

**Winnie Ye, Innocence Project  
Testimony Before the New Hampshire House  
Committee on Judiciary in Support of House Bill 1422  
February 20, 2026**

Chair Lynn, Vice Chair Mannion, and Members of the Committee:

My name is Winnie Ye and I am a State Policy Advocate at the Innocence Project. We work across the country to free the innocent and enact policies to prevent, reveal, and address wrongful convictions. **Today, alongside the New England Innocence Project, we are expressing support for House Bill 1422 which would provide a pathway for wrongfully convicted Granite Staters to return to court and prove their innocence.**

This bill is about addressing and correcting wrongful convictions. Without HB 1422, innocent people will continue to remain behind bars and without relief.

**I. Background on Wrongful Convictions and Gaps in New Hampshire's Currently Available Post-Conviction Mechanisms**

A wrongful conviction not only harms the innocent person who was convicted of a crime they did not commit, but it denies justice to survivors and victims. Since 1989, there have been 3,782 known exonerations – that's over 3,700 innocent men and women who have collectively lost more than 35,224 years of their life and liberty to a wrongful conviction.<sup>1</sup>

Thankfully, over the years, the increasing availability of DNA testing as well as advances in forensic science have enabled the wrongfully convicted to prove their innocence. Under New Hampshire law, a wrongfully convicted person has three pathways in order to prove their innocence.

- 1. Post-conviction DNA Testing:** If they are among the small percentage of cases that have meaningful DNA<sup>2</sup>, the individual can petition for post-conviction DNA

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<sup>1</sup> National Registry of Exonerations, <https://exonerationregistry.org/>, last accessed Feb. 18, 2026

<sup>2</sup> Innocence Project, DNA and Wrongful Conviction: Five Facts You Should Know, <https://innocenceproject.org/news/dna-and-wrongful-conviction-five-facts-you-should-know/>.

testing under N.H. Rev. Stat. Ann. § 651-D, which requires them to overcome a high burden to be granted testing, and seek relief.<sup>3</sup>

2. **Habeas Corpus:** If the individual’s constitutional rights were violated – for example, if they had ineffective assistance of counsel or if there was official misconduct in their case – they can file a state habeas corpus petition under N.H. Rev. Stat. Ann. § 534.
3. **New Trial:** The third pathway a wrongfully convicted person has is to file a motion for a new trial under N.H. Rev. Stat. Ann. § 526. The *New Trials* statute is essential because we know that wrongful convictions happen for many reasons. There are many cases where DNA evidence may not be available or preserved and available for testing, and there may not be a constitutional claim.

The *New Trial* statute is critical. Yet, unlike the post-conviction DNA testing or Habeas statute, there is a statute of limitations to file a petition for a new trial. Individuals have only three-years from their conviction to file a petition. This three-year deadline is incredibly restrictive and does not take into account the merits of a case. As a result, if an individual later has strong evidence of their innocence, they are outright denied an opportunity to file a petition for a new trial if it’s after three years.

Since 1989, New Hampshire has only recorded three known exonerations – the lowest in the country.<sup>4</sup> This is not because New Hampshire has a flawless system and there are no wrongful convictions but because there are procedural barriers that innocent Granite Staters cannot overcome.

## **II. How House Bill 1422 Enables New Hampshire to Begin to Address Wrongful Convictions**

To address this, House Bill 1422 would provide a narrow exception to the three-year statute of limitations and would allow an innocent person to file a new trial if there is **newly discovered evidence, new forensic testing, or new scientific understanding** in their case. This bill acknowledges that in many cases, exonerees have had to wait years

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<sup>3</sup> New Hampshire is one of only four states in the country that does not follow the “reasonable probability” standard in order for a petitioner to be granted post-conviction DNA testing.

<sup>4</sup> National Registry of Exonerations, [https://exonerationregistry.org/cases?f%5B0%5D=n\\_pre\\_1989%3A0&f%5B1%5D=state%3ANew%20Hampshire](https://exonerationregistry.org/cases?f%5B0%5D=n_pre_1989%3A0&f%5B1%5D=state%3ANew%20Hampshire), last accessed Feb. 18, 2026.

before new evidence of innocence was uncovered in their cases – evidence such as the real culprit coming forward.

It also recognizes that science, technology, and our scientific understanding is always evolving and there should never be a hard deadline when it comes to filing a motion to prove innocence. Over the years, closer examination of various disciplines – such as bite mark analysis, hair microscopy, arson investigation, and comparative bullet lead analysis – revealed major weaknesses and these methods were found to be invalid. However, these methods were used to secure thousands of earlier convictions and were considered to be reliable until they were discredited and abandoned by the scientific community decades later.

On average, Innocence Project clients were wrongfully incarcerated for 16 years before their exoneration which is more than five times the 3-year bar.<sup>5</sup> **In these cases, where there is no biological evidence to test or official misconduct, an innocent person in New Hampshire would be procedurally barred and have no legal pathway to get back into court to demonstrate their innocence.**

### **III. The Concepts in House Bill 1422 Address Stakeholder Concerns**

The General Assembly and many stakeholders in the criminal legal system – including the Department of Justice and County Attorneys – have considered earlier versions of HB 1422 which have passed out of both chambers with broad support in previous sessions. This bill is about liberty, fairness, and due process – something all stakeholders are in support of.

This current bill takes into account feedback raised by stakeholders and aims to address those concerns.

1. **HB 1422 provides a narrowly tailored exception to the three-year statute of limitations** in N.H. Rev. Stat. Ann. § 526:4, which the courts are already familiar with. It does not create a cause of action or a new standard of review.
2. **The bill requires that the petitioner allege innocence and what the newly discovered evidence is in their case.** It also allows the court to deny a petition that is duplicative of a prior petition that was finally ruled upon by the county and allows the dismissal of claims without a hearing if the petitioner does not make a

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<sup>5</sup> Innocence Project, Explore the Numbers: Innocence Project's Impact, <https://innocenceproject.org/exonerations-data/>.

prima facie showing. **This aims to reduce any potential non-meritorious claims which was a concern of some members of the committee in 2025.**

3. **HB 1422 reiterates the State’s ability to reactivate victim services for the victim of the crime.** At a 2025 House Judiciary hearing, the Department of Justice raised concerns about the availability of victim services. While we noted that victim services were already available under New Hampshire statute, the Department of Justice continued to have concerns and as a result, additional language was added in HB 1422 to reiterate the commitment to victims.<sup>6</sup>

This bill allows the courts to revisit convictions based on discredited science or if new evidence comes to light. **It allows our system to correct miscarriages of justice and ensure conviction integrity, despite the passage of time.** No person will be released from prison the day this bill takes effect. It simply allows a wrongfully convicted person to file a petition that will be reviewed by the courts.

Thank you for your consideration. The Innocence Project supports this bill and encourages the committee to report it favorably.

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<sup>6</sup> N.H. Rev. Stat. Ann. § 21-M:8-k