

Bill as Introduced

SB 64 - AS AMENDED BY THE SENATE

02/23/11 0300s

2011 SESSION

11-0926
09/05

SENATE BILL **64**

AN ACT removing the oath requirement for criminal complaints filed by police officers.

SPONSORS: Sen. Houde, Dist 5; Rep. Sorg, Graf 3

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill removes the oath requirement for criminal complaints filed by police officers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT removing the oath requirement for criminal complaints filed by police officers.

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

1 1 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

2 I. Criminal proceedings before a district court shall be begun by complaint, signed and under
3 oath, addressed to such court, briefly setting forth, by name or description, the party accused and the
4 offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for
5 a violation-level offense *or misdemeanor* shall not require a signature or an oath. ~~[Any complaint~~
6 ~~filed electronically]~~ *All complaints* shall include notice that making a false statement on the
7 complaint may result in criminal prosecution.

8 2 Effective Date. This act shall take effect upon its passage.

Amendments

Rep. Sorg, Graf. 3
Rep. Giuda, Merr. 7
Rep. LaCasse, Sull. 4
Rep. Weber, Ches. 2
May 2, 2011
2011-1696h
09/04

Amendment to SB 64

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT removing the oath requirement for class B misdemeanor criminal complaints filed
4 by police officers.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

9 I. Criminal proceedings before a district court shall be begun by complaint, signed and under
10 oath, addressed to such court, briefly setting forth, by name or description, the party accused and the
11 offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for
12 a violation-level offense *or a class B misdemeanor* shall not require ~~a signature or~~ an oath. ~~[Any~~
13 ~~complaint]~~ *All complaints* filed ~~[electronically]~~ *by a police officer* shall include *the officer's*
14 *signature and printed name and* notice that making a false statement on the complaint may
15 result in criminal prosecution.

16 2 Warrants. Amend RSA 592-A:8 to read as follows:

17 592-A:8 Warrants. A justice of the peace or justice of the district ~~[or municipal]~~ court, upon such
18 complaint *when signed under oath*, may issue a warrant for the arrest of the person so charged
19 with an offense committed or triable in the county, directed to the sheriff of any county or his deputy
20 or to any constable or police officer of any town in the county.

21 3 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

22 I. Criminal proceedings before a ~~[district]~~ *circuit* court shall be begun by complaint, signed
23 and under oath, addressed to such court, briefly setting forth, by name or description, the party
24 accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA
25 188-F:23, I, for a violation-level offense *or a class B misdemeanor* shall not require ~~a signature~~
26 ~~or~~ an oath. ~~[Any complaint]~~ *All complaints* filed ~~[electronically]~~ *by a police officer* shall include
27 *the officer's signature and printed name and* notice that making a false statement on the
28 complaint may result in criminal prosecution.

29 4 Warrants. Amend RSA 592-A:8 to read as follows:

30 592-A:8 Warrants. A justice of the peace or justice of the ~~[district or municipal]~~ *circuit* court,

Amendment to SB 64

- Page 2 -

1 upon such complaint *when signed under oath*, may issue a warrant for the arrest of the person so
2 charged with an offense committed or triable in the county, directed to the sheriff of any county or
3 his deputy or to any constable or police officer of any town in the county.

4 5 Contingency. If HB 609-FN of the 2011 legislative session becomes law, sections 3 and 4 of
5 this act shall take effect January 1, 2012 and sections 1 and 2 of this act shall not take effect. If HB
6 609-FN does not become law, sections 1 and 2 of this act shall take effect January 1, 2012 and
7 sections 3 and 4 of this act shall not take effect.

8 6 Effective Date. This act shall take effect January 1, 2012.

Amendment to SB 64

- Page 3 -

2011-1696h

AMENDED ANALYSIS

This bill removes the oath requirement for class B misdemeanor criminal complaints filed by police officers. The bill also requires a police officer filing a criminal complaint to sign the complaint.

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SENATE BILL 64

BILL TITLE: removing the oath requirement for criminal complaints filed by police officers.

DATE: April 5, 2011

LOB ROOM: 208

Time Public Hearing Called to Order: 10:35 am

Time Adjourned: 11:05 am

(please circle if present)

Committee Members: Reps. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous.

Bill Sponsors: Sen. Houde, Dist 5; Rep. Sorg, Graf 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Houde, sponsor, introduced the bill.

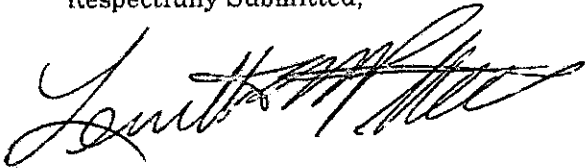
Oath requirement for Police Officer. Department of Safety and Judicial Branch request file of the bill. Electronic filing clarifies scope to which this applies misdemeanor or felony. All complaints could lead to criminal offense.

Hon. Edwin W. Kelly, New Hampshire District Court, Family Division - supports
145,000 criminal cases; 100,000 violation complaints had to be signed and sworn to. Involves the courthouse, clerk of court, lots of time. Violation did not need signature or oath.
Working towards e-tickets and all complaints electronically. 1) Finally get ready for e-filing; 2) streamline work in court clerk's office. Make more efficient. Applies to police officers.

* **Atty. Chris Casco,** Department of Safety, supports

Ease administrative burden of police and courts without changing rights of people. Utilize e-tickets more quickly, officer back to patrolling quicker. Makes tickets easier and clearer to read.

Respectfully Submitted,



Rep. Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SENATE BILL 64

BILL TITLE: removing the oath requirement for criminal complaints filed by police officers.

DATE: 4-5-11

LOB ROOM: 208

Time Public Hearing Called to Order: am 10:35

Time Adjourned: 11:05

(please circle if present)

Committee Members: Reps. ~~Rowe~~, ~~Sorg~~, ~~Souza~~, ~~Hagan~~, ~~Silva~~, ~~Andolina~~, ~~Gruda~~, ~~LaCasse~~, ~~McClarren~~, Murphy, ~~Palmer~~, ~~Peterson~~, Tregenza, Wheaton, Wall, Potter, Weber and Watrous.

Bill Sponsors: Sen. Houde, Dist 5; Rep. Sorg, Graf 3

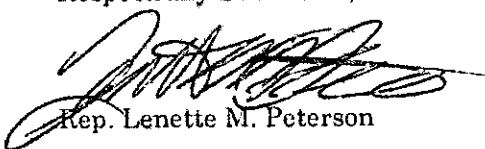
TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Houde - Oath requirement for Police Officer. Dept-Safety / Judicial Branch request file of bill. Electronic filing Clarify scope to which this applies Misd./felony. All complaints could lead to criminal offense.

Ed Kelly - (S) 145,000 criminal cases 100,000 Violation complaints had to be signed & sworn to. Involves the court house, clerk of court, lots of time. Violation didn't need signature or oath.

Respectfully Submitted,


Rep. Lenette M. Peterson

over

Working towards E-tickets and all complaints electronically. 1) finally get ready for E-filing 2) streamline work in Court Clerk's office. Make office more efficient. Applies to Police Officers.

Chris Casco (S)*
Dept. Safety ease admin. burden of Police + Courts w/o changing rights of people. Utilize E-tickets more quickly, officer back patrolling quicker. Makes tickets easier & clearer to read.

Sub-Committee Minutes

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON SENATE BILL 64

BILL TITLE: removing the oath requirement for criminal complaints filed by police officers.

DATE: April 26, 2011

Committee Members: Reps. Sorg, Chairman, Giuda, LaCasse and Weber.

Comments and Recommendations: Wording of proposed amendment agreed to. Rep. Sorg will cause OLS to draft it for presentation to the full Judiciary Committee. No further meeting of the subcommittee is considered necessary or was scheduled.

