CHAPTER 317
HB 318-FN-A - FINAL VERSION

3Jan2024... 2460h
11Apr2024... 1404h
05/16/2024 1872s
05/23/2024 2096s
05/23/2024 2178s
13Jun2024... 2303CofC

2023 SESSION

23-0431
04/10

HOUSE BILL ***318-FN-A***

AN ACT relative to magistrates, bail commissioners, the standards applicable to and the administration of bail, and making appropriations.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Alexander Jr., Hills. 29

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

I. Establishes magistrates and provides them certain authority.

II. Makes various amendments governing the standards applicable to and the administration of bail, as well as the penalties for violations of bail conditions.

III. Authorizes counties to establish criteria concerning a criminal defendant's ability to repay the costs of electronic monitoring.

IV. Makes amendments to the amount of the bail commissioner's fee and the process to pay this fee, and makes other amendments to the duties and educational requirements for bail commissioners.

V. Establishes a judicial training coordinator and establishes training requirements for judges and certain judicial employees.

VI. Makes appropriations to the judicial branch.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to magistrates, bail commissioners, the standards applicable to and the administration of bail, and making appropriations.

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

317:1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, I-IV to read as follows:

I. Except as provided in paragraph ***III or*** VI, upon the appearance before the court ***or magistrate*** of a person charged with an offense, the court ***or magistrate*** shall issue an order that, pending arraignment or trial, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;

(c) Detained; or

(d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court ***or magistrate*** shall issue an order that, pending a probation violation hearing, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

III. When considering whether to release or detain a person, the court ***or magistrate*** shall consider the following issues:

(a) Safety of the public or the defendant.

(1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; felony level stalking under RSA 633:3-a,

VI(a); trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 24 hours after the arrest. In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a judge or magistrate within 24 hours of the arrest. At the person's appearance before the court or magistrate, the court or magistrate shall order that the person be detained pending trial if the court or magistrate determines by clear and convincing evidence that release of the person is a danger to that person or the public. In determining whether release will endanger the safety of that person or the public, the court or magistrate may consider all relevant and material factors presented pursuant to paragraph IV. If the court or magistrate does not find sufficient evidence that the person must be detained, the court or magistrate shall order the person released pursuant to subparagraph I(a) or subparagraph I(b), or, if applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the conditions of his or her bail for an offense listed in this subparagraph shall be held until they can be brought before the court at the first available date. If at a subsequent hearing, the court finds probable cause exists that the person violated the conditions of his or her bail for any of the crimes listed in this subparagraph, the defendant shall be held pending trial.

(2)(A) If a person is charged with any *other* criminal offense, *and the court or magistrate determines by clear and convincing evidence that release will endanger the safety of that person or the public,* [~~an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B,~~] the court *or magistrate* may*:*

(i) Order preventive detention without bail*;*[~~, or, in the alternative, may~~]

(ii) Order *the defendant to comply with* restrictive conditions*;* [~~including, but not limited to~~]

(iii) Order electronic monitoring and supervision *where the defendant has been accepted for electronic monitoring and supervision by the county; or*

(iv) Any combination thereof. [~~, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public.~~]

(B) In determining whether release will endanger the safety of that person or the public, the court *or magistrate* may consider all relevant factors presented pursuant to paragraph IV.

(b) Assuring the court appearance of charged persons.

(1) The court *or magistrate* shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court *or magistrate*, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court *or magistrate* may require unless the court *or magistrate* determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2) If the court *or magistrate* determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past [~~5~~] *3* years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required*, and the person shall be detained. At the bail hearing, the defendant shall be permitted to present evidence and the court or magistrate shall decide whether such person has rebutted the presumption that release will not reasonably assure the appearance of the person as required*.

(3) In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court *or magistrate* may consider all relevant factors bearing upon a person's ability to post bail.

