

Amendment to SB 301

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the internal reorganization of the department of corrections.

4

5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Internal Organizational Units; Department of Corrections. Amend RSA 21-H:4 to read as
8 follows:

9 21-H:4 Internal Organizational Units.

10 The department shall include the following internal organizational units performing the
11 following major functions:

12 I. The ~~[division of administration, under the supervision of an]~~ unclassified ~~[director of~~
13 ~~administration,]~~ **chief financial and operating officer** ~~[who]~~ shall, in accordance with applicable
14 laws, be responsible for:

15 (a) Accounting, purchasing, and budget control.

16 (b) Property, contracts, and grant management.

17 (c) Assistance to the commissioner with short and long range department-wide planning
18 activities.

19 (d) Logistics, facilities management, and food service.

20 (e) **Business information and technology.**

21 (f) **Other duties assigned by the commissioner.**

22 ***I-a. The unclassified director of personnel and information shall be renamed the***
23 ***director of operations and project management and shall report directly to the chief***
24 ***financial and operating officer.***

25 II. The division of field services, under the supervision of an unclassified director of field
26 services, who shall, in accordance with applicable laws, be responsible for:

27 (a) Supervising adults placed on probation and ~~[residents]~~ **inmates** placed on parole.

28 (b) Collection of restitution from individuals under the department's supervision.

29 ~~[(c) The victim-offender dialogue program, which shall be a victim-initiated, voluntary~~
30 ~~program to assist crime victims who seek access to restorative justice programs as provided under~~
31 ~~RSA 21-M:8 k, II(u), under the direction of the victim services coordinator, who shall:~~

32 (1) ~~Implement and oversee the program.~~

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- 1 ~~(2) Advocate for the rights of crime victims.~~
2 ~~(3) Provide corrections based victim services including but not limited to:~~
3 ~~(A) Notification of offender status changes.~~
4 ~~(B) Victim initiated victim offender dialogue.~~
5 ~~(C) Advocacy, safety, and support for victims during reduced custody, offender~~
6 ~~re-entry, and hearings of the adult parole board. Participation in the program shall not affect the~~
7 ~~court's decision relative to sentencing, parole, or other types of supervised or unsupervised release~~
8 ~~programs.]~~

9 III. The division of medical and ~~[psychiatric]~~ **forensic** services, under the joint supervision
10 of a medical director and an unclassified non-medical director, who shall respectively have the duties
11 and responsibilities provided in RSA 622:43, and who shall act in an advisory and coordinative
12 capacity in assisting other agencies and activities in the provision of mental health and psychiatric
13 services to persons involved in the criminal justice system.

14 IV. The ~~[division]~~ **bureau of investigations and** professional standards, under the
15 supervision of ~~[an unclassified director]~~ **a classified bureau chief of investigations** of
16 professional standards, who shall, in accordance with applicable laws:

17 (a) Conduct and supervise investigations and audits relating to all aspects of the
18 operations and programs of the department, including but not limited to, complaints and grievances.

19 ~~(b) [Coordinate and recommend policies designed to promote economy, efficiency, and~~
20 ~~effectiveness in the administration of the department, and to detect and prevent fraud and abuse in~~
21 ~~departmental programs and operations.~~

22 ~~(e)]~~ Advise the commissioner concerning problems or deficiencies relating to the
23 administration of departmental programs and operations, and provide advice on the necessity for,
24 and progress of, correctional action.

25 ~~[(d)]~~ **(c)** Perform other duties as assigned by the commissioner.

26 V. The ~~[division of personnel and information,]~~ **human resources bureau** under the
27 direction of ~~[an unclassified director of personnel and information]~~ **an unclassified human**
28 **resources director**, who shall, in accordance with applicable laws, be responsible for the following
29 functions:

30 (a) Personnel management, recruitment, and retention. The department shall develop a
31 program for the recruitment, selection, placement, and retention of qualified applicants for the New
32 Hampshire department of corrections.

33 (1) The program may include expenditures for recruitment and retention activities
34 and incentives, including but not limited to:

35 (A) National Corrections Professionals Week recognition activities at all
36 departmental sites to support employee retention, which may include a paid meal for the site during
37 the week, physical awards and gift cards with a value of less than \$25 as performance incentives

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1 based on departmental policies for employee recognition, and items issued to employees that are
2 within the financial scope of the department's current expense appropriations in expenditure class
3 020.

