

As of January 1, 2022

TITLE LXII

CRIMINAL CODE

Chapter 651-A

PAROLE OF PRISONERS

Section 651-A:1

651-A:1 Purpose of Parole. – It is the intent of the legislature that the state parole system provide a means of supervising and rehabilitating offenders without continued incarceration and a means by which prisoners can be aided in the transition from prison to society. It is also the intent of the legislature that the policies, procedures and actions of the adult parole board and the department of corrections relative to the administration of this system emphasize the need to protect the public from criminal acts by parolees.

Source. 1983, 461:16. 1991, 342:1, eff. Jan. 1, 1992.

Section 651-A:2

651-A:2 Definitions. –

As used in this chapter:

- I. "Prisoner" means any adult person who has been committed to the custody of the commissioner of corrections.
- II. "Parole" means a conditional release from the state prison which allows a prisoner to serve the remainder of his term outside the prison, contingent upon compliance with the terms and conditions of parole as established by the parole board.
- III. "Board" means the adult parole board.
- IV. "Commissioner" means the commissioner of corrections.
- V. "Department" means the department of corrections.
- VI. "Violent crime" shall include those defined as violent crimes in RSA 651:5, XIII and the following:
 - (a) RSA 173-B:9, violation of protective order.
 - (b) RSA 631:2, second degree assault.
 - (c) RSA 631:3, felony reckless conduct.
 - (d) RSA 631:4, criminal threatening involving the use of a deadly weapon.
 - (e) RSA 633:3-a, stalking.
 - (f) RSA 635:1, burglary.
 - (g) RSA 641:5, tampering with witnesses and informants.
 - (h) RSA 650-A:1, felonious use of firearms.
- VII. "Intermediate sanction program" means a community-based day or residential program that is designed for use as a swift and certain sanction for a parole violation, in lieu of parole revocation.

Source. 1983, 461:16. 2010, 247:5, eff. July 1, 2010. 2021, 48:3, eff. May 25, 2021.

Section 651-A:3

651-A:3 Adult Parole Board; Establishment; Procedures. –

I. There shall be an adult parole board with 5 members, 2 of which shall be attorneys with active licenses. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term.

II. The composition of the board shall be as follows:

(a) One member as chairman.

(b) Four additional members, to include:

(1) One member with law enforcement or corrections experience, either current or former.

(2) One member with criminal justice experience, which may be direct employment experience, current or former, in some capacity within the criminal justice system, or post-secondary school teaching, scholarship, and research pertaining to the criminal justice system.

(3) One at-large member who is either an attorney with an active New Hampshire license or a mental health professional with an active New Hampshire license;

(4) One at-large member without any categorical designation.

III. The governor shall designate one member as chairman. The salary of the chairman shall be that established in RSA 94:1-a as grade GG, with appropriate step to be determined in accordance the provisions of RSA 94:1-d. The chairman shall designate one other member to serve as temporary designee chairman in his or her absence, however, the designated chairman shall not receive the chairman's salary or employee status while serving in the chairman's absence. In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board members shall be paid an annual stipend of \$20,000 for each member, to be paid in equal installments on each state employee pay period date. Board members shall be paid mileage at the state employee rate while engaged in parole hearings or administrative meetings.

IV. The board shall hold at least 36 days of parole hearings and 36 days of parole revocation hearings each year and may hold more hearings as necessary. Each parole and parole revocation hearing shall be held by a hearing panel consisting of exactly 3 members of the board. The board shall establish operating procedures which provide for rotation of board members among hearing panels.

V. In the event of a pandemic or other extraordinary occurrence declared an emergency by the governor that results in restricted movement or quarantining of inmates at any New Hampshire state prison facility, the parole board may conduct all hearings via teleconference or other video conference technology.

Source. 1983, 461:16. 1994, 305:2. 1995, 257:3. 2015, 194:1, eff. July 1, 2015. 2021, 91:126, eff. July 1, 2021.

Section 651-A:4

651-A:4 Duties; Adult Parole Board. –

The board shall:

- I. Be responsible for paroling prisoners from the state prison and recommitting those who have violated the conditions of parole, subject to the applicable provisions of this chapter;
- II. Have legal custody of all persons released on parole until they receive their discharge or are recommitted to the prison;
- III. Adopt rules, pursuant to RSA 541-A, relative to:
 - (a) The parole process, including the conduct of parole hearings;
 - (b) Criteria used to evaluate prospective parolees;
 - (c) Conditions for the conduct of parolees; and
 - (d) Procedures for revocation of parole.
 - (e) Procedures for medical parole.

