HB 1413-FN - AS INTRODUCED

2018 SESSION

18-2349
04/01

HOUSE BILL ***1413-FN***

AN ACT relative to false reports of protective order violations.

SPONSORS: Rep. Sapareto, Rock. 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill imposes a criminal penalty for falsely reporting a violation of a protective order.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2349
04/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to false reports of protective order violations.

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

1 Violation of Protective Order; Penalty. Amend RSA 173-B:9, III to read as follows:

III.***(a)*** A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

(b) A person shall be guilty of a class A misdemeanor if such person knowingly and falsely reports, to a law enforcement official or to the court, a violation of a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state.

2 Effective Date. This act shall take effect January 1, 2019.

LBAO
18-2349
10/25/17

HB 1413-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to false reports of protective order violations.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

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

METHODOLOGY:

This bill contains a penalty of a class A misdemeanor 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 Branch	FY 2019	FY 2020
Class A Misdemeanor	$72	$73
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2019 and FY 2020 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	$300/Case	$300/Case
Assigned Counsel – Misdemeanor	$60/Hour up to $1,400	$60/Hour up to $1,400

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. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$85 to $110	$85 to $110

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 would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

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