

HB 1740-FN - AS INTRODUCED

2026 SESSION

26-2712
09/08

HOUSE BILL ***1740-FN***

AN ACT relative to the protection of persons from domestic violence.

SPONSORS: Rep. Sabourin dit Choiniere, Rock. 30; Rep. Belcher, Carr. 4; Rep. Bernardy, Rock. 36; Rep. Comtois, Belk. 7; Rep. DeRoy, Straf. 3; Rep. D. Kelley, Hills. 32; Rep. Perez, Rock. 16; Rep. Sirois, Hills. 32

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill revises the standards and processes for the issuance of orders of protection in domestic violence, law enforcement response, and relationship to criminal proceedings. This bill further establishes a domestic violence law enforcement training and support fund.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the protection of persons from domestic violence.

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

1 1 Protection of Persons from Domestic Violence. RSA 173-B is repealed and reenacted to read as
2 follows:

3 CHAPTER 173-B

4 PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

5 173-B:1 Definitions.

6 In this chapter:

7 I. "Abuse" means the commission or attempted commission of any of the following criminal
8 acts by a family or household member or by a current or former sexual or intimate partner:

9 (a) Assault or reckless conduct (RSA 631:1 through 631:3);

10 (b) Criminal threatening (RSA 631:4);

11 (c) Sexual assault (RSA 632-A:2 through 632-A:5);

12 (d) Interference with freedom (RSA 633:1 through 633:3-a);

13 (e) Interference with custody (RSA 633:4);

14 (f) Destruction of property (RSA 634:1 and 634:2);

15 (g) Unauthorized entry (RSA 635:1 and 635:2);

16 (h) Harassment (RSA 644:4);

17 (i) Cruelty to animals (RSA 644:8).

18 II. "Contact" means any action to communicate directly or indirectly with another person,
19 including, but not limited to, electronic communication, leaving items, or causing a third party to
20 communicate on one's behalf.

21 III. "Deadly weapon" means as defined in RSA 625:11, V.

22 IV. "Domestic violence" means abuse as defined in paragraph I of this section.

23 V. "Family or household member" means:

24 (a) Spouses, ex-spouses, current or former cohabitants;

25 (b) Parents and other persons related by blood or marriage, excluding minor children
26 who reside with the defendant.

27 VI. "Firearm" means any weapon, including a starter gun, that will, is designed to, or may
28 readily be converted to expel a projectile by the action of an explosive.

29 VII. "Foreign protective order" means an order enforceable under RSA 173-B:13.

30 VIII. "Intimate partners" means individuals currently or formerly engaged in a romantic
31 relationship, regardless of sexual activity.

1 IX. "Cross orders for relief" means separate orders granted to each party in a domestic
2 violence situation where each has filed a petition based on the same incident or incidents.

3 X. "Mutual order for relief" means a single order restraining both parties, originating from a
4 petition filed by one party, based on the same incident or incidents.

5 173-B:2 Mandatory Law Enforcement Response.

6 I. When a law enforcement agency receives a report alleging abuse under RSA 173-B:1, I, it
7 shall:

- 8 (a) Dispatch an officer to investigate;
- 9 (b) Create a written investigative report;
- 10 (c) Collect and preserve evidence;
- 11 (d) Interview witnesses;
- 12 (e) Photograph visible injuries and property damage; and
- 13 (f) Provide the victim with a free copy of the report upon request.

14 II. No agency shall refer the complainant to civil court as a substitute for criminal
15 investigation. Civil protective orders may supplement, but not replace, criminal processes.

16 III. The agency shall forward the report to the appropriate prosecuting authority within 24
17 hours.

18 173-B:3 Arrest Authority and Mandatory Arrest.

19 I. An officer shall arrest a person when probable cause exists to believe they have committed
20 abuse under this chapter, regardless of whether the abuse was witnessed.

21 II. Arrest shall occur within 12 hours of establishing probable cause, unless:

- 22 (a) The suspect cannot be located after reasonable effort;
- 23 (b) The suspect is hospitalized or medically incapacitated;
- 24 (c) Exigent circumstances prevent arrest.

25 III. If probable cause exists for multiple individuals, each shall be arrested independently.
26 Mutual allegations or claims of self-defense shall not preclude arrest where probable cause exists.

27 IV. Each arrest shall be documented in a separate report with:

- 28 (a) Specific criminal acts alleged;
- 29 (b) Supporting evidence;
- 30 (c) Observed injuries;
- 31 (d) Statements by all parties and witnesses; and
- 32 (e) Physical evidence collected.

