

CHAPTER 75
HB 1696-FN - FINAL VERSION

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 struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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 75:1 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 summons in
5 lieu of arrest. This shall not apply if the peace officer has probable cause to believe that a person has
6 committed abuse as defined under RSA 173-B:1, I, violated a temporary or permanent protective order
7 issued under RSA 173-B or RSA 458:16, or violated stalking provisions under RSA 633:3-a. The
8 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, district
12 division, to be holden in on the day of 20 at o'clock in the forenoon
13 (afternoon) to answer to a complaint (to be filed in said court) charging you with in violation of the laws
14 of the State of New Hampshire. If you are charged with a class A misdemeanor or felony and you want a
15 lawyer to represent you at the arraignment and throughout your case, but you cannot afford to hire a
16 lawyer, you must fill out an application for court-appointed counsel and deliver it to the circuit court
17 identified above as soon as possible. The court will appoint an attorney to represent you if your
18 application shows that you are eligible. If you believe that you are eligible for appointed counsel, you may
19 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 who fails
26 to appear in answer to such summons, ***or fails to remain of good behavior***, shall be guilty of a
27 misdemeanor ***as outlined in this section and shall be subject to the penalties of paragraph V.***

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

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

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

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

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

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

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

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

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

14 75:2 Effective Date. This act shall take effect January 1, 2027.

Approved: May 18, 2026
Effective Date: January 01, 2027