4 (B) Referral fees or bonuses for active employees or newly hired applicants who
5 have not been employed by the state through a policy approved by the commissioner.

6 (2) Any recruitment or retention incentives received by an employee pursuant to this
7 subparagraph shall not be considered gifts under RSA 15-B.

8 (3) Referral of applicants by current department employees for the purpose of
9 receiving a referral fee pursuant to this subparagraph shall not be considered a misuse of position
10 under RSA 21-G:23, provided that any rules adopted by the commissioner and any directives issued
11 by the director regarding the referral program shall require that the benefits of the program shall be
12 equally available to all department employees, except as specified in subparagraph (1)(B), and
13 subject to uniform criteria established by the director.

14 (4) Any expenditures made for recruitment or retention incentives pursuant to this
15 subparagraph shall be considered a matter of legislatively-enacted public policy designed to benefit
16 employees and the state, and that is confined exclusively to the public employer by statute as
17 provided in RSA 273-A:1, XI, and which shall not be subject to collective bargaining. Nothing in this
18 paragraph shall be construed to invalidate any portion of a collective bargaining agreement entered
19 into by the state.

20 ~~(b) [Employee training and development.~~

21 ~~(c) Internal and external communications, including management of the department's~~
22 ~~public communications portals.~~

23 ~~(d) Business information and technology.~~

24 ~~(e)]~~ Other duties as assigned by the commissioner.

25 ***(c) Upon completion of the appointment of the position identified in paragraph***
26 ***VII, the following position shall be abolished to allow for the transition of these classified***
27 ***positions with their available appropriations into unclassified positions. Funding shall be***
28 ***transferred into expenditure class 011, within accounting unit 02-46-46-461510-6529. The***
29 ***incumbent in the abolished classified position shall be offered the opportunity to seek the***
30 ***commissioner's appointment to the unclassified position of 11-3120 Human Resources***
31 ***Managers-6, #12917.***

32 VI. The division of rehabilitative services, under the supervision of an unclassified director
33 of rehabilitative services, who shall, in accordance with applicable laws:

34 (a) Direct and oversee departmental rehabilitative services for ~~[residents]~~ ***inmates*** to
35 prepare them for release from institutional settings into the community.

1 (b) Coordinate with community organizations to provide a continuity of rehabilitative
2 services for individuals under probation or parole supervision in order to achieve stability within the
3 community and reduce recidivism.

4 (c) Operate and administer all transitional work and housing units where [~~residents~~]
5 ***inmates*** are assigned for minimum security and work release.

6 (d) Serve as the primary liaison between the department and community-based service
7 providers, and municipal, county, and state entities with common issues and responsibilities,
8 including educational and vocational or career-path opportunities.

9 (e) Work with the department of justice and other state and federal agencies to identify,
10 secure, and manage grant funds to supplement services available to individuals under departmental
11 supervision, including but not limited to housing and employment assistance, substance abuse
12 treatment, mental health treatment, and medical and prescription services.

13 ***VII. The division of communications and external affairs, under the supervision of***
14 ***an unclassified director of communications and external affairs, who shall, in accordance***
15 ***with applicable laws be responsible for:***

16 (a) ***Internal and external communications, including management of the***
17 ***department's public communications portals.***

18 (b) ***The victim-offender dialogue program, which shall be a victim-initiated,***
19 ***voluntary program to assist crime victims who seek access to restorative justice programs***
20 ***as provided under RSA 21-M:8-k, II(u), under the direction of the victim services***
21 ***coordinator, who shall:***

22 (1) ***Implement and oversee the program.***

23 (2) ***Advocate for the rights of crime victims.***

24 (3) ***Provide corrections-based victim services including but not limited to:***

25 (A) ***Notification of offender status changes.***

26 (B) ***Victim-initiated victim offender dialogue.***

27 (C) ***Advocacy, safety, and support for victims during reduced custody,***
28 ***offender re-entry, and hearings of the adult parole board. Participation in the program***
29 ***shall not affect the court's decision relative to sentencing, parole, or other types of***
30 ***supervised or unsupervised release programs.***

