

THE STATE OF NEW HAMPSHIRE
ADMINISTRATIVE OFFICE OF THE COURTS

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January 24, 2025

The Honorable John Janigian, Chairman
House Ways and Means Committee
State House, Room 202
107 North Main Street
Concord, New Hampshire 03301

Dear Chairman Janigian,

Please find attached the New Hampshire Judicial Branch Report on Unrestricted Revenue for the briefing scheduled for Monday, January 27, 2025.

We are prepared to respond to any questions or requests for additional information that Committee members may have.

Sincerely,

A handwritten signature in black ink that reads "Dianne Martin". The signature is fluid and cursive.

Dianne Martin, Esq.
Director

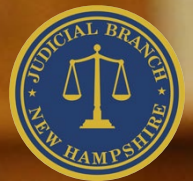
Cc: Donna Raymond, Fiscal Manager



New Hampshire Judicial Branch Unrestricted Revenue

*House Ways and Means Committee
Revenue Briefing*

January 27, 2025





Our Mission:

To preserve the rule of law while protecting the rights and liberties guaranteed by the United States and New Hampshire Constitutions.

The courts provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve.

Supreme Court



Superior Court



Circuit Court

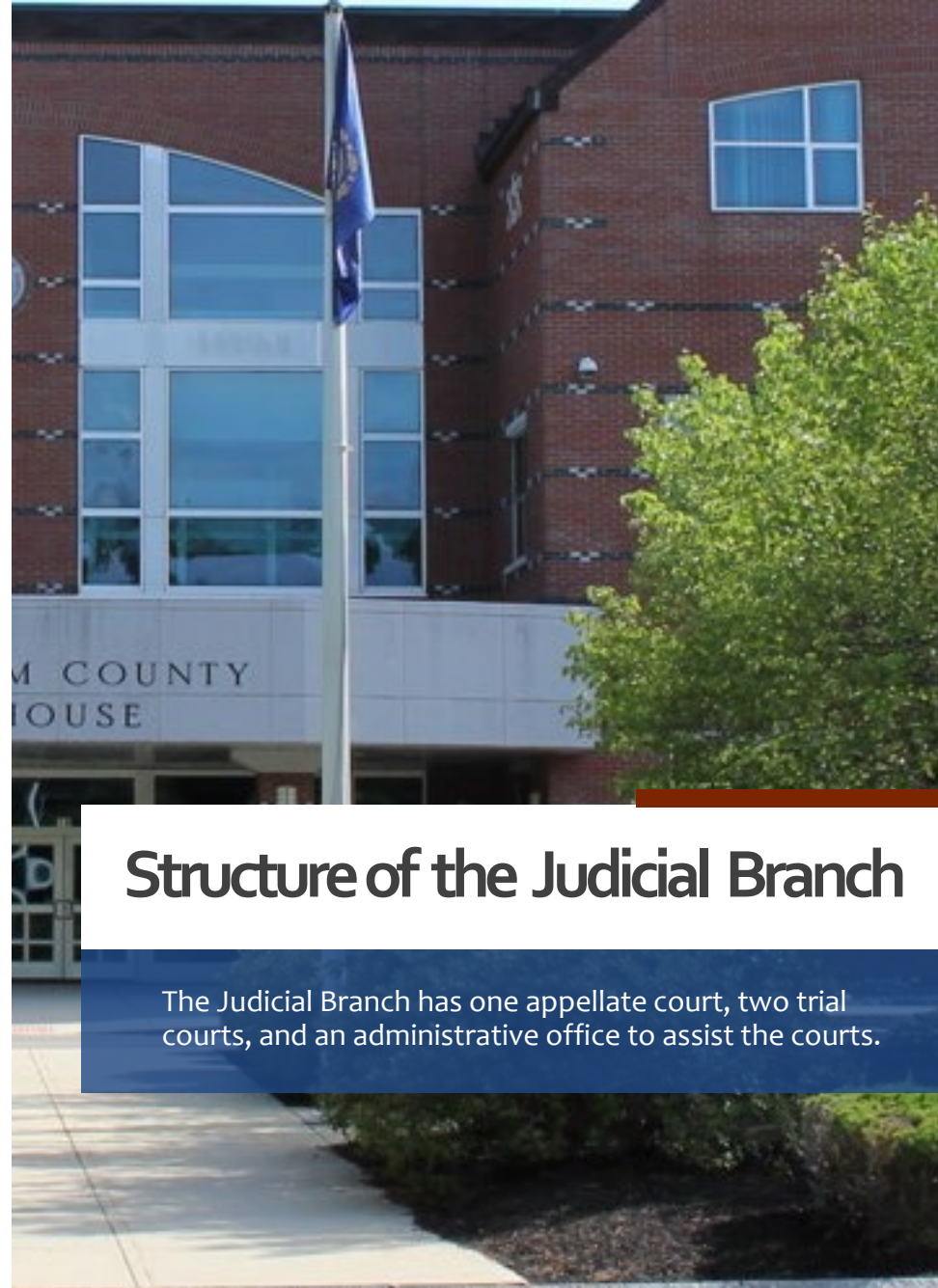


Administrative Office of the Courts



Structure of the Judicial Branch

The Judicial Branch has one appellate court, two trial courts, and an administrative office to assist the courts.

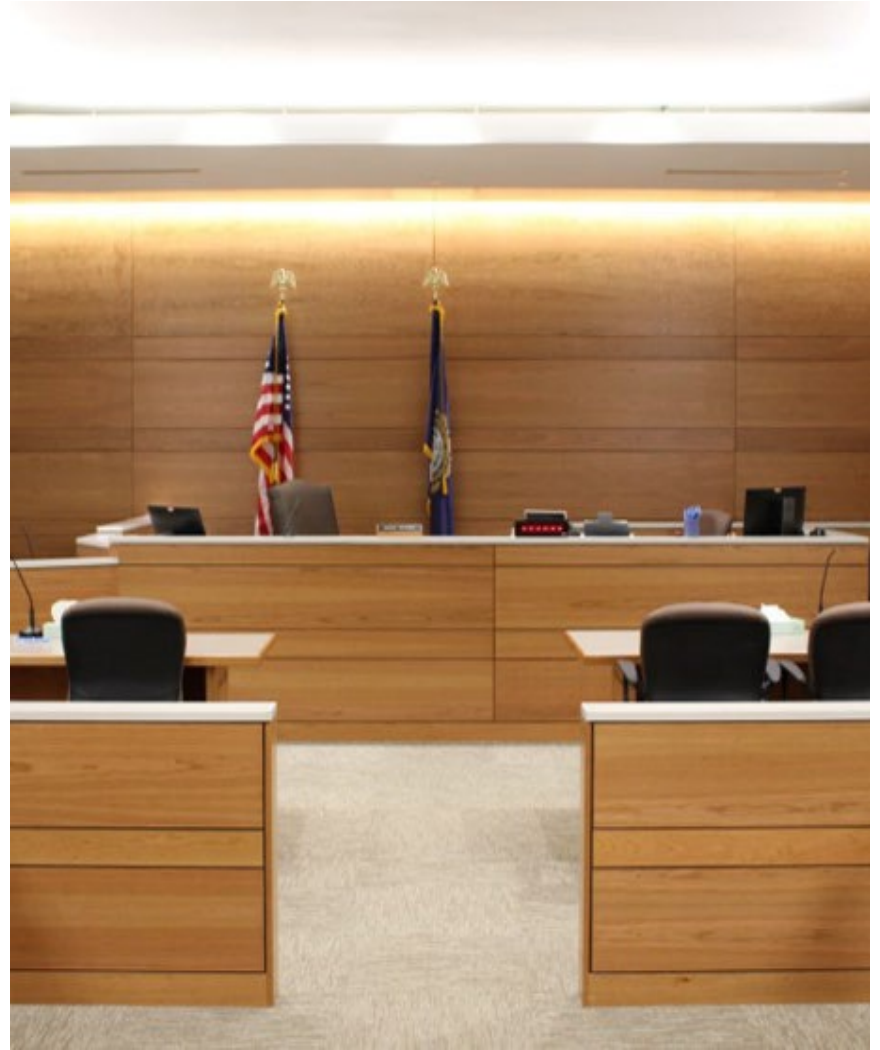


Judicial Branch

Unrestricted Revenue

The Judicial Branch collects unrestricted revenue through:

- Fines – Motor Vehicle
Criminal
Penalty Assessments
- Entry fees – Causes of action
Motions
- Record research requests
- Miscellaneous other fees including
for copies, certifications, time
payments, etc.



