

Readopt with amendment Juv 300, effective 9-30-11 and expired 9-30-2019, cited and to read as follows:

CHAPTER Juv 300 PAROLE PROCESS

PART Juv 301 PAROLE

Statutory Authority: RSA 170-H:4, III

Juv 301.01 Initiation of Parole Process. The commissioner shall provide notice to the board that a juvenile is eligible for parole pursuant to RSA 170-H:6.

Juv 301.02 Custody of Juvenile Parolees. Pursuant to RSA 170-H:4, II, the board shall have legal custody of juvenile parolees until they receive a discharge or are recommitted to the custody of the commissioner.

Juv 301.03 Conditions of Parole. Juveniles paroled by the board shall conduct themselves in accordance with all of the following conditions:⁴

- (a) The juvenile shall obey all laws and applicable rules;
- (b) The juvenile's behavior shall not be harmful to the juvenile's self/himself/herself, ~~or~~ to any other individual, or to the juvenile's community;
- (c) The juvenile shall not damage any real or personal property;
- (d) The juvenile shall:
 - (1) If subject to compulsory school attendance pursuant to RSA 193:1, attend school and obey all school rules; or
 - (2) If not attending a public school, be engaged in an education plan approved by the superintendent of schools or the juvenile probation and parole officer (JPPO);
- (e) The juvenile shall not leave the state of New Hampshire without the permission of the juvenile's parent(s) or legal guardian, and the JPPO;
- (f) The juvenile shall return to the state of New Hampshire if directed to do so by the JPPO;
- (g) The juvenile shall not use or possess alcoholic beverages, controlled drugs unless prescribed by a physician for the juvenile's use, or drug paraphernalia as defined by RSA 318-B:1, X-a, or other items specified in the conditions of parole;
- (h) The juvenile shall submit to and cooperate with random drug testing as ordered by the board;
- (i) The juvenile shall not receive, possess, or transport any weapon, explosive, firearm, or dangerous device;
- (j) The juvenile shall remain in placement with the juvenile's parent(s) or legal guardian(s) or other person or persons as designated by the board who can provide care and supervision;
- (k) The juvenile shall obey all household rules and shall not stay out overnight without permission of the juvenile's parent(s), legal guardian(s), or person(s) designated by the board;

- (l) The juvenile shall comply with any curfew as established by the JPPO;
- (m) The juvenile shall attend all treatment and counseling programs as determined by the JPPO;
- (n) The juvenile shall report to the JPPO any change of address, telephone number, school status, or employment within 24 hours of the change;
- (o) The juvenile shall report to the JPPO at times and places as directed by the JPPO;
- (p) The juvenile shall be subject to search by a JPPO of the juvenile's person, vehicles, lockers, and residence for possessions in contravention of the juvenile's conditions of parole;
- (q) The juvenile shall immediately notify the JPPO of any contacts between the juvenile and law enforcement officials; and
- (r) The juvenile shall comply with such other conditions which, based on the individual circumstances of the juvenile, are deemed necessary by the board to promote the purposes of parole and ~~insure~~ensure public safety. Such conditions may include, but shall not be limited to, complying with outstanding conditions of administrative release and re-appearing before the board to provide information or show documentation related to participation in an educational or treatment program.

Juv 301.04 Return of Juvenile Parolees to the Sununu Youth Services Center.

- (a) Upon violation by a juvenile parolee of any of the juvenile's conditions of parole, the juvenile shall be returned to the Sununu youth services center (SYSC) at the request of any JPPO or law enforcement official.
- (b) The commissioner shall notify the board of the return to the SYSC of a juvenile parolee within 72 hours of the juvenile's return.
- (c) Upon ~~the juvenile's his or her~~ return to SYSC, the juvenile parolee shall receive written notice of the circumstances justifying ~~the juvenile's his or her~~ return, and of the juvenile parolee's right to a preliminary hearing, pursuant to Juv 202.02.

Readopt Juv 400, effective 9-30-11 and expired 9-30-2019, cited and to read as follows:

CHAPTER Juv 400 REVOCATION OF PAROLE

PART Juv 401 REVOCATION PROCESS

Juv 401.01 Revocation.

- (a) Parole shall be revoked by the board if the juvenile parolee violates the conditions of the juvenile parolee's his/her parole, except under the conditions specified in Juv 202.03(~~gh~~).
- (b) Any juvenile parolee returned to the Sununu youth services center~~SYSC~~ upon which a finding of probable cause was made shall have a revocation hearing pursuant to Juv 202.03.

Juv 401.02 Recommittal.

- (a) Any juvenile whose parole is revoked shall be returned to the custody of the commissioner pursuant to RSA 170-H:11.

(b) At any time prior to the juvenile's his/her seventeenth-eighteenth birthday, unless jurisdiction exists or has been extended beyond age 178 pursuant to RSA 169-B:4, a juvenile shall be paroled again, if eligible pursuant to RSA 170-H:11 and the provisions of Juv 200 and 300.

(c) If not paroled or granted a discharge pursuant to RSA 170-H:12 or court order, the juvenile shall remain in the custody of the commissioner until the juvenile's his or her seventeenth-eighteenth birthday, unless jurisdiction exists or has been extended beyond age 187 pursuant to RSA 169-B:4.

APPENDIX

3020.	Specific State Statute which the Rule Implements
Juv 301.01	RSA 170-H;4, I
Juv 301.02	RSA 170-H;4, II
Juv 301.03	RSA 170-H;4, III(c)
Juv 301.04	RSA 170-H;4, III(e); RSA 170-H:8
Juv 401.01	RSA 170-H;4, III(d) & (e); RSA 170-H:8; RSA 170-A:10
Juv 401.02	RSA 170-H;4, III(e); RSA 170-H:11