Source. 1983, 461:16. 2004, 218:4. 2014, 176:1, eff. July 1, 2014.

Section 651-A:5

651-A:5 Executive Assistant. – The board may appoint an executive assistant who shall be an unclassified employee and shall serve at its pleasure. The salary of the executive assistant shall be that established in RSA 94:1-a.

Source. 1983, 461:16, eff. July 1, 1983.

Section 651-A:6

651-A:6 Terms of Release. –

- I. Any prisoner released on parole shall be given a permit by the board to be at liberty from prison during the unexpired portion of the maximum term of his or her sentence. The decision to release a prisoner shall be governed by the following rules:
 - (a) A prisoner may be released on parole upon the expiration of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, provided that there shall appear to the adult parole board, after having given the notice required in RSA 651-A:11, to be a reasonable probability that the prisoner will remain at liberty without violating the law and will conduct himself or herself as a good citizen.
 - (b) [Repealed.]
 - (c) [Repealed.]
- II. [Repealed].
- III. The release of prisoners sentenced to the state prison in accordance with sentencing provisions of law in effect prior to November 1, 1973, shall be governed by the law in effect immediately prior to November 1, 1973. However, except for prisoners serving sentences pursuant to conviction of murder in violation of RSA 585:1, murder which is psycho-sexual in nature as defined in RSA 607:41-d, and manslaughter in the first degree in violation of RSA 585:8, and for the purpose of determining eligibility for release on parole only, the minimum term of a prisoner who has been sentenced in accordance with sentencing provisions in effect prior to November 1, 1973, shall be deemed to be either the longest minimum sentence which could have been imposed for a class A felony under RSA 651:2, II, or his actual minimum

sentence, whichever is shorter.

IV. Prior to the release of any inmate on parole from the state prison, or upon termination of the inmate's sentence to the state prison, the commissioner and the department of safety shall provide a nondriver's picture identification card pursuant to RSA 260:21 to the inmate upon release if the inmate does not already possess a valid driver license or nondriver's picture identification card. The failure of the commissioner and the department of safety to provide the inmate with the required nondriver's picture identification card prior to appearance before the parole board shall not constitute a cause for delaying the inmate's release on parole, if approved.

Source. 1983, 461:16. 1991, 342:3. 2008, 101:1; 277:4. 2010, 247:6. 2011, 244:1, 2. 2013, 156:10. 2014, 176:2, eff. July 1, 2014. 2021, 48:7(II), eff. May 25, 2021.

Section 651-A:7

651-A:7 Eligibility for Release; Life Sentences. – A prisoner serving a sentence of life imprisonment, except one convicted of murder in the first degree, one convicted of murder which was psycho-sexual in nature and committed prior to April 15, 1974, or one sentenced under RSA 632-A:10-a, III, may be given a life permit at any time after having served 18 years. Eighteen years shall be deemed the minimum term of his sentence for the purposes of this section, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, provided that there shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen. The provisions of this section shall not apply to a prisoner serving a life sentence when the court, pursuant to RSA 630:1-b, II, has specified a minimum term other than that prescribed in this section.

Source. 1983, 461:16. 1992, 254:9, eff. Jan. 1, 1993.

Section 651-A:8

651-A:8 Eligibility for Parole; Persons Convicted of Psycho-Sexual Murder. – A prisoner serving a sentence of life imprisonment who has been convicted of murder which was psycho-sexual in nature and committed prior to April 15, 1974, shall not be eligible for parole until he shall have served 40 years minus any credits earned under the provisions of RSA 651-A:22 and RSA 651-A:23 and until the board shall recommend to the superior court that said prisoner should be released on parole. The superior court shall have a hearing on the recommendation of the board at which all interested parties, including the attorney general, may appear and present evidence. If it shall appear to the superior court after said hearing that there is a reasonable probability that the prisoner will remain at liberty without violating the law and will conduct himself as a good citizen, the court may order him released on parole with such conditions as it may deem just.

Source. 1983, 461:16, eff. July 1, 1983.

Section 651-A:9

651-A:9 Psycho-Sexual Murder Certified. – Whenever any person is convicted of murder, committed prior to April 15, 1974, the presiding justice shall certify, at the time of sentencing, whether or not such murder was psycho-sexual in nature.

Source. 1983, 461:16, eff. July 1, 1983.

Section 651-A:10

651-A:10 Psycho-Sexual Murder Defined. – For the purposes of RSA 651-A:7, 8 and 9, the phrase "murder which is psycho-sexual in nature" means murder in which there is evidence that the offender has committed sexual assault or abuse or attempted sexual assault or abuse of the victim before or after death.

