CHAPTER 127
SB 390-FN - FINAL VERSION

02/15/2018 0505s
02/15/2018 0564s

2018 SESSION

18-2892
04/03

SENATE BILL ***390-FN***

AN ACT **establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.**

SPONSORS: **Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Gannon, Dist 23; Sen. Hennessey, Dist 5; Rep. Wall, Straf. 6; Rep. B. Griffin, Hills. 6; Rep. Welch, Rock. 13; Rep. Cushing, Rock. 21**

COMMITTEE: **Judiciary**

ANALYSIS

This bill establishes the office of the solicitor general in the division of legal counsel of the attorney general's office and establishes a full-time attorney position in the attorney general's office for the purpose of implementing and establishing a training program for regional, county, and state prosecutors.

This bill is a request of the attorney general.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT **establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.**

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

127:1 Attorney General; Division of Legal Counsel. Amend RSA 7:8-b, II to read as follows:

II. The division of legal counsel shall consist of the following units:

(a) A bureau of civil law[;]***.***

(b) A transportation and construction bureau.

(c) An office of the solicitor general.

127:2 New Subparagraph; Department of Justice; Division of Legal Counsel. Amend RSA 21-M:7, II by inserting after subparagraph (b) the following new subparagraph:

(c) An office of the solicitor general.

127:3 New Paragraph; Attorney General; Criminal Justice Bureau. Amend RSA 21-M:8 by inserting after paragraph II the following new paragraph:

III.(a) To assist the attorney general in his or her duty to exercise general supervision of criminal cases pending before the supreme and superior courts, the department of justice may hire a full-time attorney assigned to the bureau, who shall develop and implement a training program for regional, county, and state prosecutors. The topics including in the training shall include, but not be limited to, prosecutorial ethics, charging decisions, plea negotiations, and trial skills.

(b) There is established within the department of justice an unclassified full-time attorney position for the purpose of implementing and establishing a training program for regional, county, and state prosecutors as required in this paragraph. The salary for the full-time attorney position shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

127:4 New Section; Department of Justice; Office of the Solicitor General. Amend RSA 21-M by inserting after section 12 the following new section:

21-M:12-a Office of the Solicitor General.

I. There is established in the division of legal counsel an office of the solicitor general. The office shall be supervised by the solicitor general who shall be a senior

assistant attorney general appointed by the attorney general in accordance with the provisions of RSA 21-M:3, and who shall carry out the duties imposed by the section under the supervision of the attorney general and perform such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-M:3 and such support staff as may be necessary to carry out the provisions of this section within the limits of the appropriations made for the office.

II. The duties of the office shall include, but not be limited to the following:

(a) Reviewing cases that have been decided against the state and making recommendations on whether to appeal.

(b) Representing the state in all criminal appeals to the New Hampshire supreme court or federal court.

(c) Representing executive branch officials and executive branch agencies, boards, and commissions in all appeals to the New Hampshire supreme court.

(d) Filing amicus curiae briefs in cases in which the state has a significant interest in the legal issue.

(e) Providing training to local and county prosecutors on how to develop an appellate record.

127:5 Repeal. RSA 21-M:8, II(b), relative to the duty of the criminal justice bureau of the attorney general's office to represent the state in all criminal appeals, is repealed.

127:6 Effective Date.

I. Section 3 of this act shall take effect July 1, 2019.

II. The remainder of this act shall take effect 60 days after its passage.

Approved: May 30, 2018
Effective Date:
I. Section 3 effective July 1, 2019
II. Remainder shall take effect July 29, 2018