

HB 316 - AS INTRODUCED

2021 SESSION

21-0406
04/05

HOUSE BILL **316**

AN ACT requiring a person issued a summons to remain of good behavior.

SPONSORS: Rep. Testerman, Merr. 2; Rep. Marsh, Carr. 8

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the summons form to require the defendant remain of good behavior pending his or her appearance.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring a person issued a summons to remain of good behavior.

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

1 1 Summons Instead of Arrest. Amend RSA 594:14, I to read as follows:

2 I. In any case in which it is lawful for a peace officer to arrest without a warrant a person for
3 a misdemeanor or violation, he or she may instead issue to the person in hand a written summons in
4 substantially the following form:

5 The State of New Hampshire

6 To

7 You are hereby notified to appear before the circuit court of the State of New
8 Hampshire, district division, to be holden in on the day of 20 at
9 o'clock in the forenoon (afternoon) to answer to a complaint (to be filed in said court) charging
10 you with in violation of the laws of the State of New Hampshire. If you are charged with a
11 class A misdemeanor or felony and you want a lawyer to represent you at the arraignment and
12 throughout your case, but you cannot afford to hire a lawyer, you must fill out an application for
13 court-appointed counsel and deliver it to the circuit court identified above as soon as possible. The
14 court will appoint an attorney to represent you if your application shows that you are eligible. If you
15 believe that you are eligible for appointed counsel, you may apply prior to your arraignment.

16 Hereof fail not, as you will answer your default under the penalty of the law in that behalf made and
17 provided.

18 Pending appearance as described herein, you shall remain of good behavior.

19 Dated at

20 Name

21 the..... day of 20.....

22 Title

23

24 Upon failure to appear or to remain of good behavior, a warrant of arrest may issue. Any person
25 who fails to **remain of good behavior or** appear in answer to such summons shall be guilty of a
26 misdemeanor.

27 2 Effective Date. This act shall take effect upon its passage.