FINES – Motor Vehicle & Criminal

Motor Vehicle Fines	Criminal Fines
Imposed by State and Local Police	Imposed by the Courts
Collected by Department of Safety Motor vehicle fines are paid directly to Safety when an individual pleads guilty or no contest (also known as Plea by Mail)	Collected by Department of Corrections Field Offices When an individual is on probation or parole, the Department of Corrections collects criminal fines.
Collected by the Courts When an individual does not enter a Plea by Mail and is found guilty, the individual must pay the motor vehicle fine to the court [RSA 502-A:19-II]	Collected by the Courts The courts make every effort to collect criminal fines at the time of sentencing. If the individual cannot pay, a time payment plan is set up before the individual leaves the courthouse.
All Motor Vehicle Fines have been deposited into the Highway Fund since FY2010	All Criminal Fines are deposited into the General Fund

FINES – Penalty Assessments

Penalty Assessments are levied on fines imposed for criminal offenses, motor vehicle violations, and violations of municipal ordinances.

Penalty Assessments are currently \$2 or 24% of the fine, whichever is greater.
[NH RSA 106-L:10]

As of July 1, 2016, the legislature directed $\frac{2}{3}$ (66.66%) of penalty assessments to the General Fund.

The remainder is evenly split between the Judicial Branch's IT Dedicated Fund ($\frac{1}{6}$ or 16.67%) and the Department of Justice's Victim's Assistance Fund ($\frac{1}{6}$ or 16.67%), both of which are restricted funds.

FINES – Collection

Individuals who fail to pay court-ordered Motor Vehicle fines are defaulted through the Department of Safety. [RSA 597:38-b]

The Department of Safety sends a warning notice.

If the fine remains unpaid, the driver's license and registration are suspended.

The majority of states provide “reciprocity” meaning a driver's license will be suspended in the state in which you reside if you have unpaid fines in NH.

Pursuant to RSA 502-A:19-b, a \$50 Administrative Processing Fee is collected when the fine is paid to clear the default and is deposited to the General Fund.

Arrest orders are issued for unpaid fines in misdemeanor and felony cases.

ENTRY FEES

Entry Fees are set by court rule and are paid at the time of filing.
Entry Fees are up to \$225, depending on case type.

Common filings include:

Small Claims	Civil
Landlord/Tenant	Family
Motion to Bring Forward	Petition to Annul Criminal Record

Distribution of Entry Fees is set by statute.

64% of Entry Fees are deposited into the General Fund.

36% of Entry Fees are deposited into Judicial Branch restricted funds.

(30% to the IT Dedicated Fund; 6% to Facilities Escrow Fund – jointly managed by Bureau of Court Facilities and Department of Administrative Services)

WAIVER OF FILING FEES

Judges may waive entry fees for persons who cannot afford to pay.
[NH Constitution Part 1, Article 14]

OTHER FEES

The majority of the revenue in the “other fees” revenue account is made up of records research fees for records research conducted by the circuit court. 100% of the revenue generated from those fees is deposited to the General Fund.

The fee for electronic searches is currently \$20 per name for the first 5 names and \$5 per name for each additional name.

Motions and petitions also make up “other fees.” Fees range from \$25 to \$250.

