

HB 188-FN - AS INTRODUCED

2025 SESSION

25-0241

09/11

HOUSE BILL ***188-FN***

AN ACT relative to contempt of the general court.

SPONSORS: Rep. Packard, Rock. 16; Rep. Ammon, Hills. 42; Rep. Cambrils, Merr. 4; Rep. Moffett, Merr. 4; Rep. Mooney, Hills. 12; Rep. S. Smith, Sull. 3; Rep. Spillane, Rock. 2; Rep. Hill, Merr. 2; Rep. Lynn, Rock. 17; Sen. Lang, Dist 2

COMMITTEE: Judiciary

ANALYSIS

This bill establishes criminal penalties and civil remedies for contempt of the general court.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to contempt of the general court.

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

1 1 New Section; Obstructing Governmental Operations; Contempt of the General Court. Amend
2 RSA 642 by inserting after section 10 the following new section:

3 642:11 Contempt of the General Court.

4 I. Criminal offense established. Any person who, without just cause, knowingly fails to
5 comply with a subpoena duly issued and served by either house of the general court to give
6 testimony or to produce books, papers, documents, or tangible things upon any matter under inquiry
7 before either house, or any joint committee established by a joint or concurrent resolution of the 2
8 houses of the general court, or any committee of either house of the general court, or who, having
9 appeared, refuses without just cause to answer any question or to produce any books, papers,
10 documents, or tangible things demanded pertinent to the matter under inquiry, and is found to be in
11 contempt of said house by a majority vote of all members of the chamber in question, or in the case of
12 a joint committee, by a majority vote of all members of each chamber voting separately, shall be
13 guilty of a misdemeanor. A prosecution under this paragraph may be initiated only by the
14 department of justice and shall be brought exclusively in the superior court for Merrimack county.

15 II. Civil contempt remedy established. Any person who, without just cause, fails to comply
16 with a subpoena duly issued and served by either house of the general court to give testimony or to
17 produce books, papers, documents, or tangible things upon any matter under inquiry before either
18 house, or any joint committee established by a joint or concurrent resolution of the 2 houses of the
19 general court, or any committee of either house of the general court, or who, having appeared,
20 refuses without just cause to answer any question or to produce any books, papers, documents, or
21 tangible things demanded pertinent to the matter under inquiry, and is found to be in contempt of
22 said house by a majority vote of all members of the chamber in question, or in the case of a joint
23 committee, by a majority vote of all members of each chamber voting separately, may upon petition
24 of said house, or in the case of a joint committee, upon petition of both houses, or upon referral by
25 said house or houses to the department of justice, upon petition of the department of justice, be
26 summoned or otherwise compelled to appear before the superior court for Merrimack County to
27 answer for such non-compliance. Upon the failure of such person to demonstrate valid legal
28 justification for failing to comply, the court shall order the person to comply with the subpoena
29 within a reasonable time as determined by the court. If the person fails to comply with said order,
30 the court may find the person in contempt of court and may impose such civil sanctions, including
31 fines, incarceration, or other measures, as it determines are reasonably necessary to compel

HB 188-FN - AS INTRODUCED

- Page 2 -

1 compliance, provided that any period of incarceration shall terminate immediately upon the person's
2 compliance with the subpoena.

3 III. Nothing in this section shall be construed to limit the ability of either house of the
4 general court to pursue any other remedies to enforce compliance with a subpoena or to punish non-
5 compliance as may lie within its inherent constitutional power.

6 2 Effective Date. This act shall take effect January 1, 2026.

**HB 188-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to contempt of the general court.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

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