

CHAPTER 26
SB 620-FN - FINAL VERSION

01/29/2026 0130s
9Apr2026... 1229h

2026 SESSION

26-2179
09/06

SENATE BILL

620-FN

AN ACT relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated.

SPONSORS: Sen. Gannon, Dist 23; Sen. Pearl, Dist 17; Sen. Watters, Dist 4; Sen. Fenton, Dist 10; Sen. Birdsell, Dist 19; Rep. Bernardy, Rock. 36; Rep. M. Pearson, Rock. 34; Rep. L. Walsh, Rock. 15

COMMITTEE: Judiciary

ANALYSIS

This bill modifies periods of suspension under different circumstances stemming from a refusal of consent to testing to determine alcohol concentration. This bill further modifies the penalties for aggravated driving while intoxicated.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated.

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

1 26:1 Driving or Operating Under the Influence of Drugs or Liquor; Refusal of Consent. Amend RSA
2 265-A:14, I through II to read as follows:

3 I. If a person under arrest for any violation or misdemeanor under RSA 265 or RSA 215-A refuses
4 upon the request of a law enforcement officer, authorized agent, or peace officer to submit to physical
5 tests or to a test of blood, urine, or breath designated by the law enforcement officer, authorized agent, or
6 peace officer to as provided in RSA 265-A:4, none shall be given, but:

7 (a) If this is the first refusal with no prior driving or operating while intoxicated or aggravated
8 driving or operating while intoxicated convictions:

9 (1) The director shall suspend his or her license to drive or nonresident driving privilege
10 for a period of [~~180 days~~] **9 months**, or

11 (2) If the person is a resident without a license or permit to drive a motor vehicle in this
12 state, the director shall deny to the person the privilege to drive and the issuance of a license for a period
13 of [~~180 days~~] **9 months** after the date of the alleged violation.

14 (b) If the person has [~~a prior driving or operating while intoxicated or aggravated driving or~~
15 ~~operating while intoxicated conviction~~] **one or more prior convictions under RSA 265-A:2, I, RSA 265-A:3,**
16 **RSA 630:3, II, or under a reasonably equivalent offense in an out-of-state jurisdiction as defined in RSA**
17 **265-A:18, VI(b) or a prior refusal of consent under this section or under a reasonably equivalent law in an**
18 **out-of-state jurisdiction as defined in RSA 265-A:18, VI(b).**

19 (1) The director shall suspend his or her license to drive or nonresident driving privilege
20 for a period of [2] **3 years**; or

21 (2) If the person is a resident without a license or permit to drive a motor vehicle in this
22 state, the director shall deny to the person the privilege to drive and the issuance of a license for a period
23 of [2] **3 years** after the date of the alleged violation.

24 II. Except as provided in paragraph VI, the [~~180-day~~] **9-month** or [~~2-year~~] **3-year** suspension
25 period or denial of issuance period imposed pursuant to this section shall not run concurrently with any
26 other penalty imposed under the provision of this title. Any such suspension or denial of a license or
27 privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as
28 provided in RSA 265-A:31.

29 26:2 New Paragraph; Driving or Operating Under the Influence of Drugs or Liquor; Refusal of
30 Consent. Amend RSA 265-A:14 by inserting after paragraph VI the following new paragraph:

CHAPTER 26
SB 620-FN - FINAL VERSION
- Page 2 -

1 VII. In conjunction with a plea of guilty or nolo contendere to an offense resulting in a conviction
2 under RSA 265-A:2 or RSA 265-A:3, the court may suspend up to 180 days of the license suspension
3 imposed pursuant to this section.

4 26:3 Driving or Operating Under the Influence of Drugs or Liquor; Penalties for Intoxication or Under
5 Influence of Drugs Offenses. Amend the introductory paragraph in RSA 265-A:18, I(b) to read as follows:

6 (b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3, except
7 as provided in subparagraph (c) *or (d)*, shall be:

8 26:4 New Subparagraph; Driving or Operating Under the Influence of Drugs or Liquor; Penalties for
9 Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, I by inserting after
10 subparagraph (c) the following new subparagraph:

11 (d) Any person who is convicted of aggravated DWI under RSA 265-A:3, III shall be:

12 (1) Guilty of a class A misdemeanor;

13 (2) Fined not less than \$750;

14 (3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the
15 county correctional facility, all of which may be suspended. The court shall refer the person to an IDCMP
16 to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon
17 release from serving any sentence in the county correctional facility, the person shall schedule a
18 substance use disorder evaluation within 30 days of release, complete the required substance use
19 disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP
20 shall administer the substance use disorder evaluation and shall develop the service plan from that
21 substance use disorder evaluation. Any portion of the suspended sentence to the county correctional
22 facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph
23 or becomes non-compliant with the service plan during the suspension period;

24 (4) Ordered to install an interlock device in accordance with RSA 265-A:36; and

25 (5) Subject to the following:

26 (A) The person's driver's license or privilege to drive shall be revoked for not less
27 than 18 months and, at the discretion of the court, such revocation may be extended for a period not to
28 exceed 2 years. Upon confirmation from the IDCMP that the person is in full compliance with the service
29 plan, the court may suspend up to 6 months of this sentence, with the condition that an interlock device be
30 installed for the period of the suspended sentence in addition to any period required in accordance with
31 RSA 265-A:36 and provided that all fees have been paid; and

32 (B) The sentencing court may require the person to submit to random urinalysis or
33 such other tests as the court may deem appropriate.

34 26:5 New Paragraph; Driving or Operating Under the Influence of Drugs or Liquor; Penalties. Amend
35 RSA 265-A:18 by inserting after paragraph VII the following new paragraph:

36 VII-a. If a person's license or privilege to drive is revoked under this section, such revocation shall
37 run consecutively to any administrative suspension or revocation imposed by the department of safety
38 pursuant to this chapter.

39 26:6 Effective Date. This act shall take effect January 1, 2027.

CHAPTER 26
SB 620-FN - FINAL VERSION
- Page 3 -

Approved: April 20, 2026
Effective Date: January 01, 2027

