

Senate Judiciary Committee

Pete Mulvey 271-4063

AMENDMENT # 2025-2183s, to HB 57, relative to a person's release from prison for the purpose of participating in certain post-secondary education programs in the community.

Hearing Date: May 20, 2025

Time Opened: 1:05 p.m.

Time Closed: 1:15 p.m.

Members of the Committee Present: Senators Gannon, McConkey, Altschiller and Reardon

Members of the Committee Absent : Senator Abbas

Bill Analysis: This bill adds a provision for the commissioner of corrections to release a person from state prison for the purpose of participating in a post-secondary education program in the community to which they have been accepted.

Sponsors:
Rep. Meuse

Who supports the amendment: Sen. Victoria Sullivan, Sarah Lynn Williams, Eric Pauer, and Sarah McCarthy.

Who opposes the amendment: Rep. Timothy Horrigan, Robert Brockway, Curtis Howland, and James Gardner.

Who is neutral on the amendment: N/A

Summary of testimony:

Senator Victoria Sullivan

Senate District 18

- The amendment, 2025-2183s, complemented the bail reform act just signed by Governor Kelly Ayotte.
- The City of Manchester had been disproportionately affected by issues surrounding bail.
- The amendment listed the most egregious offenses which would require an individual to appear before the court, as opposed to another court officer, if there is probable cause to detain them.

- Sen. Sullivan said the core of the amendment began on line 17 of the first page, detailing the arraignment process and timelines. Specifically, an arraignment must be within 36 hours of arrest.
- Sen. Reardon recalled the bail reform law and asked if it had a list of offenses.
 - Sen. Sullivan said the bail reform law listed some but not all, which were added in the amendment.
- Sen. Reardon asked if the idea was to go beyond to ensure individuals weren't released on personal recognizance for offenses of a certain level.
 - Sen. Sullivan said that was correct.
- Sen. Gannon asked if the new language began on line 13.
 - Sen. Sullivan said that was correct.
- Sen. Gannon asked if an individual was caught in the commission of a different crime, although possessed a firearm, if they would be arraigned before a judge given the amendment's language.
 - Sen. Sullivan said she was unsure and suggested conferring with someone with legal expertise.
- Sen. Gannon cited lines 17 and 18 of the first page and asked if someone could be arraigned before a judge for a bad check, because they committed violent offenses many years.
 - Sen. Sullivan did not believe so as the offense committed would have to be identified in paragraph (c).
- Sen. Gannon specified that the new offense was not one listed, but the individual had previous offenses which were listed.
 - Sen. Sullivan believed that such a scenario would constitute a parole violation.
- Sen. Reardon asked for clarity that the bill just ensured individuals went before a judge and wouldn't guarantee their incarceration.
 - Sen. Sullivan said that was correct.

Representative Timothy Horrigan

Strafford – District 10

- Rep. Horrigan opposed the amendment.
- The House Judiciary Committee sought to retain much of the magistrate system for efficiency's sake according to Rep. Horrigan.
- The list of crimes expanded upon were not necessarily egregious. Rep. Horrigan believed that many would be swept up as many crimes are felonies.
- The courts burden would be exacerbated by sending individuals to judges.
- The 36-hour window did not include holidays or weekends. Depending on the time of your detention, you could be held for much longer.
- Rep. Horrigan maintained that people still reoffended after seeing a judge and after being released. Individuals get relatively short sentences. The State is particularly forgiving.
- Rep. Horrigan did not believe that the bail reform act, nor this amendment, would change recidivism and repeat offenders. Rep. Horrigan maintained that the bill would only guarantee that more people would wait for bail in county jails.