(4) The court *or magistrate* shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition, unless the court *or magistrate* determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

(c) Failure of a person to abide by previous bail conditions. If there is probable cause to believe that, while on release pending resolution of a previous offense, the person committed a felony, class A misdemeanor, or driving or operating while impaired, there shall be a rebuttable presumption that the person will not abide by a condition that the person not commit a new offense. The court *or magistrate* shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court *or magistrate* determines by clear and convincing evidence after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense. The court *or magistrate* may consider any relevant factors in making its determination.

IV.(a) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance before the court *or magistrate*. At that time, the defendant may request a subsequent bail hearing where live testimony is presented to the court.

(b) At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

317:2 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, VII-IX to read as follows:

VII. In a release order issued pursuant to this section, the court *or magistrate* shall include a written statement that sets forth:

(a) All of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) The provisions of RSA 641:5, relative to tampering with witnesses and informants.

VIII. A person charged with an offense who is, or was at the time the offense was committed, on release pending trial for a felony or misdemeanor under federal or state law, release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III, may be detained for a period of not more than 72 hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. Upon such notice, the court *or magistrate* shall direct the clerk to notify by telephone*, or other expedient means,* the department of corrections, division of field services, of the pending bail hearing. If the department fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

IX. Upon the appearance of a person charged with a class B misdemeanor, the court *or magistrate* shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court *or magistrate* determines pursuant to paragraph III that such release will endanger the safety of the person or the public. The court *or magistrate* shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

317:3 Arrests in Criminal Cases; Release or Detention; Place and Time of Detention. Amend RSA 594:20-a, I to read as follows:

I. When a person is arrested with or without a warrant, he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody. The person shall be taken to appear before a *magistrate,* circuit court, or a superior court [~~in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies,~~] without unreasonable delay, to answer for the offense. All persons shall appear no later than 24 hours after arrest, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and holidays excepted. *In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a magistrate within 24 hours of the arrest for any of the crimes listed in RSA 597:2, III(a)(1). Hearings held by a magistrate pursuant to this section may be held telephonically, and the magistrate may conduct such hearing from any location within the state of New*

Hampshire, without regard to the jurisdiction in which the person was arrested. This section shall not be construed to prohibit telephonic hearings that are otherwise permitted by law or court rule.

317:4 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA 597:6-e to read as follows:

597:6-e Review and Appeal of Release or Detention Order.

I. If a person is ordered released by a bail commissioner *or magistrate*, the person, or the state, shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours, Sundays and holidays excepted.

II. Subject to RSA 597:2, X, the person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice *or magistrate*, or by a bail commissioner. The motion shall be determined promptly. However, no action shall be taken on any such motion until the moving party has provided to the superior court certified copies of the complaint, affidavit, warrant, bail slip, and any other court orders relative to each charge for which a release or detention order was issued by a justice, or a bail commissioner. In cases where a district court justice has made a finding, pursuant to RSA 597:2, IV that the person poses a danger to another, the superior court shall, after notification to both parties, the police department that brought the charges in district court, and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.

III. The person, or the state pursuant to RSA 606:10, V, may appeal to the supreme court from a court's release or detention order, or from a decision denying revocation or amendment of such an order. The appeal shall be determined promptly.

317:5 Bail and Recognizances; Detention and Sanctions for Default or Breach Conditions. Amend RSA 597:7-a, I-I-a to read as follows:

I. A peace officer may detain an accused until [~~he~~] *the accused* can be brought before a justice *or magistrate* if [~~he~~] *the peace officer* has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if [~~he~~] *the peace officer* witnesses a breach of conditions of release. The accused shall be brought before a justice *or magistrate* for a bail revocation hearing within [~~48~~] *24* hours[~~, Saturdays, Sundays and holidays excepted~~].

I-a. If a person violates a restraining order issued under RSA 458:16, III, or a protective order issued under RSA 633:3-a, or a temporary or permanent protective order issued under RSA 173-B by committing assault, criminal trespass, criminal mischief, or another criminal act, a peace officer shall arrest the accused, detain the accused pursuant to RSA 594:19-a, bring the accused before a justice pursuant to RSA 594:20-a, and refer the accused for prosecution. Such arrest may be made within 12 hours after a violation without a warrant upon probable cause whether or not the violation is committed in the presence of the peace officer.

