

HB 1737-FN - AS INTRODUCED

2026 SESSION

26-2362
09/08

HOUSE BILL ***1737-FN***

AN ACT relative to reinstating the death penalty for certain offenses against minors under 13 years of age.

SPONSORS: Rep. Belcher, Carr. 4; Rep. Perez, Rock. 16; Rep. Sirois, Hills. 32; Rep. Terry, Belk. 7

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill defines capital offenses against a child to include certain homicide and sexual assault offenses against minors under 13 years of age, requires those convicted of such an offense to be sentenced to death, and requires any appeal to be resolved within one year of conviction.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 reinstating the death penalty for certain offenses against minors under 13 years of age.

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

1 1 Short Title. This act may be known as and cited to as the "Capital Offenses Against Children
2 Act."

3 2 Legislative Findings. The 2019 abolition of the death penalty in New Hampshire abandoned
4 the mandate that civil government wield the sword against evil in the most terrible cases of
5 criminality. This act restores justice by reinstating capital punishment solely for the most heinous
6 crimes against minors under 13 years of age.

7 3 Chapter Name Change. Amend the chapter heading of RSA 630 to read as follows:

8 **HOMICIDE AND CAPITAL OFFENSES**

9 4 New Section; Capital Offenses Against a Child. Amend RSA 630 by inserting after section 1-b
10 the following new section:

11 630:1-c Capital Offenses Against a Child.

12 I. "Capital offense against a child" means:

13 (a) First-degree murder as defined in RSA 630:1-a where the victim was under 13 years
14 of age;

15 (b) Second-degree murder as defined in RSA 630:1-b where the victim was under 13
16 years of age; or

17 (c) Aggravated felonious sexual assault as defined in RSA 632-A:2 involving sexual
18 penetration where the victim is under 13 years of age.

19 II. Notwithstanding any other penalty prescribed by law, any person found guilty of a
20 capital offense against a child, who was 18 years of age or older at the time of the offense, shall be
21 sentenced to death. No mitigating or aggravating circumstances may alter this sentence.

22 5 New Section; Procedure in Capital Offense Against Child Cases. Amend RSA 630 by inserting
23 after section 5 the following new section:

24 630:5-a Procedure for Capital Offenses Against a Child.

25 I. Upon conviction of a capital offense against a child, the court shall impose the death
26 penalty by hanging, or by any other method deemed humane and expeditious by the commissioner of
27 corrections.

28 II. Appeals shall be expedited and limited to claims of evidentiary errors or constitutional
29 violations directly related to the guilt phase. No appeals based on proportionality, mercy, or

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1 sentencing discretion shall be permitted. The supreme court shall resolve all appeals within one
2 year of conviction.

3 III. The family of the victim shall have the right to provide input during sentencing,
4 including statements on the impact of the crime.

5 6 Applicability. This section shall apply prospectively to offenses committed after the effective
6 date of this act and shall not apply to offenses committed prior.

7 7 Effective Date. This act shall take effect 60 days after its passage.

**HB 1737-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to reinstating the death penalty for certain offenses against minors under 13 years of age.

FISCAL IMPACT: This bill does not provide funding.

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 \$7,500,000	Indeterminable Increase \$0 to \$7,500,000	Indeterminable Increase \$0 to \$7,500,000
<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

The Office of Legislative Budget Assistant is unable to provide a complete fiscal note for this bill, as introduced, as it is awaiting information from the Department of Justice. The Department was originally contacted on 11/20/25 and then again on 12/9/25 for a fiscal note worksheet. When completed, a revised fiscal note will be forwarded to the House Clerk's Office

METHODOLOGY:

This bill reinstates capital punishment in New Hampshire for certain offenses against minors under 13 years of age. It creates a new category of capital offenses against a child, including first-degree murder, second-degree murder, and aggravated felonious sexual assault involving sexual penetration where the victim is under 13. The bill mandates a death sentence for convicted offenders who were at least 18 at the time of the offense, establishes specific sentencing and appeal procedures, and requires the Supreme Court to resolve appeals within one year of conviction.

The Judicial Branch states this bill would require mandatory death sentences and expedited appeals for capital offenses involving children under 13, significantly increasing resources for the courts. The Judicial Branch notes that in 2024 this law could have applied to anywhere between 0 and 288 cases. Death penalty litigation requires substantial court resources including

additional Superior Court judges, court monitors, court operations specialists, and law clerks to meet the bill's strict timelines for pretrial motions, jury selection, trial, and post-conviction appeals. The Judicial Branch states that if no capital cases are filed, there would be no fiscal impact. However, because the number of cases that may arise is unknown, the total fiscal impact is indeterminable, but the Judicial Branch estimates that costs could be between \$1,000,000 to \$5,000,000 per year depending on the number of cases filed.

The Judicial Council states that capital cases are not considered in the current public defender contract; therefore, any capital case would be assigned to private counsel. Based on Judicial Branch data, the Council assumes the bill may apply to at least 90 defendants per year, with each case lasting 2 to 3 years. The Council estimates that each capital case would cost at least \$100,000 per year in legal and expert expenses, and costs could substantially exceed that amount. A comparable case for which historical data exists cost more than \$3,000,000 total. As a result, the Council estimates State expenditures could be at least \$2,500,000 per year depending on the number of cases pending simultaneously and whether cases proceed through appeals.

AGENCIES CONTACTED:

Judicial Branch, Department of Justice, and Judicial Council