

#2018-003



City of Concord, New Hampshire

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Re: Rule of Criminal Procedure Rule 3(a)

Dear Advisory Committee of Rules,

Rule 3(a) of the Rules of Criminal Procedure currently reads:

**Rule 3. Complaint, Arrest Warrant, Arrest, Summons and Release
Prior to Arraignment**

(a) *Complaint.* The complaint is a written statement of the essential facts constituting the offense charged. A circuit court-district division complaint charging a class A misdemeanor or felony shall be signed under oath, provided that a complaint filed by a police officer, as defined in **RSA 188-F:23**, I for a violation-level offense or a class B misdemeanor shall not require an oath. A superior court complaint charging a misdemeanor or felony is not required to be signed under oath. Unless otherwise prohibited by law, the court may permit a complaint to be amended if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced.

However, RSA 188-F:23 was repealed in 2017. The rule should reference the new statute, RSA 106-L:2.

Thank you,


Steven Endres
Assistant City Prosecutor