

HB 1173 - AS INTRODUCED

2026 SESSION

26-2453
09/05

HOUSE BILL **1173**

AN ACT relative to post-secondary education opportunities for inmates.

SPONSORS: Rep. Scherr, Rock. 26; Rep. Meuse, Rock. 37

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill allows the commissioner of corrections to release any person who has been committed to the state prison at any time during their term of sentence to participate in post-secondary education in the community for which they have been accepted for enrollment.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 post-secondary education opportunities for inmates.

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

1 1 Discretionary Sentences; Release from State Prison. Amend RSA 651:25, I to read as follows:

2 I. The commissioner of corrections may release any person who has been committed to the
3 state prison at any time during the term of sentence for the purpose of obtaining and working at
4 gainful employment, ***to participate in post-secondary education in the community for which***
5 ***they have been accepted for enrollment***, for the performance of uncompensated public service as
6 provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his
7 rehabilitation, for such times or intervals of time and under such terms and conditions as may be
8 prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has
9 not served sufficient time to be eligible for parole may be released under this section only if the
10 sentencing court and the prosecutor of the underlying offense have been notified of the proposed
11 release, and there has been no objection within 10 days of the notice by either the sentencing court
12 or the prosecutor of the underlying offense. If the prosecutor of the underlying offense objects to the
13 proposed release, the prosecutor shall submit in writing to the sentencing court the reasons for
14 objecting. The sentencing court shall, within 10 days of receipt of the prosecutor's objection,
15 schedule a hearing on the proposed release. The sentencing court shall then approve or deny the
16 proposed release. The commissioner of corrections may permit inmates of the state prison, who
17 volunteer to do so, to be gainfully employed outside the institution when such employment is
18 considered in their best interest and the best interest of the state. Inmates may be so employed by
19 the state or by public or private employers.

20 2 Discretionary Sentences; Release from State Prison. Amend RSA 651:25, III-IV to read as
21 follows:

22 III. Any part of a day a prisoner is employed ***or enrolled in post-secondary education***
23 outside the walls of the institution shall count as a full day toward the serving of his sentence as
24 though served inside the walls. An inmate so employed outside shall be subject to the rules and
25 regulations of the institution and be under the direction and control of the officers thereof.

26 IV. If an inmate released for work ***or enrolled in post-secondary education*** escapes or
27 fails to return inside the walls of the institution as required by the rules or the orders of the officers
28 thereof or if on administrative home confinement, knowingly leaves a place without authority to do
29 so, such inmate shall be punished as provided by RSA 642:6. The commissioner of corrections may
30 at any time recall a prisoner from such release status if the commissioner believes or has reason to

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- 1 believe the peace, safety, welfare, or security of the community may be endangered by the prisoner
- 2 being under such release status.
- 3 3 Effective Date. This act shall take effect 60 days after its passage.