in state motor vehicle laws. INEXPEDIENT TO LEGISLATE.
Rep. Godfrey G. Howard for Science, Technology and Energy: This bill, to legalize the substitution of metric equivalents for our present English system in state motor vehicle laws, was introduced at the request of the Department of Transportation to forestall possible loss of Federal highway funds, despite widespread lack of enthusiasm for the use of metric in highway signs. It is now believed, however, that it may be many years, if ever, before metric highway signage is Federally mandated. Hence the bill's original purpose no longer applies. Vote 12-0.

HB 625, relative to small power producers, qualifying cogenerators, and payment for the purchase of the output of certain facilities. REFER FOR INTERIM STUDY.
Rep. Bernard D. Lamach for Science, Technology and Energy: Although an amendment was presented and was voted favorably by the committee, Refer to Interim Study was supported by the committee to allow this subject matter to come forward coincidentally with the effort on Retail Wheeling and Utility Restructuring. Vote 9-2.

TRANSPORTATION

HB 447, establishing a committee to review certain aspects of the OHRV laws. INEXPEDIENT TO LEGISLATE.
Rep. Henry P. Mock for Transportation: The committee determined that funds presently allocated to the OHRV Safety Education Program are being appropriately expended on OHRV safety issues within the law enforcement division of the Fish and Game Department. The committee further determined that the safety program is appropriately assigned to fish and game and that no further study is necessary since both the Fish and Game Department and the Department of Resources and Economic Development are adequately meeting their statutory obligations to the OHRV program. Vote 17-0.

HB 482-FN, requiring the division of motor vehicles to provide a limited purpose drivers license to persons who have lost their privileges. INEXPEDIENT TO LEGISLATE.
Rep. Henry P. Mock for Transportation: The committee voted unanimously that this was not the time to weaken the state's anti-DWI initiative by allowing persons whose drivers' license has been revoked to operate a vehicle upon our public highways for any reason whatsoever. Vote 17-0.

HB 555-FN, requiring certificates of title and title fees for OHRVs. INEXPEDIENT TO LEGISLATE.
Rep. Sherman A. Packard for Transportation: This bill was found undesirable by the Department of Safety due to the increased demands it would put on the DOS. It was also found that at this time the problem did not exist in the depth as originally thought. Vote 17-0.

HB 575-FN-L, requiring certificates of title for vessels. INEXPEDIENT TO LEGISLATE.
Rep. Ken W. Malcolm for Transportation: Due to financial and personnel constraints this would not be the time to start this program despite some of the merit this bill contains. Vote 17-0.

HB 167-FN, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center for wanted felons and the National Law Enforcement Telecommunications Systems, as a precondition to issuance, and imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. INEXPEDIENT TO LEGISLATE.
Rep. Fred A. Kruse for Transportation: This bill has been thoroughly discussed during the interim period by a subcommittee of the Transportation Committee and was recommended to the full committee as Inexpedient To Legislate in both the original version and in a revised version put forward by the sponsor. Vote 17-0.

(b) Five members of the senate, appointed by the senate president.

II. All members shall be appointed within 30 days after the effective date of this act. The first-named house member shall call the first meeting of the committee. Five members shall constitute a quorum. The members may elect a committee chairperson. Members shall receive mileage at the legislative rate.

III. The committee shall submit a report on its findings and recommendations, including proposals for legislation, to the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1995.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Temporarily prohibits the erection or permitting of certain new off-premise advertising device.

II. Establishes an off-premise advertising device and vegetation maintenance committee.

SB 107-FN, allowing licensed beverage manufacturers to sell beverages to the general public in limited quantities for off premise consumption. OUGHT TO PASS

Rep. Stephen G. Avery for Regulated Revenues: This bill will allow licensed beverage manufacturers to sell no more than 72 fluid ounces (6 pack) of beer to the general public for off premise consumption. Manufacturers will pay appropriate fees as required by RSA 178:30. Vote 15-0.

Referred to Finance.

SB 99-FN, requiring the international accessibility symbol to be added to the special number plates issued to certain veterans. OUGHT TO PASS

Rep. Mark A. Krochmal for Transportation: This bill amends the current statute regarding veterans' license plates by specifying that the international accessibility symbol (i.e., wheelchair) be added to the plates of those veterans whose physical disabilities make them eligible for disability plates. As these veterans' plates tend to have low digit numbers, the committee believes that there will be sufficient space remaining to accommodate this symbol. Vote 15-0.

SB 167-FN, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center for wanted felons and the National Law Enforcement Telecommunications Systems, as a precondition to issuance, and imposing a surcharge on fines and default payments which are overdue to the division of motor vehicles. RE-REFER TO COMMITTEE

Rep. Ken W. Malcolm for Transportation: It was felt by a committee vote of 17-0 that this bill had too many complex questions and further study was needed. With the state now operating with a projected deficit of $100,000,000, this was not the time to add personnel to effectuate the laudable goals of this bill. It was also felt that by working with the court system, Attorney General's Office, local police and sheriffs, along with the Department of Safety, that the committee may be able to present a workable law to collect defaulted fines and to locate and to prevent wanted felons from acquiring New Hampshire driver's licenses. Vote 17-0.

REGULAR CALENDAR

SB 87-FN, relative to the business finance authority. OUGHT TO PASS

Rep. Anthony Syracusa for Commerce, Small Business, Consumer Affairs and Economic Development: This bill expands the scope of operation of the BFA by making their programs more effective and accessible to New Hampshire businesses. The primary result of the expanded program will be jobs, by encouraging existing companies to remain in New Hampshire and attracting others to relocate here. Vote 17-0.

Adopted and ordered to third reading.

SB 148-FN-A, establishing the New Hampshire real estate investment trust act and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Eric N. Lindblade for Commerce, Small Business, Consumer Affairs and Economic Development: This bill establishes a New Hampshire Real Estate investment trust act. It allows small investors to invest in real estate much like a mutual fund. The committee did not have sufficient time to study this bill and concerns were raised by the Dept. of Revenue Administration regarding several tax issues. Vote 18-0.

Adopted.

SB 152-FN, relative to fees for filing documents with the insurance department. RE-REFER TO COMMITTEE

Rep. Beverly A. Gage for Commerce, Small Business, Consumer Affairs and Economic Development: The committee has a great number of questions they feel need to be answered before this bill passes. Although these fees have not been increased for twenty years, we feel another year will not be detrimental to the Insurance Department. Vote 11-7.

Adopted.

SB 10-FN-A, establishing a committee to study the chancellor's office of the university system and related matters and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

John

State of New Hampshire
DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 10 HAZEN DR.
CONCORD, N.H. 03305
603/271-2559

RICHARD M. FLYNN
COMMISSIONER OF SAFETY

JOHN A. STEPHEN
ASSISTANT COMMISSIONER

March 1, 2000

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of The General Court
State House
Concord, New Hampshire 03301

INFORMATIONAL DEFAULT REPORT

Dear Chairman Kurk,

Pursuant to RSA 262:44 VIII, I hereby submit The Department of Safety's Annual Report of defaulted fines. The period covered per statute is 1993-1999.

Respectfully submitted,

Richard M. Flynn
Commissioner of Safety

RMF/sab

Department of Safety
Defaults
As of 2/05/99

	Plea by Mail		Courts		Total	
	NH Address	Out of State	NH Address	Out of State	NH Address	Out of State
1999						
# of Violations	74,860	31,653	29,371	8,319	104,231	39,972
Total fine amount	$5,313,513	$2,756,454	$5,035,648	$1,368,015	$10,349,161	$4,124,469
# of defaults	3,013	2,104	2,464	1,276	5,477	3,380
% of Defaults	4.0%	6.6%	8.4%	15.3%	5.3%	8.5%
Defaulted fine amount	$204,158	$195,218	$101,454	$60,408	$305,612	$255,626
1998						
# of Violations	80,162	32,653	39,232	11,761	119,394	44,414
Total fine amount	$5,669,697	$2,756,454	$7,071,620	$1,920,020	$12,741,317	$4,676,474
# of defaults	3,013	2,104	984	954	3,997	3,058
% of Defaults	3.8%	6.4%	2.5%	8.1%	3.3%	6.9%
Defaulted fine amount	$204,158	$195,218	$199,248	$95,371	$403,404	$290,589
1997						
# of Violations	72,510	28,468	42,114	13,666	114,624	42,134
Total fine amount	$5,167,692	$2,413,063	$6,634,402	$1,955,296	$11,802,094	$4,368,359
# of defaults	1,184	1,455	1,579	1,277	2,763	2,732
% of Defaults	1.6%	5.1%	3.7%	9.3%	2.4%	6.5%
Defaulted fine amount	$82,890	$135,766	$224,772	$167,172	$307,662	$302,938
1996						
# of Violations	54,824	21,213	58,486	22,322	113,310	43,535
Total fine amount	$3,982,232	$1,881,171	$7,228,707	$2,577,924	$11,210,939	$4,459,095
# of defaults	654	1,174	1,687	1,611	2,341	2,785
% of Defaults	1.2%	5.5%	2.9%	7.2%	2.1%	6.4%
Defaulted fine amount	$49,537	$114,600	$422,990	$204,807	$472,527	$319,407

