

HB 1343 - AS INTRODUCED

2020 SESSION

20-2528
04/01

HOUSE BILL **1343**

AN ACT relative to the pre-arraignment or pretrial release of a defendant.

SPONSORS: Rep. Shaw, Hills. 16; Rep. Gagne, Hills. 13

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill places conditions on the pre-arraignment or pretrial personal recognizance release of a defendant.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the pre-arraignment or pretrial release of a defendant.

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

1 1 Release of a Defendant Pending Trial. Amend RSA 597:2, III(a) to read as follows:

2 III.(a)(1) The court shall order the pre-arraignment or pretrial release of the person on his
3 or her personal recognizance, or upon execution of an unsecured appearance bond in an amount
4 specified by the court, or cash or corporate surety bail, subject to the condition that the person not
5 commit a crime during the period of his or her release, and subject to such further condition or
6 combination of conditions that the court may require unless the court determines by a
7 preponderance of the evidence that such release will not reasonably assure the appearance of the
8 person as required. A person who the court determines to be a danger to the safety of that person or
9 the public shall be governed by the provisions of paragraph IV, except that evidence of substance
10 misuse or homelessness may be considered by the court, but such evidence shall not be the sole basis
11 of a dangerous determination.

12 (2) *The court shall not order the pre-arraignment or pretrial release of a*
13 *defendant under subparagraph (a)(1) if the defendant:*

14 (A) *Has an outstanding warrant for failure to appear on a previous*
15 *charge;*

16 (B) *Has an outstanding warrant charging the defendant with a felony*
17 *offense; or*

18 (C) *Has been charged with possession or possession with intent to*
19 *distribute a Schedule I substance, except for personal possession of marijuana authorized*
20 *under RSA 318-B:2-c.*

21 2 Effective Date. This act shall take effect 60 days after its passage.