

Amendment to SB 466-FN

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

2
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) Two members of the house of representatives, appointed by the speaker of the house
30 of representatives.

31 (h) Two members of the senate, appointed by the senate president.

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1 (i) A representative of community youth services providers, appointed by the
2 commissioner.

3 (j) The chair of the juvenile parole board, or designee.

4 (k) The commissioner of corrections, or designee.

5 (l) An attorney with substantial experience representing children in juvenile
6 delinquency proceedings, appointed by the executive director of the New Hampshire Public
7 Defender.

8 (m) A representative of the New Hampshire State Employees Association, appointed by
9 that organization.

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

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

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

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

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

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

28 (f) A detailed accounting of the census of the Sununu youth services center for the past
29 10 years, including the age of offenders at the time of admission and the offense resulting in
30 placement there.

31 (g) A staffing plan for the Sununu youth services center that provides for 30 detained
32 and adjudicated youth, with flexibility through contract services and the addition of temporary or
33 part-time employees to address population surges if and when they occur. Any additional staffing
34 plans may address staffing levels for a population of less than 30 or more than 30 juveniles.

35 III. The department, in consultation with the working group, shall also evaluate and make
36 recommendations to the governor, attorney general, speaker of the house of representatives, and
37 president of the senate no later than November 1, 2016, for specific changes to existing state

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1 juvenile detention laws that would facilitate the community based treatment of detained and
2 adjudicated youth offenders.

3 IV. The department, in consultation with the working group and outside consultants, shall
4 examine and make recommendations to the governor, speaker of the house of representatives, and
5 president of the senate no later than December 1, 2016, for alternative uses of the Sununu youth
6 services center. Such analysis shall include the potential for repayment of funds provided by the
7 federal government in establishing the Sununu youth services center. The commissioner may
8 expend up to \$100,000 from funds appropriated to the department for the biennium ending June 30,
9 2017, for the purpose of hiring consultants.

10 6 Youth Development Services; Admission; Discharge from Youth Services Center Detention
11 Risk Assessment Instrument. Amend RSA 621-A:6 to read as follows:

12 621-A:6 Admission.

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

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

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

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

23 III. *The department shall review and submit a monthly report to the general court*
24 *on those cases, also known as "overrides", in which children are confined at the Sununu*
25 *youth services center contrary to the results of the detention risk assessment instrument.*
26 *Beginning with the fourth such report, the department shall include recommendations for*
27 *reducing the rate of overrides to 20 percent or less through executive and/or legislative*
28 *action.*

29 7 New Paragraph; Youth Development Center; Release and Discharge; Quarterly Review.
30 Amend RSA 621:19 by inserting after paragraph III the following new paragraph:

31 IV. The department shall review, on a quarterly basis, the case of every child committed to
32 the Sununu youth services center who is not a serious violent offender to determine if the child can
33 safely be placed outside the Sununu youth services center. The department shall petition the court
34 to modify the disposition of those cases in which a safe placement outside of the Sununu youth
35 services center is possible. In this paragraph, "serious violent offender" means an offender
36 adjudicated for a violent crime as defined in RSA 169-B:35-a, I(c) or any other felony that has as an
37 element the actual or attempted infliction of injury upon another person within the last 2 years or

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1 adjudicated for an offense within the last year that created a substantial risk of serious bodily
2 injury to another.

3 8 Repeal. RSA 621-A:12, relative to the working group on juvenile justice services, is repealed.

4 9 Effective Date.

5 I. Sections 1-3 of this act shall take effect July 1, 2016.

6 II. Section 4 of this act shall take effect June 30, 2016.

7 III. Section 5 of this act shall take effect upon its passage.

8 IV. Section 8 of this act shall take effect January 1, 2017.

9 V. The remainder of this act shall take effect 60 days after its passage.

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2016-1824h

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.