

THE STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE

ORDER

Pursuant to Part II, Article 73-a of the New Hampshire Constitution and Supreme Court Rule 51(f) and (g), the Supreme Court of New Hampshire adopts, on a temporary basis, the following amendments to court rules.

New Hampshire Rules of Criminal Procedure (Felonies First Counties)

(The amendments to Rule 8(d) are designed to: (1) extend the deadline for filing indictments to 90 days after the complaint is filed in Superior Court; and (2) permit judges to exercise discretion to grant or deny requests for extensions of time for filing indictments. The amendments to Rule 10(c) are designed to require complaints to be filed 48 hours before arraignment for non-incarcerated defendants.)

1. Amend Rule 8(d) of the New Hampshire Rules of Criminal Procedure (Felonies First Counties), as set forth in Appendix A.
2. Amend Rule 10(c) of the New Hampshire Rules of Criminal Procedure (Felonies First Counties), as set forth in Appendix B.

Effective Date

These temporary amendments shall take effect on July 1, 2017, and shall be referred to the Advisory Committee on Rules for its recommendation as to whether they should be adopted on a permanent basis.

Date: June 15, 2017

ATTEST:



Eileen Fox, Clerk
Supreme Court of New Hampshire

APPENDIX A

Amend Rule 8(d) of the New Hampshire Rules of Criminal Procedure (Felonies First Counties), on a temporary basis, as follows (new material is in **[bold and brackets]**; deleted material is in ~~striketrough~~ format):

(d) *Indictment.*

(1) Case initiated in Circuit Court-District Division. The superior court will dismiss without prejudice and vacate bail orders in all cases in which an indictment has not been returned ninety days after the matter is bound over, unless, prior to that time, the prosecution files a motion seeking an extension of time and explaining why the extension is necessary.

(2) Case initiated in Superior Court. The superior court will dismiss without prejudice and vacate all bail orders in such cases in which an indictment has not been returned within 60 **[90]** days of the complaint being filed[, **unless, prior to that time, the prosecution files a motion seeking an extension of time and explaining why the extension is necessary, and the court rules on the motion.**] ~~or within two grand jury sessions after the complaint is filed, whichever is longer. The court shall not dismiss a complaint if the prosecution files a motion seeking an extension of time and explaining why the extension is necessary.~~

APPENDIX B

Amend Rule 10(c) of the New Hampshire Rules of Criminal Procedure (Felonies First Counties), on a temporary basis, as follows (new material is in **[bold and brackets]**; deleted material is in ~~striketrough~~ format):

(c) *Copy of complaint.* The complaint shall be filed in Superior Court by the county attorney, attorney general or their designee **[48 hours prior to]** ~~within 15 days of arrest or at arraignment,~~ **[for non-incarcerated defendants, and no later than arraignment for incarcerated defendants.]** ~~whichever comes first.~~ The defendant shall be provided with a copy of the complaint~~.] no later than the time of arraignment.~~