I-b. The court shall have the authority under paragraph I to set cash or corporate surety bail. The court may only set cash or corporate surety bail in an amount the defendant is able to make.

317:6 Bail and Recognizances; Detention and Sanctions for Default or Breach of Conditions. Amend RSA 597:7-a, II to read as follows:

II. A person who has been released pursuant to the provisions of this chapter and who has ***knowingly committed an act that he or she knew, or reasonably should have known,*** violated a condition of his ***or her*** release [~~is~~] ***may be*** subject to a revocation of release, an order of detention, and ***either*** a prosecution for contempt of court ***or, unless such conduct violates RSA 642:8, class A misdemeanor breach of bail***.

317:7 New Paragraph; Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2 by inserting after paragraph X the following new paragraph:

XI.(a) Each county may develop criteria to evaluate and determine whether a person is indigent or not for the purpose of the person's ability to repay the cost of electronic monitoring. Based on the criteria, the county may render a finding of indigent or not for the purpose of the person's ability to repay the costs of electronic monitoring.

(b) If the county finds that the person is not indigent for the purpose of repaying the cost of electronic monitoring, the county may order that the person reimburse the county for payment of the cost of electronic monitoring. The county may extend the time period for repayment in its discretion to allow the person time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed. The county may seek reimbursement in other ways as determined by the county.

(c) If the county finds that the person is indigent for the purpose of repaying the cost of electronic monitoring, the county may waive the cost of electronic monitoring.

317:8 Bail and Recognizances; Bail Commissioners; Fees. Amend RSA 597:20 to read as follows:

597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of [~~$40~~] ***$60***. However, clerks of court or members of their staffs who are bail commissioners shall be entitled to collect such fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, such person shall not receive the fee established in this section, but instead such amount shall be remitted to the town or city in which the district court is situated. If the defendant is indigent, the fee shall be waived.

317:9 Bail and Recognizances; General Provisions; Determination of Indigence and Payment of Bail Commissioner Fee. Amend RSA 597:2-b to read as follows:

597:2-b Determination of Indigence and Payment of Bail Commissioner Fee.

I. The arresting officer, at the point of arrest, shall inform the offender of the availability of the services of the bail commissioner. [~~If the offender elects to utilize the bail commissioner's services and is not indigent, the offender shall pay the bail commissioner's fee directly to the bail commissioner. If the offender elects to utilize the services of the bail commissioner, but claims indigence, the court shall, to the extent of available funding, utilize all possible means to pay the bail commissioner's fee, and shall include written evidence of fee payment in the offender's case file.~~]

I-a. In any case where the offender has been arrested for a crime of violence against an individual person, including any act of stalking or criminal threatening, and the bail commissioner determines that the offender may be released pending arraignment, the arresting agency shall make a reasonable attempt to contact the alleged victim to inform the alleged victim of the pending release and the conditions of bail.

I-b. The court shall pay each bail commissioner the fees as authorized by RSA 597:20 that each bail commissioner is entitled to within 90 days of the submission of a request for reimbursement from a bail commissioner. The court shall not pay fees that accumulate before January 1, 2025.

II. The court shall develop uniform criteria to evaluate and determine whether an offender is indigent or not indigent for the purpose of the offender's ability to [~~pay~~] *repay* the bail commissioner's fee. Based on the criteria, the court shall render a finding of indigent or not indigent for the purpose of the offender's ability to [~~pay~~] *repay* the bail commissioner's fee.

III. If the court finds that the offender is not indigent for the purpose of [~~paying~~] *repaying* the bail commissioner's fee, the *court shall order that the* offender [~~shall~~] reimburse the court for payment of the bail commissioner's fee. *The court may extend the time period for such repayment in its discretion to allow the offender reasonable time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed.*

IV. If the court finds that the offender is indigent for the purpose of [~~paying~~] *repaying* the bail commissioner's fee, the offender shall not be liable to pay the fee.