Source. 1983, 461:16, eff. July 1, 1983.

Section 651-A:10-a

651-A:10-a Medical Parole. –

I. Upon the recommendation of the commissioner of the department of corrections and the administrative director of forensic and medical services, after review of the information provided by a physician licensed pursuant to RSA 329, the parole board may grant medical parole to an inmate residing in a state correctional facility, regardless of the time remaining on his or her sentence, provided all of the following conditions apply:

(a) The inmate has a terminal, debilitating, incapacitating, or incurable medical condition or syndrome, as certified by a physician licensed pursuant to RSA 329, and, if requested by the parole board, at least one additional physician licensed pursuant to RSA 329.

(b) The cost of medical care, treatment, and resources for the inmate is determined to be excessive.

(c) The parole board has determined that there is a reasonable probability that the inmate will not violate the law while on medical parole and will conduct himself or herself as a good citizen.

II. The administrative director of forensic and medical services, on behalf of an inmate, may petition the parole board for hearing to determine if the inmate is eligible for medical parole and if the inmate is eligible, shall submit the parole plan to the parole board.

III. Medical parole shall be granted by a majority vote of the members of the hearing panel.

IV. The parole board may request, as a condition of medical parole, that such inmate submit to periodic medical examinations while on medical parole and comply with any other parole conditions imposed by the parole board. The administrative director of forensic and medical services, after review of any such medical examination shall report the findings to the parole board. If the parole board, after review of such findings, determines that the parolee no longer has a terminal, debilitating, incapacitating, or incurable medical condition or syndrome, the medical parole shall be revoked and the parolee shall be returned to the custody of the state.

V. Notwithstanding RSA 504-A:5, a medical parolee who is arrested under the authority of RSA 504-A:4 or RSA 651-A:25 shall be detained at the medical unit or infirmary of the appropriate state correctional facility closest to the location where he or she was arrested.

VI. An inmate who has been sentenced to life in prison without parole or sentenced to death shall not be eligible for medical parole under this section. Nothing in this provision or law shall be

construed to create a right to medical parole for any inmate.

VII. Notwithstanding RSA 167:18-a, the state shall be responsible for all medicaid costs incurred, net of federal reimbursement, for any inmate granted medical parole under this section, until the earliest date on which parole could have been granted had the inmate not been granted medical parole.

VIII. [Repealed.]

Source. 2004, 218:3; 218:5. 2007, 263:19. 2012, 134:1. 2014, 176:3, 4 eff. July 1, 2014.

Section 651-A:11

651-A:11 Notice of Hearings. –

I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall post notice on the department of corrections Internet site stating the name and birthdate of the person seeking parole and the date, time, and location of the parole hearing.

II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall send by first class mail or electronic communication to each chief of police and county attorney of the place where the offense occurred, where the person resided prior to conviction, or where the person intends to reside after release, a copy of the information described in paragraph I.

II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall provide a copy of the information described in paragraph I to the department of corrections which shall send a copy of such information by first class mail or electronic communication to the victim of the person seeking parole, or to the next of kin of such victim if the victim has died, if request for such notice has been filed with the department of corrections. The victim or next of kin so requesting shall keep the department of corrections apprised of his or her current mailing address or other contact information.

III. The adult parole board shall conduct no parole hearing without first having met the notice requirements of this section.

IV. The notice provisions of this section shall not apply to revocation, review, or reconsideration hearings.

Source. 1983, 416:6; 319:1, 2. 2013, 156:1, 2. 2015, 194:2, eff. July 1, 2015. 2021, 48:4, eff. May 25, 2021.

Section 651-A:11-a

651-A:11-a Victims Permitted to Speak at Parole Hearings. – The victim of any person seeking parole, or the victim's next of kin if the victim has died, shall have the right to appear at the parole hearing of such person, personally or by counsel, and to reasonably express his views concerning the offense and the person responsible.

Source. 1983, 319:3, eff. Aug. 17, 1983.

Section 651-A:12

651-A:12 Reduction of Maximum Sentence While on Parole. – Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his or her sentence equal to 1/3 of the period of time during which the parolee is at liberty on said permit, provided that in making such a decision, the parole board shall consider the conduct of the parolee while under supervision, the seriousness of the offense, the amount of restitution owed, and any information provided by the victim. The parolee may be granted a discharge at the expiration of his or her maximum sentence less deductions provided for in this chapter.

Source. 1983, 461:16. 2015, 194:3, eff. July 1, 2015.

Section 651-A:13

651-A:13 Suspension of Supervision. – In the case of a paroled prisoner who has entered the armed service of the United States, the board may suspend all parole supervision of said person during the period he so serves and is subject to military law. Upon the termination of such service by honorable discharge the board may, in its discretion, give the prisoner a final discharge.

