

HB 440 - AS INTRODUCED

2015 SESSION

15-0215
05/04

HOUSE BILL **440**

AN ACT establishing private prosecution of criminal proceedings.

SPONSORS: Rep. Itse, Rock 10; Rep. Hoell, Merr 23; Rep. DeSimone, Rock 14; Rep. W. O'Brien,
Hills 5; Rep. Sylvia, Belk 6; Sen. Avar, Dist 12

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

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 A criminal complaint filed by a private citizen may be withdrawn or nolle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, and shall be prosecuted.
8 Complaints may be privately filed for class A or class B misdemeanors; provided that unclassified
9 misdemeanors and class A misdemeanors shall be treated as class B misdemeanors. Complaints
10 may be privately filed for nonviolent class B felony offenses, which shall be treated as class B
11 misdemeanors.

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

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

18 3 Effective Date. This act shall take effect January 1, 2016.