Department of Safety
Defaults
As of 2/05/99

1995						
# of Violations	58,949	21,421	58,248	23,090	117,197	44,511
Total fine amount	$4,252,021	$1,855,369	$6,777,140	$2,532,848	$11,029,161	$4,388,217
# of defaults	797	1,151	1,474	1,553	2,271	2,704
% of Defaults	1.4%	5.4%	2.5%	6.7%	1.9%	6.1%
Defaulted fine amount	$58,172	$109,670	$123,642	$124,567	$181,814	$234,237
1994						
# of Violations	24,869	8,621	39,974	14,877	64,843	23,498
Total fine amount	$1,782,494	$743,412	$5,008,153	$1,778,963	$6,790,647	$2,522,375
# of defaults	631	879	1,508	1,895	2,139	2,774
% of Defaults	2.5%	10.2%	3.8%	12.7%	3.3%	11.8%
Defaulted fine amount	$46,536	$81,311	$121,985	$183,992	$168,521	$265,303
1993						
# of Violations	3,144	1,904	23,787	8,593	26,931	10,497
Total fine amount	$219,377	$159,530	$3,528,044	$1,285,442	$3,747,421	$1,444,972
# of defaults	287	726	1,466	2,465	1,753	3,191
% of Defaults	9.1%	38.1%	6.2%	28.7%	6.5%	30.4%
Defaulted fine amount	$20,715	$87,554	$138,811	$292,657	$159,526	$360,211
TOTAL 7 YEARS						
# of Violations	366,174	144,029	267,425	94,035	633,599	238,064
Total fine amount	26,167,649	12,405,923	37,755,670	12,133,066	63,923,319	24,538,989
# of defaults	9,292	8,867	9,696	8,566	18,988	17,433
Defaulted fine amount	645,451	831,783	1,194,089	836,317	1,839,540	1,668,100

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DEPARTMENT OF SAFETY
VIOLATION ANALYSIS REPORT WITH DEFAULT
BASED ON VIOLATION DATE AS OF 03/16/2000

	# OF VIOLATION	TOTAL FINE AMOUNT	# OF DEFAULT	TOTAL DFLT FINE AMT	NH LEGAL ADDRESSES # OF VIOLATION	NH LEGAL ADDRESSES TOTAL FINE AMOUNT	NH LEGAL ADDRESSES # OF DEFAULT	NH LEGAL ADDRESSES TOTAL DFLT FINE AMT	OUT OF STATE LEGAL ADDRESSES # OF VIOLATION	OUT OF STATE LEGAL ADDRESSES TOTAL FINE AMOUNT	OUT OF STATE LEGAL ADDRESSES # OF DEFAULT	OUT OF STATE LEGAL ADDRESSES TOTAL DFLT FINT AMT
*** YEAR 1999 ***												
QTR1	36,700	$ 3,732,354	1,678	$ 103,004	27,125	$ 2,738,331	1,078	$ 58,083	9,575	$ 994,025	600	$ 44,921
QTR2	41,763	$ 4,273,840	2,416	$ 158,833	30,686	$ 3,112,008	1,506	$ 87,709	11,077	$ 1,161,832	910	$ 71,124
QTR3	42,207	$ 4,239,319	2,880	$ 185,964	29,059	$ 2,902,606	1,664	$ 96,147	13,148	$ 1,336,715	1,216	$ 89,817
QTR4	25,146	$ 2,219,372	1,461	$ 90,986	17,107	$ 1,598,725	934	$ 51,473	6,039	$ 620,647	527	$ 39,513
TOTAL	143,816	$ 14,464,885	8,435	$ 538,787	103,977	$ 10,351,670	5,182	$ 293,412	39,839	$ 4,113,215	3,253	$ 245,375
*** YEAR 1998 ***												
QTR1	38,559	$ 4,078,731	1,352	$ 170,168	28,500	$ 3,037,108	796	$ 116,777	10,059	$ 1,041,623	556	$ 53,391
QTR2	42,559	$ 4,557,785	1,713	$ 181,250	31,663	$ 3,413,563	981	$ 100,005	10,896	$ 1,144,222	732	$ 81,245
QTR3	44,457	$ 4,764,814	2,190	$ 220,144	30,773	$ 3,308,073	1,132	$ 121,230	13,684	$ 1,456,741	1,058	$ 98,914
QTR4	38,096	$ 4,015,996	1,661	$ 116,566	28,416	$ 2,987,641	998	$ 65,240	9,680	$ 1,028,355	663	$ 53,326
TOTAL	163,671	$ 17,417,326	6,916	$ 688,128	119,352	$ 12,746,385	3,907	$ 401,252	44,319	$ 4,670,941	3,009	$ 286,876
*** YEAR 1997 ***												
QTR1	36,991	$ 3,725,490	1,106	$ 159,612	27,006	$ 2,717,400	560	$ 89,113	9,985	$ 1,008,090	546	$ 70,499
QTR2	40,648	$ 4,189,328	1,447	$ 140,878	30,059	$ 3,097,961	725	$ 74,891	10,589	$ 1,091,367	722	$ 65,987
QTR3	43,787	$ 4,431,025	1,668	$ 145,642	30,669	$ 3,073,264	768	$ 62,871	13,118	$ 1,357,761	900	$ 82,771
QTR4	35,293	$ 3,823,131	1,227	$ 161,050	26,922	$ 2,919,018	688	$ 79,201	8,371	$ 904,113	539	$ 81,849
TOTAL	156,719	$ 16,168,974	5,448	$ 607,182	114,656	$ 11,807,643	2,741	$ 306,076	42,063	$ 4,361,331	2,707	$ 301,106
*** YEAR 1996 ***												
QTR1	34,002	$ 3,359,482	1,057	$ 108,067	24,771	$ 2,396,000	509	$ 53,177	9,231	$ 963,482	548	$ 54,890
QTR2	41,730	$ 4,062,219	1,416	$ 164,166	30,165	$ 2,903,802	589	$ 76,963	11,565	$ 1,158,417	827	$ 87,203
QTR3	45,010	$ 4,609,967	1,467	$ 389,815	31,361	$ 3,224,230	612	$ 283,699	13,649	$ 1,385,737	855	$ 106,116
QTR4	36,061	$ 3,635,134	1,146	$ 125,900	26,985	$ 2,685,471	610	$ 57,470	9,076	$ 949,663	536	$ 68,430
TOTAL	156,803	$ 15,666,802	5,086	$ 787,948	113,282	$ 11,209,503	2,320	$ 471,309	43,521	$ 4,457,299	2,766	$ 316,639

QTR1	29,500	$	2,891,630	1,091	$	79,185	21,457	$	2,074,496	540	$	31,112	8,043	$	817,134	551	$	48,073
QTR2	43,592	$	4,109,171	1,413	$	108,845	31,732	$	2,928,914	636	$	42,476	11,860	$	1,180,257	777	$	66,369
QTR3	43,404	$	4,176,595	1,397	$	111,468	30,509	$	2,915,185	583	$	37,966	12,895	$	1,261,412	814	$	73,502
QTR4	34,837	$	3,428,175	1,031	$	112,430	26,027	$	2,570,757	489	$	67,231	8,810	$	857,418	542	$	45,199
TOTAL	151,333	$	14,605,571	4,932	$	411,928	109,725	$	10,489,350	2,248	$	178,785	41,608	$	4,116,221	2,684	$	233,143
*** YEAR 1994 ***																		
QTR1	7,582	$	1,088,542	947	$	80,945	5,558	$	811,762	475	$	33,371	2,024	$	276,780	472	$	47,574
QTR2	10,673	$	1,463,842	1,287	$	129,152	7,814	$	1,074,924	507	$	47,997	2,859	$	388,918	780	$	81,155
QTR3	11,844	$	1,547,958	1,526	$	132,536	8,496	$	1,123,875	606	$	46,197	3,348	$	424,083	920	$	86,339
QTR4	12,113	$	1,608,802	1,133	$	88,709	9,233	$	1,225,293	546	$	40,440	2,880	$	383,509	587	$	48,269
TOTAL	42,212	$	5,709,144	4,893	$	431,342	31,101	$	4,235,854	2,134	$	168,005	11,111	$	1,473,290	2,759	$	263,337
*** YEAR 1993 ***																		
QTR1	7,332	$	1,042,486	976	$	110,442	5,232	$	745,310	299	$	25,430	2,100	$	297,176	677	$	85,012
QTR2	9,065	$	1,275,527	1,259	$	124,502	6,532	$	927,953	476	$	41,863	2,535	$	347,574	783	$	82,639
QTR3	10,250	$	1,386,597	1,574	$	169,014	7,061	$	949,675	509	$	45,569	3,189	$	436,922	1,065	$	125,445
QTR4	8,558	$	1,253,569	1,119	$	113,944	6,387	$	942,647	464	$	46,142	2,171	$	310,922	655	$	67,802
TOTAL	35,205	$	4,958,179	4,928	$	517,902	25,212	$	3,565,585	1,748	$	159,004	9,993	$	1,392,594	3,180	$	358,898
*** YEAR 1992 ***																		
QTR1	4,686	$	611,667	802	$	72,727	2,914	$	392,759	324	$	21,175	1,772	$	218,908	478	$	51,552
QTR2	5,563	$	820,421	960	$	104,100	3,573	$	515,947	395	$	36,985	1,990	$	304,474	565	$	67,115
QTR3	7,281	$	966,800	1,167	$	113,709	4,817	$	647,017	407	$	34,604	2,464	$	319,783	760	$	79,105
QTR4	7,162	$	926,357	842	$	90,132	5,317	$	675,765	331	$	31,648	1,845	$	250,592	511	$	58,484
TOTAL	24,692	$	3,325,245	3,771	$	380,668	16,621	$	2,231,488	1,457	$	124,412	8,071	$	1,093,757	2,314	$	256,256
*** YEAR 1991 ***																		
QTR1	4,339	$	580,996	851	$	83,481	2,759	$	376,783	352	$	28,191	1,580	$	204,213	499	$	55,290
QTR2	5,051	$	690,556	1,003	$	92,766	3,181	$	446,016	477	$	38,017	1,870	$	244,540	526	$	54,749
QTR3	5,303	$	731,456	1,110	$	101,405	3,271	$	475,438	475	$	36,139	2,032	$	256,018	635	$	65,266

QTR4	4,693	$	647,353	839	$	77,610	2,925	$	420,190	341	$	24,772	1,768	$	227,163	498	$	52,838
TOTAL	19,386	$	2,650,361	3,803	$	355,262	12,136	$	1,718,427	1,645	$	127,119	7,250	$	931,934	2,158	$	228,143
*** YEAR 1990 ***																		
QTR1	4,492	$	576,837	795	$	74,902	2,937	$	378,968	403	$	32,042	1,555	$	197,869	392	$	42,860
QTR2	5,364	$	731,203	1,028	$	99,099	3,453	$	487,515	496	$	40,442	1,911	$	243,688	532	$	58,657
QTR3	5,548	$	737,657	1,072	$	100,719	3,458	$	461,090	466	$	37,567	2,090	$	276,567	606	$	63,152
QTR4	4,262	$	593,566	816	$	77,021	2,799	$	396,680	410	$	34,568	1,463	$	196,886	406	$	42,453
TOTAL	19,666	$	2,639,263	3,711	$	351,741	12,647	$	1,724,253	1,775	$	144,619	7,019	$	915,010	1,936	$	207,122

7:38-b Collection of Forfeitures; Motor Vehicles.

