

HB 1801-FN - AS INTRODUCED

2026 SESSION

26-3046
09/08

HOUSE BILL ***1801-FN***

AN ACT relative to causes of action for wrongful detention, drug forfeiture proceedings, the regulation of law enforcement officers, and the offense of unsworn falsification.

SPONSORS: Rep. Read, Rock. 10; Rep. Tom Mannion, Hills. 1; Rep. Ankarberg, Straf. 7; Rep. Beaulier, Graf. 1; Rep. D. McGuire, Merr. 14

COMMITTEE: Judiciary

ANALYSIS

This bill:

- I. Establishes special provisions for actions alleging wrongful detention.
- II. Modifies the procedures to be used regarding forfeiture of items used in connection with drug offenses.
- III. Adds new requirements for the certification or recertification of law enforcement officers.
- IV. Makes it a violation-level offense for a law enforcement officer to knowingly provide false information in a written report.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 causes of action for wrongful detention, drug forfeiture proceedings, the regulation of law enforcement officers, and the offense of unsworn falsification.

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 "Clean Cops Act."

2 2 New Section; Claims Based on Unlawful Detention. Amend RSA 541-B by inserting after
3 section 21-a the following new section:

4 541-B:21-b Claims Based on Unlawful Detention.

5 Notwithstanding any other provision of this chapter, the following provisions shall apply in an
6 action brought by an individual alleging that they were unlawfully detained by a law enforcement
7 agency:

8 I. Once the plaintiff has made a prima facie case that they were unlawfully detained, the
9 state shall have the burden of proof to establish by a preponderance of the evidence that the
10 detention was lawful.

11 II. Damages shall be at a set rate for every hour of unlawful detention. All partial hours
12 shall be rounded to the following full hour. The rate shall be published annually by the judicial
13 branch on January 1. The starting rate shall be \$100 per hour, and shall be adjusted annually to
14 account for cost of living increases.

15 3 Controlled Drug Act; Forfeiture of Items Used in Connection With Drug Offenses. Amend
16 RSA 318-B:17-b to read as follows:

17 318-B:17-b Forfeiture of Items Used in Connection With Drug Offense.

18 I. Interests in the following property, upon petition of the [~~attorney general~~] **state**, shall be
19 subject to forfeiture to the state and said property interest shall be vested in the state:

20 (a) All materials, products and equipment of any kind, including, but not limited to,
21 firearms, scales, packaging equipment, surveillance equipment and grow lights, which are used or
22 intended for use in procurement, manufacture, compounding, processing, concealing, trafficking,
23 delivery or distribution of a controlled drug in felonious violation of this chapter.

24 (b) Property interest in any conveyance, including but not limited to aircraft, vehicles, or
25 vessels, which is used or intended for use in the procurement, manufacture, compounding,
26 processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation
27 of this chapter.

28 (c) Any moneys, coin, currency, negotiable instruments, securities or other investments
29 knowingly used or intended for use in the procurement, manufacture, compounding, processing,
30 concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this

1 chapter and all proceeds, including moneys, coin, currency, negotiable instruments, securities or
2 other investments, and any real or personal property, traceable thereto. [~~All moneys, coin, currency,
3 negotiable instruments, securities and other investments found in proximity to controlled substances
4 are presumed to be forfeitable under this paragraph. The claimant of the property shall bear the
5 burden of rebutting this presumption.~~]

6 (d) Any books, records, ledgers and research material, including formulae, microfilm,
7 tapes and any other data which are used or intended for use in felonious violation of this chapter.

8 (e) Any real property, including any right, title, leasehold interest, and other interest in
9 the whole of any lot or tract of land and any appurtenances or improvements, which real property is
10 knowingly used or intended for use, in any manner or part, in the procurement, manufacture,
11 compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in
12 felonious violation of this chapter.

13 I-a. The state shall have a lien on any property subject to forfeiture under this section upon
14 seizure thereof. Upon forfeiture, the state's title to the property relates back to the date of seizure.

