HB 419-FN - AS INTRODUCED

2021 SESSION

21-0522
05/06

HOUSE BILL ***419-FN***

AN ACT relative to assault of a campaign worker at the polling place.

SPONSORS: Rep. Prudhomme-O'Brien, Rock. 6; Rep. Lynn, Rock. 7; Rep. Love, Rock. 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes an enhanced criminal penalty for assault of a campaign worker at a polling place.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to assault of a campaign worker at the polling place.

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

1 Election Procedure; Prohibited Acts; Assault. Amend RSA 659:41 to read as follows:

659:41 Assault, Etc. Any person who shall assault a town, city, or ward officer***, or a campaign worker at a polling place,*** as provided in RSA 631 in the discharge of any duty of his ***or her*** office at any election shall be guilty of a class A felony or a class B felony, but never less than a class B felony, other provisions of the law to the contrary notwithstanding. Any person who shall take away, injure or destroy the ballot box or checklist when in use at any election shall be guilty of a class B felony.

2 Effective Date. This act shall take effect January 1, 2022.

LBA
21-0522
1/6/21

HB 419-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to assault of a campaign worker at the polling place.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2021**	**FY 2022**	**FY 2023**	**FY 2024**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

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

METHODOLOGY:

This bill adds assault of a campaign worker at a polling place to the list of chargeable crimes. This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained 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 2021	FY 2022
Simple Criminal Case	$309	$309
Routine Criminal Felony Case	$494	$494
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	$825/Case	$825/Case
Contract Attorney – Major Crimes (aggravated felonious	$2,490/Case	$2,490/Case

sexual assault, felonious sexual assault and first degree assault)		
Assigned Counsel – Major Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault)	$100/Hour up to $8,000	$100/Hour up to $8,000
Assigned Counsel – Felony	$60/Hour up to $4,100	$60/Hour up to $4,100
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. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2020 Average Cost of Incarcerating an Individual	$47,691	$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	$6,407	$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	$584	$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $120	$105 to $120

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 would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

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