



# State of New Hampshire

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DEPARTMENT OF SAFETY  
OFFICE OF THE COMMISSIONER  
33 HAZEN DR. CONCORD, NH 03305  
603/271-2791

JOHN J. BARTHELMES  
COMMISSIONER

November 22, 2016

The Honorable Neal M. Kurk, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

*[Signature]*  
Approved by Fiscal Committee      Date 11/23/16

### Requested Action

Pursuant to RSA 14:30-a, VI, authorize the Department of Safety, Division of State Police, to accept and expend \$1,143,205.00 of pass-through federal funds from the Department of Safety, Office of Highway Safety, entitled Department of Safety Forensic Lab Intoxilyzers, to purchase a new type of intoxilyzer for use by the NH State Police Forensic Lab, NH State Troopers, and local law enforcement agencies. Effective upon Fiscal Committee and Governor and Council approvals through June 30, 2017. Funding Source: 100% Agency Income.

Funds are to be budgeted in the account titled:

02-23-23-234010-22110000 Dept. of Safety – Division of State Police – Highway Safety Equipment and Training Grants

Class	Description	Current Adjusted		Revised Adjusted	
		Authorized	Requested Action	Authorized	
009-405921	Agency Income	\$ (794,455.51)	\$ (1,143,205.00)	\$ (1,937,660.51)	
018-500106	Overtime	\$ 4,000.00	\$ 8,336.00	\$ 12,336.00	
019-500105	Holiday Pay	\$ 1,429.52	\$ -	\$ 1,429.52	
020-500221	Current Expenses	\$ 0.22	\$ -	\$ 0.22	
030-500311	Equipment	\$ 135,000.41	\$ 1,122,000.00	\$ 1,257,000.41	
037-500173	Technology - Hardware	\$ 11,800.00	\$ -	\$ 11,800.00	
038-500177	Technology - Software	\$ 25,600.00	\$ -	\$ 25,600.00	
039-500180	Telecommunications	\$ 0.60	\$ -	\$ 0.60	
040-500800	Indirect Cost	\$ 48,587.95	\$ 2,205.00	\$ 50,792.95	
046-500465	Consultants	\$ 337,078.50	\$ -	\$ 337,078.50	
059-500117	Temp - Full Time	\$ 146,493.00	\$ -	\$ 146,493.00	
060-500602	Benefits	\$ 84,465.31	\$ 1,664.00	\$ 86,129.31	
080-500713	Out-of-State Travel	\$ -	\$ 9,000.00	\$ 9,000.00	
	Total	\$ 794,455.51	\$ 1,143,205.00	\$ 1,937,660.51	

The Honorable Neal M. Kurk, Chairman  
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
November 22, 2016  
Page 2 of 2

### Explanation

The Department of Safety Forensic Lab will acquire new technology in the form of the latest breath analyzer instruments for deployment throughout the State of New Hampshire for use by the NHSP Forensic Lab, NHSP Troop Stations, local law enforcement agencies, and by Police Standards and Training (PS&T) for training purposes. The use of breath analysis instruments with advanced technology will reduce the concern raised in previous court decisions that a defendant has no ability to challenge the results by independent testing. The latest models of breath analysis instruments incorporate a variety of internal checks to ensure the accuracy of the analysis, as well as require corroboration between the analyses of two separate breath samples. There is no longer any chance that the instrument operator can influence the testing process. With these built-in safeguards, the demonstrable value of providing defendants with a sample of their breath for independent testing in order to impeach the test results correspondingly wanes.

The Department of Safety will purchase new instruments for deployment in existing law enforcement agencies that have already been approved for breath testing by the Advisory Committee on Breath Analyzer Machines, established in RSA 106-G:1. Funds associated with bench warrants will be used to pay ongoing consumable costs associated with breath analyzer machines (RSA 597:38b).

