

SB 139 -FN - AS INTRODUCED

2025 SESSION

25-0974

11/02

SENATE BILL **139**

AN ACT creating a private right of action in civil rights cases.

SPONSORS: Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Rep. Berch, Ches. 6; Rep. Wheeler,
 Hills. 33

COMMITTEE: Judiciary

ANALYSIS

This bill creates a private right of action in civil rights cases.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 creating a private right of action in civil rights cases.

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

1 1 New Section; Civil Rights; Private Action Created. Amend RSA 354-B by inserting after
2 section 354-B:2 the following new section:

3 354-B:2-a Private Actions.

4 I. Any person who has been subjected to, or the target of, the unlawful interference with, or
5 the attempt to interfere with, the rights secured by this chapter, may bring a private action in accord
6 with this chapter.

7 II. Upon commencement of any action brought under this section, the clerk of court shall
8 mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any
9 judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney
10 general.

11 2 Effective Date. This act shall take effect January 1, 2026.

**SB 139-FN FISCAL NOTE
AS INTRODUCED**

AN ACT creating a private right of action in civil rights cases.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	\$0	Indeterminable Increase in excess of \$222,000	Indeterminable Increase in excess of \$224,000	Indeterminable Increase in excess of \$227,000
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill establishes a private right of action under the New Hampshire Civil Rights Act (RSA 354-B) enabling members of the public to file their own actions. These actions would require filing a notice with the Attorney General. Currently, only the Attorney General has the authority to file such an action.

The Department of Justice (DOJ) anticipates an increase in complaints received by the Attorney General's Office given that individuals would have the right to file action. These actions would be processed by the Civil Rights Unit. With the estimated increase in filing, the DOJ anticipates it may require dedication of additional resources to review private litigation. Additionally, the DOJ anticipates an increase in restraining orders which comes with increased obligations to monitor compliance with those orders. This has potential to increase violations to restraining

orders. The DOJ anticipates it may require dedication of additional resources to enforce the restraining orders or to file criminal action. The DOJ states the overall estimated expenditures increase is indeterminable. For a detailed estimated cost breakdown of the additional positions required, refer to the table below.

ESTIMATED FISCAL IMPACT (ROUNDED) FOR ADDITIONAL STAFF			
	FY 2026	FY 2027	FY 2028
Assistant Attorney General (1 position)	\$132,000	\$133,000	\$133,000
Investigator Paralegal (1 position)	\$90,000	\$91,000	\$94,000
Total Estimated Cost	\$222,000	\$224,000	\$227,000

The Judicial Branch does not estimate that this bill would result in more than \$10,000 of additional costs associated with increased litigation.

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

This could possibly result in an increase in civil cases in the Superior Court, however, there is no way to predict how many such actions would occur so any such increase is indeterminable. The Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association