

HB 1248-FN - AS INTRODUCED

2026 SESSION

26-2751
09/08

HOUSE BILL ***1248-FN***

AN ACT relative to the penalties for intoxication or under the influence of drug offenses.

SPONSORS: Rep. Markell, Rock. 18; Rep. Lynn, Rock. 17; Rep. Rice, Hills. 38; Rep. Roy, Rock. 31; Sen. Gannon, Dist 23; Sen. Innis, Dist 7

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill adds offenses based on the operation of a motor vehicle for which the defendant was convicted, and as condition of that conviction, was sentenced to an alcohol or controlled substance, education, treatment, or counseling program, within 10 years preceding the date of the second or subsequent offense, as a requisite prior conviction for enhanced DWI penalties.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 penalties for intoxication or under the influence of drug offenses.

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

1 1 Penalties for Intoxication or Under Influence of Drugs Offenses. Amend the introductory
2 paragraph of RSA 265-A:18, IV to read as follows:

3 IV. Upon conviction of any offense under RSA 265-A:2, I or RSA 265-A:3, based on a
4 complaint which alleged that the person has had one or more prior convictions under RSA 265-A:2, I
5 or RSA 265-A:3, ~~or~~ RSA 630:3, II, **or an offense described in subparagraph IV(e)**, or under
6 reasonably equivalent offenses in an out-of-state jurisdiction, within 10 years preceding the date of
7 the second or subsequent offense, the person shall be subject to the following penalties in addition to
8 those provided in paragraph I:

9 2 New Subparagraph; Penalties for Intoxication or Under Influence of Drugs Offenses. Amend
10 RSA 265-A:18, IV by inserting after subparagraph (d) the following new subparagraph:

11 (e) Any offense based on the operation of a motor vehicle for which the defendant was
12 convicted, and as condition of that conviction, was sentenced to an alcohol or controlled substance,
13 education, treatment, or counseling program, within 10 years preceding the date of the second or
14 subsequent offense, shall be deemed a prior conviction for the purpose of alleging a second or
15 subsequent offense under this paragraph.

16 3 Effective Date. This act shall take effect January 1, 2027.

**HB 1248-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the penalties for intoxication or under the influence of drug offenses.

FISCAL IMPACT:

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