Source. 1983, 461:16, eff. July 1, 1983.

Section 651-A:14

651-A:14 Repealed by 2015, 194:4, eff. July 1, 2015. –

Section 651-A:15

651-A:15 Repealed by 1986, 156:14, II, eff. May 28, 1986. –

Section 651-A:15-a

651-A:15-a Arrest of Parolees. – Any parolee may be arrested and detained by a probation or parole officer in accordance with RSA 504-A:4-6.

Source. 1986, 156:5, eff. May 28, 1986.

Section 651-A:16

651-A:16 Report Required. –

I. The department may report any parolee who violates the conditions of his or her parole to the parole board. However, the department shall, within 30 days of official knowledge of such an occurrence, submit a report on any parolee who:

- (a) Is arrested for any felony or misdemeanor offense;
- (b) Is convicted of any felony, misdemeanor or other offense; provided, however, that the department need only report traffic offenses deemed to be serious traffic offenses under RSA

265; or

(c) Absconds from supervision for a period of 30 days or more.

II. This report shall include information on the circumstances of the alleged violation.

Source. 1983, 461:16. 2010, 247:7. 2013, 156:3. 2014, 176:6, eff. July 1, 2014.

Section 651-A:16-a

651-A:16-a Intermediate Sanction. –

I. The commissioner shall establish a 7-day residential sanction located in a halfway house facility.

II. Probation/parole officers may place a parolee in an intermediate sanction in lieu of a parole revocation hearing only if the offender agrees to participate.

Source. 2010, 247:8. 2013, 156:4, eff. July 1, 2013.

Section 651-A:17

651-A:17 Parole Revocation. – Any parolee arrested under RSA 651-A:15-a shall be entitled to a hearing before the board within 45 days, in addition to any preliminary hearing which is required under RSA 504-A:5. The parolee shall have the right to appear and be heard at the revocation hearing. The board shall have power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind. If the board, after a hearing, finds that the parolee has violated the conditions of parole, violated the law, or associated with criminal companions and in its judgment should be returned to the custody of the commissioner of corrections, the board shall revoke the parole. A prisoner whose parole is revoked shall be recommitted to the custody of the commissioner of corrections. This provision shall not apply to a parolee who has accepted an option, offered by a probation/parole officer, to participate in an intermediate sanction program and has waived his or her right to counsel and to a preliminary hearing under RSA 504-A:5.

Source. 1983, 461:16. 1986, 156:6. 1987, 180:1. 1996, 93:10. 2010, 247:9, eff. July 1, 2010. 2019, 346:153, eff. July 1, 2019.

Section 651-A:18

651-A:18 Repealed by 2014, 176:11, eff. July 1, 2014. –

Section 651-A:19

651-A:19 Effect of Recommitment. –

I. A prisoner who is recommitted shall serve 90 days in prison and shall meet the criteria for parole before being placed back on parole or the remainder of his or her maximum sentence,

whichever is shorter, or may be subject to an extended term of recommittal pursuant to paragraphs III and IV. The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence. The 90-day recommittal period may be calculated from the date of the arrest or from the date of the hearing, as ordered by the parole board.

II. Prisoners who are recommitted shall be provided access to focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommittal for greater than 90 days if:

- (a) The prisoner has previously been found true for a parole violation on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole; or
- (b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; or
- (c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII or RSA 651-A:2, VI; or
- (d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommittal; or
- (e) The conduct underlying the parole violation is related to his or her offense or offending pattern.

IV. (a) A prisoner shall be brought before the parole board at any time during the 90-day term of recommittal to determine whether a longer term is warranted if the prisoner received one or more major disciplinary violations during the 90-day recommittal period.

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommittal pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommittal shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommittal and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommittal for less than 90 days if:

- (a) The prisoner has not been previously found true for a parole violation on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole;
- (b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;
- (c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII or RSA 651-A:2, VI;
- (d) The parole violation is not substantially related to his or her offense or offending pattern; and
- (e) The parole board determines that a lesser period of recommittal will aid in the rehabilitation of the parolee.

VIII. Notwithstanding paragraph I or subparagraphs VII(a) or (d), the parole board may impose a term of recommittal of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board.

Source. 1983, 461:16. 2010, 247:10. 2011, 244:3. 2013, 156:5-7. 2014, 176:7, 8, eff. July 1, 2014. 2018, 378:1, eff. Sept. 13, 2018. 2021, 48:5, eff. May 25, 2021.