33 173-B:4 False Reports.

34 I. Knowingly false reports made in bad faith shall be subject to prosecution under RSA 641:4
35 for false reports to law enforcement.

36 173-B:5 Jurisdiction and Venue.

1 I. Criminal proceedings shall be brought in the district division or superior court with
2 jurisdiction over criminal matters.

3 II. Civil protective order petitions shall be filed exclusively in the superior court.

4 III. A plaintiff who has relocated to avoid abuse may file in the county where they currently
5 reside.

6 173-B:6 Civil Protective Orders: Prerequisites and Commencement.

7 I. A civil protective order petition may only be filed if:

8 (a) Criminal charges under RSA 173-B:1, I are pending;

9 (b) A judicial finding of probable cause has been made;

10 (c) Charges remain pending or have resulted in a conviction.

11 II. Petitions shall include:

12 (a) Criminal docket number;

13 (b) Documentation of filed charges and probable cause finding;

14 (c) Allegations that arise from or are based on the same conduct as the criminal charges;

15 (d) Relationship information showing eligibility.

16 III. No filing fee shall be required.

17 IV. A hearing shall occur within 30 days of filing, or within 10 days of service, whichever is
18 later.

19 173-B:7 Temporary Civil Protective Orders.

20 I. Upon confirming criminal charges and probable cause, the court shall issue temporary
21 protective orders at the plaintiff's request. No further showing of danger shall be required.

22 II. Temporary orders may:

23 (a) Prohibit contact.

24 (b) Restrict entry into plaintiff's residence or workplace.

25 (c) Prohibit abuse.

26 III. Such orders shall expire upon the earliest of:

27 (a) Dismissal of all underlying criminal charges.

28 (b) Final hearing on the petition.

29 (c) 30 days after issuance.

30 173-B:8 Final Civil Protective Orders.

31 I. After hearing:

32 (a) If criminal charges led to conviction/guilty plea, the court shall issue a final civil
33 order of protection upon request of the plaintiff. No further showing shall be required.

34 (b) If criminal charges are pending, the plaintiff shall prove by a preponderance of the
35 evidence that the defendant poses a present credible threat to the plaintiff's safety.

36 II. Final orders may:

37 (a) Prohibit contact;

- 1 (b) Restrict access to specified locations;
- 2 (c) Restrict firearm possession (if consistent with criminal conditions); and
- 3 (d) Impose restrictions aligned with any criminal orders.
- 4 III. The duration of the order shall be:
 - 5 (a) For pending charges, a maximum of one year, renewable with good cause.
 - 6 (b) Following a conviction, a maximum of 5 years, renewable on request.
- 7 IV. Orders automatically terminate upon:
 - 8 (a) Dismissal or acquittal of all criminal charges that formed the basis for the protective
 - 9 order; or
 - 10 (b) Expiration of stated duration.

11 173-B:9 Relationship to Criminal Proceedings.

- 12 I. Civil protective orders may not contradict or exceed criminal release conditions.
- 13 II. Orders terminate immediately upon dismissal or acquittal of the related charges.
- 14 III. Criminal courts shall notify the superior court of disposition within 24 hours.

15 173-B:10 Service and Notification.

- 16 I. Protective orders shall be served by law enforcement.
- 17 II. Copies shall be sent to:
 - 18 (a) Local law enforcement;
 - 19 (b) Department of safety for inclusion in the state database; and
 - 20 (c) Prosecuting attorney.
- 21 III. Defendants are responsible for updating their address with the court.

22 173-B:11 Violations.

- 23 I. Violations constituting new crimes shall be prosecuted under appropriate criminal
- 24 statutes.
- 25 II. Non-criminal violations may be addressed via a motion for civil contempt filed by the
- 26 plaintiff, subject to fines or other civil penalties.

27 173-B:12 Justification of Defensive Force by Protected Persons.

- 28 I. A person who holds a valid protective order issued under this chapter shall be rebuttably
- 29 presumed to have a reasonable fear of imminent harm, and any use of physical force, including
- 30 deadly force, against the restrained party shall be presumed legally justified as self-defense, if:
 - 31 (a) The restrained party is present in violation of the protective order by approaching,
 - 32 entering, or remaining at the protected person's residence, workplace, school, or any other location
 - 33 specifically prohibited by the order; and
 - 34 (b) The protected person reasonably believed such force was necessary to prevent
 - 35 imminent unlawful force or harm.
- 36 II. The presumption in paragraph I shall not apply to chance or incidental encounters in
- 37 public spaces not covered by the terms of the protective order, including but not limited to stores,

1 places of worship, and community events. In such cases, the protected person retains all rights to
2 use physical or deadly force as otherwise authorized under RSA 627 or other applicable law.

