

Amendment to SB 466-FN

1 Amend the bill by replacing all after section 3 with the following:

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3 4 Department of Health and Human Services, Sununu Youth Services Center; Reduction in  
4 Appropriation. Amend 2015, 276:205 to read as follows:

5 276:205 Department of Health and Human Services, Sununu Youth Services Center; Reduction  
6 in Appropriation. The department of health and human services is hereby directed to reduce state  
7 general fund appropriations to the Sununu Youth Services Center by [~~\$1,721,861~~] **\$700,000** for the  
8 fiscal year ending June 30, 2016, and by \$3,496,746 for the fiscal year ending June 30, 2017. The  
9 department shall operate the Sununu Youth Services Center within the allotted budget, or may  
10 enter into contracts for operation of the Sununu Youth Services Center, including establishing  
11 necessary class lines, as long as total operating costs do not exceed \$10,100,000 for the fiscal year  
12 ending June 30, 2017. ***The department shall lapse an additional \$1,000,000 in state general***  
13 ***fund appropriations for the fiscal year ending June 30, 2016, which shall be in addition to***  
14 ***any previously required or estimated lapse for said fiscal year.***

15 5 New Subdivision; Working Group on Juvenile Justice Services. Amend RSA 621-A by  
16 inserting after section 11 the following new subdivision:

17 Working Group on Juvenile Justice Services

18 621-A:12 Working Group on Juvenile Justice Services.

19 I. No later than 30 days after the effective date of this section, the commissioner of the  
20 department of health and human services shall convene a working group on juvenile justice services  
21 consisting, at a minimum, of the following members:

22 (a) A representative of New Hampshire Kids Count, appointed by that organization.

23 (b) A representative of the Disability Rights Center, appointed by the center.

24 (c) A justice of the circuit court, appointed by the chief administrative judge of the  
25 circuit court.

26 (d) A juvenile probation and parole officer, appointed by the commissioner.

27 (e) The chief of police of the city of Manchester, or designee.

28 (f) The attorney general, or designee.

29 (g) A member of the house of representatives, appointed by the speaker of the house of  
30 representatives.

31 (h) A member of the senate, appointed by the senate president.

32 (i) A representative of community youth services providers, appointed by the

**Amendment to SB 466-FN**  
**- Page 2 -**

1 commissioner.

2 II. The working group shall be subject to RSA 91-A. The department, in consultation with  
3 the working group, shall, no later than October 1, 2016, submit to the governor, the speaker of the  
4 house of representatives, and the president of the senate, a plan that identifies in detail, the  
5 following:

6 (a) An inventory of all the existing community based care for the rehabilitation of youth  
7 located in New Hampshire and the capacity for day and residential services of each facility for all  
8 levels of offenders.

9 (b) A proposed configuration of alternative placements and services for children based  
10 upon the inventory of existing available community based care.

11 (c) A timeline for implementation of alternative placements and services, as well as  
12 anticipated obstacles to implementation and recommendations for overcoming those obstacles,  
13 including increasing reimbursement rates for community based services.

14 (d) A process and timeline for the development of a small secure facility for children  
15 who are violent and/or high risk and for children who are adjudicated as adults in the correctional  
16 system but should not be placed in the state prison system until they become 18 years of age.

17 (e) An analysis of the costs involved in delivering community based care for detained  
18 and adjudicated youth in New Hampshire, and of those costs compared to the costs of operating the  
19 Sununu youth services center.

20 (f) A detailed accounting of the census of the Sununu youth services center for the past  
21 10 years, including the age of offenders at the time of admission and the offense resulting in  
22 placement there.

23 (g) A staffing plan for the Sununu youth services center that provides for 30 detained  
24 and adjudicated youth, with flexibility through contract services and the addition of temporary or  
25 part-time employees to address population surges if and when they occur.

