SB 373 - AS AMENDED BY THE SENATE

03/15/2018 0995s

2018 SESSION

18-2941
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SENATE BILL ***373***

AN ACT requiring rulemaking by the department of corrections.

SPONSORS: Sen. Feltes, Dist 15; Sen. Reagan, Dist 17

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill revises certain rulemaking requirements for the department of corrections.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT requiring rulemaking by the department of corrections.

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

1 Department of Corrections; Powers and Duties of Commissioner; Rulemaking. Amend the introductory paragraph of RSA 21-H:8, III to read as follows:

III. The commissioner shall adopt***, as rules under RSA 541-A,*** such reasonable internal practices and procedures, [~~which shall not be considered rules subject to the provisions of RSA 541-A,~~] ***except for security protocols,*** as may be necessary to carry out the duties ***and programs*** of the department and its divisions, consistent with this chapter. These procedures shall include at least the following elements:

2 Department of Corrections; Powers and Duties of Commissioner; Rulemaking. Amend RSA 21-H:8, XI to read as follows:

XI. The commissioner and the commissioner of the department of health and human services shall jointly establish procedures for sharing data, at least in the aggregate, on delinquents and offenders for purposes of correctional planning and needs assessments. These procedures shall not be considered rules subject to RSA 541-A***, but shall be subject to RSA 91-A,*** and shall be established so as to ensure compliance with state and federal confidentiality and privacy laws.

3 Behavior of Inmates. Amend RSA 21-H:14 to read as follows:

21-H:14 Behavior of Inmates. The commissioner shall establish written standards regarding the behavior and responsibilities of inmates. These standards shall be made available to all such inmates and shall be considered public records. These standards shall [~~not~~] be considered rules**,** subject to the provisions of RSA 541-A***, unless the standards are needed on an emergency basis, in which case they shall be exempt from the rulemaking requirements of RSA 541-A***.

4 Sentences and Limitations; Home Confinement. Amend RSA 651:2, V(e) to read as follows:

(e) The department of corrections [~~and the various county departments of corrections~~] shall adopt rules ***pursuant to RSA 541-A*** governing eligibility for home confinement, intensive supervision**,** and special alternative incarceration programs.

5 Repeal. RSA 541-A:21, I(aa), relative to the rulemaking exemption for internal practices and procedures of the department of corrections, is repealed.

6 Effective Date. This act shall take effect one year after its passage.