HB 602 - VERSION ADOPTED BY BOTH BODIES

26Mar2025... 1096h

2025 SESSION

25-0864
09/11

HOUSE BILL ***602***

AN ACT requiring certain offenders to participate in a victim impact program.

SPONSORS: Rep. N. Murphy, Hills. 12; Rep. Meuse, Rock. 37; Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5; Sen. Ricciardi, Dist 9; Sen. Fenton, Dist 10

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill requires offenders of certain laws related to impaired driving to participate in an online victim impact panel program.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring certain offenders to participate in a victim impact program.

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

1 New Paragraph; Alcohol or Drug Impairment. Amend RSA 265-A:1 by inserting after paragraph VI the following new paragraph:

VII. "Qualified online victim impact panel program" means any program that meets all of the following requirements:

(a) Offers 24 hour per day accessibility;

(b) Is offered in both English and Spanish;

(c) Provides all direct client support necessary for program completion;

(d) Requires the fee for the program to be paid for by the participant;

(e) Is available at no cost to the state of New Hampshire or to any county;

(f) Includes a non-judgmental presentation of a minimum of 8 personal, true stories shared by victims and offenders about the impact of alcohol, drugs, and illegal driving under the influence conduct upon their lives;

(g) Requires a minimum of 3 and 1/2 hours to complete;

(h) Provides a system for testing the participant's attention and comprehension multiple times during the program;

(i) Provides an individualized security check system for verifying the identity of program participants;

(j) Provides communications with participants 6 months after completing the program that reinforces the lessons of the program and encourages participants to live more responsibly; and

(k) Issues a certificate of completion to the participant upon satisfactorily fulfilling all attendance, payment, and program participation requirements. The certificate of completion shall contain the business identification number of the program provider. Participants and probation officers should have access to additional copies of the certificate as needed.

2 New Subparagraph; Driving Under the Influence; Victim Impact Program Added. Amend RSA 265-A:18, I(a) by inserting after subparagraph (4) the following new subparagraph:

(4-a) Required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist.

3 Driving Under the Influence. Amend RSA 265-A:18, IV(a)(3)(B) to read as follows:

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which

12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period; [~~and~~]

4 New Subparagraph; Driving Under the Influence; Victim Impact Program Added. Amend RSA 265-A:18, IV(a) by inserting after subparagraph (3) the following new subparagraph:

(3-a) Required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist; and

5 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, or who drives a vehicle at a speed of 100 miles per hour or greater, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than $500 plus penalty assessment for the first offense and $750 plus penalty assessment for the second offense nor more than $1,000 plus penalty assessment and his or her license or operating privilege shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense. ***Any person who pleads guilty to an offense under this section that was originally charged with an offense under RSA 265-A:2 or RSA 265-A:3 shall be required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist.***

6 Serious Traffic Offenses; Negligent Driving. Amend RSA 265:79-b to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, II(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation and shall be fined not less than $250 nor more than $500 for a first offense and not less than $500 nor more than $1,000 for a second or subsequent offense. ***Any person who pleads guilty to an offense under this section that was originally charged with an offense under RSA 265-A:2 or RSA 265-A:3 shall be required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist.***

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