317:10 Bail and Recognizances; Bail Commissioners; Term and Identification Card. Amend RSA 597:17 to read as follows:

597:17 Term and Identification Card.

I. Bail commissioners shall be commissioned for 5 years and continue in office until their successors shall have qualified. *A bail commissioner's appointment may be revoked for cause at any time during the term of his or her appointment by the chief justice of the supreme court or the chief justice's designee*.

II. The [~~administrative judge of the superior court or the circuit court~~] *judicial branch* shall issue an identification card to each qualified bail commissioner in the state. *The identification card shall be made of a durable material similar to that of a driver's license, and shall contain a photograph of the bail commissioner, the terms and dates of the bail commissioner's appointment, and any other information deemed necessary by the judicial branch. The judicial branch may enter into an agreement, through an interagency memorandum of understanding or any other appropriate mechanism, with the department of safety, division of motor vehicles to facilitate the production and issuance of the identification card.*

317:11 New Chapter; Judicial Training. Amend RSA by inserting after chapter 490-J the following new chapter:

CHAPTER 490-K

JUDICIAL TRAINING

490-K:1 Judicial Training Coordinator.

A judicial training coordinator position shall be created on or before July 1, 2025, to work under the direction of the chief justice of the supreme court. The judicial training coordinator shall develop high quality judicial branch training and continuing education programs and work to provide judges, magistrates, bail commissioners, administrators, and court staff with a reasonable opportunity to fulfill any mandatory orientation and initial required training as well as continuing educational requirements set by the chief justice of the supreme court.

490-K:2 Initial Judicial Training Requirements.

Any person who holds the position of judge or magistrate in this state, and all nonjudicial employees of the judicial branch with a hire date on or after July 1, 2025, shall complete an orientation and training program within 3 months of hire, as directed by the chief justice of the supreme court. The minimum initial training for judges may be as follows:

I. Orientation for new judges on procedures and functions of the applicable court and relevant procedural and substantive law;

II. Education for new judges on major legal subjects and practical skills needed by them and appropriate to the jurisdiction of the court in which they serve;

III. At least one hour of training devoted to the topics of legal and judicial ethics, professionalism, preventing implicit bias, mental health, and domestic violence.

490-K:3 Judicial Continuing Education Requirements.

Any person who holds the position of judge, magistrate, court administrator, clerk, or director of the administrative office of the court in this state, shall be required to complete continuing education as the chief justice of the supreme court directs.

317:12 Bail and Recognizances; Bail Commissioners; Educational Requirements for Bail Commissioners. RSA 597:18-a is repealed and reenacted to read as follows:

597:18-a Educational Requirements for Bail Commissioners.

I. The judicial training coordinator, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall develop an education program to ensure that new bail commissioners are adequately trained and that existing bail commissioners have current information regarding the status of the laws affecting bail commissioners and the powers and duties of bail commissioners. This education program shall include the laws specific to bail and the conditions that may be imposed by the bail commissioners.

II. Upon appointment, each bail commissioner shall receive at least 16 hours of training. Training may be in person, remote, or on the job training by shadowing another bail commissioner for a period of time as determined by the courts.

III. Each bail commissioner shall undergo 8 hours of annual training that shall include any changes to the law made by the general court or as a result of court decisions. An updated copy of all laws concerning bail commissioners and a copy of the latest edition of the Bail Commissioner's Handbook shall be provided to each bail commissioner at this annual training.

IV. Bail commissioners shall be paid for time spent during training as follows:

(a) Bail commissioners shall be paid a $50 stipend for each 8 hour block of training. Any in person training requiring less than 8 hours shall nonetheless be paid for a minimum 8 hour block. Remote training less than 8 hours may be prorated based upon the $50 per 8 hour block standard.

