

Amendment to HB 57

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to a person's release from prison for the purpose of participating in certain  
4 post-secondary education programs in the community and relative to the standards  
5 applicable to bail in criminal matters.  
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7 Amend the bill by replacing all after section 2 with the following:

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9 3 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(c) to  
10 read as follows:

11 (c) Except as provided in RSA 597:1-c, a person who is charged with ***a qualifying***  
12 ***offense*** [~~homicide under RSA 630; first degree assault under RSA 631:1; second degree assault~~  
13 ~~under RSA 631:2; felony level domestic violence under RSA 631:2 b; aggravated felonious sexual~~  
14 ~~assault under RSA 632 A:2; felonious sexual assault under RSA 632 A:3; kidnapping under RSA~~  
15 ~~633:1; felony level stalking under RSA 633:3 a, VI(a); trafficking in persons under RSA 633:7;~~  
16 ~~robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images~~  
17 ~~under RSA 649 A; or computer pornography and child exploitation under RSA 649 B;] shall not be  
18 brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before  
19 the court. Arraignment shall occur no later than 36 hours after the arrest, excluding weekends and  
20 holidays. At the person's appearance before the court, the court shall order that the person be  
21 detained pending trial if the court determines by a finding of probable cause that release of the  
22 person is a danger to that person or the public. In determining whether release will endanger the  
23 safety of that person or the public, the court may consider all relevant and material factors  
24 presented pursuant to paragraph VI. If the court does not find probable cause that the person must  
25 be detained, the court shall order the person released pursuant to subparagraph I(b), or, if  
26 applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the  
27 conditions of his or her bail for an offense listed in this subparagraph, shall be held until they can be  
28 brought before the court at the first available date. If at a subsequent hearing, the court finds  
29 probable cause exists that the person violated the conditions of his or her bail for any of the crimes  
30 listed in this subparagraph, the defendant shall be held pending trial. ***For the purpose of this***  
31 ***subparagraph, "qualifying offense" means any of the following:***~~

32 (1) ***Homicide under RSA 630;***

33 (2) ***First degree assault under RSA 631:1;***

- 1                   (3) *Second degree assault under RSA 631:2;*  
2                   (4) *Felony level domestic violence under RSA 631:2-b;*  
3                   (5) *Aggravated felonious sexual assault under RSA 632-A:2;*  
4                   (6) *Felonious sexual assault under RSA 632-A:3;*  
5                   (7) *Kidnapping under RSA 633:1;*  
6                   (8) *Felony level stalking under RSA 633:3-a, VI(a);*  
7                   (9) *Trafficking in persons under RSA 633:7;*  
8                   (10) *Robbery under RSA 636:1, III;*  
9                   (11) *Possession, manufacture, or distribution of child sexual abuse images*  
10 *under RSA 649-A;*  
11                   (12) *Computer pornography and child exploitation under RSA 649-B;*  
12                   (13) *Felonious use of firearms under RSA 650-A:1;*  
13                   (14) *Any felony offense that:*  
14                         (A) *Has as an element the use, attempted use, or threatened use of*  
15 *physical force against the person or property of another; or*  
16                         (B) *By its nature, involves a substantial risk that physical force against*  
17 *the person or property of another may be used in the course of committing the offense.*  
18                   (15) *Any offense that alleges the illegal possession, use, or distribution of a*  
19 *dangerous weapon as defined by RSA 625:11, V;*  
20                   (16) *Any offense punishable by a maximum term of imprisonment of 10 years*  
21 *or more, or by life imprisonment; or*  
22                   (17) *Any felony offense, if the person has twice before been convicted of an*  
23 *offense listed in subparagraph (c).*

24           4 Effective Date.

- 25           I. Section 3 of this act shall take effect September 21, 2025, at 12:01 am.  
26           II. The remainder of this act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill adds a provision for the commissioner of corrections to release a person from state prison for the purpose of participating in a post-secondary education program in the community to which they have been accepted and adds additional offenses that trigger specialized bail procedures in criminal cases.