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

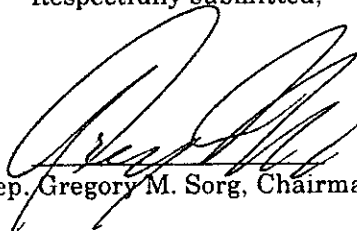
Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,


Rep. Gregory M. Sorg, Chairman

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE WORK SESSION ON SENATE BILL 64

BILL TITLE: removing the oath requirement for criminal complaints filed by police officers.

DATE: April 26, 2011

Committee Members: Reps. Sorg, Chairman Giuda, LaCasse, and Weber.

Comments and Recommendations:

Wording of proposed amendment agreed to. Rep Sorg will cause OLS to draft it, for presentation to the full Judiciary Committee. No further meeting of the subcommittee is considered necessary or was scheduled.

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

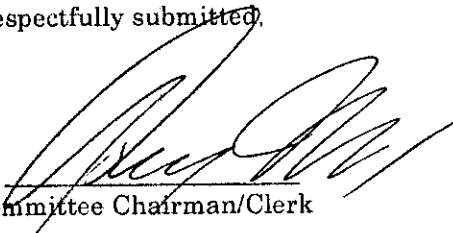
Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. 
Subcommittee Chairman/Clerk

Testimony

CASKO

Department of Safety Comments on HB ____ SB _64_ as Introduced (x) as amended()

[This bill removes the oath requirement for criminal complaints filed by police officers.]

Current law does not require police officers when they issue criminal complaints and traffic tickets to submit the tickets to the court after signing them and taking an oath before a Justice of the Peace if the offense charged is a violation-level offense, which is the least serious classification of offenses in the Criminal Code. This bill would extend that provision to all offenses, not just violations.

What this would enable is the electronic processing of complaints submitted by the police to the court system. It would greatly streamline the process at both ends – on the road and at the police station for the law enforcement agency, and at the courthouse for the court staff. It would also be a convenience to the citizens because it would allow the electronic issuance of traffic tickets meaning the motorist who was stopped by the police and issued a ticket would be minimally inconvenienced and on their way much quicker, and the citizens would also benefit because the officer would not be tied up as long and would be able to resume his duties that much sooner after the stop.

The Highway Safety Agency has federal grant funds available to cover the purchase of scanners for State and Local police cruisers that would enable a Trooper or local Police Officer who stops a motorist and is going to issue a ticket, to scan the motorist's driver license and registration barcode, call up a facsimile of a traffic ticket on the in-car computer screen, fill out the ticket and print it on an in-car printer and deliver it to the motorist, all within a very short period of time, as opposed to handwriting or hand printing the ticket with multiple carbons before he or she can give a copy to the motorist. The motorist will be on their way sooner and the officer will be back on patrol sooner.

Meanwhile, the ticket will be simultaneously transmitted via the police telecommunications system to the police station, DMV, and the court. It will be electronically entered into the police department's filing system, the DMV's record system and the court's docketing system. Not only will this save clerical work at all 3 places, but it will eliminate the errors and extra labor that occurs whenever someone at the DMV or the courts cannot read the officer's writing or printing, which occurs frequently. When this happens, sometimes the clerks take a guess at a name and the ticket is posted erroneously against another driver's record or a record is established for a non-existent person. If the clerk does not take a stab at the name, this means trying to decipher the name of the officer that wrote the ticket from what is often an illegible signature, then contacting that officer, who may be working rotating shifts and trying to get him or her to interpret the name of the defendant from his or her copy of the ticket.

This bill in no way relieves officers of the obligation to be truthful and correct in what they put on the ticket or court complaint, and in fact the complaint will contain a notice that if the officer makes a false statement on the complaint it can result in his or her prosecution for a crime.

Both the Department of Safety and the Administrative Office of the Courts support this bill, as does the Nth Supreme Court.



*State of New Hampshire Judicial Branch
District Court and Family Division*

*Edwin W. Kelly, Administrative Judge
District Court and Family Division*

*Permanency Planning Coordinator
Kristin A. Lamont, Esq.*

*Domestic Violence Specialist
Elizabeth Paine, Esq.*

*Family Division Administrators:
Gina B. Apicelli, Esq.
Brigette Siff Holmes, Esq.*

*District Court Administrators:
Pamela Kozlowski, Esq.
Paula Hurley, Esq.
Patrick Ryan, Esq.*

April 6, 2011

Representative Robert H. Rowe, Chairman
House Judiciary Committee
Room 208, Legislative Office Building
Concord, NH 03301

Dear Representative Rowe:

During the hearing on Senate Bill 34, Representative Giuda asked whether parties in any actions other than guardianships over minors were required to pay the cost of service of orders of notice on the other parties. I repeated my belief that this was the practice and agreed to provide follow-up information.

In the family division the party filing the petition is required to pay the cost of service in the following cases:

Divorce/Legal Separation – certified mail or sheriff service
Parenting Petitions (custody) – certified mail or sheriff service
Termination of Parental Rights filed by one parent against another – sheriff service or, in the case of abandonment by one parent, publication in a newspaper

In the district court the party filing the action is required to pay the cost of service on the opposing party in the following cases:

Civil Writs – sheriff service
Landlord Tenant – sheriff service
Order of Notice on Civil Payments – sheriff service

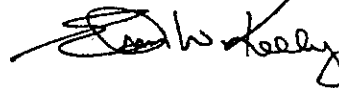
*PO Box 389, Concord, New Hampshire 03302-0389
(603) 271-6418*

Representative Robert Rowe
April 5, 2011

Page Two

I hope this adequately responds to the question of the committee. However, please do not hesitate to contact me should you have further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Edwin W. Kelly". The signature is fluid and cursive, with the first name "Edwin" being more prominent.

Edwin W. Kelly
Administrative Judge

EWK:lc

c: Representative J. Brandon Giuda

SET TYPEWRITER SPACING AT 1½

Docket# _____ TN# _____

State of New Hampshire COMPLAINT

Docket# _____

☐ DOMESTIC VIOLENCE RELATED

☐ VIOLATION

☐ CLASS A MISDEMEANOR
☐ CLASS B

☐ FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
AT _____ O'CLOCK IN THE AM/PM ON _____ YR. _____
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:
TO THE _____ COURT, COUNTY OF _____

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME _____
Last Name First Name Mi

Address _____ State _____ Zip _____

DOB _____ OP.LIC.# _____

Sex	Race	Height	Weight	Color Hair	Color Eyes

WRITE OUT: _____

☐ COMM. VEH.

☐ COMM. DR. LIC.

☐ HAZ. MAT.

AT _____
(Location)
ON THE _____ DAY OF _____ YR. _____ at _____
A.M. P.M.

on/at in said county and state, did commit the offense of _____
_____ contrary to RSA _____
and the laws of New Hampshire for which the defendant should be held to answer, in
that the defendant did

against the peace and dignity of the State.

☐ SERVED IN HAND

Complainant _____ Dept. _____

Personally appeared the above named complainant and made oath that the above
complaint by him/her subscribed is, in his/her belief, true.

DATE _____ Justice of the Peace _____

TRIAL SCHEDULED.....at.....

Continued from.....to.....at.....by.....

Continued from.....to.....at.....by.....

TRIAL HELD

Bail: ☐ PR\$..... ☐ Cash\$..... ☐ Surety\$..... ☐ Committed
☐ Defendant advised of constitutional rights. ☐ Waived counsel.
☐ Appearance of for defendant
☐ Assignment of for defendant

Nol Prossed by.....date.....

PLEA: ☐ Guilty ☐ Not Guilty ☐ Nolo Contendere ☐ No Plea
☐ Change Plea To: ☐ Nolo ☐ Guilty
☐ Not Guilty ☐ Negotiated Plea date.....

