

HB 1428 - AS INTRODUCED

2026 SESSION

26-2550

09/08

HOUSE BILL **1428**

AN ACT relative to the procedure for complaints submitted to the attorney general's office's criminal justice bureau, public integrity unit.

SPONSORS: Rep. Flanagan, Hills. 45

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill codifies the department of justice's procedure for the submission and review of complaints submitted to the department's criminal justice bureau, public integrity unit.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the procedure for complaints submitted to the attorney general's office's criminal justice bureau, public integrity unit.

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

1            1 New Section; Complaints to Public Integrity Unit. Amend RSA 7 by inserting after section 6-h  
2 the following new section:

3            7:6-i Complaints Submitted to Public Integrity Unit.

4            I. For any complaint of criminal misconduct by state officials and state, county, municipal,  
5 and local law enforcement officials, the department of justice shall respond according to the following  
6 guidelines and procedures.

7            II. Complaints shall submitted in writing either by mail or email at addresses designated by  
8 the department. Inquiries may be made by telephone or in person, but it shall be the general policy  
9 of the department not to commence an investigation or other action except upon receipt of a written  
10 complaint. The complaint shall set forth all of the facts which the complainant believes warrant the  
11 commencement of a criminal investigation. Complaints which do not provide sufficient factual  
12 information may be returned to the complainant without further review by the department.

13            III. All complaints should include the complainant's name, address, and telephone number.  
14 Anonymous complaints generally may not be reviewed. However, upon request, a complainant's  
15 identity may be kept confidential if practicable, bearing in mind that such confidentiality may  
16 impede or foreclose the department's ability to investigate or take other action on the complaint.

17            IV. Upon receipt by the department, complaints shall be logged in by the name of the  
18 complainant and the official or, where the official is not named, the official's agency. If the  
19 complaint alleges conduct by a county or municipal government official, the department may refer  
20 the complainant to the county attorney or other appropriate law enforcement agency having  
21 jurisdiction, with notice to the complainant of such.

22            V. All complaints shall be subject to preliminary review to determine whether they satisfy  
23 the criteria for investigation or other action by the department. This preliminary review shall be  
24 conducted by an attorney within the department's criminal justice bureau, or by an investigator in  
25 consultation with an attorney. The preliminary review shall be based upon the content of the  
26 complaint itself, together with any other information supplied to the department by the complainant,  
27 and may also include such other preliminary factual inquiry as is deemed appropriate.

28            VI. The standard employed by the department for the preliminary review is whether, based  
29 upon the content of the complaint itself, together with any other information supplied to the

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1 department by the complaint, there is a reasonable suspicion to believe that further investigation  
2 will lead to probable cause that criminal conduct has occurred.

3 VII. If, upon preliminary review, it appears that the complaint does not allege criminal  
4 conduct or otherwise meet the criteria for investigation or other action by the department, the  
5 complainant shall be so notified in writing. In such cases, the department may refer the matter to  
6 another governmental agency for appropriate action. If the complaint satisfies the standard to open  
7 an investigation or other action by the department, the complainant shall be so notified in writing.

8 VIII. If a complaint alleges criminal misconduct and satisfies the criteria set forth to open  
9 an investigation, the department may:

10 (a) Investigate the matter itself;

11 (b) Supervise or assist a state, county, or municipal law enforcement agency in  
12 investigating the matter; or

13 (c) Take any other action that is appropriate to the needs of the particular case.

14 IX. Upon completion of an investigation or other action on a matter, the department may:

15 (a) Prosecute the matter;

16 (b) Refer the matter to the appropriate county attorney's office for prosecution;

17 (c) Decline prosecution, but refer the matter to the appropriate law enforcement or other  
18 governmental agency for possible administrative action;

19 (d) Decline prosecution, but issue a report setting forth its investigative findings to the  
20 extent permitted by law; or

21 (e) Decline prosecution and close the matter without further action. If the department  
22 declines prosecution with a report or without further action, the complainant shall be so notified in  
23 writing.

24 2 Effective Date. This act shall take effect 60 days after its passage.