26 III. The department, in consultation with the working group, shall also evaluate and make  
27 recommendations to the governor, attorney general, speaker of the house of representatives, and  
28 president of the senate no later than November 1, 2016, for specific changes to existing state  
29 juvenile detention laws that would facilitate the community based treatment of detained and  
30 adjudicated youth offenders.

31 IV. The department, in consultation with the working group and outside consultants, shall  
32 examine and make recommendations to the governor, speaker of the house of representatives, and  
33 president of the senate no later than December 1, 2016, for alternative uses of the Sununu youth  
34 services center. Such analysis shall include the potential for repayment of funds provided by the  
35 federal government in establishing the Sununu youth services center. The commissioner may  
36 expend up to \$100,000 from funds appropriated to the department for the biennium ending June 30,  
37 2017, for the purpose of hiring consultants.

**Amendment to SB 466-FN**  
**- Page 3 -**

1       6 Youth Development Services; Admission; Discharge from Youth Services Center Detention  
2 Risk Assessment Instrument. Amend RSA 621-A:6 to read as follows:

3       621-A:6 Admission.

4       ***I.*** Children, subject to proceedings in juvenile court, may be admitted to the youth services  
5 center for temporary detention while awaiting disposition of the court pursuant to RSA 169-B:14,  
6 for educational services pursuant to RSA 186-C, RSA 169-B, RSA 169-C, or RSA 169-D, only upon  
7 prior approval of the commissioner.

8       ***II. Prior to a child's detention at the youth services center, the department shall***  
9 ***complete a detention risk assessment instrument to determine whether there is:***

10       ***(a) Probable cause to believe that the child will pose a risk to public safety if***  
11 ***released to the community prior to the court hearing or disposition; or***

12       ***(b) A need to hold the child in order to assure the child's appearance before the***  
13 ***court, as demonstrated by the child's previous failure to respond to the court.***

14       ***III. The department shall review and submit a monthly report to the general court***  
15 ***on those cases, also known as "overrides", in which children are confined at the Sununu***  
16 ***youth services center contrary to the results of the detention risk assessment instrument.***

17       7 New Paragraph; Youth Development Center; Release and Discharge; Quarterly Review.  
18 Amend RSA 621:19 by inserting after paragraph III the following new paragraph:

19       ***IV.*** The department shall review, on a quarterly basis, the case of every child committed to  
20 the Sununu youth services center who is not a serious violent offender to determine if the child can  
21 safely be placed outside the Sununu youth services center. The department shall petition the court  
22 to modify the disposition of those cases in which a safe placement outside of the Sununu youth  
23 services center is possible. In this paragraph, "serious violent offender" means an offender  
24 adjudicated for a violent felony within last 2 years or adjudicated for an offense within last year  
25 that created substantial risk of serious bodily injury to another.

26       8 Repeal. RSA 621-A:12, relative to the working group on juvenile justice services, is repealed.

27       9 Effective Date.

28       ***I.*** Sections 1-3, and section 8 of this act shall take effect January 1, 2017.

29       ***II.*** Section 5 of this act shall take effect upon its passage.

30       ***III.*** The remainder of this act shall take effect 60 days after its passage.

**Amendment to SB 466-FN**  
**- Page 4 -**

2016-1661h

AMENDED ANALYSIS

This bill

I. Provides that a minor whose case is to be transferred to the superior court may be detained at a county correctional facility or the youth development center.

II. Permits a youthful offender who has been sentenced as an adult to serve his or her sentence at the youth development center until the offender reaches the age of 18, at which time he or she shall be transferred to the state prison or county correctional facility.

III. Revises the reduction in appropriation required for the Sununu youth services center and the department of health and human services as a whole.

IV. Establishes a working group within the department of health and human services to address juvenile justice service and treatment options.

V. Requires the department of health and human services to use a detention risk assessment instrument to determine whether a child should be held at the youth services center pending adjudication.

VI. Requires the department of health and human services to conduct a quarterly review of children placed at the Sununu youth services center to determine whether a less restrictive placement is possible.