FINDING: ☐ Guilty ☐ Not Guilty ☐ Dismissed

SENTENCE:

- ☐ Fine of \$..... amt. suspended \$..... PA \$..... ☐ PA Susp.
- ☐ Commitment to House of Correction for.....days..... months
☐ Suspended.....days.....months
- ☐ Commitment suspended upon payment of \$..... fine
- ☐ Commitment suspended (see conditions below)
- ☐ Commitment to mandatory 10 consecutive 24-hour periods: 3 at the House of Correction; 7 at the multiple DWI offender intervention detention center.
- ☐ Commitment to..... consecutive 24-hour periods (mandatory not less than 30) at the House of Correction. Defendant shall complete at own expense a 28-day treatment program before license privileges may be restored.
- ☐ Conditional Discharge after...months ☐ Unconditional Discharge
- ☐ Ordered ☐ Recommended Defendant's license (rights) to operate motor vehicle be ☐ suspended ☐ revoked for a period of days.....months..... years.
- ☐ Defendant placed on Probation for.....
- ☐ Case continued for sentence ☐ Complaint placed on file ☐ with ☐ without finding.
- ☐ Defendant failed to appear. ☐ Bail forfeited \$.....
- ☐ Bench warrant to issue.....^{date}
- ☐ Bail to be determined by Bail Commissioner \$.....
- ☐ Bail Set By Court \$..... PR/CASH/SURETY

.....
.....
.....
.....
.....
.....
.....
.....

☐ APPEAL:..... ☐ Bail \$..... ☐ Committed
☐ PROBABLE CAUSE:^{Date}..... ☐ Bail \$.... ☐ Committed
☐ Hearing Waived ^{Date}.....

.....
Date Justice

State of New Hampshire

COMPLAINT

Docket# _____

☐ DOMESTIC VIOLENCE RELATED☐ VIOLATION☐ CLASS A MISDEMEANOR
☐ CLASS B☐ FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
 AT _____ O'CLOCK IN THE AM/PM ON _____ YR. _____
 UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
 CHARGING YOU WITH THE FOLLOWING OFFENSE:
 TO THE COURT, COUNTY OF

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINTNAME
Last Name First Name MI

Address State Zip

DOB OPLIC.#

WRITE OUT:	Sex	Race	Height	Weight	Color Hair	Color Eyes
------------	-----	------	--------	--------	------------	------------

☐ COMM. VEH.☐ COMM. DR. LIC.☐ HAZ. MAT.AT
(Location)ON THE DAY OF YR. at A.M.
 P.M.

on/at in said county and state, did commit the offense of

..... contrary to RSA

and the laws of New Hampshire for which the defendant should be held to answer, in
 that the defendant did

against the peace and dignity of the State.

☐ SERVED IN HAND

Complainant Dept.

Personally appeared the above named complainant and made oath that the above
 complaint by him/her subscribed is, in his/her belief, true.

DATE Justice of the Peace

REPORT OF ACTION ON CASE

COURT ACTION:..... **JUDGE**.....

Date..... **Plea**.....

Disposition

.....

.....

.....

..... \$.....

License Action

OFFICER'S NOTES FOR TESTIFYING IN COURT

Please note facts and circumstances in addition to those checked on face of complaint that is: 1. Any specific action of violator which increased the hazard of the violation; 2. Where violation observed and where contact made; 3. Total distance traveled during pursuit; 4. Statements by violator and general attitude; 5. Place of Employment.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

WITNESSES:.....

.....

.....

VEHICLE DEFECTS

Service Brake

Parking Brake

Headlights

Tail Lights

Stop Lights

Windshield Wiper

Horn

Tires

Other

Docket#

TN#

State of New Hampshire

COMPLAINT

Docket#

☐ DOMESTIC VIOLENCE RELATED

☐ VIOLATION

☐ CLASS A MISDEMEANOR
☐ CLASS B

☐ FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
 AT _____ O'CLOCK IN THE AM/PM ON _____ YR. _____
 UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
 CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE COURT, COUNTY OF

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME
Last Name First Name Mi

Address State Zip

DOB OP.LIC.#

WRITE OUT
 Sex Race Height Weight Color Hair Color Eyes

☐ COMM. VEH.

☐ COMM. DR. LIC.

☐ HAZ. MAT.

AT
(Location)

ON THE DAY OF YR. at A.M.
 P.M.

on/at in said county and state, did commit the offense of

..... contrary to RSA

and the laws of New Hampshire for which the defendant should be held to answer, in
 that the defendant did

against the peace and dignity of the State.

☐ SERVED IN HAND

Complainant Dept.

Personally appeared the above named complainant and made oath that the above
 complaint by him/her subscribed is, in his/her belief, true.

DATE Justice of the Peace

AOC-103-045 REV 7/00

DEFENDANT COPY

Docket# _____ TN# _____

State of New Hampshire COMPLAINT

Docket# _____

☐ DOMESTIC VIOLENCE RELATED

☐ VIOLATION

☐ CLASS A MISDEMEANOR
☐ CLASS B

☐ FELONY







YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
AT _____ O'CLOCK IN THE AM/PM ON _____ YR. _____
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:
TO THE COURT, COUNTY OF

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME
Last Name First Name Mi

Address State Zip

DOB OP.LIC.#

      WRITE OUT: _____
Sex Race Height Weight Color Hair Color Eyes

☐ COMM. VEH.

☐ COMM. DR. LIC.

☐ HAZ. MAT.

AT
(Location)

ON THE DAY OF YR. at
A.M. P.M.

on/at in said county and state, did commit the offense of

..... contrary to RSA

and the laws of New Hampshire for which the defendant should be held to answer, in
that the defendant did

against the peace and dignity of the State.

☐ SERVED IN HAND

Complainant Dept.

Personally appeared the above named complainant and made oath that the above
complaint by him/her subscribed is, in his/her belief, true.

DATE Justice of the Peace

TRIAL SCHEDULED.....at.....
 Continued from.....to.....at.....by.....
 Continued from.....to.....at.....by.....

TRIAL HELD

Bail: ☐ PR\$..... ☐ Cash\$..... ☐ Surety\$..... ☐ Committed
☐ Defendant advised of constitutional rights. ☐ Waived counsel.
☐ Appearance of for defendant
☐ Assignment of for defendant

Nol Prossed by.....date.....

PLEA: ☐ Guilty ☐ Not Guilty ☐ Nolo Contendere ☐ No Plea
☐ Change Plea To: ☐ Nolo ☐ Guilty
☐ Not Guilty ☐ Negotiated Plea date.....

FINDING: ☐ Guilty ☐ Not Guilty ☐ Dismissed

SENTENCE:

- ☐ Fine of \$.....amt. suspended \$..... PA \$..... ☐ PA Susp.
☐ Commitment to House of Correction for.....days.....months
☐ Suspended.....days.....months
☐ Commitment suspended upon payment of \$..... fine
☐ Commitment suspended (see conditions below)
☐ Commitment to mandatory 10 consecutive 24-hour periods: 3 at the House of Correction; 7 at the multiple DWI offender intervention detention center.
☐ Commitment to.....consecutive 24-hour periods (mandatory not less than 30) at the House of Correction. Defendant shall complete at own expense a 28-day treatment program before license privileges may be restored.
☐ Conditional Discharge after...months ☐ Unconditional Discharge
☐ Ordered ☐ Recommended Defendant's license (rights) to operate motor vehicle be ☐ suspended ☐ revoked for a period of.....days.....months.....years.
☐ Defendant placed on Probation for.....
☐ Case continued for sentence ☐ Complaint placed on file ☐ with ☐ without finding.
☐ Defendant failed to appear. ☐ Bail forfeited \$.....
☐ Bench warrant to issue.....date..... New Bail \$.....

DATE.....JUSTICE.....

PROBABLE CAUSE:.....date..... ☐ Bail \$..... ☐ Committed

☐ Hearing Waived

APPEALED.....date..... ☐ Bail\$..... ☐ Committed

Total Fine \$

Suspended \$

Due State \$

I certify that this is a true abstract

.....Date.....Justice or Clerk.....

