HB 1017-FN - AS INTRODUCED

2022 SESSION

22-2013
04/08

HOUSE BILL ***1017-FN***

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker.

SPONSORS: Rep. Stavis, Graf. 13; Rep. Almy, Graf. 13; Rep. Moran, Hills. 34; Rep. Vann, Hills. 24; Rep. Klee, Hills. 30; Rep. J. Schmidt, Hills. 28; Rep. Abel, Graf. 13; Rep. Sullivan, Sull. 1

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes criminal penalties for causing or threatening harm to an essential worker.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker.

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

1 New Section; Assault and Related Offenses; Harming or Threatening to Harm an Essential Worker. Amend RSA 631 by inserting after section 4-a the following new section:

631:4-b Harm or Threats Against Essential Workers.

I. A person is guilty of a class A felony if he or she causes bodily injury to, or commits any other crime against, an employee deemed an essential worker as defined in Exhibit A accompanying Emergency Order #17 issued on March 26, 2020, or to a member of their immediate family, when said employee is attempting to implement workplace rules imposed by management.

II. A person is guilty of a class B felony if he or she threatens bodily injury to, or threatens to commit any other crime against, an employee deemed an essential worker as defined in Exhibit A accompanying Emergency Order #17 issued on March 26, 2020, or to a member of their immediate family, when said employee is attempting to implement workplace rules imposed by management.

2 Effective Date. This act shall take effect January 1, 2023.

LBA
22-2013
10/6/21

HB 1017-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing criminal penalties for harming or threatening to harm an essential worker.

FISCAL IMPACT: [X] State [X] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

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

Judicial Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	$825/Case	$825/Case
Assigned Counsel – Felony	$60/Hour up to $4,100	$60/Hour up to $4,100
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		

Department of Corrections	FY 2022	FY 2023
FY 2021 Average Cost of Incarcerating an Individual	$54,386	$54,386
FY 2021 Annual Marginal Cost of a General Population Inmate	$5,715	$5,715
FY 2021 Average Cost of Supervising an Individual on Parole/Probation	$603	$603
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

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

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties