

HB 1067-FN - AS INTRODUCED

2026 SESSION

26-2322

09/05

HOUSE BILL            ***1067-FN***

AN ACT                relative to the mental health courts.

SPONSORS:            Rep. M. Pearson, Rock. 34; Rep. D. Mannion, Rock. 25; Rep. Lynn, Rock. 17; Rep. Scherr, Rock. 26; Rep. Weber, Ches. 5; Rep. Berch, Ches. 6; Rep. DeSimone, Rock. 18; Rep. Hartnett, Hills. 41; Sen. Gannon, Dist 23

COMMITTEE:          Judiciary

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ANALYSIS

This bill revises the processes and requirements for the establishment of mental health courts, and requires the development of a grant program to fund new mental health courts.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six*

AN ACT relative to the mental health courts.

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

1 1 Mental Health Courts; Purpose; Policy and Goals. Amend RSA 490-H:1, I(f) to read as follows:

2 (f) Reducing the costs of incarceration, **by reducing the frequency of involuntary**  
3 **emergency admissions and by lowering recidivism and reducing the long-term costs by**  
4 **providing alternative interventions to incarceration by improving treatment and**  
5 **prevention options for those living with mental illness;** and

6 2 Mental Health Courts; Structure RSA 490-H:2 is repealed and reenacted to read as follows:

7 RSA 490-H:2 Mental Health Court; Structure.

8 I. Any superior or circuit court may establish one or more mental health courts under which  
9 the courts monitor offenders with mental illnesses for compliance with individual services to change  
10 behavior which would otherwise result in criminal conduct. In this chapter "mental health court"  
11 means a judicial intervention process that incorporates the guidelines for mental health courts as  
12 adopted by the New Hampshire supreme court.

13 II. Upon successful completion of a program recommended by the mental health court, an  
14 offender's case may be disposed of by the judge in the manner prescribed by the agreement and by  
15 the applicable policies and procedures adopted by the mental health court. This may include, but is  
16 not limited to, withholding criminal charges or dismissal of charges.

17 III. A person sentenced by a mental health court may, at least one year after successful  
18 completion of all programs and conditions imposed by the mental health court, petition for  
19 annulment of the charges, arrest, conviction, and sentence that relate to such person's entry into the  
20 mental health court.

21 IV. The mental health court may convene a local committee made up of community members  
22 who can provide support for the mental health court.

23 3 New Section; Mental Health Court; Implementation. Amend RSA 490-H by inserting after  
24 section 3 the following new section:

25 490-H:4 Mental Health Court; Implementation.

26 I. As used in this chapter:

27 (a) "Risk assessment" means a formal written evaluative tool approved by the office of  
28 the statewide treatment courts (OSTC) that measures the individual's risk to public safety and to  
29 personal safety, including a consideration of recidivism.

30 (b) "Clinical assessment" means a formal evaluation by a clinician that provides a  
31 clinical diagnosis of the individual.

1           II. The judicial branch, through the administrative office of the courts, OSTC, shall be  
2 responsible for developing an application process by which counties, districts, or non-profits may  
3 apply for a state grant to operate mental health court within their area. Subject to approval of the  
4 chief justice of the supreme court, the office shall:

5           (a) Determine approval requirements including the development of a New Hampshire  
6 mental health court approval checklist. Prior to accepting applications for grants, the approval  
7 checklist shall be posted on the judicial branch website. The checklist shall be updated on the  
8 website as revisions are made.

9           (b) Annually review and update, as needed, mental health court guidelines for operating  
10 mental health courts.

11           (c) Develop draft policies and procedures including a model participant handbook and  
12 implementation plan.

13           (d) Measure recidivism rates and other outcome measures.

14           (e) Evaluate compliance with relevant standards.

15           (f) Assist in creating or enhancing mental health courts within the state.

16           (g) Assist mental health courts in obtaining ongoing training.

17           III. Given availability of sufficient funding, the judicial branch shall manage an electronic  
18 information system for performance measurement and accept submission of performance data in a  
19 consistent format from all mental health court divisions. The data collected shall include, but is not  
20 limited to, personal and demographic information; details about the individual's criminal history;  
21 medical diagnoses; and progress in the mental health court process.

22           IV.(a) The branch shall establish an application and review process and award funds until  
23 the balance of the appropriation and other funds are depleted, or there are no satisfactory  
24 applications.

25           (b) To obtain a state mental health court grant, a county, district, or non-profit shall:

26           (1) Submit a narrative application that outlines the local need and program  
27 description and implementation plan.

28           (2) Submit a budget for the total cost of the program to the OSTC.

29           (3) Submit draft policies and procedures, including a participant handbook.

30           (4) Agree to obtain and complete mental health court training as approved by the  
31 OSTC.

32           (5) Establish compliance with the New Hampshire mental health court program  
33 approval checklist.

34           (6) If an existing mental health court, provide a complete accounting of program  
35 activities, expenditures, and outcome measures for the past year including, but not limited to, the  
36 number of participants, number of graduates, and the number of recidivists; and

1 (7) Establish that the program is cost effective if an existing mental health court or  
2 describe how it will be cost effective if a proposed mental health court.