Docket # _____

COMPLAINT (VIOLATIONS ONLY)

- ☐ You do **NOT** have to come to court but must answer this complaint to the Department of Safety within 30 (thirty) days from Issuance: Date of Issuance: _____
- OR
- ☐ You do **NOT** have to come to court but must answer this complaint to Court listed below within 30 (thirty) days from Issuance: Date of Issuance: _____
- OR
- ☐ You **MUST** come to court at _____ o'clock AM/PM on _____ yr. _____ to answer this complaint.

Docket # _____

**STATE OF NEW HAMPSHIRE, Grafton County
PLYMOUTH DISTRICT COURT
26 GREEN STREET
PLYMOUTH, NH 03264**

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME										FIRST NAME										MI					
ADDRESS										CITY										STATE		ZIP			
DOB MO		DAY		YR		OP. LIC. #		STATE		CLASS		SEX		RACE		HEIGHT		WEIGHT		COLOR EYES		COLOR HAIR		A.M. P.M.	

ON THE _____ DAY OF _____ YR. _____ AT _____

DID OPERATE M.V. REG. NO. _____ PLATE TYPE _____ STATE _____

MAKE _____ YEAR _____ TYPE _____ ☐ COMM. ☐ HAZMAT
VEHICLE

AT _____ (Location)

Upon a certain public highway, to wit -

- ☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h., the prima facie lawful speed limit at the time and place of violation being _____ m.p.h. Contrary to RSA 265:60. ☐ Radar ☐ Aircraft ☐ Clocked
- ☐ Traveling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.
- ☐ did fail and neglect to stop the said vehicle for a certain
☐ stop sign (contrary to RSA 265:31)
☐ traffic light (contrary to RSA 265:9) before entering the intersection of _____
- ☐ did fail and neglect to have the said vehicle inspected in accordance with the regulations of the Director of Motor Vehicles. Contrary to RSA 266:5.
- ☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40
- ☐ Other _____

CONTRARY TO RSA _____ Against the peace and dignity of the State.

PAVEMENT: ☐ Dry ☐ Wet ☐ Ice ☐ Snow

TRAFFIC: ☐ Light ☐ Medium ☐ Heavy ☐ Accident Resulting

WEATHER: ☐ Rain ☐ Snow ☐ Ice ☐ Fog ☐ Clear ☐ Cloudy

Dept. _____ Complainant _____ Badge No. _____

☐ SERVED IN HAND

FINE \$ _____

DOS/COURT

DS No 692501

DSMV 428 (Rev. 01/09)

DEFENDANT

PLEA: ☐ Guilty ☐ Not Guilty ☐ Nolo Contendere
☐ Change of Plea ☐ Not Guilty to Guilty ☐ Not Guilty to Nolo

FINDING: ☐ Guilty ☐ Not Guilty ☐ Dismissed
☐ Waiver of Counsel and Rights Acknowledged
☐ Appearance of _____ for the defendant
☐ Nolle Prossed by _____ on _____ day

Continued from _____ to _____ by _____
Continued from _____ to _____ by _____

SENTENCE:

☐ Fine of \$ _____ amount suspended \$ _____ P.A. \$ _____ Total \$ _____
(amount suspended on conditions stated below)
☐ Time Payment: _____
☐ Ordered ☐ Recommended defendant's license (privileges) to operate a motor vehicle be
☐ suspended ☐ revoked for a period of _____ ☐ Lic. forwarded
☐ Defendant placed on probation for a period of _____
☐ Case continued for sentence ☐ Complaint placed on file ☐ with ☐ without finding
☐ Other _____

DEFAULT:

Fine \$ _____ P.A. \$ _____ Admin. Fee ☐ Imposed \$ _____ ☐ waived Total \$ _____
Defendant failed to ☐ appear on _____ date ☐ pay on _____ date

☐ Bench Warrant: Ordered _____ (date) issued _____ (date)
☐ for ☐ non-appearance ☐ non-payment
☐ Bail to be Determined by Bail Commissioner \$ _____
☐ Bail set by Court \$ _____ PR / CASH / SURETY
☐ Other _____

☐ Recommend license suspension _____ Justice Signature _____

APPEAL:

☐ To Superior Court (De Novo trials only): _____ The Defendant appeals.
☐ To Superior Court: To be perfected within 30 days or sentence will be invoked.

Default Date _____ Justice Signature _____

Conviction Date _____ Justice Signature _____

Original abstract forwarded _____ (date)

COMPLAINT (VIOLATIONS ONLY)

- ☐ You do NOT have to come to court but must answer this complaint to the Department of Safety within 30 (thirty) days from issuance. Date of Issuance: _____
- ☐ OR ☐ You do NOT have to come to court but must answer this complaint to Court listed below within 30 (thirty) days from issuance. Date of Issuance: _____
- ☐ OR ☐ You MUST come to court at _____ o'clock AM/PM on _____ yr. to answer this complaint.

STATE OF NEW HAMPSHIRE, Grafton County
 PLYMOUTH DISTRICT COURT
 26 GREEN STREET
 PLYMOUTH, NH 03266

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME FIRST NAME MI

ADDRESS CITY STATE ZIP

DOB MO DAY YR OP. LIC. # STATE CLASS

Sex Race Height Weight Color Eyes Color Hair A.M. P.M.

ON THE _____ DAY OF _____ YR. AT _____

DID OPERATE M.V. REG. NO. _____ PLATE TYPE _____ STATE _____

MAKE _____ YEAR _____ TYPE _____ ☐ COMM. ☐ HAZMAT

AT _____

Upon a certain public highway, to wit -

(Location)

- ☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h., the prima facie lawful speed limit at the time and place of violation being _____ m.p.h. Contrary to RSA 265:60. ☐ Radar ☐ Aircraft ☐ Clocked
- ☐ Travelling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.
- ☐ did fail and neglect to stop the said vehicle for a certain ☐ stop sign (contrary to RSA 265:31) ☐ traffic light (contrary to RSA 265:9) before entering the intersection of _____
- ☐ did fail and neglect to have the said vehicle inspected in accordance with the regulations of the Director of Motor Vehicles. Contrary to RSA 266:5.
- ☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40
- ☐ Other _____

CONTRARY TO RSA _____

Against the peace and dignity of the State.

PAVEMENT: ☐ Dry ☐ Wet ☐ Ice ☐ Snow

TRAFFIC: ☐ Light ☐ Medium ☐ Heavy ☐ Accident Resulting

WEATHER: ☐ Rain ☐ Snow ☐ Ice ☐ Fog ☐ Clear ☐ Cloudy

Dept. Complainant Badge No.

☐ SERVED IN HAND FINE \$

DOS/COURT

DS-V 428 (Rev. 01/09)

DS RE 002501

DEFENDANT

- ☐ Appearance of _____ for the defendant.
- ☐ Waiver of Counsel and Acknowledgment of Rights.
- ☐ Defendant failed to appear. Recommended suspension of license/privileges indefinitely.
- ☐ Defendant failed to pay fine. Recommended suspension of license/privileges indefinitely.

Not Processed by _____

PLEA: ☐ Guilty ☐ Not Guilty ☐ Nolo Contendere
☐ Change of Plea ☐ Not Guilty to Guilty ☐ Not Guilty to Nolo

FINDING: ☐ Guilty ☐ Not Guilty ☐ Dismissed

SENTENCE: ☐ FINE ☐ SUSPENSION ☐ PROBATION ☐ OTHER

- ☐ Fine of \$ _____ amount suspended \$ _____ A. S.
- ☐ Sentence suspended during good behavior.
- ☐ Ordered ☐ Recommended defendant's license/privileges to operate a motor vehicle
be ☐ Suspended ☐ Revoked for a period of _____
- ☐ Defendant placed on Probation for a period of _____
- ☐ Case continued for sentence. ☐ Complaint placed on file. ☐ with ☐ without finding.
- ☐ Conditional Discharge ☐ Unconditional Discharge
- ☐ Defendant failed to appear. ☐ Bail forfeited.
- ☐ Bench warrant to issue _____ for ☐ non-appearance ☐ non-payment.
- ☐ Bail to be Determined by Bail Commissioner \$ _____
- ☐ Bail set by Court \$ _____ PR / CASH / SURETY
- ☐ Other _____

Default Date _____ JUSTICE _____

Conviction Date _____ JUSTICE _____

APPEALED: Date _____

FINE		PRIVILEGE TO DRIVE
Total Fine	\$ _____	Recommended <input type="checkbox"/> Ordered <input type="checkbox"/>
Suspended	_____	Suspension of License/Privileges <input type="checkbox"/>
Due Date	_____	Revocation of License/Privileges <input type="checkbox"/>
		for _____ days.
		License Attached <input type="checkbox"/>

I certify that this is a true abstract.