15 I-b. Property may be seized for forfeiture by any law enforcement agency designated by the
16 [~~department of justice~~] **state**, as follows:

17 (a) Upon process issued by any justice, associate justice or special justice of the circuit or
18 superior court. The court may issue a seizure warrant on an affidavit under oath demonstrating
19 that probable cause exists for its forfeiture or that the property has been the subject of a previous
20 final judgment of forfeiture in the courts of any state or of the United States. The application for
21 process and the issuance, execution and return of process shall be subject to applicable state law.
22 The court may order that the property be seized and secured on such terms and conditions as are
23 reasonable in the discretion of the court. Such order may include an order to a financial institution
24 or to any fiduciary or bailee to require the entity to impound any property in its possession or control
25 and not to release it except upon further order of the court. The order may be made on or in
26 connection with a search warrant;

27 (b) Physically, without process on probable cause to believe that the property is subject
28 to forfeiture under this chapter; or

29 (c) Constructively, without process on probable cause to believe that the property is
30 subject to forfeiture under this chapter, by recording a notice of pending forfeiture in the registry of
31 deeds in the county where the real property is located or at the town clerk's office where the personal
32 property is located stating that the state intends to seek forfeiture of the identified property
33 pursuant to this chapter.

34 (d) A seizure for forfeiture without process under subparagraph (b) or (c) is reasonable if
35 made under circumstances in which a warrantless seizure or arrest would be valid in accordance
36 with state law.

1 (e) *United States currency totaling \$1,000 or less, or a motor vehicle of \$5,000 or*
 2 *less in market value, shall be exempt from seizure and forfeiture. The department of*
 3 *justice shall notify state, county, and municipal law enforcement agencies of the*
 4 *publications that such agencies may use to establish the value of a motor vehicle.*

5 (f) *Notwithstanding subparagraph (e), any property may be seized or*
 6 *impounded according to state law if it is needed as evidence in a criminal investigation or*
 7 *prosecution. The agency seizing the property may take reasonable steps to preserve it for*
 8 *use as evidence in the investigation or prosecution. This may include promptly returning*
 9 *the property and using photographs or other alternatives as evidence.*

10 I-c. Upon seizure of any items or property interests the property shall not be subject to
 11 alienation, sequestration or attachment but is deemed to be in the custody of the department of
 12 justice subject only to the order of the court.

13 I-d. *A person from whom property is seized may waive the person's rights, interests,*
 14 *and title in the seized property by knowingly and voluntarily executing a forfeiture*
 15 *document that identifies the seized property to be forfeited and, if any, encumbrances or*
 16 *liens on the seized property and is approved by the official authorized to prosecute the*
 17 *associated criminal charge. A law enforcement officer, other than the official authorized*
 18 *to prosecute the associated criminal charge, may not request, induce, or require a person to*
 19 *relinquish, for purpose of forfeiture, the person's rights, interests, and title in seized*
 20 *property. A waiver resulting from efforts by a law enforcement officer, other than the*
 21 *official authorized to prosecute the associated criminal charge, which purports to*
 22 *relinquish a person's rights, interests, and title in seized property is void. The waiver is*
 23 *inadmissible in court.*

24 II.(a) Upon the seizure of any personal property under paragraph I, the person making or
 25 directing such seizure shall inventory the items or property interests and issue a copy of the
 26 resulting report to any person or persons having a recorded interest, or claiming an equitable
 27 interest in the item within 7 days of said seizure.

28 (b) Upon seizure of any real property under paragraph I, the person making or directing
 29 such seizure shall notify any person having a recorded interest or claiming an equitable interest in
 30 the property within 7 days of said seizure.

31 (c) The seizing agency shall cause an appraisal to be made of the property as soon as
 32 possible and shall promptly send to the ~~[department of justice]~~ **state** a written request for forfeiture.
 33 This request shall include a statement of all facts and circumstances supporting forfeiture of the
 34 property, including the names of all witnesses then known, and the appraised value of the property.