I. Whenever a party recognized to appear for any offense volving driving makes default and the recognizance is clared forfeited, the court shall send a notice of default to e division of motor vehicles. The division shall send a tice to the person owing the recognizance, demanding payment thin 30 days and stating that failure to make payment within e 30-day period shall result in suspension of such person's iver's license or driving privilege until such time as the rson provides proof to the department of safety that he has id the amount of the forfeited recognizance to the court.

II. Payments of the forfeited recognizance under paragraph I all be sent to the department of safety and deposited into a ecial fund, known as the default bench warrant fund, tablished in RSA 263:56-d to pay the costs of state, county d local law enforcement officials who make arrests pursuant bench warrants issued for persons improperly at large for iving-related offenses and to pay the cost of breath analyzer chines.

urce. 1991, 366:1, eff. Jan. 1, 1992. 1998, 288:10, f. Jan. 1, 1999

RICHARD M. FLYNN
COMMISSIONER OF SAFETY

STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY

CHARLES E. SOVA
DIRECTOR OF ADMINISTRATION

DWI BENCH WARRANT FUND DISBURSEMENT

BENCH WARRANT DOCKET # _____

APPLICANT:

Name of Law Enforcement Agency: _____

Address of Law Enforcement Agency: _____
Street address Town/City State Zip Code

Name of Law Enforcement Official who served bench warrant: _____

Date bench warrant actually served: _____

Date(s) of attempted service: _____

OFFENDER:

Offender's Name: _____ D.O.B.: _____

Offender's Address: _____
Street address Town/City State Zip Code

Total hours spent attempting to serve bench warrant: . . . . _____

Total hours spent actually serving bench warrant: . . . . . _____

Total miles traveled in attempting to serve bench warrant: . _____

Total miles traveled in actually serving bench warrant: . . . . _____

_____
Signature of head of law enforcement agency or his designee

SAF-C 3703.01 Time of Disbursement. An applicant shall submit a form only after a bench warrant has been actually served and the offender arrested pursuant to RSA 263:56-d.

SAF-C 3703.02 Maximum Disbursement Amount. An applicant shall be reimbursed $20 per hour, excluding mileage, up to a maximum of $100 per bench warrant served.

SAF-C 3703.03 Disbursement by the Division.
(a) Once the division has received a completed form, it shall disburse a refund to the applicant.
(b) The refund shall be in the form of a check issued directly to the applicant.

Applicant shall retain one copy, submit a copy to law enforcement official who served the bench warrant and hand deliver or mail the original to: Department of Safety, Business Office, 10 Hazen Drive, Concord, NH 03305.

216
2146
Identification Numbers

V3500000069

State of New Hampshire

Department of Safety

Division of Motor Vehicles

10 Hazen Drive, Concord, N.H. 03305

RICHARD M. FLYNN
Commissioner of Safety

VIRGINIA C. BEECHER
Director of Motor Vehicles

HILLSBOROUGH DISTRICT COURT
P.O. BOX 763
HILLSBORO, NH 03244
603-464-5811

Date: 03/09/2000

NOTICE OF ACTION BY THE DIRECTOR

File Number: 7249-96

THIS ORDER IS EFFECTIVE
03/09/2000
AT 12:01 A.M.

HILLSBORO NH 03244- Date of Birth:

AS A RESULT OF: DWI - DEFAULT
HILLSBOROUGH DISTRICT

WARNING - THIS NOTICE DOES NOT REPLACE ANY PRIOR NOTICE ALREADY IN EFFECT.

FOR THE REASONS SHOWN ABOVE YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION IN ACCORDANCE WITH THE STATUTORY PROVISIONS OF THE MOTOR VEHICLE LAWS, EFFECTIVE ON THE DATE SHOWN TO THE RIGHT OF THE ARROW ABOVE.

YOUR LICENSE/OPERATING PRIVILEGE IS SUSPENDED INDEFINITELY.

YOU MAY BE CONSIDERED FOR RESTORATION IF YOU COMPLETE THE FOLLOWING REQUIREMENT(S):
DEFAULT TO BE CLEARED

BE SURE TO READ THE BACK OF THIS FORM

NEW HAMPSHIRE DEFAULT INSTRUCTIONS:

If you have defaulted a summons, failed to pay a fine or defaulted an administrative fee you must:
A) Clear the problem with the court or the department listed in the upper left hand corner of this form (see instructions on back).
B) If the name of a court appears above in the upper left hand corner then you have defaulted that court and the COURT ISSUED RECEIPT must be received by the Division of Motor Vehicles PRIOR to the effective suspension date. WARNING: This receipt is the ONLY proof this agency can accept, or,
C) If the name of this agency appears above in the upper left hand corner then you have defaulted this department and the matter must be settled here PRIOR to the suspension effective date.
D) Once the suspension has gone into effect, you will be assessed a reinstatement fee (see below) by the Division of Motor Vehicles. The default has to be cleared and the reinstatement fee paid BEFORE your license/operating privileges can be restored. MAKE CHECKS PAYABLE TO "STATE OF NH - MV" FOR PAYMENT OF ALL REINSTATEMENT FEES.

OUT-OF-STATE COURT DEFAULT INSTRUCTIONS:

If you have failed to pay a fine or defaulted a court summons to the out-of-state court listed above:
A) You must clear the problem with the out-of-state court and obtain a reinstatement from the out-of-state Department of Motor Vehicles.
B) The COURT ISSUED RECEIPT with proper "Identification Numbers" (located in the upper left-hand corner above) and the notification of reinstatement from the out-of-state Department of Motor Vehicles must be presented to the Division of Motor Vehicles PRIOR to the effective suspension date and must be accompanied by a Clearance Fee (see below). Failure to submit the Clearance Fee with the Court Receipt means the Default/Unpaid fine CANNOT be cleared and restoration or cancellation of this suspension order CANNOT be considered.
C) If the suspension goes into effect you must cease driving, and not drive again until you have written confirmation that your license has been reinstated by the New Hampshire Division of Motor Vehicles.
D) 15 days after the suspension has gone into effect, a Reinstatement Fee (see below) will also be assessed. This Reinstatement Fee is in ADDITION to the Clearance Fee and any other fees and fines assessed by the court. These fees and the COURT ISSUED RECEIPT have to be on file at the Division of Motor Vehicles before your license and/or operating privileges can be restored. Make checks payable to "State of NH – MV" for payment of all reinstatement and/or clearance fees.

CAUTION CAUTION CAUTION

Once this order becomes effective, you MUST IMMEDIATELY SURRENDER YOUR NEW HAMPSHIRE LICENSE to the DIRECTOR. You are NOT TO DRIVE until you have WRITTEN CONFIRMATION that your license and/or operating privileges have been reinstated. Restoration can not be accomplished if you are under SUSPENSION OR REVOCATION for other reasons. Any correspondence or remittance should include your FULL NAME and DATE OF BIRTH.

IF NO FINE AMOUNT APPEARS ABOVE, YOU MUST CONTACT THE COURT IN PERSON.

FEES: Reinstatement - $50.00 Clearance -

Virginia C. Beecher

Virginia C. Beecher, Director
Division of Motor Vehicles

Refer phone inquiries: 603-271-3101

217
2146
Identification Numbers

V3500000069

State of New Hampshire

Department of Safety

Division of Motor Vehicles

10 Hazen Drive, Concord, N.H. 03305

RICHARD M. FLYNN
Commissioner of Safety

VIRGINIA C. BEECHER
Director of Motor Vehicles

HILLSBOROUGH DISTRICT COURT
P.O. BOX 763
HILLSBORO, NH 03244
603-464-5811

Date: 03/09/2000

NOTICE OF ACTION BY THE DIRECTOR

File Number: 7249-96

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HILLSBORO NH 03244- Date of Birth:

AS A RESULT OF: DWI - DEFAULT
HILLSBOROUGH DISTRICT

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YOUR REGISTRATION IS SUSPENDED INDEFINITELY.
YOU MAY BE CONSIDERED FOR RESTORATION IF
YOU COMPLETE THE FOLLOWING REQUIREMENT(S):
DEFAULT TO BE CLEARED

IF THIS SUSPENSION GOES INTO EFFECT A $25.00 REGISTRATION FEE IS REQUIRED IN ADDITION TO THE FEES LISTED BELOW

BE SURE TO READ THE BACK OF THIS FORM

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IF NO FINE AMOUNT APPEARS ABOVE, YOU MUST CONTACT THE COURT IN PERSON.

