

HB 1263 - AS INTRODUCED

2026 SESSION

26-2439

06/09

HOUSE BILL **1263**

AN ACT relative to the definition of disposable military retirement pay and the suspension of alimony obligations.

SPONSORS: Rep. Maggiore, Rock. 23; Rep. Juris, Hills. 7; Rep. Love, Rock. 13; Rep. Moffett, Merr. 4; Rep. Pauer, Hills. 36; Rep. Roy, Rock. 31; Rep. Giasson, Hills. 29

COMMITTEE: Children and Family Law

ANALYSIS

This bill clarifies that disposable military retirement pay is excluded from gross income for alimony calculations, not subject to division as marital property, and that alimony sourced from such pay shall terminate or be suspended upon retirement by the payor, subject to certain limitations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the definition of disposable military retirement pay and the suspension of alimony obligations.

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

1 1 Alimony; Definitions. Amend the introductory paragraph for RSA 458:19, III to read as
2 follows:

3 III. "Exclusions from gross income" [~~mean~~] **means disposable military retirement pay;**
4 Social Security benefits received on behalf of a minor child; capital gains from property received in
5 the parties' divorce; income of a subsequent spouse, except as provided in RSA 458:19-aa, II; and
6 income from overtime or a second job if the party has a full time job and such overtime or second
7 income began:

8 2 Alimony; Definitions. Amend RSA 458:19, V to read as follows:

9 V. "Gross income" means all income from any source, whether earned or unearned,
10 including, but not limited to, wages, salary, commissions, tips, annuities, social security benefits,
11 trust income, lottery or gambling winnings, interest, dividends, investment income, net rental
12 income, self-employment income, business profits, pensions, **except disposable military**
13 **retirement pay**, bonuses, and payments from other government programs (except public assistance
14 programs, including aid to families with dependent children, aid to the permanently and totally
15 disabled, supplemental security income, food stamps, and general assistance received from a county
16 or town), including, but not limited to, workers' compensation, veterans' benefits, unemployment
17 benefits, and disability benefits, but not exclusions from gross income as defined in paragraph III.

18 3 New Section; Definitions; Disposable Military Retirement Pay. Amend RSA 458:19 by
19 inserting after paragraph XV the following new paragraph:

20 XVI. "Disposable military retirement pay" means the total monthly retired pay accruing to a
21 retired member of the uniformed services, less amounts deducted for federal, state, and local taxes,
22 amounts withheld as a result of overpayments, amounts waived to receive disability benefits, and
23 amounts withheld for Survivor Benefit Plan premiums or other mandatory government deductions.
24 Disposable military retirement pay shall not be considered gross income for the purposes of this
25 chapter.

26 4 New Section; Alimony; Suspension of Payments from Disposable Military Retirement Pay.
27 Amend RSA 458:19-aa by inserting after paragraph IV the following new paragraph:

28 IV-a. Notwithstanding any provision of law to the contrary, when the obligor is a retired
29 member of the uniformed services and alimony payments are sourced from disposable military
30 retirement pay, payments shall terminate or be suspended upon the payor reaching full retirement

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1 age or actual retirement by the payor, except as provided in paragraph V, or if federal law or
2 regulation affecting the source or eligibility of such payments requires earlier termination or
3 reduction. In all other respects, term alimony orders entered pursuant to this section shall be
4 subject to termination, suspension, or modification consistent with civilian retirement pay under this
5 chapter.

6 5 New Paragraph; Property Settlement. Amend RSA 458:16-a by inserting after paragraph I
7 the following new paragraph:

8 I-a. Disposable military retirement pay shall be distinguished from military retirement
9 benefits and shall not be considered marital property subject to division as a pension.

10 6 Effective Date. This act shall take effect July 1, 2026.