35 (d) The ~~[department of justice]~~ **state** shall examine the facts and applicable law of the
 36 cases referred pursuant to subparagraph (c), and if it is probable that the property is subject to
 37 forfeiture, shall cause the initiation of ~~[administrative or]~~ judicial proceedings ~~[against]~~ **related to**

1 the property. If upon inquiry and examination, the ~~[department of justice]~~ **state** determines that
2 such proceedings probably cannot be sustained or that the ends of justice do not require the
3 institution of such proceedings, the ~~[department]~~ **state** shall make a written report of such findings
4 and send a copy to the seizing agency, and, if appropriate, shall also authorize and direct the release
5 of the property.

6 ~~[(c) The department of justice shall, within 60 days of the seizure, file a petition in the
7 superior court having jurisdiction under this section. If no such petition is filed within 60 days, the
8 items or property interest seized shall be released or returned to the owners.]~~

9 II-a. Pending forfeiture and final disposition, the law enforcement agency making the
10 seizure shall:

11 (a) Place the property under seal; or

12 (b) Remove the property to a storage area for safekeeping; or

13 (c) Remove the property to a place designated by the court; or

14 (d) Request another agency to take custody of the property and remove it to an
15 appropriate location within the state; or

16 (e) In the case of moneys, file a motion for transfer of evidence under RSA 595-A:6.

17 Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-
18 bearing seized asset escrow account to be administered by the attorney general. Upon resolution of
19 the forfeiture proceeding the moneys deposited shall be transferred to the drug forfeiture fund or
20 returned to the owners thereof as directed by the court. Unless otherwise ordered by a court in a
21 specific case, interest on all moneys deposited in the seized asset escrow account shall be deposited
22 annually into the drug forfeiture fund established under RSA 318-B:17-c.

23 III. The court may order **civil** forfeiture of all items or property interests subject to the
24 provisions of paragraph I~~], except as follows:~~

25 ~~(a) No item or property interest shall be subject to forfeiture unless the owner or owners
26 thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.~~

27 ~~(b) No items or property interests shall be subject to forfeiture unless involved in an
28 offense which may be charged as a felony] following a conviction for a felony violation of this
29 chapter pursuant to paragraph III-a.~~

30 *III-a.(a)(1) The court that has jurisdiction in the associated criminal matter shall
31 have jurisdiction over the civil forfeiture litigation. The same judge shall be assigned
32 responsibility for both processes and shall coordinate hearings as required in the interest
33 of justice. The civil forfeiture litigation shall be docketed separately from the criminal
34 matter and be assigned its own docket number.*

35 *(2) If a defendant in a criminal matter is represented by a public defender or
36 counsel appointed by the court, the public defender or appointed counsel shall represent
37 the defendant in the civil forfeiture proceeding in this section.*

1 (3) *Following seizure, any person other than a defendant with an interest in*
2 *the seized property shall have a right to a post-seizure hearing.*

3 (4) *The court may hold the post-seizure hearing:*

4 (A) *As a separate hearing;*

5 (B) *At the same time as a probable cause determination, a post-*
6 *arraignment hearing, or other pretrial hearing; or*

7 (C) *At the court's discretion.*

8 (5) *A party, by agreement or for good cause, may move for one extension of no*
9 *more than 30 days. Any motion may be supported by affidavits or other submissions.*

10 (6) *The court shall order the return of property if, by a preponderance of*
11 *evidence, it finds:*

12 (A) *The seizure was invalid;*

13 (B) *A criminal charge has not been filed and no extension of the filing*
14 *period is available; or*

15 (C) *The property cannot be forfeited under this chapter.*

16 (7) *Notwithstanding subparagraph (6), the court may impose reasonable*
17 *conditions on the return of the property, including delaying return or the use of*
18 *photographic evidence, to preserve the property for later use as evidence in criminal*
19 *prosecution.*

20 (8) *The provisions of this paragraph shall not apply to the return of*
21 *controlled substances.*

