CHAPTER 333
HB 1274-FN - FINAL VERSION

1Feb2024... 0224h
05/15/2024 1851s
13Jun2024... 2228CofC

2024 SESSION

24-2063
09/08

HOUSE BILL ***1274-FN***

AN ACT relative to judicial administration.

SPONSORS: Rep. Lynn, Rock. 17

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill:

I. Amends the requirements for who can serve on the judicial council.

II. Amends the requirements for when a person is arrested with or without a warrant.

III. Authorizes the courts to appoint contract or other qualified attorneys in the first instance, provides for the repeal of this provision, and requires a report to be issued on the fiscal impact of this provision.

IV. Raises the threshold amount to trigger the requirement of approval of the fiscal committee of the general court for the supreme court to transfer appropriated funds.

V. Adds to the exemption from the definition of "part-time" for the New Hampshire retirement system the judicial branch's assistant director of safety and security.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to judicial administration.

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

333:1 Judicial Council. Amend RSA 494:1 to read as follows:

494:1 Judicial Council. There is hereby established a judicial council which shall consist of the following:

I. The [4] ***5*** members of the judicial branch administrative council, appointed pursuant to supreme court rules.

II. The attorney general or designee.

III. A clerk ***or administrator*** of the superior court, selected by the chief justice of the superior court.

IV. A clerk ***or administrator*** of the circuit court, selected by the administrative judge of the circuit court.

V. The president-elect of the New Hampshire Bar Association.

VI. The chairperson of the senate judiciary committee or a designee from such committee appointed by the chairperson.

VII. The chairperson of the house judiciary committee or a designee from such committee appointed by the chairperson.

VIII. Eight other members appointed by the governor and council, 3 of whom shall be ***lawyers of wide experience and at least 2 of whom are members of the New Hampshire Bar Association who have been admitted to practice for more than 5 years*** [~~members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years~~], and 5 of whom shall be members of the public who are not lawyers.

IX. Five other members appointed by the chief justice of the supreme court, 3 of whom shall be ***lawyers of wide experience and at least 2 of whom are members of the New Hampshire Bar Association who have been admitted to practice for more than 5 years*** [~~members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years~~], and 2 of whom shall be members of the public who are not lawyers.

333:2 Arrests in Criminal Cases; Place and Time of Detention. Amend RSA 594:20-a to read as follows:

I. When a person is arrested with or without a warrant he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody. The person shall be taken to appear before a circuit court[~~,~~] or a superior court [~~in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies,~~] without unreasonable delay[~~,~~] to answer for the offense. All persons shall appear no later

than 24 hours after arrest, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and holidays excepted.

II. Notwithstanding the provisions of paragraph I, defendants detained under RSA 173-B shall have timely access to a bail hearing by telephonic means or otherwise as determined by the circuit court or the superior court [~~in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies~~].

333:3 New Paragraph; Adequate Representation for Indigent Defendants in Criminal Cases; Appointment of Counsel. Amend RSA 604-A:2 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding paragraph II, the court may appoint a contract attorney or other qualified attorney in the first instance when it is in the interest of justice to do so. The court shall inform the judicial council of each case in which it makes an appointment of counsel pursuant to this paragraph and the reason for doing so, and the judicial council shall maintain records of all cases in which appointment of council pursuant to this paragraph has been made. Such records shall be maintained in such a manner as to be easily separated from appointments of counsel not made pursuant to this paragraph.

333:4 New Hampshire Retirement System; Definitions. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system, but excepting per diem court security officers and court bailiffs, ***and the assistant director for safety and security of the judicial branch,*** means employment by one or more participating employers of the retired member which shall not exceed 1,352 hours in a calendar year, except as provided in RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.

333:5 Appropriations; Transfer of Appropriations, Judicial Branch. Amend RSA 9:17-d to read as follows:

9:17-d Transfer of Appropriations, Judicial Branch. The supreme court may transfer funds for any specific purposes to funds for other purposes in the general appropriations for any accounting unit within the judicial branch, provided that any transfer of [~~$75,000~~] ***$100,000*** or more shall require prior approval of the fiscal committee of the general court, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a or any other restriction provided by law. The judicial branch shall certify such transfers to the commissioner of administrative services. The certification shall state that the transfers are necessary to efficiently carry out the functions of the courts and that the legislative fiscal committee has approved the transfers. The provisions of this section shall not supersede the provisions of RSA 99:4 and RSA 9:17-a.

333:6 Report Required. By October 1, 2025, the executive director of the judicial council shall report to the house and senate finance committees on the cost and fiscal impact of the appointments authorized in RSA 604-A:2, II-a on the contract attorney and assigned counsel programs.

333:7 Repeal. RSA 604-A:2, II-a, relative to the appointment of contract attorneys or other qualified attorneys, is repealed.

333:8 Effective Date.

I. Section 7 of this act shall take effect January 1, 2026.

II. The remainder of this act shall take effect upon its passage.

Approved: August 02, 2024
Effective Date:
I. Section 7 effective January 1, 2026
II. Remainder effective August 2, 2024