

Amendment to HB 1637

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA  
4 597:6-e, II to read as follows:

5 II. Subject to RSA 597:2, XIV the person or the state may file with the superior court a  
6 motion for revocation of the order or amendment of the conditions of release set by a municipal or  
7 district court, by a justice, or by a bail commissioner. The motion shall be determined promptly. ***In***  
8 ***domestic violence, stalking, and harassment cases, whether the motion is filed by the state***  
9 ***or the defense, the hearing on the motion shall be scheduled within 72 hours, excluding***  
10 ***weekends and state or federal holidays. The hearing does not have to be held within 72***  
11 ***hours of the filing of the motion, but it shall be scheduled within 72 hours, excluding***  
12 ***weekends and state or federal holidays.*** However, no action shall be taken on any such motion  
13 until the moving party has provided to the superior court certified copies of the complaint, affidavit,  
14 warrant, bail slip, and any other court orders relative to each charge for which a release or detention  
15 order was issued by a justice, or a bail commissioner. In cases where a district court justice has  
16 made a finding, pursuant to RSA 597:2, IV that the person poses a danger to another, the superior  
17 court shall, after notification to both parties, the police department that brought the charges in  
18 district court, and the victim, conduct a hearing and make written findings supporting any  
19 modifications and reasons for new conditions or changes from the district court order. The reviewing  
20 court shall take into consideration the district court's written findings, orders, pleadings, or  
21 transcript when making a modification.

22 2 New Paragraph; Release of a Defendant Pending Trial. Amend RSA 597:2 by inserting after  
23 paragraph XIII the following new paragraph:

24 XIII-a. In any matter where bail has been set by the circuit court, either the state or the  
25 defendant may seek to have the circuit court reconsider the conditions of bail, including based on  
26 new information, by filing a motion with the circuit court. In domestic violence, stalking, and  
27 harassment cases, whether the motion is filed by the state or the defense, the hearing on the motion  
28 shall be scheduled within 72 hours, excluding weekends and state or federal holidays. The hearing  
29 does not have to be held within 72 hours of the filing of the motion, but it shall be scheduled within  
30 72 hours, excluding weekends and state or federal holidays. Following the order of the circuit court,  
31 either party may seek further review from the superior court pursuant to RSA 597:6-e.

**Amendment to HB 1637**

**- Page 2 -**

1           3 Detention and Sanctions for Default or Breach of Conditions. Amend the introductory  
2 paragraph of RSA 597:7-a, III to read as follows:

3           III. The state may initiate a proceeding for revocation of an order of release by filing a  
4 motion with the court which ordered the release and the order of which is alleged to have been  
5 violated ***In domestic violence, stalking, and harassment cases, the hearing on the motion***  
6 ***shall be scheduled within 72 hours, excluding weekends and state or federal holidays. The***  
7 ***hearing does not have to be held within 72 hours of the filing of the motion, but it shall be***  
8 ***scheduled within 72 hours, excluding weekends and state or federal holidays.*** The court  
9 may issue a warrant for the arrest of a person charged with violating a condition of release, and the  
10 person shall be brought before the court for a proceeding in accordance with this section. The court  
11 shall enter an order of revocation and detention if, after a hearing, the court:

12           4 Effective Date. This act shall take effect January 1, 2027.