There are three Forensic Laboratory staff assigned to the Breath Alcohol Section who will be responsible for deploying the new instruments and will be maintaining the calibration and repair of all the new breath analyzers. All three of these staff members will need to attend factory training from the selected instrument in accordance with New Hampshire's administrative rules. New provisions to RSA 265-A:7 will become effective January 1, 2017 allowing the use of the latest technology to collect samples. There is a need to utilize overtime funds in order to ensure a smooth transition between the existing Intoxilyzer 5000ENs and the new, as-of-yet selected device. The selected vendor will be required and will need to certify that the instruments are made and assembled in the United States of America.

The funds are to be budgeted as follows:

Funds in class 018 are needed for overtime funds in order to ensure a smooth transition between the existing Intoxilyzer 5000ENs and the new, as-of-yet selected device.

Funds in class 030 will be used for the purchase of the Intoxilyzers.

Funds in class 040 are needed to pay indirect costs on all eligible expenses.


Funds in class 041 are not appropriated because the department that receives the Federal grant from the federal granting agency is responsible for paying the audit fund set aside.

Funds in class 060 are needed to pay for the associated benefits in relation to the overtime.

Funds in class 080 are needed to attend factory training from the selected instrument in accordance with New Hampshire's administrative rules.

In the event that Agency Income becomes no longer available General and/or Highway funds will not be requested to support this program.

Respectfully submitted,

  
John J. Barthelmes  
Commissioner of Safety

**Department of Safety  
Highway Safety Equipment and Training Grants  
Fiscal Situation**

**02-23-23-234010-22110000**

**Federal Funds Awarded:**

FFY 2016 Grant - NHSP Captain Position - 10/1-9/30/2016	\$165,714.00
FFY 2016 Grant - VPN Installation Assistance - 10/1-9/30/2016	\$165,977.65
FFY 2016 Grant - NHSP Crash Records Management System 10/1-9/30/2016	\$109,960.50
FFY 2016 Grant - NHSP Robotic Total Stations	\$135,000.00
FFY 2016 Grant - NHSP C.A.R. Equipment	\$37,400.00
FFY 2017 Grant - VPN Installation Assistance - 10/1-9/30/2017	\$164,081.40
FFY 2017 Grant - NHSP Captain Position - 10/1-9/30/2017	\$160,000.00
FFY 2017 Grant - DOS Forensic Lab Intoxilyzers	\$1,143,207.80
<b>Total Grant Funds Awarded</b>	<b>\$2,081,341.35</b>

Less: SFY 2016 Grant Expenditures	\$106,678.17
Less: SFY 2017 Current Adjusted Authorized	\$794,455.51

<b>Remaining excess grant funds available to appropriate</b>	<b>\$1,180,207.67</b>
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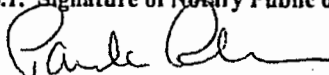
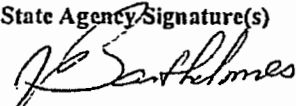
<b>This Request</b>	<b>\$1,143,205.00</b>
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**OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT**

The State of New Hampshire and the Subrecipient hereby  
Mutually agree as follows:  
**GENERAL PROVISIONS**


Project Title: **DOS Forensic Lab Intoxilyzers**  
1. Identification and Definitions.