A \$25 surcharge is added to civil filing fees for all courts [RSA 490:26-a, II (a)]

No surcharge is charged in some case types [RSA 490:26-a, II (b)]:

- Juvenile
- Domestic Violence
- Small Claims
- Stalking
- Landlord/Tenant

A \$25 setup fee is assessed for time payments [RSA 490:26-a II-a]

UNRESTRICTED REVENUE – FY2017 through FY2024 Actual

NH JUDICIAL BRANCH - UNRESTRICTED REVENUE - FY2017 thru FY2024 ACTUAL (\$)

<u>Fund/Description</u>	<u>Actual FY 2017</u>	<u>Actual FY 2018</u>	<u>Actual FY 2019</u>	<u>Actual FY 2020</u>	<u>Actual FY 2021</u>	<u>Actual FY 2022</u>	<u>Actual FY 2023</u>	<u>Actual FY 2024</u>	<u>CAGR FY17-FY24</u>
General Fund									
Default Fees Collected by Safety	849,500	812,181	826,823	823,800	646,900	592,200	516,750	517,597	-6.8%
Bar Exam Fees	5,805	6,545	7,034	7,094	5,975	6,303	7,064	6,729	2.1%
e-Filing Surcharge	147,425	241,001	343,059	358,002	443,570	409,391	396,404	430,097	16.5%
Interest	25	25	3	1	9	22	23	63	14.1%
Fines	2,725,925	1,925,651	1,389,354	1,225,022	1,030,264	1,168,531	1,088,898	1,105,932	-12.1%
Bail Forfeiture	167,117	221,945	111,985	133,712	89,620	146,715	124,709	126,232	-3.9%
Entry Fees	3,549,776	3,613,812	3,853,496	3,456,428	3,534,547	3,430,449	3,481,866	3,561,642	0.0%
Default Fees Collected by Courts	92,185	95,642	110,517	138,836	128,440	131,662	110,270	86,724	-0.9%
Other Fees	6,014,038	6,034,701	6,513,363	6,187,366	6,967,628	8,101,782	8,117,750	7,759,054	3.7%
Misc. Sales/Revenue (a)	122,187	4,096	4,409	-511	4,393	16,788	76,335	23,565	-21.0%
Penalty Assessments	1,511,080	1,346,353	1,211,722	1,049,269	987,417	1,183,888	1,085,604	1,062,475	-4.9%
Total	15,185,062	14,301,951	14,371,767	13,379,020	13,838,764	15,187,730	15,005,674	14,680,109	-0.5%
Total - Without Penalty Assessment	13,673,982	12,955,599	13,160,044	12,329,751	12,851,346	14,003,843	13,920,070	13,617,634	-0.1%
Highway Fund									
Motor Vehicle Fines	6,187,208	5,669,017	5,346,539	4,740,647	4,380,795	5,546,999	5,063,344	5,045,320	-2.2%

(a) As of 11/01/17, Unclaimed Funds are held in an escrow account at the courts instead of being deposited to the General Fund as revenue (RSA 471-C:15).

UNRESTRICTED REVENUE PROJECTIONS – FY25, FY26 and FY27

NH JUDICIAL BRANCH - UNRESTRICTED REVENUE PROJECTIONS (\$)

Fund/Description	Actual FY 2024	Revenue	FY 2025		FY 2026		FY 2027	
		Recognized as of 12/31/24	FY 2025 Revised Estimate	% Change FY25E/FY24A	Agency Estimate	% Change FY25E/FY26E	Agency Estimate	% Change FY26E/FY27E
General Fund								
Default Fees Collected by Safety	517,597	272,212	544,424	5.2%	515,000	-5.4%	515,000	0.0%
Bar Exam Fees (a)	6,729	3,410	6,820	1.4%	6,720	-1.5%	6,720	0.0%
e-Filing Surcharge	430,097	251,662	503,325	17.0%	436,560	-13.3%	436,560	0.0%
Interest	63	16	31	-50.1%	30	-4.5%	30	0.0%
Fines	1,105,932	633,359	1,248,202	12.9%	1,309,500	4.9%	1,158,900	-11.5%
Bail Forfeiture	126,232	84,730	127,095	0.7%	122,870	-3.3%	120,830	-1.7%
Entry Fees	3,561,642	1,966,678	4,031,689	13.2%	3,608,040	-10.5%	3,720,860	3.1%
Default Fees Collected by Courts	86,724	44,840	89,679	3.4%	95,600	6.6%	95,600	0.0%
Other Fees	7,759,054	3,510,998	7,021,997	-9.5%	7,593,640	8.1%	7,593,640	0.0%
Misc. Sales/Revenue	23,565	33,287	66,574	182.5%	24,460	-63.3%	24,460	0.0%
Penalty Assessments	1,062,475	572,611	1,145,223	7.8%	1,106,200	-3.4%	1,068,500	-3.4%
Total	14,680,109	7,373,803	14,785,060	0.7%	14,818,620	0.2%	14,741,100	-0.5%
Total - Without Penalty Assessment	13,617,634	6,801,192	13,639,837	0.2%	13,712,420	0.5%	13,672,600	-0.3%
Highway Fund								
Motor Vehicle Fines	5,045,320	2,589,751	5,179,502	2.7%	5,152,170	-0.5%	5,124,990	-0.5%