Signature Justice or Clerk

198009

RD

COMPLAINT (VIOLATIONS ONLY)

- ☐ You do NOT have to come to court but must answer this complaint to the Department of Safety within 30 (thirty) days from issuance. Date of issuance: _____
- OR
- ☐ You do NOT have to come to court but must answer this complaint to Court listed below within 30 (thirty) days from issuance. Date of issuance: _____
- OR
- ☐ You MUST come to court at _____ o'clock AM/PM on _____ yr. to answer this complaint.

STATE OF NEW HAMPSHIRE, Grafton County
PLYMOUTH DISTRICT COURT
23 GREEN STREET
PLYMOUTH, NH 03204

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME _____ FIRST NAME _____ ID _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

DOB MO DAY YR OP. LIC. # STATE CLASS

Sex Race Height Weight Color Eyes Color Hair A.M. P.M.

ON THE _____ DAY OF _____ YR. _____ AT _____ P.M.

DID OPERATE M.V. REG. NO. _____ PLATE TYPE _____ STATE _____

MAKE _____ YEAR _____ TYPE _____ ☐ COMM. VEHICLE ☐ HAZMAT

AT _____

Upon a certain public highway, to wit - _____ (Location)

- ☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h., the prima facie lawful speed limit at the time and place of violation being _____ m.p.h. Contrary to RSA 265:80. ☐ Radar ☐ Aircraft ☐ Clocked
- ☐ Traveling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.
- ☐ did fail and neglect to stop the said vehicle for a certain
- ☐ stop sign (contrary to RSA 265:31)
- ☐ traffic light (contrary to RSA 265:9) before entering the intersection of _____
- ☐ did fail and neglect to have the said vehicle inspected in accordance with the regulations of the Director of Motor Vehicles. Contrary to RSA 266:5.
- ☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40
- ☐ Other _____

CONTRARY TO RSA _____ Against the peace and dignity of the State.

PAVEMENT: ☐ Dry ☐ Wet ☐ Ice ☐ Snow

TRAFFIC: ☐ Light ☐ Medium ☐ Heavy ☐ Accident Resulting

WEATHER: ☐ Rain ☐ Snow ☐ Ice ☐ Fog ☐ Clear ☐ Cloudy

Dept. _____ Complainant _____ Badge No. _____

☐ SERVED IN HAND FINE \$ _____

DOS/FILE

OS/AV 426 (Rev. 01/09)

05 082561

DEFENDANT

DEFENDANT COPY RECEIVED - Date: _____ by: _____

COURT COPY RECEIVED - Date: _____ by: _____

SUMMONS ENTERED - Date: _____ by: _____

PLEA:

☐

GUILTY

☐

NOLO CONTENDERE

☐

NO PLEA INDICATED (Assumed Guilty)

☐

NOT GUILTY

COMPLAINT (VIOLATIONS ONLY)

Docket #

- ☐ You **do NOT have to come to court but must answer this complaint** to the Department of Safety within 30 (thirty) days from issuance. Date of Issuance: _____
- OR
- ☐ You **do NOT have to come to court but must answer this complaint** to Court listed below within 30 (thirty) days from issuance. Date of Issuance: _____
- OR
- ☐ You **MUST come to court** at _____ o'clock AM/PM on _____ yr. to answer this complaint.

STATE OF NEW HAMPSHIRE, Grafton County
PLYMOUTH DISTRICT COURT
25 GREEN STREET
PLYMOUTH, NH 03264

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME FIRST NAME LI

ADDRESS CITY STATE ZIP

DOS MO	DAY	YR	OP. LIC. P.	STATE	CLASS

Sex Race Height Weight Color Eyes Color Hair A.M. P.M.

ON THE _____ DAY OF _____ YR. AT _____

DID OPERATE M.V. REG. NO. _____ PLATE TYPE _____ STATE _____

MAKE _____ YEAR _____ TYPE _____ ☐ COMM ☐ HAZMAT
VEHICLE

AT _____

- Upon a certain public highway, to wit - _____ (Location)
- ☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h., the prima facie lawful speed limit at the time and place of violation being _____ m.p.h. Contrary to RSA 265:80. ☐ Radar ☐ Aircraft ☐ Clocked
- ☐ Traveling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.
- ☐ did fail and neglect to stop the said vehicle for a certain
- ☐ stop sign (contrary to RSA 265:31)
- ☐ traffic light (contrary to RSA 265:9) before entering the intersection of _____
- ☐ did fail and neglect to have the said vehicle inspected in accordance with the regulations of the Director of Motor Vehicles. Contrary to RSA 268:5.
- ☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:10
- ☐ Other _____

CONTRARY TO RSA _____ Against the peace and dignity of the State.

PAVEMENT: ☐ Dry ☐ Wet ☐ Ice ☐ Snow

TRAFFIC: ☐ Light ☐ Medium ☐ Heavy ☐ Accident Resulting

WEATHER: ☐ Rain ☐ Snow ☐ Ice ☐ Fog ☐ Clear ☐ Cloudy

Dist. _____ Complaint _____ Date: _____

☐ SERVED IN HAND FINE \$ _____**IMPORTANT: SEE REVERSE SIDE FOR INSTRUCTIONS**

DS

692501

Daily 428 (Rev. 10/03)

DEFENDANT _____

INSTRUCTIONS

Unless you have been instructed to come to Court in person, you **MUST** answer this complaint prior to thirty (30) days from the date of issuance shown on the front of the summons, **OR A PENALTY WILL APPLY.** If you are pleading "Guilty" or "Nolo Contendere" you may answer this complaint by mail, telephone with a credit card, or you may personally appear at the Department of Safety, Division of Motor Vehicles, Financial Responsibility Section, 21 Mason Drive, Concord, NH 03301. A "Not Guilty" plea must be in writing. The Office is open 8:15 a.m. to 4:15 p.m., Monday through Friday, Eastern Standard Time excluding holidays.

INDICATE YOUR PLEA SELECT ONE.

- ☐ I plead **NOT GUILTY** and wish to have a trial. I understand that I am to send no money with this date, sign and return this form in the attached envelope. I understand that I will be notified by mail at the address shown on the face of this document (unless corrected below) when and where to appear for trial. I understand and I have the right to represent myself or to hire a lawyer at my own expense.
- ☐ I plead **GUILTY** (payment must be included)
- ☐ I plead **NOLO CONTENDERE** (No Contest) (payment must be included)
- ☐ I have been charged with an offense for which no fine amount is shown on the Uniform Fine Schedule. I wish to plead ☐ Guilty or ☐ Nolo Contendere and be notified of the amount of my fine by mail.

TO PAY YOUR FINE (Guilty and Nolo Contendere pleas only) - Checks or money orders made out to "State of New Hampshire - DMV" in the total amount of your fine may be mailed in the self-addressed envelope attached or paid in person. Do not send cash through the mail. U.S. Funds only. Visa, MasterCard, American Express, and Discover may be used by calling 1-800-272-0069, within the United States. Have this form and credit card in hand when calling. Hours of operation are Monday - Friday, 8:15 a.m. - 4:15 p.m. Eastern Standard Time.

NOTE: Any plea that results in a conviction may result in additional administrative action, including license suspension.