Project #: **308-17S-110**

<b>1.1. State Agency Name</b> New Hampshire Department of Safety Office of Highway Safety		<b>1.2. State Agency Address</b> 33 Hazen Drive, Room 109A Concord, NH 03305	
<b>1.3. Subrecipient Name</b> New Hampshire Department of Safety Forensic Laboratory		<b>1.4. Subrecipient Address</b> 33 Hazen Drive Concord, NH 03305	
<b>Chief's Email Address:</b> N/A		<b>Grant Contact Email:</b> timothy.pifer@dos.nh.gov	
<b>1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify))</b> State		<b>1.4.2 DUNS</b>  060340564	
<b>1.5. Subrecipient Phone #</b> 603-223-3854	<b>1.6. Effective Date</b> November 1, 2016	<b>1.7. Completion Date</b> September 30, 2017	<b>1.8. Grant Limitation</b> \$1,143,207.80
<b>1.9. Grant Officer for State Agency</b> John A. Clegg		<b>1.10. State Agency Telephone Number</b> 271-2893	
<b>"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."</b>			
<b>1.11. Subrecipient Signature 1</b> 		<b>1.12. Name &amp; Title of Subrecipient Signor 1</b> Timothy J. Pifer Director, DOS Forensic Laboratory	
<b>Subrecipient Signature 2</b> 		<b>Name &amp; Title of Subrecipient Signor 2</b> Robert L. Quinn Assistant Commissioner, Department of Safety	
<b>Subrecipient Signature 3</b>		<b>Name &amp; Title of Subrecipient Signor 3</b>	
<b>1.13. Acknowledgment:</b> State of New Hampshire, County of Merrimack, on 10/26/16, before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
<b>1.13.1. Signature of Notary Public or Justice of the Peace (Seal)</b> 		<b>1.13.2 Name &amp; Title of Notary Public or Justice of the Peace</b> Pamela Redlan Notary Public	
<b>1.14. State Agency Signature(s)</b> 		<b>1.15. Name &amp; Title of State Agency Signor(s)</b> John J. Barthelmes, Commissioner NH Department of Safety Date: 10/27/16	
<b>1.16. Approval by Attorney General (Form, Substance and Execution) (if G &amp; C approval required)</b> By: _____ Assistant Attorney General, On: / /			
<b>1.17. Approval by Governor and Council (if applicable)</b> By: _____ On: / /			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

3. **AREA COVERED.** Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.

computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.  
9.2. ~~Between~~ Between the Effective Date and the Completion Date the Subrecipient shall  
Subrecipient Initials  Date 10/26/16

**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire  
Highway Safety Agency  
78 Regional Drive, Building 2  
Concord, NH 03301-8530

Date Received September 29, 2015	Project Number #300-16S-002
Date Approved September 29, 2015	PSP and Task # 16-08, 01

Part I

1. Project Title NH State Police Captain Position	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant A. Name of Agency DUNS Number 060340564 NH Department of Safety	B. Address of Agency 33 Hazen Drive Concord NH 03305-0011
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire Concord, NH 03301

4. Contract Duration A. Contract Period Start Date: October 1, 2015 Termination Date: September 30, 2016	Functional Area PA - Planning & Administration CFDA# 20.600 Program Title State & Community Highway Safety Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$165,714.00	\$165,714.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$165,714.00	\$165,714.00			

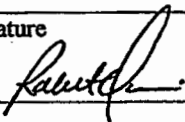

7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>0%</u> (\$0.00)
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Part II


BUDGET AND PERSONNEL DATA		
Personnel Services Salary	\$102,856.00	\$105,513.00
Holiday Pay		1,000.00
Overtime		2,000.00
Benefits:		57,201.00
<b>b. Current Expenses</b>		<b>\$165,714.00</b>
<b>c. Equipment</b>		
<b>d. Indirect Costs and Audit Expense</b>		
<b>e. Contractual Services</b>		
<b>f. Travel Expenses</b>		
<b>Total</b>		<b>\$165,714.00</b>

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

<b>Project Director</b>		
1) Name Robert L. Quinn	2) Title Director of State Police NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X 		5) Telephone Number
<b>B. Authorized Official</b>		
1) Name Kevin P. O'Brien	2) Title Assistant Commissioner, NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X 		5) Telephone Number

Part IV (For HSA Use Only)

1. Approval Date September 29, 2015	2. Signature & Title   John J. Barthelmes, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$165,714.00	

**CONTRACTUAL AGREEMENT**  
**FC HIGHWAY SAFETY PROJECT G NT**

For HSA Use Only

State Of New Hampshire  
 Highway Safety Agency  
 78 Regional Drive, Building 2  
 Concord, NH 03301-8530

Date Received October 8, 2015	Project Number #310-16S-002
Date Approved October 8, 2015	PSP and Task # 16-04, 07

