

HB 776-FN - AS AMENDED BY THE SENATE

06/05/2025 2485s

2025 SESSION

25-0803

09/08

HOUSE BILL

776-FN

AN ACT relative to the crime of aggravated driving while intoxicated and relative to proclaiming the Virginia opossum the state marsupial of New Hampshire.

SPONSORS: Rep. Roy, Rock. 31; Rep. Proulx, Hills. 15; Rep. Rhodes, Ches. 17; Sen. Abbas, Dist 22; Sen. Birdsell, Dist 19

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill adds wrong-way driving to the list of aggravating factors that can elevate a driving while intoxicated offense to an aggravated driving while intoxicated offense.

This bill also proclaims the Virginia opossum the state marsupial of New Hampshire and renames such opossums within the borders of the state as "New Hampshire opossums."

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 aggravated driving while intoxicated and relative to proclaiming the Virginia opossum the state marsupial of New Hampshire.

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

1 1 Aggravated Driving While Intoxicated; Aggravating Factor Added. Amend RSA 265-A:3, I(d)-
2 (e) to read as follows:

3 (d) Carries as a passenger a person under the age of 16; ~~or~~

4 (e) Drives a vehicle with a gross combination weight rating of 10,001 pounds or more; **or**

5 ***(f) Drives or operates a vehicle in violation of 265:26, I;***

6 2 Aggravated Driving While Intoxicated; Aggravating Factor Added. Amend RSA 265-A:3, II(d)-
7 (e) to read as follows:

8 (d) Carries as a passenger a person under the age of 16; ~~or~~

9 (e) Drives a vehicle with a gross combination weight rating of 10,001 pounds or more; or

10 ***(f) Drives or operates a vehicle in violation of 265:26, I; or***

11 3 New Section; State Marsupial. Amend RSA 3 by inserting after section 31 the following new
12 section:

13 3:32 State Marsupial. The Virginia opossum (*Didelphis virginiana*) is hereby designated as the
14 official state marsupial of New Hampshire and such opossums found within our borders shall be
15 known as "New Hampshire opossums."

16 4 Effective Date.

17 I. Sections 1-2 of this act shall take effect January 1, 2026.

18 II. The remainder of this act shall take effect 60 days after its passage.

**HB 776-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the crime of aggravated driving while intoxicated.

FISCAL IMPACT:

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

AGENCIES CONTACTED:

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