HB 1139-FN - AS INTRODUCED

2026 SESSION

26-2319
09/08

HOUSE BILL ***1139-FN***

AN ACT relative to criminal trespass on secured premises.

SPONSORS: Rep. Aylward, Merr. 5; Rep. Fracht, Graf. 16

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the definition of secured premises for the purpose of the offense of criminal trespass, and provides additional requirements for property owners to establish a part of their property as a secured premises.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to criminal trespass on secured premises.

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

1 Criminal Trespass; Secured Premises. Amend RSA 635:2, III(b)(1) to read as follows:

(1) In any secured premises***, knowing that the area entered or remained in was a secured premises***;

2 Criminal Trespass; Secured Premises. Amend RSA 635:2, V to read as follows:

V. In this section, "secured premises" means any [~~place~~] ***private property*** which is posted in a manner ***that complies with RSA 635:4*** [~~prescribed by law or in a manner reasonably likely to come to the attention of intruders~~], or which is fenced or otherwise enclosed in a manner designed to exclude intruders.

3 Unauthorized Entries; Prescribed Manner of Posting. Amend RSA 635:4 to read as follows:

635:4 Prescribed Manner of Posting.

I. A person may post his land to prohibit criminal trespass and physical activities by posting signs of durable material with any words describing the physical activity prohibited, such as "No Hunting or Trespassing", printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such land. Such signs shall be posted not more than 100 yards apart on all sides and shall also be posted at gates, bars and commonly used entrances. This section shall not prevent any owner from adding to the language required by this section.

II. A notice or sign posted in compliance with this section shall:

(a) Be clearly visible from any public road or commonly used access point;

(b) Be posted on or within the boundaries of private property; and

(c) Clearly communicate that the property is private and access is restricted.

III. Compliance with the factors in paragraph II may be considered by the finder of fact in any case where there is a dispute regarding whether a premises was adequately posted or whether proper notice was given.

IV. In cases where access to the premises is commonly used by the public, such as walking trails, lakes, or recreational areas, landowners shall make reasonable efforts to provide access or alternative routes for lawful use where such access does not interfere with the owner's legitimate interests in restricting other uses of the premises.

4 Effective Date. This act shall take effect 60 days after its passage.

LBA
26-2319
11/3/25

HB 1139-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to criminal trespass on secured premises.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Revenue	$0	$0	$0	$0
Revenue Fund	None			
Expenditures*	Indeterminable			
Funding Source	General Fund			
Appropriations*	$0	$0	$0	$0
Funding Source	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
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