FEES: Reinstatement - [redacted] Clearance - [redacted]

Virginia C. Beecher
Virginia C. Beecher, Director

Docket # 00-CR-069 TN# 4N

State of New Hampshire
COMPLAINT

7/24/96

Docket #

☐ DOMESTIC VIOLENCE RELATED

☐ VIOLATION ☒ CLASS A ☐ CLASS B MISDEMEANOR ☐ FELONY

9031

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT AT _____ O'CLOCK IN THE AM/PM ON _____ 19___ UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE _____ COURT, COUNTY OF _____

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME _____ (Last Name) _____ (First Name) _____ (Mi)

_____ (Address) _____ (State) _____ (Zip)

DOB. _____ OP. LIC.# _____

Sex	Race	Height	Weight	WRITE OUT: Color Hair	Color Eyes

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT.

AT _____ (Location)

ON THE _____ DAY OF _____ 19 _____ at _____ A.M. P.M.

on/at in said county and state, did commit the offense of _____

_____ contrary to RSA _____

and the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did _____

against the peace and dignity of the State.

_____ (Complainant)

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

DATE _____

_____ (Justice of the Peace)

AOC-103-045 REV. 3/95

DEPT. OF SAFETY COPY

TRIAL SCHEDULED ..... at .....
Continued from..... to ..... at ..... by .....
Continued from..... to ..... at ..... by .....
TRIAL HELD
Bail: ☐ PRS .... ☐ CashS .... ☐ SuretyS .... ☐ Committed
☐ Defendant advised of constitutional rights. ☐ Waived counsel.
☐ Appearance of ..... for defendant
☐ Assignment of ..... for defendant
Nol Prossed by ..... date .....
PLEA: ☐ Guilty ☐ Not Guilty ☐ Nolo Contendere ☐ No Plea
☐ **Change Plea To:** ☐ Nolo ☐ Guilty
☐ Not Guilty ☐ Negotiated Plea date .....
FINDING: ☐ Guilty ☐ Not Guilty ☐ Dismissed
SENTENCE:
☐ Fine of S ..... amt. suspended S .....PA S ..... ☐ PA Susp.
☐ Commitment to House of Correction for ..... days ..... months
☐ Suspended ..... days ..... months
☐ Commitment suspended upon payment of S .....fine
☐ Commitment suspended (see conditions below)
☐ Commitment to mandatory 10 consecutive 24-hour periods: 3 at the House of Correction; 7 at the multiple DWI offender intervention detention center.
☐ Commitment to.....consecutive 24-hour periods (mandatory not less than 30) at the House of Correction. Defendant shall complete at own expense a 28-day treatment program before license privileges may be restored.
☐ Conditional Discharge after....months ☐ Unconditional Discharge
☐ Ordered ☐ Recommended Defendant's license (rights) to operate motor vehicle be ☐ suspended ☐ revoked for a period of ..... days ..... months ..... years.
☐ Defendant placed on Probation for .....
☐ Case continued for sentence ☐ Complaint placed on file ☐ with ☐ without finding.
☐ Defendant failed to appear. ☐ Bail forfeited S .....
☑ Bench warrant to issue ..2-28-00..... New Bail S T.B.O.
Date
Thomas T. Barry
.....
.....
.....
DATE ..... JUSTICE .....
PROBABLE CAUSE ..... ☐ BailS .... ☐ Committed
Date
☐ Hearing Waived
APPEALED: ..... ☐ BailS ..... ☐ Committed
Date

Total Fine S .....
Suspended S .....
Due State S .....

MAR 0 3 2000

I certify that this is a true abstract
.....3-2-00.....
Date

.....Lynn Plourde.....
Signature of Clerk

1115
Identification Numbers

V0799000193

Department of Safety
Division of Motor Vehicles
10 Hazen Drive, Concord, N.H. 03305

Commissioner of Safety
VIRGINIA C. BEECHER
Director of Motor Vehicles

MERRIMACK COUNTY SUPERIOR CT.
163 NORTH MAIN STREET
P.O. BOX 1417
CONCORD, NH 03301
603-225-5501

Date: 03/16/2000

NOTICE OF ACTION BY THE DIRECTOR

File Number:

THIS ORDER IS EFFECTIVE
04/16/2000
AT 12:01 A.M.

CONCORD NH 03301-

Date of Birth:

AS A RESULT OF: DEFAULT COURT SUMMONS
MERRIMACK SUPERIOR

WARNING - THIS NOTICE DOES NOT REPLACE ANY PRIOR NOTICE ALREADY IN EFFECT.

FOR THE REASONS SHOWN ABOVE YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION IN ACCORDANCE WITH THE STATUTORY PROVISIONS OF THE MOTOR VEHICLE LAWS, EFFECTIVE ON THE DATE SHOWN TO THE RIGHT OF THE ARROW ABOVE.

YOUR LICENSE/OPERATING PRIVILEGE IS SUSPENDED INDEFINITELY PURSUANT TO RSA 263:56-A.

B

YOU MAY BE CONSIDERED FOR RESTORATION IF YOU COMPLETE THE FOLLOWING REQUIREMENT(S):
DEFAULT TO BE CLEARED

BY CONTACTING THE COURT AT THE ADDRESS OR TELEPHONE NUMBER LISTED ABOVE
NO FURTHER INFORMATION IS AVAILABLE AT THIS AGENCY.

BE SURE TO READ THE BACK OF THIS FORM

NEW HAMPSHIRE DEFAULT INSTRUCTIONS:

If you have defaulted a summons, failed to pay a fine or defaulted an administrative fee you must:
A) Clear the problem with the court or the department listed in the upper left hand corner of this form (see instructions on back).
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CAUTION CAUTION CAUTION

Once this order becomes effective, you MUST IMMEDIATELY SURRENDER YOUR NEW HAMPSHIRE LICENSE to the DIRECTOR. **You are NOT TO DRIVE until you have WRITTEN CONFIRMATION that your license and/or operating privileges have been reinstated.** Restoration can not be accomplished if you are under SUSPENSION OR REVOCATION for other reasons. Any correspondence or remittance should include your FULL NAME and DATE OF BIRTH.

IF NO FINE AMOUNT APPEARS ABOVE, YOU MUST CONTACT THE COURT IN PERSON.

FEES: Reinstatement - $50.00 Clearance -

Virginia C. Beecher
Virginia C. Beecher, Director
Division of Motor Vehicles

Refer phone inquiries: 603-271-3101
Speech/Hearing Impaired Relay TTY/TDD 1-800-735-2964

STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Merrimack COUNTY DOCKET NO. 99-M-093

D/O/B ___ Date of Offense 2/15/2000

~~Motor Vehicle Related: Yes ___ No ___~~

ORDER ON FAILURE TO APPEAR

_____ V. _____

Concord, N.H. 03301

The defendant, failed to appear on 2/15/00 as ordered by this court. It is therefore Ordered that:

✓ Capias to issue. Bail is set at $ 500
___ Personal Recognizance ___ Cash or corporate surety
✓ Cash only ___ Bail to be set on return of capias

___ Case remanded to district court for further disposition.

___ Other: _____

The defendant was recognized to appear, it is further ordered that;

___ Defendant's bail is revoked.

✓ $50 default fee is imposed pursuant to RSA 597:38-a.
✓ This fee is due 14 days after apprehension.
___ This fee is to be collected by the District Court.

___ Bail is forfeited.
___ Offense involves driving (Bail to go to DWI/BW fund)

___ Schedule a hearing at which surety shall produce the defendant or show cause why bail shall not be forfeited.

___ Other: _____

_____

If a capias is ordered, a copy of this Order will be sent to the Dept. of Safety, 10 Hazen Dr., Concord NH 03305 (Attn. Court Returns) for any further action warranted by RSA 263:56-a or 597:38-b.

2/15/00
DATE

PRESIDING JUSTICE

FEB 2000 FR 1:41

1115
Identification Numbers

V2399001576

State of New Hampshire
Department of Safety
Division of Motor Vehicles
10 Hazen Drive, Concord, N.H. 03305

Commissioner of Safety
VIRGINIA C. BEECHER
Director of Motor Vehicles

LACONIA DISTRICT COURT
ACADEMY SQUARE, P.O. BOX 1010
LACONIA, NH 03247
603-524-4128

Date: 03/16/2000

NOTICE OF ACTION BY THE DIRECTOR

File Number:

THIS ORDER IS EFFECTIVE
05/16/2000
AT 12:01 A.M.

WINTHROPE MA 02152-

Date of Birth:

AS A RESULT OF: DEFAULT COURT SUMMONS
LACONIA DISTRICT

AMOUNT OWED: $85.10

WARNING - THIS NOTICE DOES NOT REPLACE ANY PRIOR NOTICE ALREADY IN EFFECT.

FOR THE REASONS SHOWN ABOVE YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION IN ACCORDANCE WITH THE STATUTORY PROVISIONS OF THE MOTOR VEHICLE LAWS, EFFECTIVE ON THE DATE SHOWN TO THE RIGHT OF THE ARROW ABOVE.

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DEFAULT TO BE CLEARED

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NEW HAMPSHIRE DEFAULT INSTRUCTIONS:

If you have defaulted a summons, failed to pay a fine or defaulted an administrative fee you must:
A) Clear the problem with the court or the department listed in the upper left hand corner of this form (see instructions on back).
B) If the name of a court appears above in the upper left hand corner then you have defaulted that court and the COURT ISSUED RECEIPT must be received by the Division of Motor Vehicles PRIOR to the effective suspension date. WARNING: This receipt is the ONLY proof this agency can accept, or,
C) If the name of this agency appears above in the upper left hand corner then you have defaulted this department and the matter must be settled here PRIOR to the suspension effective date.
D) Once the suspension has gone into effect, you will be assessed a reinstatement fee (see below) by the Division of Motor Vehicles. The default has to be cleared and the reinstatement fee paid BEFORE your license/operating privileges can be restored. MAKE CHECKS PAYABLE TO "STATE OF NH - MV" FOR PAYMENT OF ALL REINSTATEMENT FEES.

