

HB 1422 - FINAL VERSION

11Mar2026... 0871h
4Jun2026... 2137EBA

2026 SESSION

26-2357
09/08

HOUSE BILL

1422

AN ACT relative to the time to petition for a new trial.

SPONSORS: Rep. Tom Mannion, Hills. 1; Rep. Corcoran, Hills. 28; Rep. Sabourin dit Choiniere,
Rock. 30; Rep. Berch, Ches. 6

COMMITTEE: Judiciary

ANALYSIS

This bill allows additional time to petition for a new trial in certain circumstances.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 time to petition for a new trial.

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

- 1 1 New Trials; Time. Amend RSA 526:4 to read as follows:
- 2 526:4 Time.
- 3 ***I. A new trial shall not be granted unless the petition is filed within [three] 3 years after the***
- 4 *rendition of the judgment complained of, or the failure of the suit.*
- 5 ***II. The time limit in paragraph I shall not apply if:***
- 6 ***(a) The petitioner seeks a new trial in a criminal case that resulted in a conviction of a felony***
- 7 ***or a class A misdemeanor;***
- 8 ***(b) The petitioner is either incarcerated, subject to the terms of a sentence, or subject to***
- 9 ***collateral consequences of the sentence;***
- 10 ***(c) The petition specifically alleges that there is newly discovered evidence and what that***
- 11 ***newly discovered evidence is; and***
- 12 ***(d) The petition specifically alleges that the petitioner is innocent.***
- 13 ***III. For purposes of this section, "newly discovered evidence" includes evidence that can be***
- 14 ***subjected to new or additional forensic testing, evidence that can be subjected to new scientific***
- 15 ***understanding, or evidence that was not available at the time of trial but is available at the time the petition***
- 16 ***is filed. A court may deny a petition for a new trial that is duplicative of a prior petition that was finally***
- 17 ***ruled upon by the court.***
- 18 ***IV. For petitions filed under paragraph II, the court shall first determine whether the petition has***
- 19 ***made a prima facie showing under paragraph II before granting a hearing under RSA 526:1. If upon***
- 20 ***review, it is determined that the petition does make a prima facie showing under paragraph II, the court***
- 21 ***shall then hold a hearing and, if the petitioner is indigent, appoint counsel for the petitioner to determine***
- 22 ***whether the requirements of RSA 526:1 have been met. If upon review, it is determined that the petition***
- 23 ***does not make a prima facie showing, the court may dismiss the petition.***
- 24 ***V. Nothing in this section is intended to supersede the standard for granting a motion for new trial***
- 25 ***as set out in RSA 526:1. For DNA evidence, RSA 651-D shall be followed.***
- 26 ***VI. When a petition for a new trial of a criminal conviction is being considered by the court, the***
- 27 ***state shall, upon request, reactivate victim services for the victim of the crime being reinvestigated during***
- 28 ***the reinvestigation of the case, during the pendency of the proceedings, and, as determined by the court***
- 29 ***after consultation with the victim or victim advocate, following final adjudication of the case.***
- 30 2 Effective Date. This act shall take effect January 1, 2027.
- 31
- 32 VETOED July 2, 2026