

HB 641-FN - AS INTRODUCED

2025 SESSION

25-0717

11/09

HOUSE BILL

641-FN

AN ACT

establishing a private right of action for civil rights violations.

SPONSORS:

Rep. Harriott-Gathright, Hills. 10; Rep. Georges, Hills. 23; Rep. Jeudy, Hills. 23; Rep. Kluger, Hills. 6; Rep. Manohar, Hills. 9; Rep. Meuse, Rock. 37; Rep. Newell, Ches. 4; Rep. Scherr, Rock. 26; Rep. Vail, Hills. 6; Rep. Wheeler, Hills. 33; Sen. Long, Dist 20; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Fenton, Dist 10

COMMITTEE:

Judiciary

ANALYSIS

This bill allows a person who is the subject of a civil rights violation to bring suit and receive punitive damages.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a private right of action for civil rights violations.

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

1 1 New Section; 354-B. Amend RSA 354-B by inserting after section 354-B:2 the following new
2 section:

3 354-B:2-a Private Rights of Action.

4 I. Any person who has been subjected to, or the target of, the unlawful interference with, or
5 the attempt to interfere with, the rights secured by this chapter, may bring a private action under
6 chapter 354-B.

7 II. Any person injured by another's use of any method, act, or practice declared unlawful
8 under this chapter may bring an action for damages and for such equitable relief, including an
9 injunction, as the court deems necessary and proper. If the court or jury finds for the plaintiff,
10 recovery shall be in the amount of actual damages or \$10,000, whichever is greater. If the court or
11 jury finds that the use of the method of competition or the act or practice was a willful or knowing
12 violation of this chapter, it shall award as much as 3 times, but not less than 2 times, such amount.
13 In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's
14 fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this
15 paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals
16 under this chapter without bond, subject to the discretion of the court.

17 III. Upon commencement of any action brought under this section, the clerk of court shall
18 mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any
19 judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney
20 general.

21 2 Effective Date. This act shall take effect January 1, 2026.

**HB 641-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a private right of action for civil rights violations.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	\$0	Indeterminable Increase in excess of \$222,000	Indeterminable Increase in excess of \$224,000	Indeterminable Increase in excess of \$227,000
<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 establishes a private right of action under the New Hampshire Civil Rights Act (RSA 354-B) enabling members of the public to file their own actions. These actions would require filing a notice with the Attorney General. Currently, only the Attorney General has the authority to file such an action. Additionally, this bill allows for individuals to potentially recover attorney's fees, seek damages of a minimum of \$10,000, and in the case of willful knowledge of violations the damages could double or triple.

The Department of Justice (DOJ) anticipates an increase in complaints received by the Attorney General's Office given that individuals would have the right to file action. These actions would be processed by the Civil Rights Unit. With the estimated increase in filing, the DOJ anticipates it may require dedication of additional resources to review private litigation. Additionally, the

DOJ anticipates an increase in restraining orders which comes with increased obligations to monitor compliance with those orders. This has potential to increase violations to restraining orders. The DOJ anticipates it may require dedication of additional resources to enforce the restraining orders or to file criminal action. The DOJ states the overall estimated expenditures increase is indeterminable. For a detailed estimated cost breakdown of the additional positions required, refer to the table below.

ESTIMATED FISCAL IMPACT (ROUNDED) FOR ADDITIONAL STAFF			
	FY 2026	FY 2027	FY 2028
Assistant Attorney General (1 position)	\$132,000	\$133,000	\$133,000
Investigator Paralegal (1 position)	\$90,000	\$91,000	\$94,000
Total Estimated Cost	\$222,000	\$224,000	\$227,000

The Judicial Branch does not estimate that this bill would result in more than \$10,000 of additional costs associated with increased litigation.

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

The bill also provides for civil remedies. There is no way to predict how many such actions would occur, but the Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280

Motion to Reopen	\$160
------------------	-------

AGENCIES CONTACTED:

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