22 (b) *In a case in which the state seeks forfeiture of property, the state shall file*
23 *with the court a civil complaint for forfeiture. It shall include the following information:*

24 (1) *A description of the property seized;*

25 (2) *The time, date, and place of the seizure; and*

26 (3) *A description of how the property was used in or derived from the alleged*
27 *crime.*

28 (c)(1) *The state shall serve the civil complaint for forfeiture on a reasonably*
29 *timely basis. This includes:*

30 (A) *At arraignment;*

31 (B) *For cases initiated in the circuit court-district division, no later than*
32 *90 days after the underlying criminal case has been bound over to the superior court;*

33 (C) *For cases initiated in superior court, no later than 90 days after the*
34 *complaint has been filed;*

35 (D) *As established by the superior court in its grant of a motion by the*
36 *prosecuting authority that seeks extension of the deadlines in subparagraph (B) or (C) as*
37 *required in the interests of justice; or*

1 (5) *Is deceased, provided that the defendant's death shall not preclude the*
2 *defendant's heir or legatee from filing a claim for the seized property as an innocent owner*
3 *under subparagraph (l).*

4 (j) *The defendant may motion the court to determine whether the forfeiture is*
5 *unconstitutionally excessive under the state or federal constitution. At the court's*
6 *discretion, the court may hold a proportionality hearing:*

7 (1) *As a separate hearing;*

8 (2) *At the same time as post-arraignment hearing, a suppression hearing, a*
9 *post seizure hearing, an omnibus hearing, or other pretrial hearing; or*

10 (3) *As a hearing after conviction.*

11 (A) *The defendant shall bear the burden of establishing the forfeiture is*
12 *unconstitutionally excessive by a preponderance of the evidence at a hearing conducted by*
13 *the court without a jury. In determining whether the forfeiture is unconstitutionally*
14 *excessive, the court shall not consider the value of the property to the state.*

15 (B) *At any hearing, as allowed by subparagraph (j), the court may*
16 *consider all relevant factors to determine if the forfeiture is unconstitutionally excessive*
17 *but may consider other relevant factors including:*

18 (i) *The seriousness of the crime and its impact on the community,*
19 *including the duration of the activity, use of a firearm, and harm caused by the defendant;*

20 (ii) *The extent to which the defendant participated in the crime;*

21 (iii) *The extent to which the property was integral to committing the*
22 *crime;*

23 (iv) *Whether the crime was completed or attempted;*

24 (v) *The sentence or fine to be imposed for committing the crime;*

25 (vi) *Any unjust hardship to the defendant's family if the property is*
26 *forfeited; and*

27 (vii) *All relevant factors related to the fair market value of the*
28 *property.*

29 (k)(1) *Property encumbered by a security interest shall not be forfeited. The*
30 *state shall return property to a secured interest holder, other than the defendant or*
31 *rightful owner, up to the value of the interest.*

32 (2) *If the property is not returned, the secured interest holder may file a*
33 *pleading in the civil action commenced by the state with the superior court at any time*
34 *before the court enters judgment in the associated criminal prosecution or grants the*
35 *motion in subparagraph (i).*

1 (3) *The court shall hold a hearing on the pleading within 30 days after its*
2 *filing or at the court's discretion. The hearing shall be held before the court without a*
3 *jury.*

4 (4) *The secured interest holder shall establish by a preponderance of the*
5 *evidence the validity of the security interest, mortgage, lien, leasehold, lease, rental*
6 *agreement, or other agreement.*

7 (5) *If the secured interest holder establishes a valid interest but the state*
8 *seeks to proceed, the state shall prove by a preponderance of the evidence that:*

9 (A) *The interest resulted from a fraudulent conveyance;*

10 (B) *The interest is held through a straw purchase, trust, or otherwise for*
11 *the benefit of the defendant; or*

12 (C) *The secured interest holder consented to the use of the property in the*
13 *crime for which the defendant is charged.*

14 (6) *If the state fails to meet its burden under subparagraph (5), the court*
15 *shall order the state to relinquish claims to the property, up to the value of the interest,*
16 *and return the interest to the secured interest holder.*

