

HR 38 - AS INTRODUCED

2026 SESSION

26-3091

09/08

HOUSE RESOLUTION

38

A RESOLUTION authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of any justice of the New Hampshire supreme court.

SPONSORS: Rep. Sabourin dit Choiniere, Rock. 30; Rep. Ankarberg, Straf. 7; Rep. Barton, Graf. 1; Rep. Belcher, Carr. 4; Rep. Bernardy, Rock. 36; Rep. DeRoy, Straf. 3; Rep. D. Kelley, Hills. 32; Rep. Potenza, Straf. 19; Rep. Sirois, Hills. 32

COMMITTEE: Judiciary

ANALYSIS

This resolution authorizes and directs the house judiciary committee to investigate whether cause exists for the impeachment of supreme court justice Anna Barbara Hantz Marconi or any other justice of the New Hampshire supreme court.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

A RESOLUTION authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of any justice of the New Hampshire supreme court.

1 Whereas, on July 25, 2024, justices MacDonald, Bassett, Donovan, and Countway issued a
2 supreme court order placing supreme court associate justice Anna Barbara Hantz Marconi on paid
3 administrative leave for 90 days, which was subsequently extended until October 7, 2025; and

4 Whereas, on October 16, 2024, the attorney general investigated and presented to the Merrimack
5 county grand jury, who subsequently indicted Anna Barbara Hantz Marconi, associate justice, for 2
6 class B felonies – one count of attempt to commit improper influence and one count of criminal
7 solicitation of improper influence, and 5 class A misdemeanors – 2 counts of criminal solicitation of
8 misuse of position, one count of criminal solicitation of official oppression, one count of official
9 oppression, and one count of obstructing government administration; and

10 Whereas, on October 7, 2025, Anna Barbara Hantz Marconi, associate justice, plead no contest to
11 criminal solicitation of improper influence, a class B misdemeanor, and all other criminal charges
12 were dropped; and

13 Whereas, under part II, article 38 of the New Hampshire constitution, a public officer may be
14 removed by impeachment for bribery, corruption, malpractice, or maladministration of office, or any
15 combination thereof; and

16 Whereas, under part II, articles 17 and 38 of the New Hampshire constitution, impeachments
17 are made by the house of representatives, and then heard and tried by the senate; and

18 Whereas, the conduct of justice Hantz Marconi or the conduct of those who placed her on leave
19 may be cause for the house of representatives to find that impeachment proceedings should be
20 initiated against one or more justices of the New Hampshire supreme court; now, therefore, be it

21 Resolved by the House of Representatives:

22 That the house of representatives authorizes and directs the house judiciary committee, acting
23 as a whole or by any subcommittee thereof appointed by the chairman for the purposes hereof and in
24 accordance with the rules of the house and rules which may be adopted by the committee, to
25 investigate whether grounds exist, based on the order, indictment, plea, and any information arising
26 out of the judiciary committee investigation, for the house of representatives to exercise its
27 constitutional power to impeach any justice or justices of the New Hampshire supreme court; and

28 That the committee shall report to the house of representatives such resolutions, articles of
29 impeachment, or other recommendations as it deems proper; and

30 That for the purposes of making such an investigation, the committee is authorized to compel by
31 subpoena the attendance and giving of testimony by any person, and the committee is further

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1 authorized to compel the production of such things as it deems necessary. Such testimony may be
2 taken under oath, either in the form of interrogatory, deposition, or by oral testimony at a hearing.
3 Counsel for the committee may be authorized to ask any or all questions on behalf of the committee.
4 For purposes of this section, "things" includes, without limitation, books, records, correspondence,
5 electronic mail, logs, journals, memoranda, papers, documents, writings, reproductions, recordings,
6 tapes, transcripts, printouts, data compilations from which information can be obtained, tangible
7 objects, and other things of any kind; and

8 That such authority of the committee may be exercised by the chairman or by the committee
9 acting as a whole or by subcommittee. Subpoenas or interrogatories so authorized may be issued
10 over the signature of the chairman or any member so designated by the chairman, and may be
11 served by any person designated by the chairman.