Part I

1. Project Title VPN Installation	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency NH Department of Safety Division of State Police	DUNS Number 060340564
B. Address of Agency 33 Hazen Drive Concord NH 03305-0011	
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire Concord, NH 03301

4. Contract Duration	Functional Area K9 - 408 Data Program Incentive
A. Contract Period	CFDA# 20.610
Start Date: October 1, 2015	Program Title Traffic Safety Info System Improvements Grant
Termination Date: September 30, 2016	Funding Source National Highway Traffic Safety Administration

6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services					
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit	\$18,951.65	\$18,951.65			
e. Contractual Services	\$147,026.00	\$147,026.00			
f. Other					
Total Estimated Costs Including Non-Federal Share	\$165,977.65	\$165,977.65			

7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>0%</u> (\$0.00)
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Part II

BUDGET AND PERSONNEL DATA

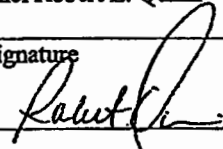
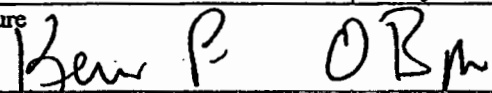
a. Personnel Services	
*See Proposed Solution (page 3) for explanation of pay rates	
b. Current Expenses	
c. Equipment	
d. Indirect Costs and Audit Expense Indirect costs @ 12.89 percent	\$ 18,951.65
e. Contractual Services VPN Installation Contractor (to provide assistance to county/local law enforcement for design, configuring, and deploying VPN)	\$147,026.00
f. Other Expenses	
<b>Total</b>	<b>\$165,977.65</b>

The In Kind Match For This Project = \$41,494.41 (408 funds)


The match requirement shall be met through salary and benefits cost analysis of agency personnel performing traffic records related work using state funds.

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

<b>A. Project Director</b>		
1) Name Colonel Robert L. Quinn	2) Title Director, Division of State Police NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03301
4) Signature X  10/15/15	5) Telephone Number 223-8813	
<b>B. Authorized Official</b>		
1) Name Kevin O'Brien	2) Title Assistant Commissioner, NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03301
4) Signature X 	5) Telephone Number 223-3889	

Part IV (For HSA Use Only)

1. Approval Date October 8, 2015	2. Signature & Title   John J. Barthelmes, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement:  \$165,977.65	



**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

State Of New Hampshire  
Highway Safety Agency  
78 Regional Drive, Building 2  
Concord, NH 03301-8530

For HSA Use Only

Date Received October 22, 2015	Project Number #310-16S-003
Date Approved October 22, 2015	PSP and Task # 16-04, 02

Part I

1. Project Title NH State Police CRMS Vendor 1	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency      DUNS Number 060340564 NH Department of Safety Division of State Police	B. Address of Agency 33 Hazen Drive Concord NH 03305-0011
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire  Concord, NH 03301

4. Contract Duration A. Contract Period Start Date:            October 1, 2015 Termination Date:    September 30, 2016	Functional Area    M3DA - 405c Data Program CFDA#              20.616 Program Title      Traffic Safety Info System Improvement Grant Funding Source    National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services					
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit	\$12,555.50	\$12,555.50			
e. Contractual Services	\$97,405.00	\$97,405.00			
f. Other					
Total Estimated Costs Including Non-Federal Share	\$109,960.50	\$109,960.50			

7. Local Benefit:  It is anticipated that the federal share for local benefit will be: <u>100%</u> (\$109,960.50)
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Part II

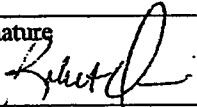
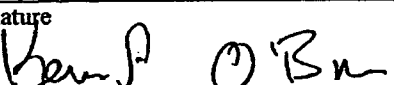
BUDGET AND PERSONNEL DATA	
a. Personnel Services	00
b. Current Expenses	
c. Equipment	
d. Indirect Costs and Audit Expense Indirect Cost: \$97,405.00 x 12.89 percent	\$12,555.50
e. Contractual Services Web-enabled CRMS System Development Contractor	\$97,405.00
f. Travel Expenses	
<b>Total</b>	<b>\$109,960.50</b>

The in kind match for this project = \$27,490.13 (405C Funds)

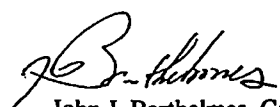
The match requirement shall be met through salary and benefits cost analysis of agency personnel performing traffic records related work using state funds.

