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Bills would cut state prison population

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CONCORD – The legislature will consider two bills aimed at reducing the state's prison population this year.

One bill proposes to let inmates out earlier, as a reward for good behavior. Another bill would create a committee to look into other ways, beside prison, to deal with non-violent offenders.

House Bill 595 revives a proposal that the legislature rejected in 2004: to let prison inmates out early as a reward for good behavior.

<http://www.gencourt.state.nh.us/legislation/2007/HB0595.html>

Currently, under the state's "truth in sentencing" law, inmates aren't eligible for parole until they've served the minimum term of their sentence. Misbehavior behind bars can add time to their minimum. In the county jails, which house people sentenced to less than a year, inmates can earn up to a third off their sentence by toeing the line.

The bill would allow corrections officials to reduce inmates' sentences by up to 12.5 days out of every month, as a reward for good behavior. The 2004 proposal would have provided for up to 121 days to be reduced from each year of a prison sentence.

Corrections Commissioner William Wrenn supports the concept of granting time off for good behavior, but opposes the bill as it stands, spokesman Jeff Lyons said Thursday. Wrenn addressed legislators at a public hearing on the bill Thursday, and urged them to send it back for more study, Lyons said.

Wrenn urged that instead of merely laying low and staying out of trouble, inmates should be obliged to complete recommended treatment plans, education programs and other such goals to earn time off their sentence, Lyons said.

"Our feeling was that the inmates should get an incentive to improve themselves, to reach for that good time," he said.

Shorter sentences would save the state money. The state prison is among the fastest-growing areas of the state budget, thanks mainly to a growing inmate population, according to reports by the New Hampshire Center for Public Policy Studies.

The state corrections budget rose from about \$49 million in 1997 to nearly \$89 million at present, the report states. The prison population also increased steadily during that time, despite declining crime rates, as more people are being sent back to prison for parole violations,

the Center reports.

The Department of Corrections estimated last year that the average, annual cost of keeping a person behind bars is \$31,140.

Implementing a new "good time" law wouldn't be much trouble, Lyons said. The current "truth in sentencing" system took effect in 1988, and the prison still houses some inmates who were sentenced under older laws that provided time off for good behavior, Lyons said.

Softer time for non-violent crime

A less controversial proposal would establish a joint House and Senate committee to study sentencing alternatives and funding for rehabilitation programs for non-violent offenders.

<http://www.gencourt.state.nh.us/legislation/2007/HB0811.html>

The committee would be charged with looking into options including more substance abuse treatment and more extensive electronic monitoring, and reporting back with recommendations in November.

The two bills are among a handful of proposals currently under consideration to slightly alter the state's criminal justice system. Other proposed legislation includes the following:

n House Bill 607 would abolish the death penalty by making life in prison, without chance of parole, the mandatory sentence for capital murder.

<http://www.gencourt.state.nh.us/legislation/2007/HB0607.html>

n House Bill 340 would restrict all registered sex offenders from living within 1,000 feet of a school, playground, park, child care facility or other place habituated by children.

<http://www.gencourt.state.nh.us/legislation/2007/HB0340.html>

n House Bill 92 would eliminate criminal penalties for the possession or use of marijuana.

<http://www.gencourt.state.nh.us/legislation/2007/HB0092.html>

n House Bill 404 would prohibit state and local law enforcement from investigating or enforcing federal immigration laws, saying police can't use department resources to pursue people "whose only violation of law is that they are persons of foreign citizenship who have entered or are residing in the United States in violation of federal immigration laws." Police could still inform federal immigration officials when they catch crooks who happen to also be illegal immigrants.

<http://www.gencourt.state.nh.us/legislation/2007/HB0404.html>

n House Bill 591 would make ignorance a defense for statutory rape. The law would allow defendants to be acquitted of statutory rape charges if they convince a jury that they had reason to believe the victim was 16 or older.

<http://www.gencourt.state.nh.us/legislation/2007/HB0591.html>

n House Bill 584 would raise the age at which teenage defendants are treated as adults from 17 to 18 years old.

<http://www.gencourt.state.nh.us/legislation/2007/HB0584.html>

n House Bill 277 would make it a class A felony, punishable by up to 7 ½ to 15 years in prison, for a person to obstruct or interfere with probation-parole officers doing their jobs. The penalty would be far more severe than those for the existing crimes of hindering apprehension or resisting arrest.

<http://www.gencourt.state.nh.us/legislation/2007/HB0277.html>

n House Bill 587 would require probation-parole officers to be trained to help their clients with mental health and substance abuse problems and treatment.

<http://www.gencourt.state.nh.us/legislation/2007/HB0587.html>

n House Bill 497 would set mandatory minimum jail sentences of 3 days for a second bad-check offense and 10 days for a third conviction.

<http://www.gencourt.state.nh.us/legislation/2007/HB0497.html>

n House Bill 773 would delete a section from the law defining disorderly conduct, so that people couldn't be charged with a misdemeanor for "making loud and unreasonable noises."

<http://www.gencourt.state.nh.us/legislation/2007/HB0773.html>

Information on the status of each bill and which legislators sponsored them is available on the state legislature's Web site. Most of the above bills are pending before the House Criminal Justice and Public Safety Committee.

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