17 (7) *Notwithstanding subparagraph (6), the court may impose reasonable*
18 *conditions on the return of the property, including delaying return or the use of*
19 *photographic evidence, to preserve the property for later use as evidence in criminal*
20 *prosecution.*

21 (1)(1) *Property of a defendant's heir, owner, or co-owner of seized property who*
22 *does not have actual knowledge of the use of the property in a crime that authorizes the*
23 *forfeiture of the property, but not the defendant or secured interest holder, shall not be*
24 *forfeited. In this paragraph, "actual knowledge" means direct and clear awareness of*
25 *information, a fact, or a condition. The state summarily shall return property to such*
26 *owner.*

27 (2) *If the property is not summarily returned, an innocent owner may file a*
28 *pleading in the civil action commenced by the state with the superior court at any time*
29 *before the court enters judgment in the associated criminal prosecution or grants the*
30 *requested relief in the civil case referred to in subparagraph (i).*

31 (3) *An innocent owner may file a pleading the superior court by filing a*
32 *simple statement that sets forth:*

33 (A) *The owner's interest;*

34 (B) *Additional facts supporting the owner's claim; and*

35 (C) *The relief sought by the owner.*

1 (4) *The court shall hold a hearing on the innocent owner's pleading within*
2 *30 days after its filing or at the court's discretion. The hearing shall be held before the*
3 *court alone without a jury.*

4 (5) *The innocent owner shall establish by a preponderance of the evidence*
5 *the validity of interest.*

6 (6) *If the innocent owner meets the burden under subparagraph (5) and the*
7 *state seeks to proceed, the state shall prove by a preponderance of the evidence that the*
8 *innocent owner is not entitled to the property because:*

9 (A) *The innocent owner had actual knowledge the property was used in*
10 *or derived directly from the crime for which the defendant is charged and the claimant did*
11 *not take reasonable steps to prevent the use of the property in the crime for which the*
12 *defendant is charged. The claimant is not required to take steps the claimant reasonably*
13 *believes would subject the claimant to physical danger;*

14 (B) *The innocent owner was willfully blind to the crime for which the*
15 *defendant is charged; or*

16 (C) *The innocent owner was not a bona fide purchaser without notice of*
17 *any defect in title and for valuable consideration.*

18 (7) *If the state fails to meet its burden in subparagraph (6), the court shall*
19 *order the state to relinquish all claims and return the property to the innocent owner.*

20 (8) *Notwithstanding subparagraph (7), the court may impose reasonable*
21 *conditions on the return of the property, including delaying return or the use of*
22 *photographic evidence, to preserve the property for later use as evidence in criminal*
23 *prosecution.*

24 (9) *No information in the innocent owner's statement shall be used as*
25 *evidence in a criminal proceeding.*

26 (10) *Nothing in this paragraph shall prohibit the innocent owner from*
27 *providing information to any party or testifying in any trial as to facts the innocent owner*
28 *knows.*

29 (11) *The defendant or convicted offender may invoke the right against self-*
30 *incrimination or the marital privilege during the forfeiture proceeding. The trier of fact*
31 *may draw an adverse inference from the invocation of the right or privilege.*

32 (m)(1) *If the state fails to meet its burden in the associated criminal or the civil*
33 *forfeiture proceeding, the court shall enter judgment dismissing the forfeiture proceeding*
34 *and ordering the return of property unless the owner's possession of the property is illegal.*

35 (2) *If the state meets its burden in the civil forfeiture proceeding, the court*
36 *shall enter judgment forfeiting the property.*

1 (3) *A court may enter judgment following a hearing, pursuant to a*
2 *stipulation or plea agreement, or at the court's discretion.*

3 (n) *Upon the state's motion following the court entering judgment in the*
4 *associated criminal prosecution or at the court's discretion, the court may order the*
5 *forfeiture of substitute property owned solely by the defendant up to the value of property*
6 *that is beyond the court's jurisdiction or cannot be located through due diligence, only if*
7 *the state proves by a preponderance of the evidence that the defendant intentionally:*

