

HB 1576-FN - AS AMENDED BY THE HOUSE

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2026 SESSION

26-2889
09/08

HOUSE BILL ***1576-FN***

AN ACT relative to the enforcement of criminal restitution obligations.

SPONSORS: Rep. Paquette, Hills. 25; Rep. Cole, Hills. 26; Rep. Dupont, Hills. 20; Rep. Gagne, Hills. 16; Rep. Kesselring, Hills. 18; Rep. Korzen, Coos 7; Rep. McGrath, Rock. 40; Rep. McLean, Hills. 15; Rep. Morton, Hills. 39; Rep. Grill, Hills. 18; Sen. Innis, Dist 7; Sen. Sullivan, Dist 18

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides for new mechanisms for the enforcement of criminal restitution obligations, including mandatory financial reevaluation and additional penalties for noncompliance.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 enforcement of criminal restitution obligations.

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

1 1 Legislative Findings and Purpose. The general court finds that restitution is a court-ordered
 2 obligation intended to help victims recover from the harm caused by crime. The current statutory
 3 framework does not provide sufficient safeguards to ensure timely disbursement of restitution,
 4 consistent enforcement of payment obligations, or regular review of an offender’s ability to pay. Too
 5 often, victims are left waiting for payments or without clear communication regarding enforcement.
 6 It is therefore the purpose of this act to modernize New Hampshire’s restitution system by requiring
 7 mandatory financial reevaluations, strengthening enforcement mechanisms, improving victim
 8 communication, requiring prompt disbursement of collected funds, and extending restitution
 9 obligations to a victim’s estate when appropriate. These reforms are remedial in nature and shall
 10 apply to both current and future restitution orders, so that all victims may benefit from the
 11 protections herein provided.

2 2 Restitution; Time and Method. Amend RSA 651:64, I to read as follows:

3 I. The time and method of restitution payments or performance of restitution services shall
 4 be specified by the department of corrections. Monetary restitution may be by lump sum, or by
 5 periodic installments in any amounts. The court shall not be required to reduce the total obligation
 6 as a result of the offender's inability to pay. The offender shall bear the burden of demonstrating
 7 lack of ability to pay. Restitution shall be paid by the offender to the department of corrections
 8 unless otherwise ordered by the court. Monetary restitution shall not bear interest, **except as**
 9 **authorized by this section.** Restitution shall be made to any collateral source or subrogee, if
 10 authorized by that source and after restitution to the victim, and to the victims' assistance fund, if
 11 applicable, has been satisfied. Restitution shall be a continuing obligation of the offender's estate
 12 and shall inure to the benefit of the victim's estate, provided that no indebtedness shall pass to any
 13 heir of the offender's estate.

14 3 Restitution; Time and Method; Enforcement. RSA 651:64, III is repealed and reenacted to
 15 read as follows:

16 III.(a) The department of corrections shall conduct a mandatory reevaluation of each
 17 offender’s financial ability to pay restitution at least once every 12 months.

18 (b) If a reevaluation determines that the offender’s ability to pay has substantially
 19 increased, including but not limited to salary increases, lump sum payments, inheritance,
 20 settlement, or other financial gain, the department shall adjust the payment schedule upward
 21 within 30 days.
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1 (c) Any adjustment shall apply retroactively to the date of the increase, with arrears
2 added to the balance owed.

3 (d) Any such adjustment shall trigger immediate notification to the victim pursuant to
4 paragraph V.

5 (e) Each reevaluation shall also include a review of the offender's payment history. If
6 the offender has missed payments, paid less than ordered without good cause, or intentionally
7 delayed payments, the department shall initiate enforcement measures pursuant to paragraph IV.

8 (f) The offender shall promptly notify the department of corrections of any change in
9 their ability to pay that occurs outside the reevaluation period.

10 IV. For any incarcerated offender, the department of corrections shall automatically deduct
11 10 percent of all incoming monies from the offender's resident account to pay restitution unless
12 otherwise precluded by court order.

13 V.(a) In the event of noncompliance, the department of corrections shall initiate enforcement
14 actions, which may include:

15 (1) Wage garnishment.

16 (2) Interception of tax refunds.

17 (3) Placement of liens on real property and assets.

18 (4) Referral to the appropriate prosecuting authority for consideration of prosecution
19 for contempt, pursuant to RSA 651:67.

20 (b) Intentional nonpayment shall result in interest accruing on the unpaid balance at
21 the civil judgment rate established pursuant to RSA 336:1, II, together with a financial penalty, as
22 established by rule, designed to deter noncompliance.

23 VI.(a) The department of corrections shall provide written notice to victims within 30 days of
24 any reevaluation results, payment schedule changes, or enforcement actions taken.

25 (b) In the absence of any change, the department of corrections shall provide quarterly
26 payment status updates to victims unless the victim elects otherwise in writing.

27 (c) If restitution payments will be delayed for any reason, including administrative or
28 technical delays, the department of corrections shall provide the victim with written notice
29 explaining the reason for the delay and the expected payment date.

30 VII. The department of corrections, or any agent acting on its behalf, shall disburse all
31 restitution payments to victims within 45 days of receipt of the funds from the offender or the
32 offender's financial institution. In the event that disbursement is disrupted for any reason, the
33 department of corrections shall notify the victim in writing of the delay, the reason for the
34 disruption, and the anticipated date of payment.

35 VIII. The original prosecuting authority shall continue to provide victim services for the
36 victim until all restitution orders have been fully satisfied.

HB 1576-FN - AS AMENDED BY THE HOUSE

- Page 3 -

1 4 Application. The provisions of this section are remedial in nature and shall apply to all
2 existing restitution orders as of the effective date of this section, as well as to all future restitution
3 orders.

4 5 Effective Date. This act shall take effect June 1, 2027.

**HB 1576-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT # 2026-0366h)**

AN ACT relative to the enforcement of criminal restitution obligations.

FISCAL IMPACT:

The Department of Corrections states that, following the Governor and Executive Council's approval of a contract for a new restitution management system, the requirements of this bill can be absorbed within existing resources; therefore, no fiscal impact to state revenues or expenditures is expected.

AGENCIES CONTACTED:

Department of Corrections