3 (c) The OSTC shall award grants to those applicants whose proposals will accomplish  
4 the most good for those with mental health issues engaged in the criminal justice system.

5 V. If approved, the county, district, or non-profit shall sign a contract which includes the  
6 following requirements:

7 (a) The county, district, or non-profit shall have a team approach that at least includes a  
8 judge, a prosecutor, a criminal defense lawyer, a case manager, and a program coordinator, in  
9 addition to others deemed appropriate.

10 (b) Before an individual is accepted into the mental health court, the individual shall  
11 undergo a formal risk assessment by a qualified individual regarding attendant risks to public safety  
12 and personal safety and the value of the mental health court in reducing recidivism.

13 (c) Before an individual is accepted into the mental health court, the individual shall  
14 undergo a clinical assessment by a qualified clinician regarding any mental health diagnosis.

15 (d) Before an individual is accepted into the mental health court, the team identified in  
16 subparagraph V(a) above shall decide collectively whether the individual is a good fit for the  
17 program based on the risk and clinical assessments and other relevant factors.

18 (e) The county, district, or non-profit shall collect data as directed by the OSTC and  
19 shall use an electronic information system approved by the OSTC.

20 (f) The county, district, or non-profit shall monitor the progress of those individuals in  
21 the mental health court program with a regularity as the preliminary risk assessment suggests.  
22 Such monitoring may include electronic monitoring.

23 (g) Any other requirements deemed appropriate by the OSTC.

24 VI. The judicial branch administrative office of the courts is authorized to expend from  
25 appropriated sums and other funds, as available, the amounts necessary to fund the grants certified  
26 by the office. The mental health court coordinator shall prepare a report on the activities,  
27 expenditures, cost effectiveness, and outcome measures for the mental health court grant program  
28 following a 3-year period. The report shall include the information provided by each grant recipient  
29 and additional data that is available. The report shall be submitted within 90 days of the end of the  
30 3-year period by the chief justice to the speaker of the house of representatives, the president of the  
31 senate, and the office of the legislative budget assistant. The office of the legislative budget  
32 assistant shall post the report on the website of the office of the legislative budget assistant.

33 4 Effective Date. This act shall take effect January 1, 2027.

**HB 1067-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to the mental health courts.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase of less than \$2,500,000	Indeterminable Increase of less than \$4,000,000	Indeterminable Increase of less than \$4,000,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill revises the statute governing the establishment and operation of mental health courts and requires the Judicial Branch to create and administer a grant program to fund county-based or nonprofit-operated mental health court programs. The bill directs the Office of Statewide Treatment Courts (OSTC) to certify, oversee, and collect data from participating programs.

The Judicial Branch states this bill will result in an increase in state expenditures from the General Fund. The fiscal impact depends on how many counties apply for certification and the level of grant funding awarded.

If implemented statewide across all 11 county-based locations (including two in Hillsborough County), total estimated expenditures are as follows: \$2.0m in FY 2027, \$3.8m in FY 2028 and FY 2029. Funding is assumed to come primarily from the General Fund, with potential use of approximately \$250,000 in federal or other funds during the start-up year.

<b>Category</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
Mental Health Court Coordinator (Salary, Benefits and Start-up costs)	\$190,760	\$186,558	\$188,547

Software Licenses	\$712	\$712	\$712
Connexis Licenses (10 Courts)	\$45,000	\$45,000	\$47,250
Statewide Training	\$10,000	\$15,000	\$15,000
Coordinator Travel	\$5,000	\$5,000	\$5,000
Supplies	\$750	\$750	\$7500
11 Local Mental Health Court Grants	\$1,750,000	\$3,500,000	\$3,500,000
<b>Total</b>	<b>\$2,002,222</b>	<b>\$3,753,020</b>	<b>\$3,757,259</b>

The FY 2027 estimate reflects a partial-year implementation in which the Judicial Branch would establish the statewide Office of Statewide Treatment Courts, hire a coordinator, begin program development, and provide limited start-up grants to several pilot counties. These pilot grants are expected to range between \$100,000 and \$150,000 per site for initial case-management staff, training, and technology setup.

The FY 2028 and FY 2029 estimates assume full implementation of 11 mental health court programs statewide. Each program is estimated to cost approximately \$325,000 per year, which includes:

- Judicial and case-management time (judge participation, program coordinator, and case manager)
- Participant assessment, treatment coordination, and data collection
- Training, certification, and oversight by the OSTC
- Technology, evaluation, and reporting requirements

These figures also include approximately \$225,000 annually for statewide administrative support, training, and data-system maintenance under the OSTC.

Because the bill does not include an appropriation or identified funding source, the Judicial Branch indicates the program could not be implemented without an appropriation to the Judicial Branch to fund the new courts.

It is assumed the fiscal impact will begin in FY 2027, with any ongoing costs incorporated into the Branch's FY 2028–FY 2029 budget request.

**AGENCIES CONTACTED:**

Judicial Branch