

HB 1547-FN - AS INTRODUCED

2026 SESSION

26-2793

09/06

HOUSE BILL            ***1547-FN***

AN ACT                relative to appeals from convictions in circuit court for certain offenses.

SPONSORS:            Rep. Johnson, Straf. 11; Rep. Potenza, Straf. 19; Rep. Gregg, Hills. 7; Rep. Burnham, Straf. 2; Rep. Kuttab, Rock. 17; Rep. Selig, Straf. 10; Rep. Bjelobrk, Graf. 5; Rep. Sabourin dit Choiniere, Rock. 30; Rep. Manos, Rock. 12; Sen. Sullivan, Dist 18

COMMITTEE:          Judiciary

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ANALYSIS

This bill requires a defendant charged with certain offenses to elect whether to proceed in circuit court and waive his or her right to a jury trial or to immediately appeal to superior court for a jury trial.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 appeals from convictions in circuit court for certain offenses.

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

1 1 Misdemeanor Sexual Assault Prosecutions. Amend RSA 632-A:9-a to read as follows:

2 632-A:9-a Misdemeanor Sexual Assault Prosecutions [~~with Victim Less Than 18 Years of Age~~].

3 I. In any prosecution for a violation of RSA 632-A:4 [~~involving a victim less than 18 years of~~  
4 ~~age at the time the prosecution is commenced, and~~] which is brought in the circuit court, the  
5 defendant may elect to either:

6 (a) Appeal within 30 days after the arraignment to the superior court for a jury trial  
7 pursuant to the provisions of rule of criminal procedure 21(a); or

8 (b) Proceed with a trial in the circuit court, which will constitute a waiver of the right to  
9 a jury trial and the right to appeal for a jury trial pursuant to RSA 502-A:12 and 599:1.

10 II. A circuit court shall not proceed with a trial under subparagraph I(b) unless it has  
11 conducted a colloquy with the defendant and finds that the defendant has knowingly, voluntarily,  
12 and intelligently waived his or her right to a jury trial.

13 2 New Section; Assault Prosecutions. Amend RSA 631 by inserting after section 2-b the  
14 following new section:

15 631:2-c Assault Prosecutions.

16 I. In any prosecution for a violation of RSA 631:2-a or 631:2-b, which is charged as a class A  
17 misdemeanor in the circuit court, the defendant may elect to either:

18 (a) Appeal within 30 days after the arraignment to the superior court for a jury trial  
19 pursuant to the provisions of rule of criminal procedure 21(a); or

20 (b) Proceed with a trial in the circuit court, which will constitute a waiver of the right to  
21 a jury trial and the right to appeal for a jury trial pursuant to RSA 502-A:12 and 599:1.

22 II. A circuit court shall not proceed with a trial under subparagraph I(b) unless it has  
23 conducted a colloquy with the defendant and finds that the defendant has knowingly, voluntarily,  
24 and intelligently waived his or her right to a jury trial.

25 3 New Paragraph; Stalking; Prosecutions. Amend RSA 633:3-a by inserting after paragraph  
26 VIII the following new paragraph:

27 IX.(a) In any prosecution for a misdemeanor violation of this section in the circuit court, the  
28 defendant may elect to either:

29 (1) Appeal within 30 days after the arraignment to the superior court for a jury trial  
30 pursuant to the provisions of rule of criminal procedure 21(a); or

1 (2) Proceed with a trial in the circuit court, which will constitute a waiver of the  
2 right to a jury trial and the right to appeal for a jury trial pursuant to RSA 502-A:12 and 599:1.

3 (b) A circuit court shall not proceed with a trial under subparagraph IX(a)(2) unless it  
4 has conducted a colloquy with the defendant and finds that the defendant has knowingly,  
5 voluntarily, and intelligently waived his or her right to a jury trial.

6 4 District Courts; Appeals from Sentence. Amend RSA 502-A:12, I to read as follows:

7 I. A person sentenced by a district court for a class A misdemeanor after trial or after  
8 proceedings pursuant to Rule of Criminal Procedure 21(a) may appeal therefrom to the superior  
9 court for a jury trial as provided in RSA 599, except as provided in RSA **631:2-c**, 632-A:9-a, **and**  
10 **633:3-a, IX**.

