

HB 1087-FN - AS INTRODUCED

2026 SESSION

26-2566  
09/08

HOUSE BILL            ***1087-FN***

AN ACT                relative to citizen's arrests by private persons.

SPONSORS:            Rep. Aures, Merr. 13; Rep. Roy, Rock. 31; Rep. Polozov, Merr. 10; Rep. Granger, Straf. 2; Rep. Korzen, Coos 7; Rep. Tom Mannion, Hills. 1; Rep. Giasson, Hills. 29; Rep. Farrington, Straf. 8; Rep. McFarlane, Graf. 18

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill allows for private persons to perform a citizen's arrest of another person for certain offenses and provides immunity from liability in certain circumstances, subject to defined limitations.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six*

AN ACT relative to citizen's arrests by private persons.

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

1 1 New Section; Arrests in Criminal Cases; Citizen's Arrest by Private Person. Amend RSA 594  
2 by inserting after section 10-a the following new section:

3 594:10-b Citizen's Arrest by Private Persons.

4 I. A private person may arrest another person:

5 (a) For a felony committed in the arrestor's presence;

6 (b) For a misdemeanor involving a breach of the peace committed in the arrestor's  
7 presence; or

8 (c) When the arrestor has probable cause, as judged by the reasonable person standard,  
9 to believe that a felony has been committed and the person arrested committed it.

10 II. The arrestor shall:

11 (a) Use only reasonable and proportional force necessary to make the arrest;

12 (b) Promptly notify law enforcement authorities; and

13 (c) Detain the person arrested only until law enforcement arrives and release the  
14 detainee to law enforcement without delay.

15 III.(a) No private person may enter the dwelling or private property of another to effect a  
16 citizen's arrest for a misdemeanor breach of the peace.

17 (b) Entry onto private property to arrest a person for a felony may only be made if the  
18 citizen reasonably believes exigent circumstances exist that pose an imminent threat of harm. Such  
19 entry shall be immediately reported to law enforcement, with the citizen deferring to police  
20 intervention whenever practicable.

21 (c) Unauthorized entry in violation of this paragraph shall expose the citizen to criminal  
22 and civil liability.

23 IV.(a) Any private person acting in good faith and with probable cause under this section  
24 shall be immune from criminal or civil liability arising solely from such arrest, provided that only  
25 reasonable force is used and substantial compliance with this section is demonstrated.

26 (b) This immunity shall not apply to acts of gross negligence, recklessness, or willful  
27 misconduct.

28 V. Deadly force may not be used except as permitted under RSA 627:4.

29 VI. Persons making a citizen's arrest shall inform the person arrested, as soon as reasonably  
30 possible, of the intention to arrest and the cause for the arrest.

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1           VII. In any prosecution or civil proceeding arising from a citizen's arrest, the arrestor's belief  
2 of the commission of a qualifying offense shall be judged by the reasonable person standard under  
3 the circumstances then known to the arrestor.

4           VIII. The department of safety shall provide public information regarding citizen's arrest  
5 regulations, procedures, and legal risks as established by this section.

6           2 Effective Date. This act shall take effect January 1, 2027.

**HB 1087-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to citizen's arrests by private persons.

**FISCAL IMPACT: This bill does not provide funding**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	\$0	Department of Safety - \$100,000 - \$500,000 Per Year Judicial and Correctional Systems - Indeterminable		
<i>Funding Source</i>	General Fund, Highway Fund, Various Agency Funds			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	Indeterminable			

**METHODOLOGY:**

This bill authorizes citizens to arrest others if they believe a crime was committed in their presence and grant immunity if they acted in good faith. This bill also directs the Department of Safety to inform the public about the law and its legal risks. The Department states that conducting an adequate public information campaign, including advertising, social media, printed materials, and staff work, would likely cost a significant amount. Combined with the expected increase in investigative and prosecutorial workload, the Department estimates an increase in costs of between \$100,000 and \$500,000 per year, with resources needing to be reallocated from other departmental work.

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](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

**AGENCIES CONTACTED:**

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