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

<b>A. Project Director</b>		
1) Name Colonel Robert L. Quinn	2) Title Director, Division of State Police NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X 		5) Telephone Number 223-3850
<b>B. Authorized Official</b>		
1) Name Kevin P. O'Brien	2) Title Assistant Commissioner, NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X 		5) Telephone Number 223-3889

Part IV (For HSA Use Only)

1. Approval Date October 22, 2015	2. Signature & Title   John J. Barthelmes, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$109,960.50	

**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

State of New Hampshire  
Office of Highway Safety  
33 Hazen Drive, Room 109A  
Concord, NH 03305

**For HSA Use Only**

Date Received August 11, 2016	Project Number 308-16S-092
Date Approved August 11, 2016	PSP and Task # 16-03, 01

**Part I**

1. Project Title NH State Police Robotic Total Stations (5)	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency      DUNS Number 060340564 NH Department of Safety Division of State Police	B. Address of Agency 33 Hazen Drive Concord NH 03305-0011
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire  Concord, NH 03301

4. Contract Duration	Functional Area    PT - Police Traffic Services
A. Contract Period	CFDA#                20.600
Start Date:            August 15, 2016	Program Title      State & Community Highway Safety
Termination Date:   September 30, 2016	Funding Source    National Highway Traffic Safety Administratio

**6. Description of Project (Describe in detail in Schedule A) and Source of Funds**

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services					
b. Current Expense					
c. Equipment	\$33,750.00	\$33,750.00			
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$33,750.00	\$33,750.00			

Local Benefit: It is anticipated that the federal share for local benefit will be: <u>0%</u> (\$0.00)
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Part II

BUDGET AND PERSONNEL DATA	
a. Personnel Services	
*See Proposed Solution (page 3) for explanation of pay rates	
b. Current Expenses	
c. Equipment Five (5) Robotic Total Stations @ \$27,000 each (to include data collectors, GPS, Prisms, tripods, software, and accessories, etc.)	\$135,000.00
*A Buy America non-availability waiver was submitted by the NHOHS and approved by NHTSA on July 29, 2016. The effective date to purchase this equipment is August 15, 2016 and expires September 30, 2016 as noted in the federal register.	
d. Indirect Costs and Audit Expense	
e. Contractual Services	
f. Travel Expenses	
<b>Total</b>	<b>\$135,000.00</b>

The In Kind Match For This Project = (\$8,437.50 402) (\$25,312.50 405D). This In Kind Match shall be met using salaries and benefits of C.A.R unit personnel.

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

<b>A. Project Director</b>		
1) Name Colonel Robert L. Quinn	2) Title Director, Division of State Police NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X Exec Maj David Paivitean for Col R. Quinn		5) Telephone Number 223-8813
<b>B. Authorized Official</b>		
1) Name Kevin O'Brien	2) Title Assistant Commissioner, NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X Kevin P O'Brien		5) Telephone Number 223-3889

Part IV (For HSA Use Only)

1. Approval Date August 11, 2016	2. Signature & Title  John J. Barthelmes, Coordinator NH Office of Highway Safety
3. Federal Funds Obligated by this Agreement:  \$135,000.00	

## CONTRACTUAL AGREEMENT FOR HIGHWAY SAFETY PROJECT GRANT

State of New Hampshire  
Office of Highway Safety  
33 Hazen Drive, Room 109A  
Concord, NH 03305

### For HSA Use Only

Date Received August 11, 2016	Project Number 308-16S-093
Date Approved August 11, 2016	PSP and Task # 16-02, 23