3 III. Nothing in this section shall be construed to:

4 (a) Authorize the use of force in response to mere presence absent a reasonable belief in
5 imminent harm; or

6 (b) Create a duty to retreat if the protected person is in a place where they have a legal
7 right to be.

8 IV. This section is intended to supplement, not limit, any existing legal defenses under RSA
9 627 or other applicable law.

10 173-B:13 Interstate Enforcement.

11 I. Foreign protective orders shall be accorded full faith and credit if:

12 (a) The issuing court had jurisdiction; and

13 (b) The defendant received notice and an opportunity to be heard.

14 II. A person seeking enforcement of a foreign civil order shall file a certified copy in superior
15 court. No filing fee shall apply.

16 173-B:14 Rights of Victims.

17 I. Victims shall receive all rights under RSA 21-M:8-k.

18 II. No person shall be penalized for leaving a residence or household to avoid abuse.

19 III. Minority status shall not preclude a person from seeking protection.

20 173-B:15 Confidentiality.

21 I. Upon request, a plaintiff's address and location shall be kept confidential.

22 II. Such information shall only be disclosed by court order for good cause.

23 173-B:16 Law Enforcement Training and Support Fund.

24 I. There is established a special fund, known as the domestic violence law enforcement
25 training and support fund, to provide financial assistance to law enforcement agencies for training,
26 equipment, investigative costs, and implementation of best practices in response to domestic violence
27 cases under this chapter.

28 II. The fund shall be administered by the New Hampshire department of justice. The state
29 treasurer shall deposit into the fund:

30 (a) Any fines collected from civil contempt proceedings under RSA 173-B:11, II;

31 (b) Any funds appropriated by the legislature for this purpose;

32 (c) Any gifts, grants, or donations from public or private sources; and

33 (d) Any federal funds allocated for domestic violence law enforcement programs.

34 III. Moneys in the fund shall be used exclusively to:

35 (a) Develop and deliver statewide or regional training programs on domestic violence
36 investigation, arrest procedures, victim safety, trauma-informed practices, and use of force;

1 (b) Support local agency costs associated with enforcement of protective orders,
2 including service of process, data reporting, and follow-up compliance checks;

3 (c) Provide technical assistance, model protocols, and law enforcement resource
4 materials;

5 (d) Reimburse law enforcement agencies for eligible expenses incurred in the
6 administration and enforcement of this chapter; and

7 (e) Maintain secure databases for protective orders and offender histories in
8 coordination with the department of safety.

9 IV.(a) The attorney general shall appoint a domestic violence law enforcement coordinator to
10 manage fund administration and oversight.

11 (b) The department of justice shall adopt rules under RSA 541-A governing application
12 procedures, allowable expenses, reporting requirements, and audit protocols.

13 (c) The coordinator shall review applications and issue grants to eligible law
14 enforcement agencies on a rolling basis, subject to availability of funds.

15 (d) No more than 5 percent of the fund's annual expenditures shall be used for
16 administrative costs.

17 V. Only publicly funded law enforcement agencies operating within the state of New
18 Hampshire shall be eligible to receive grants or disbursements from the fund. Eligible entities
19 include municipal police departments, county sheriff's offices, and state law enforcement agencies.
20 No private individuals, non-profit organizations, corporations, advocacy groups, or other non-
21 governmental entities shall be eligible to apply for or receive funding under this section.

22 VI. The department of justice shall:

23 (a) Submit an annual report to the governor and legislature detailing all distributions
24 from the Fund, grant recipients, and program outcomes;

25 (b) Publish updated training protocols and resources developed with fund support on the
26 department's public website;

27 (c) Retain audit authority to ensure compliance with funding terms.

28 173-B:17 Severability.

29 If any part of this chapter is held invalid, the remainder shall remain in effect.

30 2 New Subparagraph; Application of Receipts; Domestic Violence Law Enforcement Training
31 and Support Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (410) the following new
32 subparagraph:

33 (411) Moneys deposited in the domestic violence law enforcement training and
34 support fund as established in RSA 173-B:16.

35 3 Effective Date. This act shall take effect January 1, 2027.

HB 1740-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the protection of persons from domestic violence.