WARNING

1. Failure to respond to this Summons by the date shown on the front of this Summons, or failure to appear for any hearing scheduled with regard to this Summons, or failure to pay any fine or penalty or comply with any other will result in this Summons, will result in the following penalties:

- A \$200 administrative fee will be added to your fine (RSA 263:03-1).
- Your driver's license and driving privileges in this state will be suspended by the Division of Motor Vehicles for 30 days from the date of your failure to respond. **ADDITIONAL NOTICE (RSA 263:03-2):** If a hearing is held for you and you are found to be liable:

If you pay your fine or any other penalty, and if you check, your driver's license and driving privileges in this state **WILL BE SUSPENDED** by the Division of Motor Vehicles until you have paid the check, fee and bank processing fee will be added to your fine. Additionally, suspension of your license will be either a felony or a misdemeanor (RSA 263:03-2) and may result in a fine of at least \$500 or more per year in jail.

2. Once your license is suspended, you will be required to attend a hearing by the Division of Motor Vehicles. This fee must be paid before your driving privileges will be restored. (RSA 263:03-3)

DATE AND SIGN THE FORM.

DATE: _____ SIGNATURE: _____

VISA, MASTERCARD, AMERICAN EXPRESS or DISCOVER # _____

EXP: _____ Mailing address, if different than that indicated on this complaint.

HABITUAL OFFENDER NOTICE

Numerous motor vehicle convictions may result in loss of license and possible imprisonment.

NAME _____

STREET _____

CITY _____ STATE _____ ZIP _____

Did you: Indicate your plea - date and sign the summons - enclose your fine (if applicable).

COMPLAINT (VIOLATIONS ONLY)

- ☐ You do NOT have to come to court but must answer this complaint to the Department of Safety within 30 (thirty) days from Issuance: Date of Issuance: _____
- OR
- ☐ You do NOT have to come to court but must answer this complaint to Court listed below within 30 (thirty) days from Issuance: Date of Issuance: _____
- OR
- ☐ You MUST come to court at _____ o'clock AM/PM on _____ yr. to answer this complaint.

Docket # _____

STATE OF NEW HAMPSHIRE, Grafton County
PLYMOUTH DISTRICT COURT
28 GREEN STREET
PLYMOUTH, NH 03254

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME _____ FIRST NAME _____ MI _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

DOB MO	DAY	YR	OP. LIC. #	STATE	CLASS

Sex _____ Race _____ Height _____ Weight _____ Color Eyes _____ Color Hair _____ A.M. _____ P.M. _____

ON THE _____ DAY OF _____ YR. _____ AT _____

DID OPERATE M.V. REG. NO. _____ PLATE TYPE _____ STATE _____

MAKE _____ YEAR _____ TYPE _____ ☐ COMM. VEHICLE ☐ HAZMAT

AT _____

Upon a certain public highway, to wit - _____ (location)

- ☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h., the prima facie lawful speed limit at the time and place of violation being _____ m.p.h. Contrary to RSA 265:60. ☐ Radar ☐ Aircraft ☐ Clocked
- ☐ Traveling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.
- ☐ did fail and neglect to stop the said vehicle for a certain
- ☐ stop sign (contrary to RSA 265:31)
- ☐ traffic light (contrary to RSA 265:9) before entering the intersection of _____
- ☐ did fail and neglect to have the said vehicle inspected in accordance with the regulations of the Director of Motor Vehicles. Contrary to RSA 266:5.
- ☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40
- ☐ Other _____

CONTRARY TO RSA _____ Against the peace and dignity of the State.

PAVEMENT: ☐ Dry ☐ Wet ☐ Ice ☐ Snow

TRAFFIC: ☐ Light ☐ Medium ☐ Heavy ☐ Accident Resulting

WEATHER: ☐ Rain ☐ Snow ☐ Ice ☐ Fog ☐ Clear ☐ Cloudy

Dept _____ Complainant _____ Badg. No. _____

☐ SERVED IN HAND

FINE \$

POLICE OFFICER _____

DS

692501

DSMV 428 (Rev. 01/09)

DEFENDANT _____

OVER

DSMV 428 (Rev. 01/09)

REPORT OF ACTION ON CASE

COURT ACTION:

JUDGE

Date

Plea

Disposition

License Action

OFFICER'S NOTES FOR TESTIFYING IN COURT

Please note facts and circumstances in addition to those checked on face of complaint that is: 1. Any specific action of violator which increased the hazard of the violation; 2. Where violation observed and where contact made; 3. Total distance traveled during pursuit; 4. Statements by violator and general attitude; 5. Place of employment.

Witnesses:

Docket # _____

COMPLAINT (VIOLATIONS ONLY)

- ☐ You do NOT have to come to court but must answer this complaint to the Department of Safety within 30 (thirty) days from issuance. Date of Issuance: _____
- OR
- ☐ You do NOT have to come to court but must answer this complaint to Court listed below within 30 (thirty) days from issuance. Date of Issuance: _____
- OR
- ☐ You MUST come to court at _____ o'clock AM/PM on _____ yr. to answer this complaint.

Docket # _____

STATE OF NEW HAMPSHIRE, Graded Court
PLYMOUTH DISTRICT COURT
26 GREEN STREET
PLYMOUTH, NH 03264

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME FIRST NAME MI

ADDRESS CITY STATE ZIP

DOB MO		DAY	YR	OP. LIC. #		STATE		CLASS

Sex Race Height Weight Color Eyes Color Hair A.M.

ON THE _____ DAY OF _____ YR. AT _____ P.M.

DID OPERATE M.V. REG. NO. _____ PLATE TYPE _____ STATE _____

MAKE _____ YEAR _____ TYPE _____ ☐ COMM. ☐ HAZMAT
VEHICLE

AT _____

Upon a certain public highway, to wit - _____ (Location)

- ☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h., the prima facie lawful speed limit at the time and place of violation being _____ m.p.h. Contrary to RSA 265:60. ☐ Radar ☐ Aircraft ☐ Clocked
- ☐ Traveling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.
- ☐ did fail and neglect to stop the said vehicle for a certain
- ☐ stop sign (contrary to RSA 265:31)
- ☐ traffic light (contrary to RSA 265:9) before entering the intersection of _____
- ☐ did fail and neglect to have the said vehicle inspected in accordance with the regulations of the Director of Motor Vehicles. Contrary to RSA 266:5.
- ☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40
- ☐ Other _____

CONTRARY TO RSA _____ Against the peace and dignity of the State.

PAVEMENT: ☐ Dry ☐ Wet ☐ Ice ☐ SnowTRAFFIC: ☐ Light ☐ Medium ☐ Heavy ☐ Accident ResultingWEATHER: ☐ Rain ☐ Snow ☐ Ice ☐ Fog ☐ Clear ☐ Cloudy

Dept. _____ Complaint No. _____ Badge No. _____

☐ SERVED IN HAND

FINE \$ _____

POLICE DEPT

DEFENDANT

DSMV 428 (Rev 01/09)

OVER

DSMV 428 (Rev. 01/09)

REPORT OF ACTION ON CASE

COURT ACTION: _____ **JUDGE** _____

Date	Plea

Disposition _____

License Action

OFFICER'S NOTES FOR TESTIFYING IN COURT

Please note facts and circumstances in addition to those checked on face of complaint that is: 1. Any specific action of violator which increased the hazard of the violation; 2. Where violation observed and where contact made; 3. Total distance traveled during pursuit; 4. Statements by violator and general attitude; 5. Place of employment.

Witnesses: _____

DEPARTMENT OF SAFETY
Notice of Fine - Division of Motor Vehicles
UNIFORM FINE SCHEDULE

REVISED AUGUST, 2008

ATTENTION OPERATOR

You have been charged with an offense for which a uniform fine has been established by the courts. (RSA 502-A:19-b). The amount of your fine has been written on the face of the complaint by the Law Enforcement Officer who issued your summons.

