

CACR 7 - AS INTRODUCED

2025 SESSION

25-0465

02/09

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **7**

RELATING TO: the presumption of innocence.

PROVIDING THAT: in all cases and suits of the state against one of the people, the defendant shall be innocent unless proven guilty.

SPONSORS: Rep. Potenza, Straf. 19; Rep. Prout, Hills. 13; Rep. Burnham, Straf. 2; Rep. Bernardy, Rock. 36; Rep. Noble, Hills. 2; Rep. Terry, Belk. 7; Sen. Murphy, Dist 16

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurrent resolution would amend the New Hampshire constitution to require that in all cases and suits of the state against a person the defendant shall be innocent unless proven guilty.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type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

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: the presumption of innocence.

PROVIDING THAT: in all cases and suits of the state against one of the people, the defendant shall be innocent unless proven guilty.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the first part of the constitution be amended by inserting after article 15 the
2 following new article:

3 [Art.] 15-a [Presumption of Innocence.] In all cases and suits of the state against one of the
4 people, whether criminal or civil, and whether in equity or law, and in any court or tribunal
5 whatsoever, the accused shall be innocent unless proven guilty.

6 II. That the above amendment proposed to the constitution be submitted to the qualified
7 voters of the state at the state general election to be held in November, 2026.

8 III. That the selectmen of all towns, cities, wards and places in the state are directed to
9 insert in their warrants for the said 2026 election an article to the following effect: To decide
10 whether the amendments of the constitution proposed by the 2025 session of the general court shall
11 be approved.

12 IV. That the wording of the question put to the qualified voters shall be:
13 “Are you in favor of amending the first part of the constitution by inserting after article 15 a new
14 article to read as follows:

15 [Art.] 15-a [Presumption of Innocence.] In all cases and suits of the state against one of the
16 people, whether criminal or civil, and whether in equity or law, and in any court or tribunal
17 whatsoever, the accused shall be innocent unless proven guilty.”

18 V. That the secretary of state shall print the question to be submitted on a separate ballot
19 with other constitutional questions or on the official ballot. The ballot containing the question shall
20 include 2 ovals next to the question allowing the voter to vote “Yes” or “No.” If no oval is marked, the
21 ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular
22 official ballot except that the words “Questions Relating to Constitutional Amendments proposed by
23 the 2025 General Court” shall be printed in bold type at the top of the ballot.

24 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
25 becomes effective when the governor proclaims its adoption.

26 VII. Voters' Guide.

27 AT THE PRESENT TIME, the New Hampshire constitution does not address the

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1 presumption of innocence.

2 IF THE AMENDMENT IS ADOPTED, the New Hampshire constitution shall require

3 in cases and suits of the state against a person that the accused be innocent unless proven guilty.