Section 651-A:20

651-A:20 Parole Records. – The adult parole board or its designee shall have access to all parole records of the department.

Source. 1983, 461:16, eff. July 1, 1983. 2021, 48:6, eff. May 25, 2021.

Section 651-A:21

651-A:21 Final Discharge. –

I. Upon the expiration of the term of his maximum sentence, a paroled prisoner shall be entitled to receive a final discharge, provided that at the time of such expiration no proceedings are pending for his recommitment. Such proceedings shall be deemed to be pending when a warrant has been issued or an arrest has been made under RSA 651-A:15-a.

II. For each parolee affected by this section, the board shall determine the amount of time the parolee was at liberty while in noncompliance with the terms and conditions of parole, as specified in RSA 651-A:19. The board may recommit the parolee to the state prison for a period not to exceed the amount of time so determined.

Source. 1983, 461:16. 1986, 156:7. 2014, 176:9, eff. July 1, 2014.

Section 651-A:22

651-A:22 Credits for Good Conduct. –

I. The commissioner of corrections shall, on a monthly basis, review the conduct of each prisoner subject to parole to determine whether the prisoner shall receive credit for good conduct as provided in this section.

II. The commissioner shall by rule determine the standards for the earning of credit for good conduct. Such rules shall not be subject to the provisions of RSA 541-A. Such rules shall establish standards for prisoners to receive credit for participating in programs designed to reduce recidivism of participants, as determined by the commissioner.

III. If, as a result of the review provided in paragraph I, the commissioner determines that a prisoner has exhibited good conduct, he may reduce the additional disciplinary period provided in RSA 651:2, II-e of such prisoner by up to 12-1/2 days for each month during which the prisoner has exhibited such good conduct.

IV. Credits may be granted subject to the provisions of this section provided that:

(a) Any prisoner who escapes from the state prison or from custody of any person charged with his custodial safekeeping, or from the limits of his minimum custody or community corrections boundaries or agreements will automatically suffer the loss of all accrued good conduct credits. This loss is in addition to and not in lieu of any other administrative or judicial punishment later imposed for the escape.

(b) Any serious act of misconduct or insubordination, or persistent refusal to conform to prison regulations during his confinement shall subject the prisoner to the loss of all or any portion of such credits, at the discretion of the commissioner.

(c) The commissioner at his discretion may restore all or part of the good conduct credits lost under subparagraphs (a) or (b) should the prisoner later demonstrate exemplary behavior.

(d) Provided further, that upon a prisoner's release on parole any such credits earned prior to his release shall not thereafter be lost.

V. Any good conduct credit earned against a maximum sentence by a prisoner before August 22, 1979, except for loss in the manner provided by this section, shall be unaffected by enactment of this section.

Source. 1983, 461:16. 1987, 180:2. 2010, 247:11, eff. July 1, 2010.

Section 651-A:22-a

651-A:22-a Earned Time Credits. –

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or recommend that the prisoner receive a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated, and shall establish procedures for each program, which shall be exempt from RSA 541-A, for awarding such reductions:

(a) Education Programs:

(1) High School Equivalency Certificate 90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

(2) High School Diploma 120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.

(3) Associate's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(4) Bachelor's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(5) Master's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(6) Doctorate Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each program under subparagraph (a) completed.

(c) Mental Health Programming. A prisoner who meaningfully participates in recommended or mandated mental health and/or substance use treatment that is authorized and approved by the department or that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence.

(d) Participation in Family Connections Center Programming. A prisoner who is a parent and who meaningfully participates in the programming offered by the Family Connections Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence.

(e) Correctional Industries On-the-Job Training. A prisoner who is awarded a certificate or

certificate of apprenticeship in a correctional industries job that is authorized and approved by the department that the commissioner deems to be valuable to the prisoner's rehabilitation shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each master's certificate earned.

(f) Other Programs. A prisoner who meaningfully participates in any program that is authorized and approved by the department that the commissioner deems to be valuable to the prisoner's rehabilitation which are not covered under subparagraphs (a) through (e) shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each program completed.

II. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated on or after the effective date of this section and who have been granted this option by the presiding justice at the time of sentencing. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated prior to the effective date of this section upon recommendation of the commissioner and upon approval of the sentencing court in response to a petition which is timely brought by the prisoner.

III. The earned time reductions authorized in paragraph I of this section shall only be earned and available to prisoners while in the least restrictive security classifications of general population and minimum security. The earned time may be forfeited for involvement or membership in a security threat group, attempted escape, escape, or commission of any category A offense listed in the department of corrections policy and procedure directives.