MOTOR VEHICLE VIOLATIONS

STATUTE	OFFENSE	FINE
1) 261:82	Agricultural Plates (20 mile radius exceeded)	\$ 43.20
2) 263:1-a	Allowing Improper Person to Operate Vehicle	MUST APPEAR
3) 265:11-a	Avoiding Traffic Signal	72.00
4) 265:143-152	Bicycle and Moped Violations	28.80
5) 265:106	Carrying Passengers in a Truck	144.00
6) 263:9	Change of Address (License)	43.20
7) 261:65	Change of Address (Registration)	43.20
8) 265:107-a	Child Restraints	50.00
9) 265:107-a	Child Restraints (2nd Offense)	100.00
10) 265:99	Coasting Prohibited	100.00
11) 265:78	Competitive Bicycle/Moped Racing	144.00
12) 265:13	Control Signals - Lane Use	57.60
13) 265:36 (IV)	Crossing Diagonally - No control signals (Pedestrians)	28.80
14) 265:101	Driving over a Fire Hose without Consent	57.60
15) 265:26	Crossing a Median	150.00
16) 262:16 (III)	Display of False Inspec/Reg Sticker	115.20
17) 265:26-a	Driving upon Sidewalk	115.20
18) 265:82	Driving While Intoxicated (1st Offense) (2nd Offense = MISDEMEANOR)	MUST APPEAR
19) 266:27-74	Equipment Violations (Auto)	43.20
20) 266:85-89	Equipment Violations (Bicycles/Mopeds)	28.80
21) 266:76-78	Equipment Violations (Motorcycles)	43.20
22) 266:27-74	Equipment Violations (Trucks)	72.00
23) 265:32	Failure of Entering Traffic to Yield	72.00
24) 265:29	Failure of Traffic Turning Left to Yield	72.00
25) 265:8 (VII)	Failure of Pedestrian to Yield to Emergency Vehicle	72.00
26) 265:36	Failure of Pedestrian to Yield to Traffic	57.60
27) 265:114	Failure to Dim Lights	43.20
28) 265:112	Failure to Display Parking Lights	43.20
29) 265:17	Failure to Keep Right	75.00
30) 265:23	Failure to Keep Right - One-way/Rotary	100.00
31) 265:64	Failure to Maintain Minimum Speed	57.60
32) 265:3	Failure to Obey Police Officer (Directing Traffic)	100.00
33) 265:48	Failure to Obey Railroad Signals (1st Offense) (2nd Offense in 12 months = MISDEMEANOR)	144.00
34) 264:31	Failure to Report Injury of Dog	57.60
35) 265:49-50	Failure to Stop at RR Crossing (1st Offense) (2nd Offense in 12 months = MISDEMEANOR)	100.00
36) 266:31	Failure to Turn on Lights when Required	43.20
37) 265:45	Failure to Use Required Turn Signals	43.20
38) 265:30	Failure to Yield at Stop or Yield Sign	72.00
39) 265:6-a	Failure to Yield (Highway construction)	57.60
40) 265:53	Failure to Yield (From alley/driveway)	57.60
41) 265:33	Failure to Yield to Emergency Vehicle	72.00
42) 265:11 (I)	Failure to Yield to Pedestrian in Crosswalk at Traffic Light	86.40
43) 265:35	Failure to Yield to Pedestrian in Crosswalk (Other)	57.60
44) 265:28	Failure to Yield to Traffic on Right (Intersection)	57.60
45) 265:39	Failure of Pedestrian to Yield to Traffic on Roadway	72.00
46) 261:73	False Statements re: Resident's Tax	72.00
47) 261:84	Farm Registration Plates (Illegal use)	57.60
48) 265:12	Flashing Signals	72.00
49) 265:100	Following Fire Truck Too Closely (500 ft.)	86.40
50) 265:25	Following Too Closely	100.00
51) 260:52 (V)	I.F.T.A. License Not Obtaining (Commercial Trucks, 1st Offense)	44.00
52) 260:52 (VIII)	I.F.T.A. License Not Displaying (Commercial Trucks)	72.00
53) 265:69 (I)(I)	Handicapped Parking	300.00
54) 265:51	Heavy Equipment at RR Crossing (1st Offense) (2nd Offense in 12 months = MISDEMEANOR)	144.00
55) 265:94	Improper Backing on Interstate/Unsafe Backing	150.00
56) 265:57	Improper Operation of School Bus	250.00
57) 265:108	Improper Towing	72.00
58) 265:42	Improper Turning	57.60
59) 261:61	Improper Use of Registration	130.00
60) 265:15	Interference with Traffic Control Devices	150.00
61) 265:102	Littering	288.00
62) 261:117	Leasing Plates Prohibited (Transporter)	86.40
63) 261:106	Leasing Plates Prohibited (Dealer)	86.40
64) 261:122	Leasing Plates Prohibited (Utility)	144.00
65) 265:8 (IV)	Misuse of Emergency Lights (Emergency Vehicles)	86.40
66) 261:176	Misuse Failure to Display Plates	150.00

DEFENDANT

OVER

DSLV 428 (Rev. 01/09)

STATUTE	OFFENSE	FINE
67) 261:138	Misuse of Repair Plates	56.40
68) 265:56	Misuse of School Bus Signs	72.00
69) 265:120-I, II & III	Riding upon motorcycles	75.00
70) 265:98	Mountain Driving Violations	43.20
71) 265:95	Obstruction to Driver's View	75.00
72) 265:81	Open Container	MUST APPEAR
73) 265:81	Open Container, 2nd Offense	MUST APPEAR
74) 265:96	Opening/Closing Vehicle Doors	57.60
75) 263:33	Operating Moped Without a Driver License	72.00
76) 263:30	Operating Motorcycle Without Motorcycle License	100.00
77) 263:13	Operating in Violation of Restricted License	72.00
78) 263:4	Operating With More than One Valid License	72.00
79) 263:92	Operating Without Correct Class of License (CDL)	100.00
80) 263:1	Operating Without Valid License (2nd Offense = MISDEMEANOR)	MUST APPEAR
81) 263:14	Original and Youth Operator's License	MUST APPEAR
82) 263:14	Original and Youth Operator's License (subsequent)	MUST APPEAR
83) 265:38	Pedestrian on Roadway	43.20
84) 261:59	Possession of Registration Required (48 hours to produce)	72.00
85) 265:79	Reckless Operation	MUST APPEAR
86) 265:113	Reflector Lights and Flares Required	43.20
87) 263:85	Resident-Failure to Obtain NH License (Within 60 days)	57.60
88) 265:27	Restricted Access Violation	66.40
89) 265:97	Riding in Trailers	43.20
90) 265:10 (III)	Right Turn on Red Prohibited	43.20
91) 261:85	Ski Area Plates (Ski area purposes, 3 miles)	57.60
92) 265:40	Soliciting Rider/Pedestrian on Limited Access Highway	43.20
93) 265:66	Special Speed Limitations	57.60
	SPEED (55 mph or under limit)	
94) 265:60	Speeding 1-10 over limit	50.00
95) 265:60	Speeding 11-15 over limit	75.00
96) 265:60	Speeding 16-20 over limit	100.00
97) 265:60	Speeding 21-25 over limit	200.00
98) 265:60	Speeding 26+ over limit	MUST APPEAR
	SPEED (65 mph limit)	
99) 265:60	Speeding 1-5 over 65 mph limit	65.00
100) 265:60	Speeding 6-10 over 65 mph limit	100.00
101) 265:60	Speeding 11-15 over 65 mph limit	150.00
102) 265:60	Speeding 16-20 over 65 mph limit	250.00
103) 265:60	Speeding 21-25 over 65 mph limit	350.00
104) 265:60	Speeding 26+ over 65 mph limit	MUST APPEAR
105) 265:60	Speeding (Existing Road Conditions)	MUST APPEAR
106) 265:6-a (III)	Speeding (Highway Construction or Maintenance Zone)	300.00 OR MUST APPEAR
107) 265:60	Speeding (School Zone)	86.40
108) 265:31	Stop Sign/Yield Sign	100.00
109) 265:69	Stopping/Stopping/Parking Prohibited	43.20
110) 266:75	Television Forward of Driver's Seat or Where Visible to Driver	72.00
111) 265:9	Traffic Control Devices	72.00
112) 265:43	Turning on Curve or Hill	57.60
113) 265:72	Unattended Vehicle	43.20
114) 266:5	Uninspected Vehicle	60.00
115) 265:21	Unlawful Driving to the Left of Center Line	72.00
116) 266:9-16	Unlawful Height/Width/Length	144.00
117) 265:20	Unlawful Passing on the Left	72.00
118) 265:19	Unlawful Passing on the Right	57.60
119) 265:115	Unlawful Transportation of Explosives	MUST APPEAR
120) 265:117	Unlawful Transportation of Hazardous Materials (1st Offense) (2nd Offense = MISDEMEANOR)	MUST APPEAR
121) 261:40	Unregistered Vehicle	100.00
122) 265:44	Unsafe Lane Change	72.00
123) 265:79-a	Effective 01/01/2001: Vehicular Assault (MISDEMEANOR)	MUST APPEAR
124) 265:22	Yellow line violation	100.00
125) 263:84 (VII)	Driving After Revocation or Suspension (1st Offense) (2nd Offense = MISDEMEANOR)	MUST APPEAR
126) 266:18	Weight Violation, Interstate and Defense Highway System	120.00
127) 266:18a	Weight Violation, Non-Interstate and General Highway System	MUST APPEAR
128) 266:18b	Weight Violation, Non-Interstate and General Highway System (For vehicles with additional registration)	MUST APPEAR