(b) If the training for newly appointed bail commissioners exceeds 16 hours, the newly appointed bail commissioners shall not be paid for more than 2, 8-hour blocks.

317:13 New Section; Bail and Recognizances; Bail Commissioners; Duties. Amend RSA 597 by inserting after section 18-a the following new section:

597:18-b Duties.

I. The bail commissioners shall provide to any person bailed by the bail commissioner under this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.

II. The bail commissioners shall notify any person bailed by the bail commissioners under this chapter that any violations of a protective order are non-bailable.

317:14 New Chapter; Magistrates. Amend RSA by inserting after chapter 491-A the following new chapter:

CHAPTER 491-B

MAGISTRATES

491-B:1 Appointment and qualifications. The chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall appoint at least 3 magistrates, subject to appropriation by the legislature. Such magistrates shall serve at such locations as the chief justice of the supreme court may determine under this chapter. Magistrates shall be judicial branch employees.

491-B:2 Duties.

I. At the discretion of the chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, magistrates may have the following powers:

(a) To determine the release or detention of defendants on all days of the week and at all times of day pursuant to RSA 597:2;

(b) To conduct arraignment hearings and issue decisions on arraignments;

(c) To conduct bail hearings and issue decisions on bail and other decisions regarding release or detention of persons pending trial pursuant to RSA 597:2;

(d) To issue arrest warrants or other processes of arrest;

(e) To issue search warrants;

(f) To administer oaths and affirmations; and

(g) To perform such other acts or functions specifically authorized by the chief justice of the supreme court not inconsistent with the New Hampshire constitution or any state or federal laws.

II. Magistrates may only perform the powers listed in paragraph I(b) through I(g) if they are licensed to practice law in the state of New Hampshire.

III. The magistrates shall provide to any person bailed by the magistrate pursuant to the authority granted by this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.

317:15 Funding.

I. The judicial branch shall determine the amount of funding needed in order to pay for the fees for bail commissioners and to establish the identification cards as directed in sections 4-6 of this act, and that amount is hereby appropriated in the fiscal year ending June 30, 2025, to the judicial branch.

II. The judicial branch shall determine the amount of funding needed to establish 3 new magistrates who will serve at such locations as the chief justice of the supreme court designates and who shall be empowered to perform certain judicial functions relative to bail, arraignments, and warrants, and that amount is hereby appropriated in the fiscal year ending June 30, 2025 to the judicial branch. The judicial branch may file a request for additional funds with the joint legislative fiscal committee for 2 additional magistrates if the judicial branch determines 3 magistrates is insufficient to fulfill the duties of magistrates under RSA 491-B.

III. The sum of $986,000 is hereby appropriated in the fiscal year ending June 30, 2025, to the judicial branch, to develop and implement a judicial branch bail data platform to enable electronic sharing of an individual's bail condition status with law enforcement. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

IV. The sum of $750,000 is hereby appropriated in the fiscal year ending June 30, 2025, to the department of safety, division of state police, to develop and implement a system to electronically share an individual's bail condition status with law enforcement. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder shall be general funds.

V. The appropriations in this section shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

317:16 Report Required. Not later than January 1 of each year until 2030, the chief justice, or designee, shall report to the governor, the president of the senate, and the speaker of the house to provide an update as to the following information concerning bail commissioners and magistrates: the number of active members of each group, the anticipated level of attrition through retirement or otherwise, the nature and hours of training received, and any concerns he or she has with the continued viability of the system.

317:17 Effective Date.

I. RSA 597:2-b, I-a, as inserted by section 9 of this act, and sections 16 and 17 of this act, shall take effect July 1, 2024.

II. Section 11 of this act shall take effect July 1, 2025.

III. The remainder of this act shall take effect January 1, 2025.

Approved: August 01, 2024
Effective Date:
I. RSA 597:2-b, I-a & Sections 16-17 effective July 1, 2024
II. Section 11 effective July 1, 2025
III. Remainder effective January 1, 2025