8 (1) *Dissipated the property;*

9 (2) *Transferred, sold, or deposited property with a third party to avoid*
10 *forfeiture;*

11 (3) *Diminished substantially the value of property; or*

12 (4) *Commingled property with other property that cannot be divided without*
13 *difficulty.*

14 (o) *A defendant shall not be jointly and severally liable for forfeiture awards*
15 *owed by other defendants. When ownership is unclear, a court may order each defendant*
16 *to forfeit property on a pro rata basis or by another means the court finds equitable.*

17 (p)(1) *A party to forfeiture proceeding, other than the defendant, may appeal*
18 *the court's decision upon the issuance of the order pursuant to the state's rules of civil*
19 *procedure and court rules.*

20 (2) *The defendant may appeal the court's decision regarding the seizure or*
21 *forfeiture of property following final judgment in the forfeiture proceeding.*

22 (q)(1) *If the court orders the return of property, the law enforcement agency that*
23 *holds the property shall return the property to the rightful owner within a reasonable*
24 *period not to exceed 5 days after the date of the order.*

25 (2) *The rightful owner shall not be subject to any expenses related to towing,*
26 *storage, or preservation of the property.*

27 (3) *The law enforcement agency that holds the property shall be responsible*
28 *for any damages, storage fees, and related costs applicable to property returned under this*
29 *section.*

30 (r) *No law enforcement agency shall sell forfeited property directly or indirectly*
31 *to any employee of the law enforcement agency, to a person related to an employee by blood*
32 *or marriage, or to another law enforcement agency.*

33 ~~IV. (a) The department of justice may petition the superior court in the name of the state in~~
34 ~~the nature of a proceeding in rem to order forfeiture of items or property interests subject to~~
35 ~~forfeiture under the provisions of this section. Such petition shall be filed in the court having~~
36 ~~jurisdiction over any related criminal proceedings which could be brought under this chapter.~~

1 ~~(b) Such proceeding shall be deemed a civil suit in equity in which the state shall have~~
2 ~~the burden of proving all material facts by a preponderance of the evidence and in which the owners~~
3 ~~or other persons claiming an exception pursuant to paragraph III shall have the burden of proving~~
4 ~~such exception.~~

5 ~~(c) The court shall issue summonses to all persons who have a recorded interest or claim~~
6 ~~an equitable interest in said items or property interests seized under this chapter and shall schedule~~
7 ~~a hearing on the petition to be held within 90 days of the date specified by the court on the~~
8 ~~summonses.~~

9 ~~(d) At the request of any party to the forfeiture proceeding, the court may grant a~~
10 ~~continuance until the final resolution of any criminal proceedings which were brought against a~~
11 ~~party under this chapter and which arose from the transaction which gave rise to the forfeiture~~
12 ~~proceeding. No asset forfeiture may be maintained against a person's interest in property if that~~
13 ~~person has been found not guilty of the underlying felonious charge.~~

14 ~~(e) At the hearing, the court shall hear evidence and make findings of fact and rulings of~~
15 ~~law as to whether the property is subject to forfeiture under this chapter. Except in the case of~~
16 ~~proceeds, upon a finding that the property is subject to forfeiture the court shall determine whether~~
17 ~~the forfeiture of the property is not excessive in relation to the underlying criminal offense. In~~
18 ~~making this determination the court shall consider whether in addition to any other pertinent~~
19 ~~considerations:~~

20 ~~(1) There is a substantial connection between the property to be forfeited and the~~
21 ~~underlying drug offense;~~

22 ~~(2) Criminal activities conducted by or through the use of the property were~~
23 ~~extensive; and~~

24 ~~(3) The value of the property to be forfeited greatly outweighs the value of the drugs~~
25 ~~that were or would have been likely to be distributed, the costs of the investigation and prosecution,~~
26 ~~and the harm caused by the criminal conduct. The court shall, thereupon, make a final order, from~~
27 ~~which all parties shall have a right of appeal.~~