OUT-OF-STATE COURT DEFAULT INSTRUCTIONS:

If you have failed to pay a fine or defaulted a court summons to the out-of-state court listed above:
A) You must clear the problem with the out-of-state court and obtain a reinstatement from the out-of-state Department of Motor Vehicles.
B) The COURT ISSUED RECEIPT with proper "Identification Numbers" (located in the upper left-hand corner above) and the notification of reinstatement from the out-of-state Department of Motor Vehicles must be presented to the Division of Motor Vehicles PRIOR to the effective suspension date and must be accompanied by a Clearance Fee (see below). Failure to submit the Clearance Fee with the Court Receipt means the Default/Unpaid fine CANNOT be cleared and restoration or cancellation of this suspension order CANNOT be considered.
C) If the suspension goes into effect you must cease driving, and not drive again until you have written confirmation that your license has been reinstated by the New Hampshire Division of Motor Vehicles.
D) 15 days after the suspension has gone into effect, a Reinstatement Fee (see below) will also be assessed. This Reinstatement Fee is in ADDITION to the Clearance Fee and any other fees and fines assessed by the court. These fees and the COURT ISSUED RECEIPT have to be on file at the Division of Motor Vehicles before your license and/or operating privileges can be restored. Make checks payable to "State of NH – MV" for payment of all reinstatement and/or clearance fees.

CAUTION CAUTION CAUTION

Once this order becomes effective, you MUST IMMEDIATELY SURRENDER YOUR NEW HAMPSHIRE LICENSE to the DIRECTOR. **You are NOT TO DRIVE until you have WRITTEN CONFIRMATION that your license and/or operating privileges have been reinstated.** Restoration can not be accomplished if you are under SUSPENSION OR REVOCATION for other reasons. Any correspondence or remittance should include your FULL NAME and DATE OF BIRTH.

IF NO FINE AMOUNT APPEARS ABOVE, YOU MUST CONTACT THE COURT IN PERSON.

FEES: Reinstatement - $50.00 Clearance -

Virginia C. Beecher
Virginia C. Beecher, Director
Division of Motor Vehicles

Refer phone inquiries: 603-271-3101
Speech/Hearing Impaired Relay TTY/TDD 1-800-735-2964

DSMV 254

Docket # _____ **MARINE PATROL**

COMPLAINT (VIOLATIONS ONLY)

THE STATE OF NEW HAMPSHIRE Belknap. (County)

TO THE Laconia District COURT

26 Academy St, P.O. Box 1010
STREET

Laconia, NH. 03247
TOWN/CITY (603)524-4128 STATE ZIP

Docket # 99 1576

☐ You must come to court at _____ o'clock AM/PM on _____ 19__ to answer this complaint.

☒ You do not have to come to court but must answer this complaint by 8:30 o'clock AM/PM on June 10th 1999. Follow the instructions on the back of the Summons. (Pink Copy)

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME _____ FIRST NAME _____

ADDRESS Winthrope, MA. 02152
STREET CITY STATE ZIP

DOB MO DAY YR _____ OP. LIC. # _____ STATE MA.

Sex	Race	Height	Weight	Color of Hair	Color of Eyes
M	W	5'09	185	BLA.	Bro.

ON THE 30th DAY OF May 19 99 AT 4:20 A.M. P.M.

DID OPERATE BOAT REG. NO. _____ REG. TYPE Rental STATE NH

MAKE Yamaha. YEAR 1998. BOAT TYPE PWC.

AT Belmont.

UPON A CERTAIN PUBLIC WATERWAY, TO WIT- Lake Winnisquam.

☒ at less than 150 feet away from Another Boat while at greater than headway speed. Contrary to RSA 270-D: 2 VI.

☐ while said vessel was unregistered. Contrary to RSA 270-E: 3 I.

☐ while said boat was not equipped with a sufficient number of personal flotation devices. Contrary to RSA 270:11, SAF-C 403.01.

☐ while said boat was not displaying proper lights during the hours of darkness between sunset and sunrise. Contrary to RSA 270:11, SAF-C 403.13.

☐ at greater than headway speed while in a "no wake area". Contrary to RSA 270:11, SAF-C 402.

☐ Other _____

0950 JUN07'99 PM 1:02

CONTRARY TO RSA _____ Against the peace and dignity of the State.

WATER CONDITIONS: ☐ Calm ☒ Light Chop ☐ Choppy ☐ Extreme Cond.

TRAFFIC: ☐ Light ☐ Medium ☒ Heavy ☐ Accident Resulting

WEATHER: ☐ Rain ☐ Snow ☐ Ice ☐ Fog ☒ Clear ☐ Cloudy

N.H. MARINE PATROL — Dept. — Sgt. D. Dirth — Badge No.

☒ SERVED IN HAND

FINE $ 56.16 FROM SCHEDULE

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

DATE 6/7/99 Justice of the Peace _____

DEPT. OF SAFETY COPY

AOC-142-045 6/98

MP

A

ABSTRACT

1115
Identification Numbers

V160000u340

State of New Hampshire
Department of Safety
Division of Motor Vehicles
10 Hazen Drive, Concord, N.H. 03305

RICHARD M. FLYNN
Commissioner of Safety

VIRGINIA C. BEECHER
Director of Motor Vehicles

AUBURN DISTRICT COURT
284 BYPASS 28
AUBURN, NH 03032
603-624-2084

Date: 03/16/2000

NOTICE OF ACTION BY THE DIRECTOR

File Number:

→ THIS ORDER IS EFFECTIVE 05/16/2000 AT 12:01 A.M.

SALISBURY MA 01952- Date of Birth:

AS A RESULT OF: DEFAULT COURT SUMMONS
AUBURN DISTRICT

AMOUNT OWED: $150.00

WARNING - THIS NOTICE DOES NOT REPLACE ANY PRIOR NOTICE ALREADY IN EFFECT.

FOR THE REASONS SHOWN ABOVE YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION IN ACCORDANCE WITH THE STATUTORY PROVISIONS OF THE MOTOR VEHICLE LAWS, EFFECTIVE ON THE DATE SHOWN TO THE RIGHT OF THE ARROW ABOVE.

YOUR LICENSE/OPERATING PRIVILEGE IS SUSPENDED INDEFINITELY.

YOU MAY BE CONSIDERED FOR RESTORATION IF YOU COMPLETE THE FOLLOWING REQUIREMENT(S):
DEFAULT TO BE CLEARED

BE SURE TO READ THE BACK OF THIS FORM

NEW HAMPSHIRE DEFAULT INSTRUCTIONS:

If you have defaulted a summons, failed to pay a fine or defaulted an administrative fee you must:
A) Clear the problem with the court or the department listed in the upper left hand corner of this form (see instructions on back).
B) If the name of a court appears above in the upper left hand corner then you have defaulted that court and the COURT ISSUED RECEIPT must be received by the Division of Motor Vehicles PRIOR to the effective suspension date. WARNING: This receipt is the ONLY proof this agency can accept, or,
C) If the name of this agency appears above in the upper left hand corner then you have defaulted this department and the matter must be settled here PRIOR to the suspension effective date.
D) Once the suspension has gone into effect, you will be assessed a reinstatement fee (see below) by the Division of Motor Vehicles. The default has to be cleared and the reinstatement fee paid BEFORE your license/operating privileges can be restored. MAKE CHECKS PAYABLE TO "STATE OF NH - MV" FOR PAYMENT OF ALL REINSTATEMENT FEES.

OUT-OF-STATE COURT DEFAULT INSTRUCTIONS:

If you have failed to pay a fine or defaulted a court summons to the out-of-state court listed above:
A) You must clear the problem with the out-of-state court and obtain a reinstatement from the out-of-state Department of Motor Vehicles.
B) The COURT ISSUED RECEIPT with proper "Identification Numbers" (located in the upper left-hand corner above) and the notification of reinstatement from the out-of-state Department of Motor Vehicles must be presented to the Division of Motor Vehicles PRIOR to the effective suspension date and must be accompanied by a Clearance Fee (see below). Failure to submit the Clearance Fee with the Court Receipt means the Default/Unpaid fine CANNOT be cleared and restoration or cancellation of this suspension order CANNOT be considered.
C) If the suspension goes into effect you must cease driving, and not drive again until you have written confirmation that your license has been reinstated by the New Hampshire Division of Motor Vehicles.
D) 15 days after the suspension has gone into effect, a Reinstatement Fee (see below) will also be assessed. This Reinstatement Fee is in ADDITION to the Clearance Fee and any other fees and fines assessed by the court. These fees and the COURT ISSUED RECEIPT have to be on file at the Division of Motor Vehicles before your license and/or operating privileges can be restored. Make checks payable to "State of NH – MV" for payment of all reinstatement and/or clearance fees.

CAUTION CAUTION CAUTION

Once this order becomes effective, you MUST IMMEDIATELY SURRENDER YOUR NEW HAMPSHIRE LICENSE to the DIRECTOR. **You are NOT TO DRIVE until you have WRITTEN CONFIRMATION that your license and/or operating privileges have been reinstated.** Restoration can not be accomplished if you are under SUSPENSION OR REVOCATION for other reasons. Any correspondence or remittance should include your FULL NAME and DATE OF BIRTH.

IF NO FINE AMOUNT APPEARS ABOVE, YOU MUST CONTACT THE COURT IN PERSON.

FEES: Reinstatement - $50.00 Clearance - $

Virginia C. Beecher

Virginia C. Beecher, Director
Division of Motor Vehicles

Refer phone inquiries: 603-271-3101
Speech/Hearing Impaired Relay TTY TDD 1-800-735-2[illegible]

(DMV 054)

Docket # 00-CR-340

FISH & GAME DEPT.

COMPLAINT (VIOLATIONS ONLY)

Docket #

THE STATE OF NEW HAMPSHIRE Rockingham (County)

TO THE Auburn District COURT

STREET 5 Priscilla Dr.

