

HB 1510-FN - AS INTRODUCED

2026 SESSION

26-2543

09/07

HOUSE BILL ***1510-FN***

AN ACT relative to responsibility for the custody or control of persons ordered to a county correctional facility.

SPONSORS: Rep. Trottier, Belk. 8; Rep. Berry, Hills. 44

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes that the county department of corrections shall be responsible for the custody or control of persons ordered to a county correctional facility.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 responsibility for the custody or control of persons ordered to a county correctional facility.

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

1 1 New Paragraph; Release of a Defendant Pending Trial. Amend RSA 597:2 by inserting after
2 paragraph XV the following new paragraph:

3 XVI. The defendant shall be deemed to be in the custody of the county department of
4 corrections upon the issuance of an order remanding the defendant to said county's house of
5 corrections or any other facility for unforeseen circumstances. No other law enforcement agency or
6 officer shall be responsible for the custody or control of a person who is ordered to a county
7 correctional facility's custody and control, other than to deliver said person to the county correctional
8 facility as ordered, or to any facility for unforeseen circumstances, and said committed custody shall
9 be turned over to the holding facility officer or agent where commitment was ordered.

10 2 Detention and Sanctions for Default or Breach of Conditions. Amend RSA 597:7-a, I to read as
11 follows:

12 I. ~~[A peace officer may]~~ ***The county correctional facility shall*** detain an accused, ***and***
13 ***shall have custody and control of the said accused*** until the accused can be brought before a
14 justice if the peace officer has a warrant issued by a justice for default of recognizance or for breach
15 of conditions of release or if the peace officer witnesses a breach of conditions of release. The accused
16 shall be brought before a justice for a bail revocation hearing within 36 hours, Saturdays, Sundays,
17 and holidays excepted. ***If the detention is to be at the county house of corrections, or another***
18 ***facility for unforeseen circumstances, the defendant shall be deemed in the custody of the***
19 ***county department of corrections upon arrest. No other law enforcement agency or officer***
20 ***shall be responsible for the custody or control of a person who is ordered to be detained at a***
21 ***county correctional facility, other than to deliver/transport said person to the county***
22 ***correctional facility as ordered or to any court hearing as directed by a court order. When***
23 ***a law enforcement officer is in transit with or has custody of a defendant ordered to***
24 ***confinement or to be held at a correctional facility, said law enforcement officer shall***
25 ***deliver the committed to the court ordered jail, prison, or closest detention facility without***
26 ***delay. If there is any deviation due to unforeseen circumstances, said committed custody***
27 ***shall be turned over to the receiving facility's officer or agent where commitment was***
28 ***ordered. Nothing in this section shall prohibit a holding facility from receiving assistance***
29 ***from another law enforcement agency in the custody and control of said committed, and***
30 ***upon agreement by the law enforcement agency and the receiving facility. Any law***

1 *enforcement officer or agent acting under said agreement shall be considered to be acting*
2 *as agents of the holding facility.*

3 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1510-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to responsibility for the custody or control of persons ordered to a county correctional facility.

FISCAL IMPACT:

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable Increase		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

This bill requires that once a defendant is ordered to a county house of corrections they are legally considered to be in the custody of the county department of corrections.

The New Hampshire Association of Counties (NHAC) states this bill could result in significant yet indeterminable costs to county correctional facilities. NHAC notes that the legislation would shift substantial financial burdens, particularly overtime and hospital related expenses, onto county taxpayers. A recent example from Strafford County, where a single week of inmate supervision and healthcare during transport to Boston exceeded \$30,000. Due to the unpredictable nature of such incidents, NHAC is unable to provide a precise estimate but indicates the cumulative impact could reach into the hundreds of millions of dollars.

It is assumed that any fiscal impact would occur after FY 2026.

AGENCIES CONTACTED:

New Hampshire Association of Counties