

HB 103 - AS INTRODUCED

2025 SESSION

25-0014

09/05

HOUSE BILL **103**

AN ACT relative to fugitives from justice.

SPONSORS: Rep. Belcher, Carr. 4; Rep. Tom Mannion, Hills. 1

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides a mechanism for an accused whose extradition is sought by another state to be declared as politically or maliciously persecuted and not subject to the extradition.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to fugitives from justice.

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

1 1 Fugitives from Justice; Duty of Governor; Exception Added. Amend RSA 612:2 to read as
2 follows:

3 612:2 Fugitives From Justice; Duty of Governor.

4 ***I.*** Subject to the provisions of this chapter, [~~the provisions of the Constitution of the United~~
5 ~~States controlling, and any and all acts of Congress enacted in pursuance thereof,~~] it is the duty of
6 the governor of this state to have arrested and delivered up to the executive authority of any other
7 state of the United States any person charged in that state with treason, felony, or other crime, who
8 has fled from justice and is found in this state.

9 ***II.*** *Notwithstanding paragraph I, the governor shall not have such a duty and shall*
10 *not effect an arrest or extradition out of the state if the charges are based solely on*
11 *allegations of a nature that, by declaration of the United States Supreme Court or by the*
12 *New Hampshire supreme court, or as affirmed by majority vote of the house of*
13 *representatives, or by declaration of the governor, represent constitutionally protected*
14 *activity.*

15 ***III.*** *In cases where the accused believes that such constitutionally protected activity*
16 *is implicated among any charges for which extradition is sought by any foreign executive,*
17 *as affirmed by any such decree or vote as outlined in paragraph II, the accused may*
18 *petition the governor and the house of representatives to declare the accused as politically*
19 *persecuted or maliciously prosecuted, and, upon declaration of the governor or majority*
20 *vote of the house of representatives affirming such status, to be prohibited to being subject*
21 *to extradition by any New Hampshire authority to the jurisdiction originating such*
22 *charges.*

23 2 Effective Date. This act shall take effect January 1, 2026.