#### Part I

<b>1. Project Title</b> NH State Police C.A.R. Equipment	<b>2. Type of Application (Check One)</b> <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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<b>3. Applicant</b>	
<b>A. Name of Agency</b> DUNS Number 060340564 NH Department of Safety Division of State Police	<b>B. Address of Agency</b> 33 Hazen Drive Concord NH 03305-0011
<b>C. Government Unit (Check One)</b> <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	<b>D. Name Address of Governmental Unit</b> State of New Hampshire Concord, NH 03301

<b>4. Contract Duration</b> <b>A. Contract Period</b> Start Date:            August 15, 2016 Termination Date:    September 30, 2016	<b>Functional Area</b> M6OT - 405d Impaired Driving Low <b>CFDA#</b> 20.616 <b>Program Title</b> Impaired Driving Countermeasures Grant <b>Funding Source</b> National Highway Traffic Safety Administration
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#### 6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services					
b. Current Expense					
c. Equipment	\$28,050.00	\$28,050.00			
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
<b>Total Estimated Costs Including Non-Federal Share</b>	<b>\$28,050.00</b>	<b>\$28,050.00</b>			

#### Local Benefit:

It is anticipated that the federal share for local benefit will be:    0% (\$0.00)

## CONTRACTUAL AGREEMENT FOR HIGHWAY SAFETY PROJECT GRANT

For HSA Use Only

State of New Hampshire  
Office of Highway Safety  
33 Hazen Drive, Room 109A  
Concord, NH 03305

Date Received August 11, 2016	Project Number 308-16S-093
Date Approved August 11, 2016	PSP and Task # 16-03, 01

Part I

<b>1. Project Title</b> NH State Police C.A.R. Equipment	<b>2. Type of Application (Check One)</b> <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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<b>3. Applicant</b> <b>A. Name of Agency</b> DUNS Number 060340564 NH Department of Safety Division of State Police	<b>B. Address of Agency</b> 33 Hazen Drive Concord NH 03305-0011
<b>C. Government Unit (Check One)</b> <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	<b>D. Name Address of Governmental Unit</b> State of New Hampshire  Concord, NH 03301

<b>4. Contract Duration</b> <b>A. Contract Period</b> Start Date:            August 15, 2016 Termination Date:    September 30, 2016	<b>Functional Area</b> PT - Police Traffic Services <b>CFDA#</b> 20.600 <b>Program Title</b> State & Community Highway Safety <b>Funding Source</b> National Highway Traffic Safety Administratio
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**6. Description of Project (Describe in detail in Schedule A) and Source of Funds**

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services					
b. Current Expense					
c. Equipment	\$9,350.00	\$9,350.00			
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
<b>Total Estimated Costs Including Non-Federal Share</b>	<b>\$9,350.00</b>	<b>\$9,350.00</b>	+ 28,050.00 = \$37,400.00 *		

<b>7. Local Benefit:</b>  It is anticipated that the federal share for local benefit will be:	<u>0%</u> (\$0.00)
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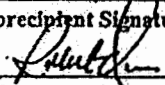
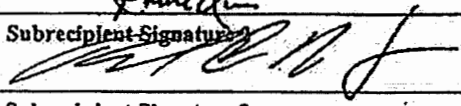
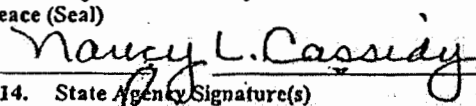
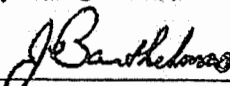
**OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT**

The State of New Hampshire and the Subrecipient hereby  
Mutually agree as follows:  
**GENERAL PROVISIONS**

