

SB 141-FN - AS AMENDED BY THE HOUSE

8May2025... 1997h

2025 SESSION

25-0996

09/11

SENATE BILL **141-FN**

AN ACT extending the time to petition for a new trial in certain cases and relative to adding library cards and membership status to the list of confidential library user records.

SPONSORS: Sen. Gannon, Dist 23; Sen. Innis, Dist 7; Sen. Rochefort, Dist 1; Sen. Pearl, Dist 17; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Murphy, Dist 16; Rep. Weyler, Rock. 14; Rep. L. Walsh, Rock. 15; Rep. Scherr, Rock. 26; Rep. Roy, Rock. 31; Rep. Khan, Rock. 30

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill creates an exception to the 3-year timeframe to petition for a new trial.

This bill further expands the confidentiality of the library user records to include library cards and membership status.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT extending the time to petition for a new trial in certain cases and relative to adding library cards and membership status to the list of confidential library user records.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Trials; Time. Amend RSA 526:4 to read as follows:

2 526:4 Time.

3 I. A new trial shall not be granted unless the petition is filed within [~~three~~] 3 years after the
4 rendition of the judgment complained of, or the failure of the suit.

5 II. *The time limit in paragraph I shall not apply if:*

6 (a) *The petitioner seeks a new trial in a criminal case that resulted in a*
7 *conviction of a felony or a class A misdemeanor;*

8 (b) *The petitioner is either incarcerated, subject to the terms of a sentence, or*
9 *subject to collateral consequences of the sentence; and*

10 (c) *The petition alleges that newly discovered evidence exists.*

11 III. *For purposes of this subsection, "newly discovered evidence" includes, but is not*
12 *limited to, evidence that can be subjected to new or additional forensic testing or new*
13 *scientific understanding and evidence that was not admissible at the time of trial but is*
14 *admissible at the time the petition is filed.*

15 IV. *Nothing in this section is intended to supersede the standard for granting a*
16 *motion for new trial as set out in RSA 526:1.*

17 2 Statewide Library Development System; Library User Records; Confidentiality. Amend RSA
18 201-D:11, I and II to read as follows:

19 I. Library records which contain the names or other personal identifying information
20 regarding the users of public or other than public libraries shall be confidential and shall not be
21 disclosed except as provided in paragraph II. Such records include, but are not limited to, library,
22 **library cards, library membership status**, information system, and archival records related to
23 the circulation and use of library materials or services, including records of materials that have been
24 viewed or stored in electronic form.

25 II. Records described in paragraph I may be disclosed to the extent necessary for the proper
26 operation of such libraries and shall be disclosed upon request by, or consent of, the user or pursuant
27 to subpoena, court order, or where otherwise required by statute. ***Nothing in this section shall***
28 ***exclude a school from notifying parents about educational materials being borrowed by or***
29 ***taught to their children.***

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- Page 2 -

1 3 Effective Date. This act shall take effect January 1, 2026.

**SB 141-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT extending the time to petition for a new trial in certain cases.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association