

HB 1257 – AS INTRODUCED

2014 SESSION

14-2286
05/10

HOUSE BILL **1257**

AN ACT establishing private prosecution of criminal proceedings.

SPONSORS: Rep. Itse, Rock 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill permits private prosecution of crimes by private citizens.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing private prosecution of criminal proceedings.

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

1 1 New Paragraph; Complaints Filed by Private Individuals. Amend RSA 592-A:7 by inserting
2 after paragraph I the following new paragraph:

3 I-a. Criminal proceedings before a circuit court may be begun by a complaint filed by a
4 private citizen, signed under oath, briefly setting forth, by name or description, the party accused
5 and the offense charged. A criminal complaint filed by a private citizen may be withdrawn or nolle
6 prossed by a county attorney upon determining that the complaint is knowingly false. Submission of
7 a false complaint shall be a violation of RSA 641, sworn falsification. Complaints may be privately
8 filed for class A or class B misdemeanors; provided that unclassified misdemeanors and class A
9 misdemeanors shall be treated as class B misdemeanors. Complaints may be privately filed for
10 nonviolent class B felony offenses, which shall be treated as class B misdemeanors.

11 2 New Section; Private Prosecution. Amend RSA 592-A by inserting after section 7 the following
12 new section:

13 592-A:7-a Private Prosecution. Criminal complaints filed by private citizens may be privately
14 prosecuted if the police department and county attorney choose not to prosecute the criminal
15 complaint. Nothing in this section shall be construed to authorize search warrants by private
16 individuals.

17 3 Effective Date. This act shall take effect January 1, 2015.