Project Title: NHSP VPN Installation

Project #: 310-17S-009

**1. Identification and Definitions.**

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305	
1.3. Subrecipient Name NH Department of Safety Division of State Police		1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305	
Chief's Email Address: N/A		Grant Contact Email:	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State		1.4.2 DUNS 060340564	
1.5. Subrecipient Phone # 223-3888	1.6. Effective Date 10/01/16	1.7. Completion Date 09/30/17	1.8. Grant Limitation \$164,081.40 *
1.9. Grant Officer for State Agency John Clegg		1.10. State Agency Telephone Number 271-2893	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert L. Quinn, DOS Assistant Commissioner	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Richard C. Bailey, DOS Assistant Commissioner	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of <u>Merrimack</u> on <u>9/29/16</u> before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal) 		1.13.2 Name & Title of Notary Public or Justice of the Peace <u>NANCY L. CASSIDY</u> NOTARY	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: <u>9-29-16</u>	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) By: _____ On: / /			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

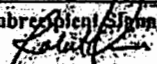

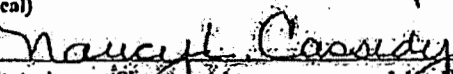
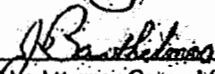
**OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT**

The State of New Hampshire and the Subrecipient hereby  
Mutually agree as follows:  
**GENERAL PROVISIONS**

Project Title: **NIISP Captain Position**

Project #: **300-17S-002**

**1. Identification and Definitions.**

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305	
1.3. Subrecipient Name Department of Safety Division of State Police		1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305	
Chief's Email Address: N/A		Grant Contact Email: John.clegg@dos.nh.gov	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State Government		1.4.2 DUNS 060340564	
1.5. Subrecipient Phone # 223-3888	1.6. Effective Date 10/01/16	1.7. Completion Date 09/30/17	1.8. Grant Limitation \$160,000.00 *
1.9. Grant Officer for State Agency John Clegg		1.10. State Agency Telephone Number 271-2893	
*By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b.*			
1.11. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert E. Quinn, DOS Assistant Commissioner	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Richard C. Bailey, DOS Assistant Commissioner	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of Merrimack, on 9/29/16 before the undersigned officer, personally appeared the person(s) identified in block 1.12, known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11, and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal) 		1.13.2. Name & Title of Notary Public or Justice of the Peace NANCY L. CASSIDY, Notary Public Commission Expires April 18, 2017	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelme, Commissioner NH Department of Safety Date: 9-29-16	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) By: _____ On: / /			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, being through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").



# TITLE LIX PROCEEDINGS IN CRIMINAL CASES

## CHAPTER 597 BAIL AND RECOGNIZANCES

### Forfeitures of Recognizances and Actions Thereon

#### Section 597:38-b

##### **597:38-b Collection of Forfeitures; Motor Vehicles. –**

I. Whenever a party recognized to appear for any offense involving driving makes default and the recognizance is declared forfeited, the court shall send a notice of default to the division of motor vehicles. The division shall send a notice to the person owing the recognizance, demanding payment within 30 days and stating that failure to make payment within the 30-day period shall result in suspension of such person's driver's license or driving privilege until such time as the person provides proof to the department of safety that he has paid the amount of the forfeited recognizance to the court.

II. Payments of the forfeited recognizance under paragraph I shall be sent to the department of safety and deposited into a special fund, known as the default bench warrant fund, established in RSA 263:56-d to pay the costs of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for driving-related offenses and to pay the cost of breath analyzer machines.

**Source.** 1991, 366:1. 1998, 288:10, eff. Jan. 1, 1999.

# TITLE VII SHERIFFS, CONSTABLES, AND POLICE OFFICERS

## CHAPTER 106-G ADVISORY COMMITTEE ON BREATH ANALYZER MACHINES

### Section 106-G:1

**106-G:1 Committee Established.** – The advisory committee on breath analyzer machines is hereby established. The committee shall establish priorities and guidelines for the distribution by the department of safety to municipal police departments of breath analyzer machines to test alcohol concentration. The committee shall periodically review the usage and performance of the breath analyzer machines currently in use in this state and make recommendations to the commissioner of safety on the adequacy of the machines and the needs of the state and municipalities for new machines and technology. The committee shall consist of the following members and shall elect a chairman from its membership:

- I. One senator, appointed by the senate president.
- II. One representative, appointed by the speaker of the house.
- III. One public member, appointed by the governor.
- IV. The attorney general or his designee.
- V. The commissioner of safety or his designee.
- VI. The coordinator of the New Hampshire highway safety agency or his designee.
- VII. [Repealed.]
- VIII. The chairman of the police standards and training council, or his designee.
- IX. The president of the New Hampshire Police Chiefs' Association, or his designee.