IV. The earned time reductions granted under this section shall not exceed 21 months off the prisoner's minimum sentence and 21 months off the prisoner's maximum sentence.

Source. 2014, 166:1, eff. Sept. 9, 2014. 2016, 172:1, eff. Aug. 2, 2016. 2020, 37:1, eff. Sept. 27, 2020.

Section 651-A:23

651-A:23 Credit for Confinement Prior to Sentencing. – Any prisoner who is confined to the state prison, any house of correction, any jail or any other place shall be granted credit against both the maximum and minimum terms of his sentence equal to the number of days during which the prisoner was confined in jail awaiting and during trial prior to the imposition of sentence and not under any sentence of confinement. The clerk of the court sentencing a prisoner shall record in the mittimus the number of days of such confinement, and the credit provided for herein shall be calculated on the basis of such information.

Source. 1983, 461:16, eff. July 1, 1983.

Section 651-A:24

651-A:24 Administrative Attachment. – The parole board shall be administratively attached to the department of corrections. The department shall provide budgeting, recordkeeping, and related clerical assistance to the board. The commissioner shall have no administrative authority over the board, its executive assistant or its duties.

Source. 1983, 461:16, eff. July 1, 1983.

Section 651-A:25

651-A:25 Execution of Compact Authorized. –

The governor of this state is hereby authorized and directed to execute a compact on behalf of the state of New Hampshire with any of the United States legally joining therein in the form substantially as follows:

A Compact entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for Cooperative Effort and Mutual Assistance in the Prevention of Crime and for other purposes."

The contracting states solemnly agree:

I. That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, herein called "sending state," to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, herein called "receiving state," while on probation or parole, if (a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; (b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person. A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than 6 continuous months immediately preceding the commission of the offense for which he has been convicted.

II. That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

III. That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharge from prosecution or from imprisonment for such offense.

III-a. Notwithstanding any other law to the contrary, any hearings, including final revocation hearings, to which a probationer or parolee is entitled prior to incarceration or reincarceration for a violation of probation or parole may, at the discretion of the court or parole board involved, be held before the appropriate court or parole board of the receiving state. In such event, the appropriate court or parole board of the sending state shall transfer jurisdiction of the case to the appropriate court of the receiving state.

IV. That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

V. That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

VI. That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

VII. That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending 6 months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

VIII. It is hereby declared that the word "state" as used in this subdivision means any one of the several states and Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia. It is hereby recognized and further declared that pursuant to the consent and authorization contained in Section 112(b) of title 4 of the United States Code as added by Public Law 970-84th Congress, Chapter 941-2d Session, this state shall be a party to said Interstate Compact for the Supervision of Parolees and Probationers with any additional jurisdiction legally joining therein when such jurisdiction shall have enacted said compact, in accordance with the terms thereof.

IX. An individual who is on parole or probation in another state, who is present in this state without the permission of the officer of this state designated under paragraph V of this section, and who does not leave this state within 7 days after being notified in writing by a law enforcement officer that the individual may not remain in this state without the permission of the designated officer, is guilty of a class B felony.

X. Within 24 hours after a law enforcement officer has notified an individual that he or she may not remain within the state without the permission of the designated officer, the law enforcement officer shall report the notification to the designated officer. An individual who is on parole or probation in another state may not remain in this state without the permission of the officer of this state designated under paragraph V of this section. In a prosecution for an offense under this section, an individual's good faith belief that he or she had received permission to be present in this state is an affirmative defense if the individual acted in reasonable reliance upon the written statements of an authorized officer of this state or the state in which the individual is on parole or probation. This defense is not available to a person who remains present in this state after being notified in writing by the designated officer of this state that the individual does not have permission to be present.

Source. 1983, 461:16. 1993, 112:2. 2000, 300:1, eff. Jan. 1, 2001.

Interstate Compact for Adult Offender Supervision

Section 651-A:26

651-A:26 Definitions. –

As used in this compact:

- I. "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- II. "Bylaws" mean those bylaws established by the interstate commission for its governance, or for directing or controlling the interstate commission's actions or conduct.
- III. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.
- IV. "Compacting state" means any state which has enacted the enabling legislation for this compact.
- V. "Commissioner" means the voting representative of each compacting state appointed pursuant to this compact.
- VI. "Interstate commission" means the interstate commission for adult offender supervision established by this compact.
- VII. "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.
- VIII. "Non-compacting state" means any state which has not enacted the enabling legislation for this compact.
- IX. "Offender" means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.
- X. "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private.
- XI. "Rules" means acts of the interstate commission, duly adopted pursuant to this compact, substantially affecting interested parties in addition to the interstate commission, which shall have the force and effect of law in the compacting states.
- XII. "State" means a state of the United States, the District of Columbia and any other territorial possessions of the United States.
- XIII. "State council" means the resident members of the state council for interstate adult offender supervision created by each state under this compact.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:27

