HB 201-FN - AS INTRODUCED

2023 SESSION

23-0328
02/04

HOUSE BILL ***201-FN***

AN ACT relative to changing the penalties for driving without a license.

SPONSORS: Rep. Sykes, Graf. 14; Rep. Telerski, Hills. 11; Rep. Veilleux, Hills. 34; Sen. Watters, Dist 4

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill changes the penalties for driving without a license to a violation, unless the individual is convicted for second time in a 12-month period.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0328
02/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to changing the penalties for driving without a license.

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

1 Drivers' Licenses; License Required; Penalty. Amend RSA 263:1 to read as follows:

263: License Required[~~; Penalty~~].

[~~I.~~] No person, except those expressly exempted under RSA 263:25 or other provisions of this title, shall drive any motor vehicle upon any way in this state unless such person has a valid driver's license, as required under the provisions of this chapter, for the class or type of vehicle being driven. ***Except as otherwise provided in this section, any person who drives a motor vehicle in this state without having a valid driver's license of the appropriate class or type shall be guilty of a violation, provided that any person convicted of such offense for the second time in a 12-month period shall be guilty of a class B misdemeanor.***

[~~II. Any person who held a driver's license of the appropriate class or type but whose driver's license has been expired for not more than 12 months shall be guilty of a violation or, for a second or subsequent offense shall be guilty of a class B misdemeanor.~~

~~III. Any person who drives a motor vehicle in this state and who has never had a license shall be guilty of a class B misdemeanor.~~]

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

LBA
23-0328
12/14/22

HB 201-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to changing the penalties for driving without a license.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

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

METHODOLOGY:

This bill reduces the penalty, in certain circumstances, for driving without a license from a misdemeanor to a violation, which may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges may be affected as a result of the changes 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 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	$119	$122	$122
Routine Criminal Case	$644	$657	$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)	$300/Case $70 administrative fee $100 incarceration fee (If applicable)
Assigned Counsel- Misdemeanor.	$90/Hour up to $2,000	$90/Hour up to $2,000

Travel time to court does not count toward the cap.		
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000
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. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

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 may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly fewer cases or handle less appeals, then costs may decrease by an indeterminable amount.

AGENCIES CONTACTED:

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