

Floor Amendment to HB 592-FN

1 Amend the bill by replacing section 2 with the following:

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3 2 Arrests in Criminal Cases; Place and Time of Detention. Amend RSA 594:20-a, I to read as  
4 follows:

5 I. When a person is arrested with or without a warrant, he or she may be committed to a  
6 county correctional facility, to a police station or other place provided for the detention of offenders,  
7 or otherwise detained in custody. The person shall be taken to appear before a [~~magistrate,~~] circuit  
8 court[~~;~~] or a superior court without unreasonable delay to answer for the offense. All persons shall  
9 appear no later than [24] **36** hours after arrest[~~, or no later than 36 hours after arrest if arrested~~  
10 ~~between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the~~  
11 ~~same day,~~] Saturdays, Sundays, and holidays excepted. [~~In the case of a person arrested when the~~  
12 ~~court is not open within the next 24 hours, a decision on bail shall be made by a magistrate within~~  
13 ~~24 hours of the arrest for any of the crimes listed in RSA 597:2, III(a)(1). Hearings held by a~~  
14 ~~magistrate pursuant to this section may be held telephonically, and the magistrate may conduct~~  
15 ~~such hearing from any location within the state of New Hampshire, without regard to the~~  
16 ~~jurisdiction in which the person was arrested. This section shall not be construed to prohibit~~  
17 ~~telephonic hearings that are otherwise permitted by law or court rule].~~

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19 Amend the bill by replacing sections 4 and 5 with the following:

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21 4 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA  
22 597:6-e to read as follows:

23 597:6-e Review and Appeal of Release or Detention Order.

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

27 II. Subject to RSA 597:2, [~~X,~~] **XIV** the person or the state may file with the superior court a  
28 motion for revocation of the order or amendment of the conditions of release set by a municipal or  
29 district court, by a justice [~~or magistrate~~], or by a bail commissioner. The motion shall be  
30 determined promptly. However, no action shall be taken on any such motion until the moving party  
31 has provided to the superior court certified copies of the complaint, affidavit, warrant, bail slip, and  
32 any other court orders relative to each charge for which a release or detention order was issued by a

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**- Page 2 -**

1 justice, or a bail commissioner. In cases where a district court justice has made a finding, pursuant  
2 to RSA 597:2, IV that the person poses a danger to another, the superior court shall, after  
3 notification to both parties, the police department that brought the charges in district court, and the  
4 victim, conduct a hearing and make written findings supporting any modifications and reasons for  
5 new conditions or changes from the district court order. The reviewing court shall take into  
6 consideration the district court's written findings, orders, pleadings, or transcript when making a  
7 modification.

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

11 5 Bail and Recognizances; Detention and Sanctions for Default or Breach of Conditions. Amend  
12 RSA 597:7-a, I to read as follows:

13 I. A peace officer may detain an accused until the accused can be brought before a justice [~~or~~  
14 ~~magistrate~~] if the peace officer has a warrant issued by a justice for default of recognizance or for  
15 breach of conditions of release or if the peace officer witnesses a breach of conditions of release. The  
16 accused shall be brought before a justice [~~or magistrate~~] for a bail revocation hearing within [24] **36**  
17 hours, ***Saturdays, Sundays, and holidays excepted.***