

HB 1696-FN - VERSION ADOPTED BY BOTH BODIES

2026 SESSION

26-2420
09/08

HOUSE BILL ***1696-FN***

AN ACT relative to the issuance of a summons instead of arrest.

SPONSORS: Rep. Rhodes, Ches. 17; Rep. Berry, Hills. 44; Rep. D. Mannion, Rock. 25; Rep. Roy, Rock. 31; Rep. Sweeney, Rock. 25

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill makes it a misdemeanor to fail to remain of good behavior while released pursuant to a summons in lieu of arrest, and provides penalties for violations of the terms of the summons.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 issuance of a summons instead of arrest.

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

1 1 Summons Instead of Arrest. Amend RSA 594:14 to read as follows:

2 594:14 Summons Instead of Arrest.

3 I. In any case in which a peace officer has probable cause to believe that a person has
4 committed a misdemeanor or violation, the officer may issue to the person in hand a written
5 summons in lieu of arrest. This shall not apply if the peace officer has probable cause to believe that
6 a person has committed abuse as defined under RSA 173-B:1, I, violated a temporary or permanent
7 protective order issued under RSA 173-B or RSA 458:16, or violated stalking provisions under RSA
8 633:3-a. The summons shall be in substantially the following form:

9 The State of New Hampshire

10 To

11 You are hereby notified to appear before the circuit court of the State of New Hampshire,
12 district division, to be holden in on the day of 20 at o'clock in the
13 forenoon (afternoon) to answer to a complaint (to be filed in said court) charging you with ... in
14 violation of the laws of the State of New Hampshire. If you are charged with a class A misdemeanor
15 or felony and you want a lawyer to represent you at the arraignment and throughout your case, but
16 you cannot afford to hire a lawyer, you must fill out an application for court-appointed counsel and
17 deliver it to the circuit court identified above as soon as possible. The court will appoint an attorney
18 to represent you if your application shows that you are eligible. If you believe that you are eligible
19 for appointed counsel, you may apply prior to your arraignment.

20 Hereof fail not, as you will answer your default under the penalty of the law in that behalf made and
21 provided.

22 Pending appearance as described herein, you shall remain of good behavior.

23 Dated at Name

24 the day of 20 Title

25 Upon failure to appear or to remain of good behavior, a warrant of arrest may issue. Any person
26 who fails to appear in answer to such summons ***or fails to remain of good behavior*** shall be
27 guilty of a misdemeanor ***as outlined in this section and shall be subject to the penalties of***
28 ***paragraph V.***

29 II. A summons may be issued after an arrest for a misdemeanor or violation in lieu of bail.

30 ***III. A person is guilty of an offense if, after having been released under this section,***
31 ***they:***

1 (a) *Knowingly fail to appear before a court as required by the conditions of*
2 *their release; or*

3 (b) *Knowingly fail to remain of good behavior as required by their conditions of*
4 *release.*

5 IV. *For the purpose of this section, "good behavior" means not committing any*
6 *felony, misdemeanor, or major motor vehicle offense while on release. Proof of a criminal*
7 *conviction shall not be required to show a violation of good behavior, but the state shall*
8 *prove the commission of the underlying acts beyond a reasonable doubt.*

9 V. *Any person found guilty of violating this section shall be guilty of a*
10 *misdemeanor.*

11 VI. *A term of imprisonment imposed pursuant to this section shall be consecutive to*
12 *the sentence of imprisonment for any other offense.*

13 VII. *It is an affirmative defense to a prosecution under this section that*
14 *uncontrollable circumstances prevented the person from appearing and that the person*
15 *did not contribute to the creation of such circumstances in reckless disregard of the*
16 *requirement that he or she appear, and that he or she appeared as soon as such*
17 *circumstances ceased to exist.*

18 VIII. *Any person issued a summons under this section shall be subject to the*
19 *conditions listed therein until bail is ordered or until the matter is resolved, whichever is*
20 *earlier.*

21 2 Effective Date. This act shall take effect January 1, 2027.

**HB 1696-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the issuance of a summons instead of arrest.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<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			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

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, New Hampshire Association of Counties, and New Hampshire Municipal Association