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	Indeterminable Increase \$10,000 to \$100,000	Indeterminable Increase \$10,000 to \$100,000	Indeterminable Increase \$10,000 to \$100,000
<i>Revenue Fund(s)</i>	Law Enforcement Training and Support Fund			
Expenditures*	\$0	Indeterminable Increase \$250,000 to \$950,000+	Indeterminable Increase \$200,000 to \$1,010,000+	Indeterminable Increase \$200,000 to \$1,010,000+
		Indeterminable Increase (LETS Fund)	Indeterminable Increase (LETS Fund)	Indeterminable Increase (LETS Fund)
<i>Funding Source(s)</i>	General Fund, Highway Fund, and Law Enforcement Training and Support (LETS) Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

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

METHODOLOGY:

This bill repeals and reenacts RSA 173-B, making extensive changes to the standards, procedures, and timelines applicable to domestic violence protective orders, including mandatory law enforcement response, arrest standards, prerequisites for relief, new timelines for hearings, required notices, and updated definitions. The bill also transfers jurisdiction over all civil domestic violence protective order petitions to the Superior Court, while related domestic

relations matters continue in the Circuit Court. In addition, the bill establishes a new Law Enforcement Training Fund to support training programs related to domestic violence investigations and requires the Attorney General to appoint a law enforcement coordinator to administer the fund.

The Judicial Branch states that implementation of this bill would require substantial administrative work prior to the January 1, 2027 effective date, including redesign of all domestic-violence forms and orders, updates to case-processing manuals and templates, modifications to the case management system, reconfiguration of workflows between the Circuit and Superior Courts, and statewide training for judges, clerks, and crisis-center partners. The Branch notes that these tasks require project management, legal review, training development, communication planning, and technical updates that cannot be absorbed within current resources. To prepare for the effective date, the Branch estimates expenditures of more than \$100,000 and less than \$200,000 in FY 2027 for pre-implementation work. After implementation, ongoing system maintenance, training updates, and support would result in indeterminable annual costs, but likely less than \$10,000 per year.

The Department of Justice (DOJ) states the bill would require the Attorney General to appoint a law enforcement coordinator responsible for administering the new Law Enforcement Training Fund, evaluating domestic-violence training curriculum, and supporting local law enforcement. The DOJ notes that the position must include both programmatic expertise and financial management skills, and because the bill does not specify the level or classification of the coordinator, the Department cannot estimate salary and benefit cost at this time. The Department states the position and associated administrative responsibilities will result in an indeterminable increase in state General Fund expenditures between 100,000 to \$500,000 per fiscal year. The DOJ also states the bill does not provide sufficient funding to support these responsibilities and that its existing budget cannot absorb costs. With respect to the Law Enforcement Training Fund, DOJ states that because the bill does not identify a revenue source or specify how much money will be deposited into the fund, state revenues are indeterminable, but could be between \$10,000 to \$100,000 per year, depending on future legislative appropriations, grants, or other funding streams.

The Department of Safety states this bill would increase state expenditures due to expanded mandatory law enforcement response requirements, investigative standards, arrest timelines, and reporting obligations related to domestic violence incidents. The bill requires law enforcement agencies to perform specific investigative tasks in all reported cases, forward investigative reports within certain timeframes, and obtain arrest warrants in circumstances previously permitted without a warrant. The Department states these requirements would

significantly increase staff time, overtime, and training needs. As a result, the Department estimates increased expenditures of more than \$100,000 and less than \$500,000 per fiscal year with half the impact beginning in FY 2027 and the full impact being felt in FY 2028 and forward. These expenditures would be split 75% General Fund and 25% Highway Fund.

The Police Standards and Training Council states this bill would require a complete rewrite of academy curriculum, scenario training, testing materials, and legal instruction related to domestic violence response and arrest authority. As currently written, the bill does not clearly state whether the Council would be eligible to access the newly established Law Enforcement Training and Support Fund. If the bill is amended to allow the Council to use the fund, there would be no additional fiscal impact to the Council's operating budget. If not, the fiscal impact would be indeterminable due to curriculum redevelopment costs and the unknown scope of required statewide or regional training.

The New Hampshire Municipal Association (NHMA) states there will likely be increased local expenditures associated with enforcing protective orders, including service of process, data reporting, follow up compliance checks, training, and other activities required under the bill. The NHMA notes these costs may be offset in future years by reimbursements from the Law Enforcement Training and Support Fund. Any additional municipal expenditures will depend on the number of reports alleging abuse under RSA 173 B:1, I within a community and the results of the related investigations.

AGENCIES CONTACTED:

Judicial Branch, Department of Justice, NH Police Standards and Training Council, Department of Safety, and New Hampshire Municipal Association