

HB 1422 - AS INTRODUCED

2026 SESSION

26-2357

09/08

HOUSE BILL **1422**

AN ACT relative to the time to petition for a new trial.

SPONSORS: Rep. Tom Mannion, Hills. 1; Rep. Corcoran, Hills. 28; Rep. Sabourin dit Choiniere, Rock. 30; Rep. Berch, Ches. 6

COMMITTEE: Judiciary

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ANALYSIS

This bill allows additional time to petition for a new trial in certain circumstances.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 time to petition for a new trial.

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

1 1 New Trials; Time. Amend RSA 526:4 to read as follows:

2 526:4 Time.

3 **I.** A new trial shall not be granted unless the petition is filed within [~~three~~] **3** years after the  
4 rendition of the judgment complained of, or the failure of the suit.

5 **II.** *The time limit in paragraph I shall not apply if:*

6 (a) *The petitioner seeks a new trial in a criminal case that resulted in a*  
7 *conviction of a felony or a class A misdemeanor;*

8 (b) *The petitioner is either incarcerated, subject to the terms of a sentence, or*  
9 *subject to collateral consequences of the sentence;*

10 (c) *The petition specifically alleges that there is newly discovered evidence and*  
11 *what that newly discovered evidence is; and*

12 (d) *The petition specifically alleges that the petitioner is innocent.*

13 **III.** *For purposes of this subsection, "newly discovered evidence" includes evidence*  
14 *that can be subjected to new or additional forensic testing, evidence that can be subjected*  
15 *to new scientific understanding, or evidence that was not available at the time of trial but*  
16 *is available at the time the petition is filed. A court may deny a petition for a new trial*  
17 *that is duplicative of a prior petition that was finally ruled upon by the court.*

18 **IV.** *For petitions filed under paragraph II, the court must first determine whether*  
19 *the petition has made a prima facie showing under paragraph II before granting a*  
20 *hearing under 526:1. If upon review, it is determined that the petition does make a prima*  
21 *facie showing under paragraph II, the court shall then hold a hearing and appoint*  
22 *counsel to determine whether the requirements of RSA 526:1 have been met. If upon review,*  
23 *it is determined that the petition does not make a prima facie showing, the court may*  
24 *dismiss the petition.*

25 **V.** *Nothing in this section is intended to supersede the standard for granting a*  
26 *motion for new trial as set out in RSA 526:1. For DNA evidence, RSA 651-D shall be*  
27 *followed.*

28 **VI.** *When a petition for a new trial of a criminal conviction is being considered by*  
29 *the court, the state shall, upon request, reactivate victim services for the victim of the crime*  
30 *being reinvestigated during the reinvestigation of the case, during the pendency of the*

1 *proceedings, and, as determined by the court after consultation with the victim or victim*  
2 *advocate, following final adjudication of the case.*

3       2 Effective Date. This act shall take effect January 1, 2027.