(a) Per Supreme Court Rule 42, as of 09/01/12, Bar Exam Fees are paid to the Office of Bar Admissions. This revenue code now reflects revenue generated by a \$10 fee for a Certificate of Good Standing that is paid to the Supreme Court by an attorney admitted in NH.

Unrestricted Court Fines and Fees

Title	Description
Default Fees R/S 402475 –Collected by Safety	\$50 penalty imposed by Dept. of Safety for late payment of a motor vehicle fine, payment with a bad check, or failure to respond to a plea by mail citation.
Bar Exam Fees R/S 402477	Per Amendment to Supreme Court Rule 42, as of 09/01/12, Bar Exam Fees are paid to the Office of Bar Admissions. Instead of Bar Exam Fees, this revenue code now reflects revenue generated by a \$10 fee for a Certificate of Good Standing that is paid to the Supreme Court by an attorney admitted in NH for one of the following reasons: (1) it is required as part of the attorney's application to the bar of another state; (2) it is required by a court in another state for the attorney's application to appear pro hac vice in that state; (3) it is required by a prospective employer of the attorney; or (4) it is required as part of an attorney's malpractice-insurance application.
e-Filing Surcharge R/S 403252	\$10 fee for small claims cases, \$20 fee for all other case types. Charged for filing online; used to defray the cost of implementing the NH e-Court Project. Effective 1/1/15.
Interest R/S 405501	Interest earned on depository accounts maintained by each court.
Fines R/S 407308	Fines paid for criminal offenses described in Title LXII of the New Hampshire Revised Statutes Annotated.
Bail Forfeiture (Non-Driving Offense) R/S 407309	Bail may be forfeited when a defendant fails to appear in court for an offense that does not involve driving. Bail forfeited on driving offenses is credited to a restricted revenue account within the Department of Safety.
Entry Fees R/S 407310	Filing fees established by court rule for actions filed in courts.
Default Fees R/S 407311 – Collected by Courts	\$50 penalty imposed by the courts for late payment of a fine, payment with a bad check, or failure to appear in court when an appearance is required.
Other Fees R/S 407312	Fees set forth in the court rules for filing certain motions and petitions, and for obtaining certificates, copies, writs, and requesting records research. Records research fee increased 7/1/09. Filing fee surcharge of \$20 added through RSA 490:24 7/1/03. The surcharge was repealed on 7/1/07 when the surcharge was added to the filing fees by court rule. A \$25 surcharge was enacted under RSA 490:26-a, II (a) effective 7/1/07.
Misc. Sales/Revenue R/S 407509	Sale of publications, recoveries, and other receipts. Unclaimed Funds held in escrow account at AOC as of 11/1/17 (prior to this date, unclaimed funds recorded as Miscellaneous Revenue).
Penalty Assessments R/S 404995	The penalty assessment is currently 24% of a fine, and 66.66% of that penalty assessment collected now goes to the General Fund.
Motor Vehicle Fines R/S 403671	Fines collected for motor vehicle offenses for which the defendant requested a trial or was required to appear. As of 07/01/09, these fines are deposited into the Highway Fund.



Questions?

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