

SB 48-FN - AS INTRODUCED

2025 SESSION

25-1065

09/11

SENATE BILL        **48-FN**

AN ACT            relative to competency to stand trial for certain offenses.

SPONSORS:        Sen. Long, Dist 20; Rep. M. Pearson, Rock. 34

COMMITTEE:      Judiciary

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ANALYSIS

This bill allows for the dismissal of certain class B misdemeanor and violation-level offenses when a defendant is found not competent, without attempting restoration.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to competency to stand trial for certain offenses.

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

1 1 Finding. The general court hereby finds that it is imperative that the state improve the  
2 efficiency of the competency restoration process in New Hampshire by deeming some violation and  
3 class B misdemeanor offenses ineligible for restoration, at the court's discretion, as recommended by  
4 the committee to study restoration of competency as created under RSA 135:49.

5 2 Competency Hearing; Commitment for Treatment. Amend RSA 135:17-a, I to read as follows:

6 I. If, after hearing, the district court or superior court determines that the defendant is not  
7 competent to stand trial, the court shall order treatment for the restoration of competency unless it  
8 determines, by clear and convincing evidence, that there is no reasonable likelihood that the  
9 defendant can be restored to competency through appropriate treatment within 12 months, **or**  
10 ***unless the court exercises its discretion to dismiss the case pursuant to paragraph I-a.*** If  
11 the court finds, by clear and convincing evidence, that the defendant cannot be restored to  
12 competency within 12 months, the case against the defendant shall be dismissed without prejudice  
13 and the court shall proceed as provided in paragraph V.

14 ***I-a.(a) When a defendant is found not competent to stand trial and is charged solely***  
15 ***with violation or class B misdemeanor offenses, except any misdemeanor that involves an***  
16 ***act of violence or threat of violence as those terms are defined in RSA 625:9, VII, or a***  
17 ***misdemeanor under RSA 633:3-a, RSA 639:3, RSA 644:4, or RSA 644:9, the court may dismiss***  
18 ***the charges with prejudice.***

19 ***(b) A motion to dismiss charges under this paragraph may be made by the***  
20 ***prosecution, the defendant, or the court. All dismissals shall be made at the court's***  
21 ***discretion and shall consider the best interest of the defendant, the public, and any alleged***  
22 ***victims.***

23 ***(c) If charges are dismissed, the prosecution, the defendant, or the court may***  
24 ***raise the issue of the defendant's dangerousness. If the issue of dangerousness is raised,***  
25 ***the court may order an evaluation to determine the appropriateness of involuntary***  
26 ***treatment pursuant to RSA 135-C, as provided in paragraph V.***

27 3 Effective Date. This act shall take effect January 1, 2026.

**SB 48-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to competency to stand trial for certain offenses.

**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