

CHAPTER 74  
HB 648-FN – FINAL VERSION

11Mar2015... 0616h

2015 SESSION

15-0480  
09/01

HOUSE BILL           **648-FN**

AN ACT                requiring detention until arraignment for persons arrested for violation of protective orders.

SPONSORS:           Rep. D. Sullivan, Hills 42; Rep. P. Long, Hills 10

COMMITTEE:         Criminal Justice and Public Safety

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AMENDED ANALYSIS

This bill requires detention until arraignment for persons arrested for violation of a domestic violence or stalking protective order.

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                    requiring detention until arraignment for persons arrested for violation of protective orders.

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

1            74:1 Release of Defendant Pending Trial. Amend the introductory paragraph of RSA 597:2, I to  
2 read as follows:

3            I. ***Except as provided in paragraph III-c***, upon the appearance before the court or justice  
4 of a person charged with an offense, the court or justice shall issue an order that, pending  
5 arraignment or trial, the person be:

6            74:2 Release of Defendant Pending Trial. Amend the introductory paragraph of RSA 597:2, III-a  
7 to read as follows:

8            III-a. If a person is charged with any of the offenses listed in RSA 173-B:1, I or ***charged***  
9 with violation of a protective order issued under RSA 458:16, III or ***after arraignment for***  
10 ***violation of a protective order under*** RSA 173-B, the court or justice may order preventive  
11 detention without bail, or, in the alternative, restrictive conditions including but not limited to  
12 electronic monitoring and supervision, if there is clear and convincing evidence that the person poses  
13 a danger to another. The court or justice may consider, but shall not be limited to considering, any of  
14 the following conduct as evidence of posing a danger:

15            74:3 New Paragraph; No Release of Defendant Pending Trial for Violations of Domestic Violence  
16 or Stalking Protective Orders. Amend RSA 597:2 by inserting after paragraph III-b the following  
17 new paragraph:

18            III-c. If a person is charged with violation of a protective order under RSA 173-B or  
19 RSA 633:3-a, the person shall be detained without bail pending arraignment pursuant to  
20 RSA 173-B:9, I(a).

21            74:4 Effective Date. This act shall take effect January 1, 2016.

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23 Approved: June 2, 2015

24 Effective Date: January 1, 2016