651-A:27 Interstate Commission Established. –

- I. The compacting states hereby create the interstate commission for adult offender supervision. The interstate commission shall be a body corporate and joint agency of the compacting states. The interstate commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
- II. The interstate commission shall consist of commissioners selected and appointed by resident members of a state council for interstate adult offender supervision for each state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of

government, victims groups and compact administrators. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity under or pursuant to applicable law of the member state. Each compacting state retains the right to determine the qualifications of the compact administrator who shall be appointed by the state council or by the governor in consultation with the legislature and the judiciary. In addition to appointment of its' commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined by each member state, including but not limited to, development of policy concerning operations and procedures of the compact within that state.

III. In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the interstate commission shall be ex-officio, non-voting members. The interstate commission may provide in its bylaws for such additional, ex-officio, non-voting members as it deems necessary.

IV. Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

V. The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

VI. The interstate commission shall establish an executive committee which shall include commission officers, members and others as shall be determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee oversees the day-to-day activities managed by the executive director and interstate commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and as directed by the interstate commission and performs other duties as directed by the commission or set forth in the bylaws.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:28

651-A:28 Powers and Duties of the Interstate Commission. –

The interstate commission shall have the following powers:

I. To adopt a seal and suitable bylaws governing the management and operation of the interstate commission.

II. To adopt rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

III. To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any bylaws adopted and rules adopted by the compact commission.

IV. To enforce compliance with compact provisions, interstate commission rules, and bylaws,

- using all necessary and proper means, including but not limited to, the use of judicial process.
- V. To establish and maintain offices.
 - VI. To purchase and maintain insurance and bonds.
 - VII. To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.
 - VIII. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by this compact which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder.
 - IX. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
 - X. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.
 - XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.
 - XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
 - XIII. To establish a budget and make expenditures and levy dues as provided in this compact.
 - XIV. To sue and be sued.
 - XV. To provide for dispute resolution among compacting states.
 - XVI. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
 - XVII. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission.
 - XVIII. To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.
 - XIX. To establish uniform standards for the reporting, collecting, and exchanging of data.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:29

651-A:29 Organization and Operation of the Interstate Commission. –

The interstate commission shall, by a majority of the members, within 12 months of the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

- I. Establishing the fiscal year of the interstate commission;
- II. Establishing an executive committee and such other committees as may be necessary;
- III. Providing reasonable standards and procedures for the establishment of committees, and governing any general or specific delegation of any authority or function of the interstate commission;
- IV. Providing reasonable procedures for calling and conducting meetings of the interstate

- commission, and ensuring reasonable notice of each such meeting;
- V. Establishing the titles and responsibilities of the officers of the interstate commission;
- VI. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the interstate commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the interstate commission;
- VII. Providing a mechanism for winding up the operations of the interstate commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations;
- VIII. Providing transition rules for start up administration of the compact; and
- IX. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:30

651-A:30 Officers and Staff of the Interstate Commission. –

- I. The interstate commission shall, by a majority of the members, elect from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the bylaws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.
- II. The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, and hire and supervise such other staff as may be authorized by the interstate commission, but shall not be a member.
- III. The interstate commission shall maintain its corporate books and records in accordance with the bylaws.
- IV. The members, officers, executive director and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.
- V. The interstate commission shall defend the commissioner of a compacting state, or his or her representatives or employees, or the interstate commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities; provided, that the actual or alleged act, error

or omission did not result from intentional wrongdoing on the part of such person.

VI. The interstate commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, or the interstate commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:31

651-A:31 Activities of the Interstate Commission. –

I. The interstate commission shall meet and take such actions as are consistent with the provisions of this compact.

II. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the interstate commission, such act shall have been taken at a meeting of the interstate commission and shall have received an affirmative vote of a majority of the members present.

III. Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a state council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

IV. The interstate commission shall meet at least once during each calendar year. The chairperson of the interstate commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

V. The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the interstate commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to non-disclosure and confidentiality provisions.

VI. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission shall adopt rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The interstate commission and any

of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

- (a) Relate solely to the interstate commission's internal personnel practices and procedures.
- (b) Disclose matters specifically exempted from disclosure by statute.
- (c) Disclosure of trade secrets or commercial or financial information which is privileged or confidential.
- (d) Involve accusing any person of a crime, or formally censuring any person.
- (e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- (f) Disclose investigatory records compiled for law enforcement purposes.
- (g) Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated entity for the purpose of regulation or supervision of such entity.
- (h) Disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity.
- (i) Specifically relate to the interstate commission's issuance of a subpoena, or its participation in a civil action or proceeding.

