

HB 1608-FN - AS INTRODUCED

2026 SESSION

26-2422

09/06

HOUSE BILL            ***1608-FN***

AN ACT                relative to grand jury minutes and relative to the defense and indemnification of certain government officers and employees.

SPONSORS:            Rep. Flanagan, Hills. 45

COMMITTEE:          Judiciary

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ANALYSIS

This bill states that a criminal defendant shall be entitled to any grand jury minutes applicable to his or her case, which shall be required to be taken. This bill also extends certain defense and indemnification protections against complaints filed with or investigations by a professional licensing board, committee, or regulatory agency to include those against any assistant county attorney, county attorney, or municipal prosecutor.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



**HB 1608-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to grand jury minutes and relative to the defense and indemnification of certain government officers and employees.

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

| <b>Estimated State Impact</b> |                |  |  |  |
|-------------------------------|----------------|--|--|--|
|                               | <b>FY 2026</b> | <b>FY 2027</b>   | <b>FY 2028</b>   | <b>FY 2029</b>   |
| <b>Revenue</b>                | \$0            | \$0  | \$0  | \$0  |
| <i>Revenue Fund(s)</i>        | None           |  |  |  |
| <b>Expenditures*</b>          | \$0            | Indeterminable Increase<br>\$650,000 to<br>\$1,300,000 | Indeterminable Increase<br>\$650,000 to<br>\$1,300,000 | Indeterminable Increase<br>\$650,000 to<br>\$1,300,000 |
| <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

| <b>Estimated Political Subdivision Impact</b> |                |                                      |                                      |                                      |
|---|----------------|--------------------------------------|--------------------------------------|--------------------------------------|
|   | <b>FY 2026</b> | <b>FY 2027</b>                       | <b>FY 2028</b>                       | <b>FY 2029</b>                       |
| <b>County Revenue</b>                         | \$0            | \$0                                  | \$0                                  | \$0                                  |
| <b>County Expenditures</b>                    | \$0            | Indeterminable Increase              | Indeterminable Increase              | Indeterminable Increase              |
| <b>Local Revenue</b>                          | \$0            | \$0                                  | \$0                                  | \$0                                  |
| <b>Local Expenditures</b>                     | \$0            | Indeterminable Increase<br>\$10,000+ | Indeterminable Increase<br>\$10,000+ | Indeterminable Increase<br>\$10,000+ |

**METHODOLOGY:**

This bill requires grand juries to appoint a clerk to take and preserve minutes of their proceedings and provides that a criminal defendant is entitled to any grand jury minutes relevant to their case. The bill also expands the defense and indemnification protections under RSA 99-D to include assistant county attorneys, county attorneys, and municipal prosecutors when acting within the scope of their duties.

The Department of Justice (DOJ) states this bill will result in an indeterminable increase in State General Fund expenditures. DOJ indicates that expanding RSA 99-D to cover assistant

county attorneys, county attorneys, and municipal prosecutors will increase the number of individuals eligible for state-provided defense and indemnification in matters before licensing boards, committees, or regulatory agencies. DOJ would need to assign attorneys and paralegals within the Civil Bureau to handle these cases.

Based on the volume of potential complaints, DOJ estimates the bill could require staffing equivalent to between one part-time Assistant Attorney General and paralegal, up to two full-time Assistant Attorneys General and two full-time paralegals. The Department also notes that litigation costs, including expert witnesses, could range from \$1,000 to \$100,000 per case, depending on the complexity of the matter. Because the number of qualifying complaints is unknown, the total fiscal impact is indeterminable but could range from \$500,000 to \$1,000,000

The Judicial Branch states this bill requires grand juries to keep minutes and imposes storage, management, and access obligations on court clerks. The Branch explains that grand juries do not currently maintain minutes, and the bill provides no procedural standards or mechanics for how minutes must be taken, approved, or preserved.

The Branch states it would need at least one full-time employee to manage the statewide record-keeping program, develop protocols for minute-taking and approval, and administer storage, retrieval, and disclosure procedures. The estimated annual cost for salary, benefits, and related computer and storage systems is between \$150,000 and \$300,000 of General Fund expenditures.

This bill does not provide funding nor does it authorize the positions requested by the Department of Justice or the Judicial Branch.

The New Hampshire Association of Counties states this bill will likely increase county expenditures. Counties do not currently record or transcribe grand jury proceedings. Requiring minutes to be kept and preserved would necessitate new personnel time, equipment, or contracted transcription services. Counties may also incur additional costs to review and redact minutes if they become subject to disclosure requests. Because counties do not currently perform these functions and because the number of proceedings and requests cannot be predicted, the fiscal impact is indeterminable.

The New Hampshire Municipal Association (NHMA) states this bill may result in indeterminable costs for municipalities. The expansion of indemnification under RSA 99-D raises uncertainty about whether the state or municipalities would bear the cost of defending municipal prosecutors. If municipalities are responsible, the cost of indemnification in cases involving wanton or reckless conduct would exceed \$10,000. NHMA is unable to determine the number or frequency of such cases.

**AGENCIES CONTACTED:**

Department of Justice, Judicial Branch, New Hampshire Association of Counties, and New Hampshire Municipal Association