28 ~~V.] Final orders for forfeiture of property under this section shall be implemented by the~~
29 ~~[department of justice] **state** and shall provide for disposition of the items or property interests by~~
30 ~~the state in any manner not prohibited by law, including retention for official use by law~~
31 ~~enforcement or other public agencies or sale at public auction. The [department of justice] **state**~~
32 ~~shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of~~
33 ~~custody, advertising, court costs, and notice of sale from any money forfeited and from the proceeds~~
34 ~~of any sale or public auction of forfeited items. All outstanding recorded liens on said items or~~
35 ~~property interests seized shall be paid in full upon conclusion of the court proceedings from the~~
36 ~~proceeds of any sale or public auction of forfeited items. The balance remaining shall be distributed~~
37 ~~by the [department of justice] **state** as follows:~~

1 (a) Of the first \$600,000, \$100,000 shall be credited to the police psychological stability
2 screening fund established in RSA 106-L:16 and from the remainder:

3 (1) Forty-five percent shall be returned to the fiscal officer or officers of the
4 municipal, county, state, or federal government which provided the law enforcement agency or
5 agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a
6 special account and shall be used primarily for meeting expenses incurred by law enforcement
7 agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such
8 funds shall be available for expenditure without further appropriation by the legislative body of the
9 municipal, county, state or federal government, and shall not be transferred or expended for any
10 other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special
11 nonlapsing account established within the office of the state treasurer and shall be in addition to all
12 other state appropriations to such agency;

13 (2) Ten percent shall be deposited into a special nonlapsing account established
14 within the office of the state treasurer for the department of health and human services; and

15 (3) Forty-five percent shall be deposited in a revolving drug forfeiture fund,
16 administered by the ~~[department of justice]~~ **state** pursuant to RSA 318-B:17-c; and

17 (b) Of any balance remaining:

18 (1) Ten percent shall be deposited in the manner prescribed in subparagraph V(a)(2)
19 of this section; and

20 (2) Ninety percent shall be deposited in the manner prescribed in subparagraph
21 V(a)(3) of this section.

22 The total amount of payments made to the special account for the department of health and
23 human services pursuant to subparagraphs ~~V(a)(2) and V(b)(1)~~ **IV(a)(2)** of this section shall not
24 exceed \$400,000 in any fiscal year and any excess over \$400,000 which would otherwise be paid to
25 such special account under this section shall be deposited in the general fund. The revolving drug
26 forfeiture fund **pursuant to subparagraph IV(a)(3)** shall at no time exceed \$1,000,000. All sums
27 in the revolving drug forfeiture fund in excess of \$1,000,000 shall be credited to the general fund.

28 4 Police Standards and Training; Education and Training Required. Amend RSA 106-L:6, III to
29 read as follows:

30 III. The council, by rules adopted under RSA 541-A, shall establish the standards for
31 physical and mental fitness under paragraphs IV-XI and shall fix other qualifications for the
32 appointment of police officers, state corrections officers, and probation-parole officers, including
33 minimum age, physical and mental standards, citizenship, good moral character, experience, and
34 other such matters as relate to the competence and reliability of persons to assume and discharge
35 the responsibilities of their offices. **The council shall not certify as a law enforcement officer**
36 **any person who was a law enforcement officer in any federal agency or for any other state,**

1 ***and who was terminated for cause from that position.*** The council shall prescribe the means
2 for presenting evidence of the fulfillment of these requirements.