**Source.** 1988, 268:4. 1989, 353:29. 1995, 310:182. 2003, 319:97, I, eff. Jan. 1, 2004.

# TITLE XXI MOTOR VEHICLES

## CHAPTER 265-A ALCOHOL OR DRUG IMPAIRMENT

### Driving or Operating Under the Influence of Drugs or Liquor

#### Section 265-A:7

[RSA 265-A:7 effective until January 1, 2017; see also RSA 265-A:7 set out below.]

##### **265-A:7 Additional Tests. –**

Any person to whom RSA 265-A:4 is applicable shall have the right at his or her own expense to have similar tests made by a person of his or her own choosing who is competent to conduct the tests, as determined by the commissioner of the department of safety under RSA 265-A:5, and shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265-A:4. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of a law enforcement officer, authorized agent, or peace officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional test made. For the purpose of this section:

I. The sample of blood taken pursuant to RSA 265-A:4 shall be of sufficient quantity to allow 2 tests; and the testing laboratory shall retain for a period of 30 days subsequent to the test conducted pursuant to RSA 265-A:4 a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his or her counsel upon request.

II. The sample or samples of breath taken pursuant to RSA 265-A:4 shall be captured in an appropriate medium approved by the commissioner of the department of safety pursuant to RSA 265-A:5, V, and shall be sufficient to allow an equivalent additional test for each breath sample taken pursuant to 265-A:4. The captured sample or samples shall be given to the respondent in a manner determined by the commissioner of the department of safety.

[RSA 265-A:7 effective January 1, 2017; see also RSA 265-A:7 set out above.]

##### **265-A:7 Additional Tests. --**

I. Any person to whom RSA 265-A:4 is applicable shall have the right at his or her own expense to have additional tests made by a person of his or her own choosing who is competent to conduct the tests, as determined by the commissioner of the department of safety under RSA 265-A:5, and shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265-A:4. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of a law enforcement officer, authorized agent, or peace officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional test made.

II. A sample of blood taken pursuant to RSA 265-A:4 shall be of sufficient quantity to allow 2 tests; and the testing laboratory shall retain for a period of 30 days subsequent to the test conducted

pursuant to RSA 265-A:4 a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his or her counsel upon request.

III. A sample of breath taken pursuant to paragraph I shall be analyzed in accordance with rules adopted by the commissioner of the department of safety pursuant to RSA 265-A:5, V. A subject who submits to an infrared molecular absorption test at the request of a law enforcement officer shall have the right at his or her own expense to have a blood sample drawn and a blood test made by a person of his or her own choosing who is competent to conduct the tests, as determined by the commissioner of the department of safety under RSA 265-A:5. The person shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265-A:4. At that same time the person shall also be provided contact information for individuals and the nearest facilities that make themselves available to draw and test blood. The individuals listed, by virtue of their residence or work location, should have a reasonable probability of performing the blood draw within 2 hours of the initial breath sample having been taken by the police. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of a law enforcement officer, authorized agent, or peace officer. Nothing in this paragraph shall require the release from custody of the arrested person for the purpose of having such additional test taken, however, an arrested person who remains in custody shall be permitted to have his or her blood drawn by a person who has been determined to be competent by the commissioner of the department of safety under RSA 265-A:5.

**Source.** 2006, 260:1, eff. Jan. 1, 2007. 2016, 244:2, eff. Jan. 1, 2017.