

HB 1413-FN - AS INTRODUCED

2026 SESSION

26-3115
09/08

HOUSE BILL ***1413-FN***

AN ACT reinstating the death penalty in cases of capital murder.

SPONSORS: Rep. Trottier, Belk. 8; Rep. Tenczar, Hills. 1; Rep. Bordes, Belk. 5

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill reinstates the death penalty as a potential sentence for the offense of capital murder.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 reinstating the death penalty in cases of capital murder.

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

- 1 1 Capital Murder; Death Penalty Reinstated. Amend RSA 630:1, III to read as follows:
- 2 III. A person convicted of a capital murder [~~shall be sentenced to imprisonment for life~~
- 3 ~~without the possibility for parole] **may be punished by death.**~~
- 4 2 Effective Date. This act shall take effect January 1, 2027.

**HB 1413-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT reinstating the death penalty in cases of capital murder.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$0 to more than \$3.5 million		
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**
bill

***Appropriation = Authorized funding to cover cost of**

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

METHODOLOGY:

This bill reinstates the death penalty as a possible sentence for capital murder. This bill will increase General Fund expenditures by an indeterminable amount ranging from \$0 to more than \$3,000,000 per year, depending on whether capital cases are brought and how many proceed through trial and appeal for FY 2027 and forward.

The Department of Justice states that capital murder prosecutions are extremely resource intensive. In prior capital cases, the Department expended approximately \$3,522,488 across two prosecutions (State v. Addison at \$2,481,097 and State v. Brooks at \$1,041,391). Based on this historical experience, and recognizing that these figures are more than 10 years old, the Department estimates that future capital prosecutions will be more than \$2,500,000 per case for investigation, experts, trial preparation, litigation, and appellate work. The number of cases

that may be brought under the proposed law is unknown; therefore, the total fiscal impact is indeterminable, but each case would exceed \$2.5 million in General Fund expenditures.

The Judicial Branch indicates that capital cases require a full-time trial judge and full-time law clerk throughout pretrial, jury selection, trial, and post-conviction litigation. If one or more cases are filed, the Branch may need to add a Superior Court judge, a court monitor, and a law clerk. The Branch estimates an indeterminable increase in expenditures in General Funds, but the impact could exceed \$100,000 and be less than \$500,000 per case.

The Judicial Council assumes that 0–3 cases per year could be brought, and that most defendants would qualify for indigent defense services. Because capital representation is excluded from the Public Defender contract, these cases would require assigned counsel or special contracts. The Council estimates annual General Fund expenditures between \$100,000 and \$500,000, depending on the number of active cases and billing patterns.

Lastly, 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

AGENCIES CONTACTED:

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