SB 254-FN - AS INTRODUCED

2023 SESSION

23-0791
06/04

SENATE BILL ***254-FN***

AN ACT relative to community-based sentencing alternatives for primary caregivers.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Rosenwald, Dist 13; Rep. Selig, Straf. 10; Rep. Meuse, Rock. 37; Rep. Read, Rock. 10

COMMITTEE: Judiciary

ANALYSIS

This bill adds "dependent child," "elder," "person with a disability," and "primary caretaker of a dependent child" to sentencing definitions.

This bill requires sentencing courts make determinations for individually assessed sentences without imprisonment based on community rehabilitation and parent-child or dependent unity and support factors for primary caretakers of dependents.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0791
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to community-based sentencing alternatives for primary caregivers.

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

1 Sentences; Definitions. Amend RSA 651:62, II to read as follows:

II. "Dependents" means a ***dependent child, elder, person with a disability, or*** any person who was wholly or partially dependent upon the victim for care and support when the crime was committed.

II-a. "Dependent child" means a person who is 17 years of age or less.

II-b. "Elder" means a person who is 66 years of age or more.

II-c. "Person with a disability" means a person with a physical or mental condition limiting that person's movement, senses, or activities.

II-d. "Primary caretaker of a dependent" means a parent who has consistently assumed responsibility for the housing, health, and safety of a child, elder, or person with a disability prior to the parent's incarceration; or, a person who has given birth to a child after or while awaiting their sentencing hearing and who is willing to assume responsibility for the housing, health, and safety of that child. A parent who, in the best interest of the child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the definition of "primary caretaker of a dependent child."

2 New Paragraph; Sentences and Limitations. Amend RSA 651:2 by inserting after paragraph VIII the following new paragraph:

IX.(a) Notwithstanding any law to the contrary, prior to the sentencing of a person convicted of an offense, the sentencing court may determine if the applicant is not a danger to the community, whether the applicant has any dependents, and whether the applicant is a primary caretaker of any dependents. Upon such a determination by the court, the court may impose an individually assessed sentence without imprisonment, based on community rehabilitation, and with a focus on parent-child or dependent unity and support. The court may require the person to meet certain conditions that the court considers appropriate as part of the individually assessed sentence, including, but not limited to:

(1) Drug and alcohol treatment.

(2) Domestic violence education and prevention.

(3) Physical and sexual abuse counseling.

(4) Anger management.

(5) Vocational and educational services.

(6) Job training and placement.

(7) Affordable and safe housing assistance.

(8) Financial literacy.

(9) Parenting classes.

(10) Parenting classes.

(11) Family individual counseling.

(12) Family case management service.

(13) Restorative/transformative justice programming.

(b) The court may require the person to appear in court at any time during the person's sentence to evaluate the person's progress in treatment or rehabilitation, or to determine if the person has violated any condition of the sentence. Upon appearance, the court may:

(1) Modify the conditions of the sentence;

(2) Decrease the duration of the sentence based on the person's successful advancement; or

(3) Sanctions may be imposed if the person has exhausted all efforts to meet the conditions of the sentence imposed under subparagraph IX(a), including, but not limited to, requiring the person to serve a term of confinement within the range of the offense for which the person was originally convicted.

3 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0791
1/18/23

SB 254-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to community-based sentencing alternatives for primary caregivers.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Judicial Branch and Department of Corrections