

HB 57 - AS AMENDED BY THE SENATE

05/22/2025 2308s

2025 SESSION

25-0021

11/08

HOUSE BILL

57

AN ACT relative to the standards applicable to bail in criminal matters.

SPONSORS: Rep. Meuse, Rock. 37

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill adds a provision for the commissioner of corrections to release a person from state prison for the purpose of participating in a post-secondary education program in the community to which they have been accepted.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the standards applicable to bail in criminal matters.

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

1 1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(c) to
2 read as follows:

3 (c) Except as provided in RSA 597:1-c, a person who is charged with ***a qualifying***
4 ***offense*** [~~homicide under RSA 630; first degree assault under RSA 631:1; second degree assault~~
5 ~~under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious sexual~~
6 ~~assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA~~
7 ~~633:1; felony level stalking under RSA 633:3-a, VI(a); trafficking in persons under RSA 633:7;~~
8 ~~robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images~~
9 ~~under RSA 649-A; or computer pornography and child exploitation under RSA 649-B;] shall not be
10 brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before
11 the court. Arraignment shall occur no later than 36 hours after the arrest, excluding weekends and
12 holidays. At the person's appearance before the court, the court shall order that the person be
13 detained pending trial if the court determines by a finding of probable cause that release of the
14 person is a danger to that person or the public. In determining whether release will endanger the
15 safety of that person or the public, the court may consider all relevant and material factors
16 presented pursuant to paragraph VI. If the court does not find probable cause that the person must
17 be detained, the court shall order the person released pursuant to subparagraph I(b), or, if
18 applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the
19 conditions of his or her bail for an offense listed in this subparagraph, shall be held until they can be
20 brought before the court at the first available date. If at a subsequent hearing, the court finds
21 probable cause exists that the person violated the conditions of his or her bail for any of the crimes
22 listed in this subparagraph, the defendant shall be held pending trial. ***For the purpose of this***
23 ***subparagraph, "qualifying offense" means any of the following:***~~

- 24 (1) ***Homicide under RSA 630;***
- 25 (2) ***First degree assault under RSA 631:1;***
- 26 (3) ***Second degree assault under RSA 631:2;***
- 27 (4) ***Felony level domestic violence under RSA 631:2-b;***
- 28 (5) ***Aggravated felonious sexual assault under RSA 632-A:2;***
- 29 (6) ***Felonious sexual assault under RSA 632-A:3;***
- 30 (7) ***Kidnapping under RSA 633:1;***
- 31 (8) ***Felony level stalking under RSA 633:3-a, VI(a);***

1 (9) *Trafficking in persons under RSA 633:7;*

2 (10) *Robbery under RSA 636:1, III;*

3 (11) *Possession, manufacture, or distribution of child sexual abuse images*
4 *under RSA 649-A;*

5 (12) *Computer pornography and child exploitation under RSA 649-B;*

6 (13) *Any felony offense that has as an element the use, attempted use, or*
7 *threatened use of physical force against a person; or*

8 (14) *Any felony offense, if the person has twice before been convicted of an*
9 *offense listed in subparagraph (c).*

10 2 Effective Date. This act shall take effect 180 days after its passage.