

HB 1576-FN - AS INTRODUCED

2026 SESSION

26-2889

09/08

HOUSE BILL ***1576-FN***

AN ACT relative to the enforcement of criminal restitution obligations.

SPONSORS: Rep. Paquette, Hills. 25; Rep. Cole, Hills. 26; Rep. Dupont, Hills. 20; Rep. Gagne, Hills. 16; Rep. Kesselring, Hills. 18; Rep. Korzen, Coos 7; Rep. McGrath, Rock. 40; Rep. McLean, Hills. 15; Rep. Morton, Hills. 39; Rep. Grill, Hills. 18; Sen. Innis, Dist 7; Sen. Sullivan, Dist 18

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides for new mechanisms for the enforcement of criminal restitution obligations, including mandatory financial reevaluation and additional penalties for noncompliance.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 enforcement of criminal restitution obligations.

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

1 1 Legislative Findings and Purpose. The general court finds that restitution is a court-ordered
2 obligation intended to help victims recover from the harm caused by crime. The current statutory
3 framework does not provide sufficient safeguards to ensure timely disbursement of restitution,
4 consistent enforcement of payment obligations, or regular review of an offender's ability to pay. Too
5 often, victims are left waiting for payments or without clear communication regarding enforcement.
6 It is therefore the purpose of this act to modernize New Hampshire's restitution system by requiring
7 mandatory financial reevaluations, strengthening enforcement mechanisms, improving victim
8 communication, requiring prompt disbursement of collected funds, and extending restitution
9 obligations to a victim's estate when appropriate. These reforms are remedial in nature and shall
10 apply to both current and future restitution orders, so that all victims may benefit from the
11 protections herein provided.

12 2 Restitution; Time and Method. Amend RSA 651:64, I to read as follows:

13 I. The time and method of restitution payments or performance of restitution services shall
14 be specified by the department of corrections. Monetary restitution may be by lump sum, or by
15 periodic installments in any amounts. The court shall not be required to reduce the total obligation
16 as a result of the offender's inability to pay. The offender shall bear the burden of demonstrating
17 lack of ability to pay. Restitution shall be paid by the offender to the department of corrections
18 unless otherwise ordered by the court. Monetary restitution shall not bear interest, **except as**
19 **authorized by this section**. Restitution shall be made to any collateral source or subrogee, if
20 authorized by that source and after restitution to the victim, and to the victims' assistance fund, if
21 applicable, has been satisfied. Restitution shall be a continuing obligation of the offender's estate
22 and shall inure to the benefit of the victim's estate, provided that no indebtedness shall pass to any
23 heir of the offender's estate.

24 3 Restitution; Time and Method; Enforcement. RSA 651:64, III is repealed and reenacted to
25 read as follows:

26 III.(a) The department of corrections shall conduct a mandatory reevaluation of each
27 offender's financial ability to pay restitution at least once every 12 months.

28 (b) If a reevaluation determines that the offender's ability to pay has substantially
29 increased, including but not limited to salary increases, lump sum payments, inheritance,
30 settlement, or other financial gain, the department shall adjust the payment schedule upward
31 within 30 days.

1 (c) Any adjustment shall apply retroactively to the date of the increase, with arrears
2 added to the balance owed.

3 (d) Any such adjustment shall trigger immediate notification to the victim pursuant to
4 paragraph V.

5 (e) Each reevaluation shall also include a review of the offender's payment history. If
6 the offender has missed payments, paid less than ordered without good cause, or intentionally
7 delayed payments, the department shall initiate enforcement measures pursuant to paragraph IV.

8 (f) The offender shall promptly notify the department of corrections of any change in
9 their ability to pay that occurs outside the reevaluation period.

10 IV. For any incarcerated offender, the department of corrections shall automatically deduct
11 10 percent of all incoming monies from the offender's resident account to pay restitution unless
12 otherwise precluded by court order.

13 V.(a) In the event of noncompliance, the department of corrections shall initiate enforcement
14 actions, which may include:

15 (1) Wage garnishment.

16 (2) Interception of tax refunds.

17 (3) Referral for suspension of applicable state-issued licenses, including but not
18 limited to driver's licenses and professional licenses.

19 (4) Placement of liens on real property and assets.

