HB 1658-FN - AS INTRODUCED

2024 SESSION

24-2629
09/05

HOUSE BILL ***1658-FN***

AN ACT relative to developing a notification database for those individuals with orders of commitment or revocations of conditional discharges.

SPONSORS: Rep. Potenza, Straf. 19; Rep. D. Mannion, Rock. 25; Rep. Cushman, Hills. 28

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill directs the division of state police to develop a database capable of communicating with the state police online telecommunications system to allow police to be aware if someone is under an order committing that person to the New Hampshire hospital or has had his or her conditional discharge revoked. This bill further requires the division of state police to create procedures and protocols regarding this database, and requires the probate court and New Hampshire hospital to provide the division of state police with updates concerning orders.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1658-FN - AS INTRODUCED

24-2629
09/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to developing a notification database for those individuals with orders of commitment or revocations of conditional discharges.

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

1 New Subdivision; State Database Relative to Involuntary Admissions. Amend RSA 106-B by inserting after section 36 the following new subdivision:

State Database Relative to Involuntary Admissions

106-B:37 State Database Relative to Involuntary Admissions.

I. The division of state police shall develop and implement a database to assist a law enforcement officer with identifying whether a person encountered is under any orders of commitment to or revocations of conditional discharges from the New Hampshire hospital. The program shall be capable of interfacing with the state police online telecommunications system (SPOTS).

II. The division of state police shall develop and implement standards of procedure for the operation of the program for law enforcement agencies consistent with policies adopted by the department of safety. The standards shall address receipt of and processing of any orders or revocations, entering the information into the state police online telecommunications system (SPOTS), procedures for removing a person's information from the database, procedures designed to ensure the protection of the information's confidentiality, and procedures for a law enforcement officer to access the information.

2 New Paragraph; New Hampshire Mental Health Services System; Disclosure of Certain Information. Amend RSA 135-C:19-a by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any provision to the contrary, the clerk of the probate court shall provide the division of state police with a copy of any order of commitment under this chapter. New Hampshire hospital shall provide the division of state police notice that the individual has been admitted pursuant to any order under this chapter or upon revocation of a conditional discharge, and shall provide notice to the division of state police of a revocation of any conditional discharge.

3 New Section; Involuntary Admission for Persons Found Not Competent to Stand Trial; Notice to Division of State Police. Amend RSA 171-B by inserting after section 16 the following new section:

171-B:17 Notice to Division of State Police.

Notwithstanding any provision to the contrary, the clerk of the probate court shall provide the division of state police with a copy of any order of commitment under this chapter. New Hampshire hospital shall provide the division of state police notice that the individual has been admitted

pursuant to any order under this chapter or upon revocation of a conditional discharge, and shall provide notice to the division of state police of a revocation of any conditional discharge.

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

LBA
24-2629
12/10/23

HB 1658-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to developing a notification database for those individuals with orders of commitment or revocations of conditional discharges.

FISCAL IMPACT: [X] State [ ] 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	$131,000	$102,000	$105,000
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

METHODOLOGY:

This bill directs the Division of State Police (State Police) to develop a database capable of communicating with the State Police online telecommunications system to allow police to be aware if someone is under an order committing that person to the New Hampshire Hospital (NHH) or has had his or her conditional discharge revoked. This bill further requires State Police to create procedures and protocols regarding this database, and requires the probate court and NHH to provide the State Police with updates concerning orders. The Department of Safety has provided the following information:

- The number of people within the State who are subject to orders of commitment to or revocations of conditional discharge from NHH is subject to ongoing change. The hospital receives up to 900 admissions per year. The number of people subject to conditional discharge is approximately 600 on an ongoing basis (received from NHH on 11/06/23). NHH estimates that it files approximately 300 petitions, on an annual basis, for either new or renewed orders for conditional discharge.
- The Division of State Police utilizes Computer Projects of Illinois (CPI) for databases that are queried and return results to dispatchers and police officers through the State Police On-Line Telecommunications System (SPOTS). For CPI to establish a new data table to house the data required for this initiative, it is estimated that there will be a cost of $30,000, assumed to be incurred in FY 2025.

- Assuming that the system could not be configured automatically to delete or to deactivate records upon the passage of a calendar date, then every record will require human input in order to establish any change. Edit of a record into this database has been factored into the position outlined in the position worksheet. Given that some 300 petitions are filed, annually, by NHH for new or renewed orders for conditional discharge (changes), it is estimated that some 300 orders either expire or should be deleted, while up to another 300 orders would require some update. The estimated time required for initial input of this database (approximately 300 hours, accounting for 600 records) would exceed current capacity and, therefore, would require additional effort. The Department states it would need one (1) new communications supervisor I position (labor grade 24), with a total estimated cost of $101,000 in FY 2025, $102,000 in FY 2026, and $105,000 in FY 2027, assuming a start date of July 1, 2024. It should be noted that this bill provides neither appropriation nor authorization for new personnel.
- Discerning records after contacting affected persons in public and determining the appropriate action to take (whether merely to determine that one is in compliance with conditions and to release or whether to take an individual into custody and to see to their transport to an appropriate facility) will take an indeterminable amount of time for law enforcement officers.

In total, the Department of Safety states this bill would increase expenditures, relative to information technology and personnel costs, by $131,000 in FY 2025, $102,000 in FY 2026, and $105,000 in FY 2027. It its anticipated that this bill will have no new costs to the Department of Health and Human Services or Judicial Branch.

AGENCIES CONTACTED:

Department of Safety, Department of Health and Human Services, and Judicial Branch