31 (c) ***Coordinate and recommend policies designed to promote economy, efficiency,***
32 ***and effectiveness in the administration of the department, and to detect and prevent fraud***
33 ***and abuse in departmental programs and operations.***

34 (d) ***Provide legislative oversight for the department.***

35 (e) ***Other duties as assigned by the commissioner.***

36 (f) ***Upon completion of the appointment of the position identified in paragraph***
37 ***VII, the following position shall be abolished to allow for the transition of these classified***

1 *positions with their available operations into unclassified positions. Funding shall be*
2 *transferred into class 011, within accounting unit 02-46-46-460010-7101. The incumbent in*
3 *the abolished classified position shall be offered the opportunity to seek the commissioner's*
4 *appointment to the unclassified position of Administrator III (Legislative and Public*
5 *Policy Administrator) #18467.*

6 *VIII. The bureau of training under the direction of a classified training bureau*
7 *chief, who shall, in accordance with applicable laws, be responsible for employee training*
8 *and development.*

9 2 Commissioner and Other Department Officials; Department of Corrections. Amend RSA 21-
10 H:6 to read as follows:

11 21-H:6 Commissioner and Other Department Officials; Appointment; Term.

12 I. The commissioner of the department shall be appointed by the governor, with the consent
13 of the council, and shall serve for a term of 4 years from the date of appointment and until a
14 successor is appointed.

15 II. ~~[The commissioner of the department shall nominate for appointment by the governor,~~
16 ~~with the consent of the council, an assistant commissioner who shall serve at the pleasure of the~~
17 ~~commissioner.~~

18 III. ~~The commissioner shall nominate for appointment by the governor, with the consent of~~
19 ~~the council, a professional standards director who shall serve at the pleasure of the commissioner.~~

20 IV. ~~The commissioner shall nominate for appointment by the governor, with the consent of~~
21 ~~the council, a director of personnel and information who shall serve at the pleasure of the~~
22 ~~commissioner.~~

23 IV-a. ~~The commissioner shall nominate for appointment by the governor, with the consent of~~
24 ~~the council, a director of rehabilitative services who shall serve at the pleasure of the commissioner.~~

25 V. ~~The commissioner shall nominate for appointment by the governor, with consent of the~~
26 ~~council, each division director and warden of all the New Hampshire state prisons. All division~~
27 ~~directors and the wardens shall serve at the pleasure of the commissioner.~~

28 VI. ~~The commissioner of the department shall nominate for appointment by the governor,~~
29 ~~with the consent of the council, physicians, and dentists who shall serve at the pleasure of the~~
30 ~~commissioner.~~

31 VII.] *There shall be established within the department the following unclassified*
32 *positions.*

33 (a) *The commissioner of the department shall nominate for appointment by the*
34 *governor, with the consent of the council, 2 assistant commissioners who shall serve for a*
35 *term of 4 years from the date of appointment and until a successor is appointed.*
36 *Notwithstanding RSA 100-A:3 or any other law to the contrary, membership in the*
37 *retirement system shall be optional. If the incumbent opts to become a member of the*

1 *retirement system, the incumbent may enroll as a group II member if he or she was a group*
2 *II member or was receiving a group II retirement allowance prior to appointment.*

3 *(b) The commissioner shall appoint a person to each unclassified position*
4 *authorized by the legislature. The annual salary of such unclassified employees shall be as*
5 *prescribed in RSA 94:1-a and RSA 94:3-b, II. The provisions of RSA 21:33-a shall not apply*
6 *to appointments made under this subparagraph.*

7 *(c) Each person appointed under subparagraph (b) shall serve at the pleasure*
8 *of the commissioner.*

9 *III.* Warden, physicians, and dentists may be assigned to any correctional facility at the
10 discretion of the commissioner.

11 *IV. The commissioner shall nominate for appointment a director of field services*
12 *who shall serve at the pleasure of the commissioner. Notwithstanding RSA 100-A:3 or any*
13 *other law to the contrary, membership in the retirement system shall be optional. If the*
14 *incumbent opts to become a member of the retirement system, the incumbent may enroll as*
15 *a group II member if he or she was a group II member or was receiving a group II*
16 *retirement allowance prior to appointment.*

17 3 Effective Date. This act shall take effect 60 days after its passage.

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2025-3102s

AMENDED ANALYSIS

This bill updates the organizational structure of the department of corrections.