20 (5) Referral to the appropriate prosecuting authority for consideration of criminal
21 proceedings, pursuant to RSA 651:67.

22 (b) Intentional nonpayment shall result in interest accruing on the unpaid balance at
23 the civil judgment rate established pursuant to RSA 336:1, II, together with a financial penalty, as
24 established by rule, designed to deter noncompliance.

25 VI.(a) The department of corrections shall provide written notice to victims within 30 days of
26 any reevaluation results, payment schedule changes, or enforcement actions taken.

27 (b) In the absence of any change, the department of corrections shall provide quarterly
28 payment status updates to victims unless the victim elects otherwise in writing.

29 (c) If restitution payments will be delayed for any reason, including administrative or
30 technical delays, the department of corrections shall provide the victim with written notice
31 explaining the reason for the delay and the expected payment date.

32 VII. The department of corrections, or any agent acting on its behalf, shall disburse all
33 restitution payments to victims within 45 days of receipt of the funds from the offender or the
34 offender's financial institution. In the event that disbursement is disrupted for any reason, the
35 department of corrections shall notify the victim in writing of the delay, the reason for the
36 disruption, and the anticipated date of payment.

1 VIII. The original prosecuting authority shall continue to provide victim services for the
2 victim until all restitution orders have been fully satisfied.

3 4 New Paragraph; Restitution; Failure to Make Payment. Amend RSA 651:67 by inserting after
4 paragraph II the following new paragraph:

5 III. A person shall be guilty of a class A misdemeanor for purposely failing to make a
6 restitution payment.

7 5 Application. The provisions of this section are remedial in nature and shall apply to all
8 existing restitution orders as of the effective date of this section, as well as to all future restitution
9 orders.

10 6 Effective Date. This act shall take effect June 1, 2027.

**HB 1576-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the enforcement of criminal restitution obligations.

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 \$36,000+	Indeterminable Increase \$328,000+	Indeterminable Increase \$344,000+
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

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 modernizes the enforcement of criminal restitution obligations by requiring annual mandatory financial reevaluations of all offenders owing restitution, authorizing upward adjustments to payment schedules, providing additional enforcement mechanisms for noncompliance, expanding required victim notifications, requiring restitution payments to be disbursed within 45 days, and creating a new class A misdemeanor for the purposeful failure to make restitution payments. These provisions apply to both existing and future restitution orders.

The Department of Corrections currently manages more than 13,000 restitution cases and would assume responsibility for all reevaluations, notices, enforcement actions, administrative processing, and victim communications created under the bill.

The Department of Corrections states the bill would significantly expand its workload. To meet the statutory requirements, the Department anticipates the need for three new case managers (compliance officers I SOC13-04) to conduct mandatory annual financial reevaluations, perform compliance monitoring, and issue notices, as well as one Accountant II (Auditor II SOC13-04) to process increased payment activity, apply payments to victim accounts, and ensure timely disbursement. In FY 2027, the partial-year cost for the four positions beginning June 1, 2027 is \$36,000, increasing to \$328,000 in FY 2028 and \$344,000 in FY 2029 for full-year salary, benefits, and related operating expenses.

Based on the bill's stated effective date of June 1, 2027, DOC calculated a one-month impact in FY 2027; however, it is unclear whether the June 1, 2027 effective date is intentional, as it results in only one month of fiscal year 2027 being affected. If the intent was to begin costs at the start of a new fiscal year, an effective date of July 1, 2027 would align with the FY 2028 and FY 2029 budget.

Position	FY 2027 (One Month of Expenses)	FY 2028	FY 2029
Case Manager #1 (SOC13-04)	\$9,000	\$82,000	\$86,000
Case Manager #2 (SOC13-04)	\$9,000	\$82,000	\$86,000
Case Manager #3 (SOC13-04)	\$9,000	\$82,000	\$86,000
Accountant II (SOC13-04)	\$9,000	\$82,000	\$86,000
Total All Positions	\$36,000	\$328,000	\$344,000

In addition, several provisions of the bill such as automatic deduction of restitution from inmate accounts, expanded enforcement authority, and enhanced victim notification requirements are not currently supported by the Department's offender management software. System modifications would be required. The Department indicates this work would require outside programming or vendor support, but the cost is unknown and therefore indeterminable at this time.

Additionally, 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:

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