

HB 194-FN - AS INTRODUCED

2025 SESSION

25-0172

09/05

HOUSE BILL **194-FN**

AN ACT relative to the crime of interference with custody.

SPONSORS: Rep. Post, Hills. 42; Rep. Ball, Rock. 25; Rep. Edwards, Rock. 31; Rep. Love, Rock. 13; Rep. Maggiore, Rock. 23; Rep. Potucek, Rock. 13; Rep. Spillane, Rock. 2; Rep. Perez, Rock. 16; Rep. Seidel, Hills. 29; Rep. DeRoy, Straf. 3; Sen. Lang, Dist 2; Sen. Sullivan, Dist 18

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill modifies the crime of interference with custody to add certain actions with an intent to interfere with a custody order or with an intent to evade court jurisdiction.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the crime of interference with custody.

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

1 1 New Paragraphs; Interference with Custody. Amend RSA 633:4 by inserting after paragraph  
2 IV the following new paragraphs:

3 V. A person is guilty of a class B felony if such person knowingly or purposely interferes  
4 with a lawful court order issued pursuant to RSA 461-A that has awarded parenting time of a child  
5 less than 18 years old and:

6 (a) Knowingly interferes with or obstructs child-parent contact or entices or persuades  
7 the child to leave the parenting time of the parent, guardian, or person standing in stead of the  
8 parent or guardian who is exercising parenting time under the court order; or

9 (b) Knowingly takes or retains the child in violation of the express terms of the court  
10 order, including a temporary order of a court regarding child custody.

11 VI.(a) A person is guilty of an offense if such person, when the person has not been awarded  
12 custody of the child by a court of competent jurisdiction and knows that a suit for divorce,  
13 separation, or child custody has been filed, takes the child out of the geographic area of the county or  
14 state without the permission of the court and with the intent to deprive the court of authority over  
15 the child.

16 (b) A person who is convicted of violating this paragraph shall be guilty of a violation  
17 and shall be fined not less than \$250 nor more than \$500 for a first or second offense. A person who  
18 is convicted of violating this paragraph a third or subsequent time shall be guilty of a class B felony.

19 VII. It shall be an affirmative defense to a charge under paragraph V or VI that, at the time  
20 of the offense, the person taking or retaining the child:

21 (a) Was entitled to parenting time or access to the child.

22 (b) Was acting in good faith to protect the child from real and imminent physical danger  
23 or psychological maltreatment as defined in RSA 169-C or was fleeing the commission or attempted  
24 commission of domestic or family violence, as those terms are used in RSA 173-B, against the person,  
25 and the person filed a non-frivolous petition documenting such danger and seeking to modify the  
26 court-ordered parenting plan prior to the interference or within 72 hours of the offense.

27 2 Effective Date. This act shall take effect upon its passage.

**HB 194-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to the crime of interference with custody.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	Indeterminable			
<i>Funding Source</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	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](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