

CHAPTER 342
HB 1422 - FINAL VERSION

11Mar2026... 0871h
4Jun2026... 2137EBA

2026 SESSION

26-2357
09/08

HOUSE BILL ***1422***

AN ACT relative to the time to petition for a new trial.

SPONSORS: Rep. Tom Mannion, Hills. 1; Rep. Corcoran, Hills. 28; Rep. Sabourin dit Choiniere, Rock. 30; Rep. Berch, Ches. 6

COMMITTEE: Judiciary

ANALYSIS

This bill allows additional time to petition for a new trial in certain circumstances.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the time to petition for a new trial.

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

1 342:1 New Trials; Time. Amend RSA 526:4 to read as follows:

2 526:4 Time.

3 *I. A new trial shall not be granted unless the petition is filed within [three] 3 years after the*
4 *rendition of the judgment complained of, or the failure of the suit.*

5 *II. The time limit in paragraph I shall not apply if:*

6 *(a) The petitioner seeks a new trial in a criminal case that resulted in a conviction of a felony*
7 *or a class A misdemeanor;*

8 *(b) The petitioner is either incarcerated, subject to the terms of a sentence, or subject to*
9 *collateral consequences of the sentence;*

10 *(c) The petition specifically alleges that there is newly discovered evidence and what that*
11 *newly discovered evidence is; and*

12 *(d) The petition specifically alleges that the petitioner is innocent.*

13 *III. For purposes of this section, "newly discovered evidence" includes evidence that can be*
14 *subjected to new or additional forensic testing, evidence that can be subjected to new scientific*
15 *understanding, or evidence that was not available at the time of trial but is available at the time the petition*
16 *is filed. A court may deny a petition for a new trial that is duplicative of a prior petition that was finally*
17 *ruled upon by the court.*

18 *IV. For petitions filed under paragraph II, the court shall first determine whether the petition has*
19 *made a prima facie showing under paragraph II before granting a hearing under RSA 526:1. If upon*
20 *review, it is determined that the petition does make a prima facie showing under paragraph II, the court*
21 *shall then hold a hearing and, if the petitioner is indigent, appoint counsel for the petitioner to determine*
22 *whether the requirements of RSA 526:1 have been met. If upon review, it is determined that the petition*
23 *does not make a prima facie showing, the court may dismiss the petition.*

24 *V. Nothing in this section is intended to supersede the standard for granting a motion for new trial*
25 *as set out in RSA 526:1. For DNA evidence, RSA 651-D shall be followed.*

26 *VI. When a petition for a new trial of a criminal conviction is being considered by the court, the*
27 *state shall, upon request, reactivate victim services for the victim of the crime being reinvestigated during*
28 *the reinvestigation of the case, during the pendency of the proceedings, and, as determined by the court*
29 *after consultation with the victim or victim advocate, following final adjudication of the case.*

30 342:2 Effective Date. This act shall take effect January 1, 2027.

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VETOED July 2, 2026 / Veto Overridden August 19, 2026

Enacted in accordance with Article 44, Part II of the N.H. Constitution, without the signature of the governor August 19, 2026.

Approved: August 19, 2026

Effective Date: January 01, 2027