TOWN/CITY Auburn STATE N.H ZIP 03032

☐ You must come to court at ____ o'clock AM/PM on the ____ day of ____ YR. ____ to answer this complaint.

☒ You do not have to come to court but must respond to this complaint by 8:30 o'clock AM/PM on March 3rd 2000. Follow instructions on the back of the Summons. (Pink Copy)

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

NAME ____ FIRST ____ MI G

ADDRESS 55H CITY Salisbury STATE MASS ZIP 01952

DOB and/or YR ____ OP. LIC. # ____ STATE MASS

Sex	Race	Height	Weight	Color Hair	Color Eyes
M	W	6'2	210	Brn	Blu

WRITE-OUT:

ON THE 5th DAY OF February YR. 2000 AT 3:00 AM PM

VEHICLE REG. NO. ____ PLATE TYPE OHRV STATE MAINE

MAKE Yamaha YEAR 1989 TYPE Dune COLOR Blk/Red

DID AT Lung Pond Northwood NH (Location)

☐ fish without a valid license, contrary to RSA 214:1

☐ take an overlimit of fish to wit ____ fish over the legal limit, contrary to RSA 206:10, 1, FIS ____

☐ take fish with the use of an overlimit of lines, contrary to RSA 206:10; FIS 406.04

☐ have or carry a loaded firearm in or on a motor vehicle, contrary to RSA 207:7, II

☒ operate an unregistered OHRV, contrary to RSA 215-A:21, II

☐ operate an OHRV at ____ MPH on a trail; contrary to RSA 215-A:6, III

☐ Other ____

CONTRARY TO RSA ____ Against the peace and dignity of the State.

N.H. Fish & Game James A. Mankaya 35
Dept. Complainant Badge No.

☒ SERVED IN HAND

FINE $ 108.00

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

DATE 2/11/00 Justice of the Peace Karen M. Merchant

DEPT. OF FISH & GAME AOC-137-045 7/99 FG 164281

ABSTRACT

1115
Identification Numbers

V4500000365

State of New Hampshire
Department of Safety
Division of Motor Vehicles
10 Hazen Drive, Concord, N.H. 03305

Commissioner of Safety
VIRGINIA C. BEECHER
Director of Motor Vehicles

PLYMOUTH DISTRICT COURT
26 GREEN STREET
PLYMOUTH, NH 03264
603-536-3326

Date: 03/16/2000

NOTICE OF ACTION BY THE DIRECTOR

File Number:

→ THIS ORDER IS EFFECTIVE 05/16/2000 AT 12:01 A.M.

AUBURN MA 01301- Date of Birth:

AS A RESULT OF: DEFAULT COURT SUMMONS
PLYMOUTH DISTRICT

AMOUNT OWED: $110.00

WARNING - THIS NOTICE DOES NOT REPLACE ANY PRIOR NOTICE ALREADY IN EFFECT.

FOR THE REASONS SHOWN ABOVE YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION IN ACCORDANCE WITH THE STATUTORY PROVISIONS OF THE MOTOR VEHICLE LAWS, EFFECTIVE ON THE DATE SHOWN TO THE RIGHT OF THE ARROW ABOVE.

YOUR LICENSE/OPERATING PRIVILEGE IS SUSPENDED INDEFINITELY.

YOU MAY BE CONSIDERED FOR RESTORATION IF YOU COMPLETE THE FOLLOWING REQUIREMENT(S):
DEFAULT TO BE CLEARED

BE SURE TO READ THE BACK OF THIS FORM

NEW HAMPSHIRE DEFAULT INSTRUCTIONS:

If you have defaulted a summons, failed to pay a fine or defaulted an administrative fee you must:
A) Clear the problem with the court or the department listed in the upper left hand corner of this form (see instructions on back).
B) If the name of a court appears above in the upper left hand corner then you have defaulted that court and the COURT ISSUED RECEIPT must be received by the Division of Motor Vehicles PRIOR to the effective suspension date. WARNING: This receipt is the ONLY proof this agency can accept, or,
C) If the name of this agency appears above in the upper left hand corner then you have defaulted this department and the matter must be settled here PRIOR to the suspension effective date.
D) Once the suspension has gone into effect, you will be assessed a reinstatement fee (see below) by the Division of Motor Vehicles. The default has to be cleared and the reinstatement fee paid BEFORE your license/operating privileges can be restored. MAKE CHECKS PAYABLE TO "STATE OF NH - MV" FOR PAYMENT OF ALL REINSTATEMENT FEES.

OUT-OF-STATE COURT DEFAULT INSTRUCTIONS:

If you have failed to pay a fine or defaulted a court summons to the out-of-state court listed above:
A) You must clear the problem with the out-of-state court and obtain a reinstatement from the out-of-state Department of Motor Vehicles.
B) The COURT ISSUED RECEIPT with proper "Identification Numbers" (located in the upper left-hand corner above) and the notification of reinstatement from the out-of-state Department of Motor Vehicles must be presented to the Division of Motor Vehicles PRIOR to the effective suspension date and must be accompanied by a Clearance Fee (see below). Failure to submit the Clearance Fee with the Court Receipt means the Default/Unpaid fine CANNOT be cleared and restoration or cancellation of this suspension order CANNOT be considered.
C) If the suspension goes into effect you must cease driving, and not drive again until you have written confirmation that your license has been reinstated by the New Hampshire Division of Motor Vehicles.
D) 15 days after the suspension has gone into effect, a Reinstatement Fee (see below) will also be assessed. This Reinstatement Fee is in ADDITION to the Clearance Fee and any other fees and fines assessed by the court. These fees and the COURT ISSUED RECEIPT have to be on file at the Division of Motor Vehicles before your license and/or operating privileges can be restored. Make checks payable to "State of NH – MV" for payment of all reinstatement and/or clearance fees.

CAUTION CAUTION CAUTION

Once this order becomes effective, you MUST IMMEDIATELY SURRENDER YOUR NEW HAMPSHIRE LICENSE to the DIRECTOR. **You are NOT TO DRIVE until you have WRITTEN CONFIRMATION that your license and/or operating privileges have been reinstated.** Restoration can not be accomplished if you are under SUSPENSION OR REVOCATION for other reasons. Any correspondence or remittance should include your FULL NAME and DATE OF BIRTH.

IF NO FINE AMOUNT APPEARS ABOVE, YOU MUST CONTACT THE COURT IN PERSON.

FEES: Reinstatement - $50.00 Clearance -

Virginia C. Beecher
Virginia C. Beecher, Director
Division of Motor Vehicles

Refer phone inquiries: 603-271-3101
Speech/Hearing Impaired TTY 735-2964

(DSMV 254)

Docket # _____ **FISH & GAME DEPT.**

Docket # 00000365

COMPLAINT (VIOLATIONS ONLY)

THE STATE OF NEW HAMPSHIRE Grafton (County)

TO THE Plymouth District COURT

26 Green St. (STREET)

Plymouth NH 03264 (TOWN/CITY) (STATE) (ZIP)

☐ You must come to court at _____ o'clock AM/PM on _____ YR _____ to answer this complaint.

☒ You do not have to come to court but must answer this complaint by Fri 3 o'clock AM/PM on April 28 2000. Follow the instructions on the back of the Summons (Pink Copy)

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME _____ FIRST NAME _____ MI _____

ADDRESS _____ CITY Auburn STATE MA ZIP 01501

DRIVER'S LIC. # _____ STATE NH

WRITE OUT

Sex	Race	Height	Weight	Color Hair	Color Eyes
M	C	6'01"	220	Black	Brown

ON THE 4 DAY OF February YR 2000 AT 11:54 A.M. P.M.

VEHICLE REG. NO. _____ PLATE TYPE Pass STATE NH

MAKE _____ YEAR _____ TYPE _____ COLOR _____

DID AT Newfound Lake, Bristol (Location)

☐ fish without a valid license, contrary to RSA 214:1

☐ take an overlimit of fish to wit _____ fish over the legal limit, contrary to RSA 206:10, 1, FIS _____

☐ take fish with the use of an overlimit of lines, contrary to RSA 206:10, FIS 406.04

☐ have or carry a loaded firearm in or on a motor vehicle, contrary to RSA 207:7, II

☐ operate an unregistered OHRV, contrary to RSA 215-A:21, II

☐ operate an OHRV at _____ MPH on a trail, contrary to RSA 215-A:6, III

☒ Other fish with the use of an unattended line

CONTRARY TO RSA 206:10 Against the peace and dignity of the State.

NH Fish and Game James Knechel 236

Dept. Complainant Badge No.

☒ SERVED IN HAND

FINE $ 60.00

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

ABSTRACT

462

State of New Hampshire

Department of Safety

Division of Motor Vehicles

10 Hazen Drive, Concord, N.H. 03305

Richard M. Flynn
mmissioner of Safety

Virginia C. Beecher
Director of Motor Vehicles

02

500094143

NOTICE OF SUSPENSION/REVOCATION ACTION

Date: 03/14/00
Page: 1

Date of Birth:
File Number:

CURD NH 03301

B

** WARNING **
THIS NOTICE DOES NOT REPLACE ANY PRIOR SUSPENSION/REVOCATION NOTICES
AND
DOES NOT AUTHORIZE YOU TO DRIVE WHEN YOU ARE SUSPENDED/REVOKED.

*** THIS NOTICE TAKES EFFECT AT 12:01 AM ON 03/24/2000 ***

QUESTIONS CONCERNING THIS SUSPENSION MUST BE DIRECTED TO:
DIVISION OF CHILD SUPPORT SVCS.
129 PLEASANT STREET
CONCORD, NH 03301-3857
TELEPHONE (603) 271-4427

A RESULT OF THE DIRECTOR OF MOTOR VEHICLES RECEIVING INFORMATION FROM
IE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF CHILD SUPPORT,
RTIFYING THAT YOU ARE NOT IN COMPLIANCE WITH A LEGAL ORDER OF SUPPORT.

