

HB 1501-FN - AS INTRODUCED

2026 SESSION

26-2479

09/07

HOUSE BILL ***1501-FN***

AN ACT limiting judicial immunity.

SPONSORS: Rep. DeRoy, Straf. 3; Rep. Nalevanko, Ches. 9; Rep. D. Kelley, Hills. 32; Rep. Bailey, Straf. 2; Rep. Bernardy, Rock. 36; Rep. Potenza, Straf. 19; Rep. Perez, Rock. 16; Rep. Sabourin dit Choiniere, Rock. 30; Rep. Sellers, Graf. 10; Rep. Kaczynski, Straf. 5

COMMITTEE: Judiciary

ANALYSIS

This bill limits judicial immunity to allow for criminal or civil remedies for actions by members of the judiciary for certain actions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 New Chapter; Judicial Immunity. Amend RSA by inserting after chapter 490-K the following
2 new chapter:

3 CHAPTER 490-L

4 JUDICIAL IMMUNITY

5 490-L:1 Definitions. As used in this chapter:

6 I. "Judicial immunity" means the protection from criminal or civil liability granted to judges
7 for acts performed in their official capacity.

8 II. "Judicial state actors" means a government official or entity that holds judicial power and
9 is subject to constitutional limitations, and shall include judges and other officials acting within the
10 judicial branch of the state.

11 490-L:2 Limitation of Judicial Immunity. Judicial immunity shall not serve to indemnify or
12 hold harmless judicial state actors from criminal prosecution or civil tort proceedings if a judicial
13 state actor is alleged to have committed an action that goes beyond the scope of their judicial duties
14 and constitutes either criminal conduct or an intentional tort, or where the act is palpably in excess
15 of the jurisdiction of the judicial state actor and is done maliciously or corruptly.

16 2 Effective Date. This act shall take effect upon its passage.

**HB 1501-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT limiting judicial immunity.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

| Estimated State Impact | | | | |
|-------------------------------|----------------|--|--|--|
| | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| <i>Revenue Fund(s)</i> | None | | | |
| Expenditures* | \$0 | Indeterminable Increase \$0 to \$250,000 | Indeterminable Increase \$0 to \$250,000 | Indeterminable Increase \$0 to \$250,000 |
| <i>Funding Source(s)</i> | General Fund | | | |
| Appropriations* | \$0 | \$0 | \$0 | \$0 |
| <i>Funding Source(s)</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 creates RSA 490-L, which limits judicial immunity by allowing criminal prosecution or civil tort claims against judges and other judicial state actors for actions that exceed the scope of judicial duties, constitute criminal conduct, intentional torts, or acts that are palpably beyond jurisdiction and done maliciously or corruptly.

With the limits on judicial immunity applying broadly to judges, clerks, administrators, and judicial staff, the Branch anticipates an increase in requests for legal consultation and representation through its Office of General Counsel. Depending on the volume of new claims, the Branch may need an additional attorney. The Judicial Branch states this bill will result in an indeterminable increase in state expenditures, between \$0 to \$250,000 depending on the volume of new claims and the need for an additional attorney, beginning in FY 2027.

Additionally, 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