VII. For every meeting closed pursuant to this provision, the interstate commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote reflected in the vote of each member on the question. All documents considered in connection with any action shall be identified in such minutes.

VIII. The interstate commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:32

651-A:32 Rulemaking. –

I. The interstate commission shall adopt rules, pursuant to RSA 541-A, to effectively and efficiently achieve the purposes of the compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states;

II. Rulemaking shall occur pursuant to the criteria set forth in this section and the bylaws and rules adopted pursuant hereunder. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA").

III. All rules and amendments shall become binding as of the date specified in each rule or amendment.

IV. If a majority of the legislatures of the compacting states rejects a rule, by enactment of a

statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

V. When promulgating a rule, the interstate commission shall:

(a) Publish the proposed rule stating with particularity the text of the rule which is proposed and the reason for the proposed rule.

(b) Allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available.

(c) Provide an opportunity for an informal hearing.

(d) Adopt a final rule and its effective date, if appropriate, based on the rulemaking record.

VI. Not later than sixty days after a rule is adopted, any interested person may file a petition in the United States district court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence, in the rulemaking record, the court shall hold the rule unlawful and set it aside.

VII. Subjects to be addressed within 12 months after the first meeting must at a minimum include:

(a) Notice to victims and opportunity to be heard.

(b) Offender registration and compliance

(c) Violations/returns.

(d) Transfer procedures and forms.

(e) Eligibility for transfer.

(f) Collection of restitution and fees from offenders.

(g) Data collection and reporting.

(h) The level of supervision to be provided by the receiving state.

(i) Transition rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact.

(j) Mediation, arbitration and dispute resolution.

VIII. Upon determination by the interstate commission that an emergency exists, it may adopt an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:33

651-A:33 Oversight, Enforcement, and Dispute Resolution. –

I. The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

II. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the interstate commission, the interstate commission shall be entitled to receive all service of process in any

such proceeding, and shall have standing to intervene in the proceeding for all purposes.

III. The compacting states shall report to the interstate commission on issues or activities of concern to them, and cooperate with and support the interstate commission in the discharge of its duties and responsibilities.

IV. The interstate commission shall attempt to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and non-compacting states.

V. The interstate commission shall enact a law or adopt a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:34

651-A:34 Finance. –

I. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

II. The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall adopt rules binding upon all compacting states which govern said assessment.

III. The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same, nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

IV. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:35

651-A:35 Compacting States, Amendment. –

I. Any state, as defined in this compact, is eligible to become a compacting state.

II. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the compact into law by that state. The governors of non-member states or their designees will be invited to participate in interstate commission activities on a non-voting basis prior to adoption of the compact by all

states and territories of the United States.

III. Amendments to the compact may be proposed by the interstate commission for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:36

651-A:36 Withdrawal, Default, Termination, and Judicial Enforcement. –

I. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided, that a compacting state may withdraw from the compact by enacting a statute specifically repealing the statute which enacted the compact into law.

II. The effective date of withdrawal is the effective date of the repeal.

III. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state.

IV. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

V. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

VI. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

VII. If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws or any duly adopted rules, the interstate commission may impose any or all of the following penalties:

(a) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission.

(b) Remedial training and technical assistance as directed by the interstate commission.

(c) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, interstate commission bylaws, or duly adopted rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a cure of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the interstate commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this

compact shall be terminated from the effective date of suspension.

VIII. Within 60 days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state's legislature and the state council of such termination.

IX. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

X. The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state.

XI. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to the rules.

XII. The interstate commission may, by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices to enforce compliance with the provisions of the compact, its duly adopted rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

XIII. The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state.

XIV. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:37

651-A:37 Severability and Construction. –

I. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

II. The provisions of this compact shall be liberally constructed to effectuate its purposes.

Source. 2003, 230:2, eff. Jan. 1, 2004.

Section 651-A:38

651-A:38 Binding Effect. –

I. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

II. All compacting states' laws conflicting with this compact are superseded to the extent of the conflict.

III. All lawful actions of the interstate commission, including all rules and bylaws adopted by the interstate commission, are binding upon the compacting states.

IV. All agreements between the interstate commission and the compacting states are binding in

accordance with their terms.

V. Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

VI. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the interstate commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Source. 2003, 230:2, eff. Jan. 1, 2004.