

HB 1236-FN - AS INTRODUCED

2026 SESSION

26-3039

09/06

HOUSE BILL            ***1236-FN***

AN ACT                relative to recordings of custodial interrogations.

SPONSORS:            Rep. Scherr, Rock. 26

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill requires custodial interrogations to be recorded and precludes admissibility of unrecorded custodial interrogations in criminal or juvenile matters absent a reasonable justification.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 New Chapter; Recording of Custodial Interrogations. Amend RSA by inserting after chapter  
2 594 the following new chapter:

3 CHAPTER 594-A

4 RECORDING OF CUSTODIAL INTERROGATIONS

5 594-A:1 Electronic Recording of Interrogations. Except as otherwise provided in RSA 594-A:2,  
6 all custodial interrogations shall be recorded electronically in their entirety. Except as provided in  
7 RSA 594-A:2, all statements made by a person during a custodial interrogation that are not  
8 electronically recorded shall be inadmissible as evidence against the person in any criminal or  
9 juvenile delinquency proceeding brought against the person.

10 594-A:2 Overcoming the Presumption of Inadmissibility. The presumption of inadmissibility of  
11 statements provided in 594-A:1 may be overcome, and statements that were not electronically  
12 recorded may be admitted into evidence in a criminal or juvenile delinquency proceeding brought  
13 against the person, if the court finds that the statements are otherwise admissible under applicable  
14 rules of evidence and law enforcement personnel provide a reasonable justification, including a  
15 summary and documentation of the surrounding facts and circumstances, explaining the lack of  
16 recording.

17 2 Effective Date. This act shall take effect January 1, 2027.

**HB 1236-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to recordings of custodial interrogations.

**FISCAL IMPACT:**

<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		
<i>Funding Source(s)</i>	General Fund, Highway Fund, and Various Agency Funds			
<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

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable		
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable		

**METHODOLOGY:**

This bill, effective January 1, 2027, requires custodial interrogations to be recorded and precludes admissibility of unrecorded custodial interrogations in criminal or juvenile matters, absent a reasonable justification. Based on information provided by the Department of Safety, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association, there may be costs at all levels (state, local, and county) for law enforcement agencies to adequately record all custodial interrogations. Potential costs include equipment, information technology, and training. Potential costs would vary by agency, depending on the policies they currently have in place.

**AGENCIES CONTACTED:**

Department of Safety, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association