L LICENSE/OPERATING PRIVILEGES ARE SUSPENDED/REVOKED INDEFINITELY.

NO OTHER SUSPENSION/REVOCATION IS IN EFFECT YOU MAY BE CONSIDERED FOR
STORATION OF LICENSE/OPERATING PRIVILEGES IF YOU COMPLETE THE FOLLOWING
QUIREMENTS:

. THERE IS A $50.00 LICENSE/OPERATING PRIVILEGE RESTORATION FEE REQUIRED IF THE SUSPENSION/REVOCATION REMAINS IN EFFECT OVER 15 DAYS. LICENSE/OPERATING PRIVILEGES BY LAW CANNOT BE RESTORED IF THIS FEE IS OUTSTANDING. NOTE: THIS PAYMENT APPLIES ONLY TO LICENSE/OPERATING PRIVILEGES.

2. THE ADMINISTRATOR, OFFICE OF CHILD SUPPORT, WILL SUBMIT A LETTER TO THIS AGENCY REFLECTING YOU ARE IN COMPLIANCE WITH THE ORDER OF SUPPORT.

E, AT THE TIME YOU APPLY FOR RESTORATION, IT IS DETERMINED YOU ARE
NDER SUSPENSION/REVOCATION IN ANY OTHER STATE YOU HAVE TO CLEAR THAT
JSPENSION/REVOCATION BEFORE N.H. LICENSE/OPERATING PRIVILEGES CAN BE
STORED.

HEN YOUR NEW HAMPSHIRE DRIVING PRIVILEGE HAS BEEN SUSPENDED/REVOKED YOU
NNOT LEGALLY DRIVE ANY TYPE OF MOTOR VEHICLE. IF YOU HAVE A NEW
MPSHIRE DRIVER'S LICENSE IT MUST BE SURRENDERED IMMEDIATELY TO THIS
ENCY. FAILURE TO SURRENDER A SUSPENDED/REVOKED LICENSE CAN RESULT IN A

***** CONTINUED ON NEXT PAGE *****

463

State of New Hampshire

Department of Safety
Division of Motor Vehicles
10 Hazen Drive, Concord, N.H. 03305

ichard M. Flynn
mmissioner of Safety

Virginia C. Beecher
Director of Motor Vehicles

)2

500094143

NOTICE OF SUSPENSION/REVOCATION ACTION

Date: 03/14/00
Page: 2

Date of Birth:
File Number:

CONCORD NH 03301

NTINUED SUSPENSION/REVOCATION AT THE RATE OF ONE DAY FOR EACH DAY OF NON MPLIANCE. IF YOUR LICENSE EXPIRES DURING THIS PERIOD OF SUSPENSION/ VOCATION YOU WILL HAVE TO FILE A LICENSE APPLICATION WITH THE REQUIRED E. YOU CANNOT DRIVE UNTIL YOUR PRIVILEGE IS RESTORED IN WRITING BY THIS ENCY AND YOU HOLD A VALID LICENSE.

YOU HOLD AN OUT OF STATE LICENSE IT IS THE PRIVILEGE TO OPERATE IN NEW MPSHIRE THAT HAS BEEN SUSPENDED/REVOKED. YOU DO NOT SURRENDER AN OUT OF ATE LICENSE TO THIS AGENCY. HOWEVER, YOUR HOME STATE DEPARTMENT OF TOR VEHICLES SHALL BE NOTIFIED OF OUR ACTION AND IT IS ANTICIPATED THAT EY SHALL SUSPEND/REVOKE YOUR LICENSE UNDER RECIPROCITY. YOU CANNOT IVE IN NEW HAMPSHIRE UNTIL YOUR PRIVILEGE IS RESTORED IN WRITING BY THIS ENCY AND YOU HOLD A VALID LICENSE.

KE ALL CHECKS PAYABLE TO "STATE OF NH - DMV"

SURE TO INCLUDE YOUR FULL NAME, CURRENT ADDRESS AND DATE OF BIRTH ON Y CORRESPONDENCE AND/OR WITH ANY CHECKS SENT TO THIS AGENCY.

Y QUESTIONS CONCERNING THIS SUSPENSION MUST BE DIRECTED TO THE OFFICE OF ILD SUPPORT, CLIENT SERVICES, (603) 271-4427.

RGINIA C. BEECHER, DIRECTOR
VISION OF MOTOR VEHICLES

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF CHILD SUPPORT
6 HAZEN DRIVE
CONCORD, NH 03301

616
3/96

MARCH 9, 2000

DEPT OF MOTOR VEHICLES
DIVISION OF MOTOR VEHICLE
10 HAZEN DRIVE
CONCORD, NH 03305-0002

FINANCIAL R... MAR 13 4 PM '00

CERTIFICATION OF NONCOMPLIANCE WITH LEGAL ORDER OF SUPPORT

RE:

ROCHESTER, NH 03867

A

DOB:

SSN:

Superior Court: STRAFFORD CNTY SUPERIOR COURT

Superior Court #: 94M143

Child Support Case ID #: EEE03627C

Child Support Out-of-State ID#:

In accordance with RSA 161-B:11, the Office of Child Support (OCS) hereby certifies that the above-named individual (obligor) is NOT in compliance with his/her legal order of support. Therefore, in accordance with this law, please notify the obligor within 10 calendar days that his/her license(s) have been revoked.

If the obligor applies for a license in the future, you must deny the issuance and/or renewal of any license(s) held by, or being applied for, by the obligor.

Any license revoked, suspended, or denied for noncompliance of a legal order of support CANNOT be reissued, reinstated, restored, or approved until the obligor provides you with a copy of Form 617, Notice of Compliance with Legal Order of Support, issued by OCS.

EN46
SR 96-08

In accordance with RSA 161-B:11, II, OCS gave the obligor notification of its intention to issue this certification of noncompliance. OCS also notified the obligor that he or she cannot appeal the denial or revocation of a license to a licensing board, but rather must contact OCS to discuss the matter.

If the obligor holds a similar license in another state and you have a reciprocal agreement with the other state's licensing agency, please notify the other state's licensing agency that the obligor's licenses must be suspended, revoked, and/or denied.

If you have any questions concerning this matter, please contact me at the telephone number listed below.

Sincerely,

Administrator
Office of Child Support
(603)271-4427

cc:

ROCHESTER DISTRICT

MAR 13 1 43 PM '00

FINANCIAL

EN46
SR 96-08

1115
Identification Numbers

V3199007881

State of New Hampshire
Department of Safety
Division of Motor Vehicles
10 Hazen Drive, Concord, N.H. 03305

RICHARD M. FLYNN
Commissioner of Safety

VIRGINIA C. BEECHER
Director of Motor Vehicles

MANCHESTER DISTRICT COURT
35 AMHERST ST., P.O. BOX 456
MANCHESTER, NH 03105-0456
603-624-6510

Date: 03/16/2000

NOTICE OF ACTION BY THE DIRECTOR

File Number:

THIS ORDER IS EFFECTIVE
05/16/2000
AT 12:01 A.M.

METHUEN MA 01844-4354

Date of Birth:

AS A RESULT OF: POSSESSION OF CONTROLLED/NARCOTIC DRUGS
MANCHESTER DISTRICT DEFAULT COURT SUMMONS

WARNING - THIS NOTICE DOES NOT REPLACE ANY PRIOR NOTICE ALREADY IN EFFECT.

FOR THE REASONS SHOWN ABOVE YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION IN ACCORDANCE WITH THE STATUTORY PROVISIONS OF THE MOTOR VEHICLE LAWS, EFFECTIVE ON THE DATE SHOWN TO THE RIGHT OF THE ARROW ABOVE.

YOUR LICENSE/OPERATING PRIVILEGE IS SUSPENDED INDEFINITELY.

YOU MAY BE CONSIDERED FOR RESTORATION IF YOU COMPLETE THE FOLLOWING REQUIREMENT(S):
DEFAULT TO BE CLEARED

BE SURE TO READ THE BACK OF THIS FORM

NEW HAMPSHIRE DEFAULT INSTRUCTIONS:

If you have defaulted a summons, failed to pay a fine or defaulted an administrative fee you must:
A) Clear the problem with the court or the department listed in the upper left hand corner of this form (see instructions on back).
B) If the name of a court appears above in the upper left hand corner then you have defaulted that court and the COURT ISSUED RECEIPT must be received by the Division of Motor Vehicles PRIOR to the effective suspension date. WARNING: This receipt is the ONLY proof this agency can accept, or,
C) If the name of this agency appears above in the upper left hand corner then you have defaulted this department and the matter must be settled here PRIOR to the suspension effective date.
D) Once the suspension has gone into effect, you will be assessed a reinstatement fee (see below) by the Division of Motor Vehicles. The default has to be cleared and the reinstatement fee paid BEFORE your license/operating privileges can be restored. MAKE CHECKS PAYABLE TO "STATE OF NH - MV" FOR PAYMENT OF ALL REINSTATEMENT FEES.

OUT-OF-STATE COURT DEFAULT INSTRUCTIONS:

If you have failed to pay a fine or defaulted a court summons to the out-of-state court listed above:
A) You must clear the problem with the out-of-state court and obtain a reinstatement from the out-of-state Department of Motor Vehicles.
B) The COURT ISSUED RECEIPT with proper "Identification Numbers" (located in the upper left-hand corner above) and the notification of reinstatement from the out-of-state Department of Motor Vehicles must be presented to the Division of Motor Vehicles PRIOR to the effective suspension date and must be accompanied by a Clearance Fee (see below). Failure to submit the Clearance Fee with the Court Receipt means the Default/Unpaid fine CANNOT be cleared and restoration or cancellation of this suspension order CANNOT be considered.
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D) 15 days after the suspension has gone into effect, a Reinstatement Fee (see below) will also be assessed. This Reinstatement Fee is in ADDITION to the Clearance Fee and any other fees and fines assessed by the court. These fees and the COURT ISSUED RECEIPT have to be on file at the Division of Motor Vehicles before your license and/or operating privileges can be restored. Make checks payable to "State of NH – MV" for payment of all reinstatement and/or clearance fees.

