

HB 1116 - AS INTRODUCED

2026 SESSION

26-2426
09/08

HOUSE BILL **1116**

AN ACT relative to judicial privilege and relative to the litigation of small claims.

SPONSORS: Rep. Flanagan, Hills. 45

COMMITTEE: Judiciary

ANALYSIS

This bill:

I. States that a New Hampshire state judge may not claim judicial privilege to refuse to testify in a criminal proceeding where they have firsthand knowledge of material facts.

II. Requires the court in small claims litigations to send notice of the claim within 10 days of its filing.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 judicial privilege and relative to the litigation of small claims.

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

1 1 New Section; Judicial Privilege. Amend RSA 516 by inserting after section 33-a the following
2 new section:

3 516:33-b Judicial Privilege.

4 I. In this section, "judge" means any full-time or part-time judge of the supreme, superior, or
5 circuit court; a retired judge who is recalled to judicial service; a full-time marital master; and any
6 referee or special master who is an officer of the judicial system and who performs judicial functions.

7 II. If a court finds, based on a proffer from the subpoenaing party, that a judge possesses
8 firsthand knowledge of any material fact that is relevant and admissible in a criminal proceeding,
9 the judge shall not be entitled to refuse to testify due to a claim of judicial privilege.

10 2 Litigation of Small Claims; Notice to Defendant. Amend RSA 503:6, I to read as follows:

11 I. The court shall cause notice of the claim and the substance thereof to be given to the
12 defendant, whether or not the defendant is a resident of this state, by sending, ***within 10 days of***
13 ***the filing of the claim***, a written statement to the defendant by postpaid first class mail, addressed
14 to the defendant at the defendant's last known post office address and directing the defendant to
15 indicate, in writing within 30 days from the date said notice is mailed, the defendant's desire to be
16 heard.

17 3 Effective Date. This act shall take effect 60 days after its passage.