11 5 Appeals from Convictions in Circuit Court. Amend RSA 599:1 to read as follows:

12 599:1 Appeals. – Except as provided in RSA **631:2-c**, 632-A:9-a, **and 633:3-a, IX** a person  
13 convicted by a circuit court of a class A misdemeanor, at the time the sentence is declared, may  
14 appeal therefrom to obtain a de novo jury trial in the superior court, which shall hear the appeal.  
15 The appeal shall be entered by the defendant at the next return day unless for good cause shown the  
16 time is extended by the superior court. If, after a jury trial in the superior court, the defendant is  
17 found guilty, the superior court shall sentence the defendant, and the defendant may appeal  
18 questions of law arising therefrom to the supreme court. In the event the defendant waives the right  
19 to jury trial after the case has been appealed, the superior court shall forthwith remand the case to  
20 the circuit court for imposition of the sentence originally imposed by the circuit court, and the  
21 defendant may appeal questions of law arising therefrom to the supreme court. In all misdemeanor  
22 cases which are appealed to superior court, it shall be the duty of the superior court to transmit to  
23 the justice of the circuit court, within 10 days after the case is finally disposed of, a certificate  
24 showing the final disposition of the case.

25 6 Effective Date. This act shall take effect January 1, 2027.

**HB 1547-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to appeals from convictions in circuit court for certain offenses.

**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
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	\$0	Indeterminable Increase \$500,000 to \$1,000,000	Indeterminable Increase \$500,000 to \$1,000,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$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 requires defendants charged with certain misdemeanor offenses to elect, early in the case, whether to transfer their case to Superior Court in order to preserve their right to a jury trial. Under current practice, most misdemeanor charges such as simple assault, domestic violence, sexual assault, and stalking are resolved in Circuit Court without the need for a jury trial. As stated by the Judicial Branch, this bill is expected to result in a substantial increase in the number of misdemeanor jury trials in Superior Court because defendants are likely to elect jury trial rights at the outset even if their cases ultimately resolve without trial.

The Judicial Branch assumes this increase will require at least one additional Superior Court judge, one court monitor, and three court operations specialists, as well as increased jury-related costs such as juror compensation, jury summoning, and removal of the current two-month annual jury hiatus. The Branch states that the number of additional jury trials cannot be predicted, but the bill will require additional judicial capacity and operational support. Position cost details are shown in the chart. The bill has an effective date of January 1, 2027 so FY 2028 was calculated at half year salary, benefits and Jury trials, plus full fit-up costs.

The total impact for all five positions (as shown in tables below) is estimated at \$617,000 in FY 2028 and \$843,000 in FY 2029. These totals include staffing and operational expenses associated with expanded jury trial activity. The Judicial Branch also notes additional expenditures for jury operations, which would further increase state costs beyond the staffing totals.

Title	Superior Court Judge x 1		Court Monitor x1	
Positions	LG1S1/POSF,DENF		LG22S3/HMO2,DEN2	
Fiscal Year	<u>FY2028</u>	<u>FY2029</u>	<u>FY2028</u>	<u>FY2029</u>
Salaries and Benefits	\$264,348	\$339,347	\$65,306	\$85,028
Fit up	\$9,608	\$712	\$3,307	\$712
Jury Trials	\$95,000	\$190,000	\$0	\$0
<b>Total</b>	<b>\$368,956</b>	<b>\$530,059</b>	<b>\$68,613</b>	<b>\$85,740</b>

Title	Court Operations Specialist x 3		<b>Total Cost of All Five Positions</b>	
Positions	LG14S3/HMO2,DEN2			
Fiscal Year	<u>FY2028</u>	<u>FY2029</u>	<u>FY2028</u>	<u>FY2029</u>
Salaries and Benefits	\$168,994	\$224,863	\$498,648	\$649,238
Fit up	\$9,922	\$2,137	\$22,837	\$3,561
Jury Trials	\$0	\$0	\$95,000	\$190,000
<b>Total</b>	<b>\$178,916</b>	<b>\$227,000</b>	<b>\$616,485</b>	<b>\$842,799</b>

Overall, the Judicial Branch states the fiscal impact is indeterminable but could exceed \$500,000 and be less than \$1,000,000 per year, depending on the number of jury trials and operational needs. The Branch indicates that the bill does not provide funding for these costs and that they cannot be absorbed within the current operating budget. It is assumed the Branch would include these costs in its FY 2028-2029 operating budget if this bill were to become law.

**AGENCIES CONTACTED:**

Judicial Branch