CAUTION CAUTION CAUTION

Once this order becomes effective, you MUST IMMEDIATELY SURRENDER YOUR NEW HAMPSHIRE LICENSE to the DIRECTOR. You are NOT TO DRIVE until you have WRITTEN CONFIRMATION that your license and/or operating privileges have been reinstated. Restoration can not be accomplished if you are under SUSPENSION OR REVOCATION for other reasons. Any correspondence or remittance should include your FULL NAME and DATE OF BIRTH.

IF NO FINE AMOUNT APPEARS ABOVE, YOU MUST CONTACT THE COURT IN PERSON.

FEES: Reinstatement - $50.00 Clearance -

Virginia C. Beecher

Virginia C. Beecher, Director
Division of Motor Vehicles

Refer phone inquiries: 603-271-3101
Speech/Hearing Impaired Relay TTY/TDD 1-800-735-[illegible]

Docket # 99 07881 TN# _____

99-82702

State of New Hampshire

COMPLAINT 535937

Docket # _____

☐ DOMESTIC VIOLENCE RELATED

☐ VIOLATION ☒ CLASS A ☐ CLASS B MISDEMEANOR ☐ FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT AT 0900 O'CLOCK IN THE AM/PM ON 10-14 19 99 UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE Manchester Dist. COURT, COUNTY OF Hillsborough

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME ..... (Last Name) ..... (First Name) ..... (MI)

..... (Address) ..... (State) ..... (Zip)

Methuen MA

DOB..... OP. LIC.#.....

Sex	Race	Height	Weight	Color Hair	Color Eyes
M	W	508	140	brown	brown

WRITE OUT

B

☐ COMM. VEH. ☐ COMM. DR. LIC ☐ HAZ. MAT.

AT Sagamore and Maple Sts Manchester (Location)

ON THE 5th DAY OF Sept 19 99 at 1550 A.M. P.M.

on/at in said county and state, did commit the offense of poss contr drug contrary to RSA 318-B:2

and the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did knowingly unlawfully and without authoriztaion by any exceptions of NH RSA 318-B, have the controlled drug marijuana in his possession

against the peace and dignity of the State.

..... (Complainant) ..... (Dept.)

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

DATE 9-7-99 ..... Justice of the Peace

AOC-103-045 REV. 3/95

DEPT. OF SAFETY COPY

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on SB 337-FN

BILL TITLE: **(2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.**

DATE: May 10, 2000

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Letourneau

Seconded by Rep. Peter Cote

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0 YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Robert J. Letourneau, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on SB 337-FN

BILL TITLE: **(2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.**

DATE:

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, (ITL), Re-Refer, Interim Study (Please circle one.)

Moved by Rep. LeFlorence

Seconded by Rep. Cote

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Cote Bartlett

CONSENT CALENDAR VOTE: {Type VOTE} yes 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

TRANSPORTATION

Bill #: SB337-FN **Title:**

PH Date: / / **Exec Session Date:** 5 / 10 / 00

Motion: ITL **Amendment #:**

MEMBER	YEAS	NAYS
Packard, Sherman A, Chairman	✓	
Flanders, John W, V Chairman	✓	
Katsakiores, George N, Emeritus	✓	
Bartlett, Gordon E	✓	
Milligan, Robert H	✓	
Boriso, Thomas J		
Kobel, Rudolph J		
Langone, John S		
Letourneau, Robert J, Clerk	✓	
Cossette, Larry J	✓	
Beaulieu, Jon P	✓	
Bruno, Pierre W	✓	
Czech, Stanley E		
Mosher, William E	✓	
Turgeon, Roland M	✓	
Cote, Peter R	✓	
Haley, Robert J		
Leonard, Peter F	✓	
Arthur, Rose H	✓	
LaPorte, George A	✓	
Lerandeau, Alfred C		
Mendenhall, Leslie J		
	15-0	0
TOTAL VOTE:		

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **SB 337-FN**

TITLE: (2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

DATE: May 10, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would require any new resident applying for a permanent New Hampshire driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults as a precondition to issuance. This bill, while having a worthwhile intent, has many problems with its drafting. During the public hearing it was revealed that the Department of Safety did a pilot program in 1995. The department ran 16,000 checks yielding 1,600 possible hits which were then reviewed by civilian personal in the NHSP. All but 33 were then ruled out. These 33 were then turned over to SIU (State Police Intelligence Unit), of these 7 were correct. Of these 7, 3 should no longer be listed on the NCIC, leaving 4 names on the list. State Troopers were dispatched to the last known address of these individuals and none of the 4 could be located. This would be a labor-intensive program requiring at a minimum a labor grade 8 to 13 clerk in licensing, a second clerk in SIU, and a labor grade 17+ trooper to investigate possible hits. Each of these persons would require special NCIC system training. There would be the cost of additional troopers going into the field to check positive hits. The department estimates that the cost of this program would be a half a million dollars in the first half of 2001, with an annual cost of approximately $350,000, if all license renewals were considered. This bill as amended by the Senate would only require those coming from out of state to be checked. Startup cost associated with this version would be approximately $272,000, with an annual cost of approximately $100,000 plus. However, this would cause the constitutionality of this measure to be suspect. To pass constitutional muster you must be able to show that out of state drivers are more likely to be criminals or have outstanding warrants or unpaid fines, thereby forcing the state to consider all license renewals. The committee also felt that this bill came with an incorrect fiscal note and were not able to properly consider the bill in the short time available to work on this proposed legislation. There were many doubts that this legislation would

produce successful results. With the state in a fiscal deficit, the committee felt that the state resources could be better employed.

Vote 15-0.

Rep. Robert J. Letourneau
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Transportation

SB 337-FN, (2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would require any new resident applying for a permanent New Hampshire driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults as a precondition to issuance. This bill, while having a worthwhile intent, has many problems with its drafting. During the public hearing it was revealed that the Department of Safety did a pilot program in 1995. The department ran 16,000 checks yielding 1,600 possible hits which were then reviewed by civilian personal in the NHSP. All but 33 were then ruled out. These 33 were then turned over to SIU (State Police Intelligence Unit), of these 7 were correct. Of these 7, 3 should no longer be listed on the NCIC, leaving 4 names on the list. State Troopers were dispatched to the last known address of these individuals and none of the 4 could be located. This would be a labor-intensive program requiring at a minimum a labor grade 8 to 13 clerk in licensing, a second clerk in SIU, and a labor grade 17+ trooper to investigate possible hits. Each of these persons would require special NCIC system training. There would be the cost of additional troopers going into the field to check positive hits. The department estimates that the cost of this program would be a half a million dollars in the first half of 2001, with an annual cost of approximately $350,000, if all license renewals were considered. This bill as amended by the Senate would only require those coming from out of state to be checked. Startup cost associated with this version would be approximately $272,000, with an annual cost of approximately $100,000 plus. However, this would cause the constitutionality of this measure to be suspect. To pass constitutional muster you must be able to show that out of state drivers are more likely to be criminals or have outstanding warrants or unpaid fines, thereby forcing the state to consider all license renewals. The committee also felt that this bill came with an incorrect fiscal note and were not able to properly consider the bill in the short time available to work on this proposed legislation. There were many doubts that this legislation would produce successful results. With the state in a fiscal deficit, the committee felt that the state resources could be better employed. Vote 15-0.

Inexpedient to Legislate

SB 337 would require any new resident applying for a permanent New Hampshire driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults as a precondition to issuance. This bill while having a worthwhile intent has many problems with its drafting. During the public hearing it was revealed that the Dept. of Safety did a pilot program in 1995. The Dept. ran 16,000 checks yielding 1600 possible hits which were then reviewed by civilian personal in the NHSP. All but 33 were then ruled out. These 33 were then turned over to SIU (state police intelligence unit) of these 7 were correct. Of these 7, three should no longer be listed on the NCIC leaving 4 names on the list. State Troopers were dispatched to the last known addresses of these individuals; none of the 4 could be located. This would be a labor intensive program requiring at a minimum, a labor grade 8 to 13 clerk in licensing, a second clerk in SIU and a labor grade 17 + Trooper to investigate possible hits. Each of these people would require special NCIC system training. There would be the cost of additional Troopers going into the field to check positive hits. The Dept estimates that the cost of this program would be a half a million dollars in the first half of 2001, with an annual cost of approximately $350,000, if all license renewals were considered. This bill as amended by the Senate would only require those coming from out-of-state to be checked. Start-up cost associated with this version would be approximately $272,000 with an annual cost of approximately $100,000 plus. However this would cause the Constitutionality of this measure to be suspect. To pass constitutional muster you must be able to show that out-of-state driver's are more likely to be criminals or have out-standing warrants or unpaid fines, thereby forcing the state to consider all license renewals. The committee also felt that this bill came with an incorrect fiscal note and were not able to properly consider the bill in the short time available to work on this proposed legislation. There were many doubts that this legislation would produce successful results. With the state in a fiscal deficit, the committee felt that the state resources could be better employed

Rep. Robert J. Letourneau for the committee

Robert J. Letourneau

Jr Packard

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **SB 337-FN**

TITLE: (2nd New Title) requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

DATE: {Type DATE} 8-10-00 CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☑ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote {Type VOTE}.
15-0

Rep. {Type NAME} LeTourneau
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT