

HB 1509-FN - AS INTRODUCED

2026 SESSION

26-2542

09/07

HOUSE BILL ***1509-FN***

AN ACT relative to judicial immunity and permitting civil actions against judicial officers for certain criminal bail decisions.

SPONSORS: Rep. Trottier, Belk. 8; Rep. Comtois, Belk. 7; Rep. Bean, Belk. 6; Rep. Coker, Belk. 2; Rep. Berry, Hills. 44; Rep. Ploszaj, Belk. 1

COMMITTEE: Judiciary

ANALYSIS

This bill permits civil actions against judicial officers for certain criminal bail decisions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 judicial immunity and permitting civil actions against judicial officers for certain criminal bail decisions.

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 Limitation of Judicial Immunity.

6 I. Any judge or other member of the judiciary who sits in a judicial capacity and makes
7 determinations pursuant to RSA 597 regarding the release of criminal defendants pending trial may
8 be held liable for civil negligence if all of the following are met:

9 (a) The criminal defendant being released pursuant to RSA 597 is being released:

10 (1) For an alleged violation of RSA 631:2-b.

11 (2) For any alleged felony.

12 (3) For any offense alleged to have occurred while the defendant was released on bail
13 in another matter.

14 (b) The criminal defendant commits a subsequent criminal offense or intentional tort
15 while released pursuant to RSA 597.

16 (c) A person suffers physical or financial injury as a result.

17 II. An action that meets the requirements of paragraph I may be brought by the person who
18 suffers physical or financial injury. If the person dies as result of the alleged action by the criminal
19 defendant, the action may be brought by the decedent's estate or next of kin.

20 III. In any action brought pursuant to this section, the court shall not apply any doctrine of
21 judicial immunity if the requirements of paragraph I are satisfied.

22 2 Effective Date. This act shall take effect January 1, 2027.

**HB 1509-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to judicial immunity and permitting civil actions against judicial officers for certain criminal bail decisions.

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	\$0	\$0 to \$250,000	\$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

METHODOLOGY:

This bill permits civil actions to be brought against judicial officers for certain criminal bail decisions when specified conditions are met, including release of a defendant under RSA 597, the defendant committing a subsequent offense while on release, and resulting physical or financial injury to another person. The bill eliminates judicial immunity for these particular claims.

The Judicial Branch states the fiscal impact of this bill is indeterminable, as it depends on how many civil actions may be filed statewide. Some filings may be minimal and require no additional resources, while higher case volumes could require additional judicial and clerical time. The Branch estimates the potential impact could range from \$0 to \$250,000 per year, depending on the number and complexity of cases filed and whether additional staff or judicial time would be required. The Branch cannot predict how many suits might be brought under this new cause of action, making the fiscal impact indeterminable.

AGENCIES CONTACTED:

Judicial Branch