HB 1428-FN - AS INTRODUCED

2024 SESSION

24-2275
09/08

HOUSE BILL ***1428-FN***

AN ACT relative to inmate illness or emergency.

SPONSORS: Rep. Trottier, Belk. 8; Rep. Bordes, Belk. 5; Rep. Bogert, Belk. 5

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires any correctional facility housing an inmate to be responsible for the transport to and security over an inmate that needs to be taken to a medical facility.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 New Paragraphs; Temporary Removal of Prisoners; Illness or Emergency. Amend RSA 623:1 by inserting after paragraph IV the following new paragraphs:

V. Any prisoner requiring transfer from any correctional facility to any medical facility for a routine appointment shall be the responsibility of the facility housing the prisoner and any transfer shall be conducted by certified correctional staff.

VI. It shall be the responsibility of any correctional facility to accept any prisoner that has been ordered to be delivered to a correctional facility by order of a court warrant, an arrest warrant, or by a court-appointed bail commissioner, and to seek any appropriate medical evaluation or treatment.

VII. It shall be the responsibility of the correctional facility housing a prisoner that is transferred to and admitted to any medical facility to continue to have custody and control over the prisoner and to provide security over the prisoner for the duration of the admission.

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

LBA
24-2275
12/3/23

HB 1428-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to inmate illness or emergency.

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

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source(s)	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	$0	$0	$0

METHODOLOGY:

This bill requires any correctional facility housing an inmate to be responsible for the transport to and security over an inmate that needs to be taken to a medical facility.

The Department of Corrections indicates certified corrections officers currently transport residents in secure facilities to and from their appointments. Residents at transitional housing units (THUs) however are not always transported by staff to appointments or for hospital admission. Individuals in the lower custody transitional housing units access community-based services as a normal part of their transition back to society. These are individuals who have demonstrated their preparedness to access community services without direct constant

oversight. The Department states the bill would increase expenditures by requiring certified corrections officers provide transportation and security of residents of the THUs.

The Department cannot predict the number of residents at THUs that would need to be transported to medical appointments. The Department assumes one Corrections Officer working overtime would need to transport THU residents. This would be a new requirement. The Department provided the following cost information:

- The hourly cost for a Corrections Officer, at labor grade 18, step 2, would be $76.89. (Double time is $57.84/hour with benefits of $19.05/hour).
- The hourly cost will vary depending on the staff member assigned to the transport.
- In FY 2022 the total number of appointments for residents in THUs was 42 and in FY 2023 the number was 74.
- The estimated cost for FY 2022 medical transports of THU residents would have been $25,830. (42 transports X 8 hours of officer oversight)
- The estimated cost for FY 2023 medical transports of THU residents would have been $45,510 (74 transports assuming 8 hours of officer oversight)

The Department notes that it is unrealistic to expect a hospital duty post would only last 8 hours. If an admission was for 3 days the cost would be cost of $5,536 per occurrence.

The New Hampshire Association of Counties states this bill would only allow certified correctional staff to transport an inmate if they need medical attention and would also require the correctional staff to remain with the inmate for the duration of their stay at the hospital. The Association indicates the bill would dramatically increase overtime and transportation costs for county correctional facilities. The Association notes the bill would also increase medical costs as Medicare or Medicaid coverage would not be available if the person is transported and secured by certified corrections officers. The Association cannot estimate the number of transports that would be impacted by the bill.

AGENCIES CONTACTED:

Department of Corrections and New Hampshire Association of Counties