3 5 Police Standards and Training; Education and Training Required. Amend RSA 106-L:6, VI to
4 read as follows:

5 VI. The council shall require that all uncertified part-time and full-time police officers, state
6 corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a
7 psychological screening test battery administered under the direction of a licensed psychologist or
8 psychiatrist according to protocols adopted by the council and designed to detect behavioral traits
9 that could adversely affect the person's ability to perform the essential functions of a law
10 enforcement officer. Such an examination shall be valid for a period of one year from the date of
11 administration for purposes of application for such employment. ***If an officer is found to have***
12 ***engaged in misconduct but continues to be certified, such screenings shall be required***
13 ***every 5 years following the finding of misconduct.***

14 6 New Paragraph; Falsification in Official Matters; Unsworn Falsification. Amend RSA 641:3
15 by inserting after paragraph I the following new paragraph:

16 I-a. A person is guilty of a violation if, while serving as a certified law enforcement officer,
17 he or she knowingly makes a false entry on any written report.

18 7 Effective Date. This act shall take effect January 1, 2027.

**HB 1801-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to causes of action for wrongful detention, drug forfeiture proceedings, the regulation of law enforcement officers, and the offense of unsworn falsification.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Decrease		
<i>Revenue Fund</i>	Forfeiture Revenue			
Expenditures*	Indeterminable Increase			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</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	Indeterminable Increase			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

The Office of Legislative Budget Assistant is unable to provide a complete fiscal note for this bill as it is awaiting information from the Police Standards and Training Council. The Council was contacted on 11/19/25 for a fiscal note worksheet. When completed, the fiscal note will be forwarded to the House Clerk's Office.

METHODOLOGY:

This bill, effective January 1, 2027, creates special provisions for actions alleging wrongful detention, modifies procedures governing the forfeiture of property connected to drug offenses, establishes new requirements for the certification and recertification of law enforcement officers, and makes it a violation-level offense for an officer to knowingly provide false information in a written report. With respect to forfeiture, the bill requires that forfeiture proceedings be handled by the prosecuting agency responsible for the associated criminal case, rather than by the Department of Justice. The bill also increases the burden of proof required to obtain

forfeiture, making these proceedings more complex and more difficult for the State to successfully pursue.

The Department of Justice (DOJ) states it would be required to provide legal guidance, coordination, and support to county attorneys and to the Department of Safety as they assume these responsibilities. To meet these ongoing obligations, DOJ anticipates the need for one additional full-time attorney. Shifting primary responsibility to the counties will also increase the workload and associated costs for county attorneys, and the heightened burden of proof will likely reduce the amount of property successfully forfeited statewide. As a result, law-enforcement agencies and the Department of Safety may experience reduced forfeiture revenue; the magnitude of this impact is indeterminable at this time. The estimated cost for one attorney position is \$137,000 in FY 2027, \$138,000 in FY 2028, and \$139,000 in FY 2029. This bill provides neither authorization nor appropriation for new personnel. The Department of Justice states it is uncertain what forfeiture revenue would be lost because of this bill. Therefore, the revenue fiscal impact is indeterminable, but it would be a decrease. It is also uncertain what the full costs would be for the Department of Justice and the counties associated with this bill. Therefore, the overall fiscal impact for both is indeterminable but could be \$100,000 to \$500,000 or less for the Department and \$100,000 to \$500,000 for each county.

The Judicial Branch assumes that substantial work would be required by the court's administrative team to develop and update case-processing requirements in criminal cases, (including the instructions, forms, orders, standard procedures, and case processing manuals). The Branch states it would be required to invest in robust training for judges and staff. These expenses would include the cost of hiring trainers, travel reimbursements, technical equipment, printed materials/bench cards, and per diem coverage for judges/court staff absent during training. The Branch assumes that once the adjustments are made to case processing and the preparation of training materials, then thereafter the fiscal impact of the legislation on the Judicial Branch is indeterminate but likely less than \$10,000. Without dedicated funding, the Branch would be required to reallocate existing staff to update systems and forms, and deliver training causing deferrals in other initiatives. If funded, the Branch would likely utilize limited-term positions or contracts to meet the January 2027 enactment timeline. The program-related staffing would result in expenditures of more than \$10,000, but less than \$100,000 in the months prior to implementation.

Lastly, this bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state,

as well as county and local governments. A summary of such costs can be found at:
https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, Police Standards and Training Council, New Hampshire Association of Counties, and New Hampshire Municipal Association