☐ You have been charged with an offense for which no fine amount is shown on the Fine Schedule. You must still follow the instructions given on the back of the (pink) summons, but **do not** include any payment when you mail in your Summons. If you decide to plead Guilty or No Contest, you will be notified of the amount of your fine by mail.

* Fine amounts represent the standard fine and penalty assessment normally imposed by the Court. The Court, however, may assess a different fine, may reject your plea and may order you to appear in person to answer to the offense charged.

New Hampshire is a member of the Non-Resident Violator Compact. If you fail to answer the Summons and are an out-of-state driver, the registry in your state will be notified and your driver's license may be suspended.

HABITUAL OFFENDER NOTICE

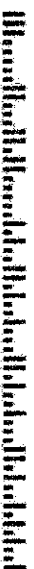
Numerous motor vehicle convictions may result in loss of license and possible imprisonment

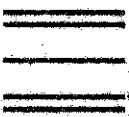
HAVE YOU READ AND COMPLETED THE BACK OF THE PINK FORM?

FOLD AND TEAR THIS PORTION OFF BEFORE MAILING

HAVE YOU ENTERED A PLEA AND ENCLOSED YOUR PAYMENT?

**FINANCIAL RESPONSIBILITY SECTION - PBM
N.H. DEPARTMENT OF SAFETY
P.O. BOX 3838
CONCORD NH 03302-3838**





PLACE STAMP
HERE
The Post Office
will not deliver
mail without
Postage

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on SENATE BILL 64

BILL TITLE: removing the oath requirement for criminal complaints filed by police officers.
DATE: May 3, 2011
LOB ROOM: 208

Amendments:

Sponsor: Rep. Sorg, Giuda, LaCasse, Weber	OLS Document #:	2011	1696h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sorg

Seconded by Rep. Weber

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sorg

Seconded by Rep. Weber

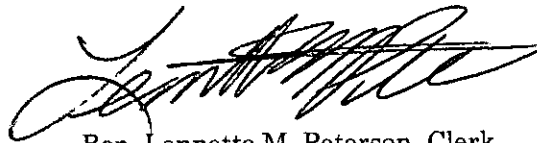
Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Lennette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on SENATE BILL 64

BILL TITLE: removing the oath requirement for criminal complaints filed by police officers.
DATE: May 3, 2011
LOB ROOM: 208

Amendments: 2

Sponsor: Rep. Sorg, Guda, LaCasse, Weber OLS Document #: 2011-16966
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: ☒ OTP, ☐ OTP/A, ☐ ITL, Interim Study (Please circle one.)

Moved by Rep. Sorg

Seconded by Rep. Weber

Vote: (Please attach record of roll call vote.) 16-0

Motions: OTP, ☒ OTP/A, ☐ ITL, Interim Study (Please circle one.)

Moved by Rep. Sorg

Seconded by Rep. Weber

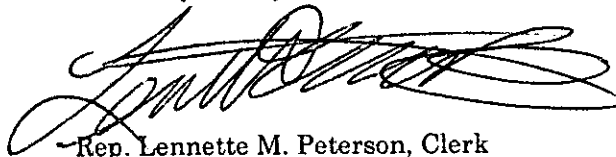
Vote: (Please attach record of roll call vote.) 16-0

CONSENT CALENDAR VOTE: ☒ YES ☐ NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Lennette M. Peterson, Clerk

JUDICIARY

Bill #: SB 64 Title: removing the oath requirement for criminal complaints filed by police officers.
 PH Date: 5 / 3 / 2011 Exec Session Date: / /

Motion: OTR/A 10964

Amendment #:

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	
Hagan, Joseph M	✓	
Silva, Peter L	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D	✓	
McClarren, Donald B	✓	
Murphy, Brian JX	✓	
Palmer, Barry J	✓	
Peterson, Lenette M, Clerk	✓	
Tregenza, Norman A	✓	
Wall, Janet G	✓	—
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	✓	
	16	0
TOTAL VOTE:	16	0

Committee Report

CONSENT CALENDAR

May 11, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred SB 64,
AN ACT removing the oath requirement for criminal
complaints filed by police officers. Having considered the
same, report the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.

Rep. Gregory M Sorg

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	SB 64
Title:	removing the oath requirement for criminal complaints filed by police officers.
Date:	May 11, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill seeks to amend RSA 592-A:7 by expanding the offenses that can be initiated by the unsworn complaint of a police officer to include not just violation-level offenses as under present law, but misdemeanors as well. The purpose of the bill is to address the difficulty frequently encountered, particularly in rural areas or late at night, in locating notaries or justices of the peace before whom to attest. The Committee was sympathetic with the desire for convenience, but wanted to prevent possible abuses. Accordingly, as amended by the Committee, the proposed expansion is limited to class B misdemeanors (the penalties for which do not allow for imprisonment), and requires the complaint to be signed by the officer and to contain a warning that the officer's making a false statement on the complaint could result in his or her criminal prosecution. The Committee amendment also amends RSA 592-A:8 to make clear – consistent with Article 19 of Part I of the New Hampshire Constitution, that a complaint used as the basis of an arrest warrant must continue to be signed under oath.

Vote 16-0.

Rep. Gregory M Sorg
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

SB 64, removing the oath requirement for criminal complaints filed by police officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M Sorg for JUDICIARY. This bill seeks to amend RSA 592-A:7 by expanding the offenses that can be initiated by the unsworn complaint of a police officer to include not just violation-level offenses as under present law, but misdemeanors as well. The purpose of the bill is to address the difficulty frequently encountered, particularly in rural areas or late at night, in locating notaries or justices of the peace before whom to attest. The Committee was sympathetic with the desire for convenience, but wanted to prevent possible abuses. Accordingly, as amended by the Committee, the proposed expansion is limited to class B misdemeanors (the penalties for which do not allow for imprisonment), and requires the complaint to be signed by the officer and to contain a warning that the officer's making a false statement on the complaint could result in his or her criminal prosecution. The Committee amendment also amends RSA 592-A:8 to make clear – consistent with Article 19 of Part I of the New Hampshire Constitution, that a complaint used as the basis of an arrest warrant must continue to be signed under oath **Vote 16-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: SB 64

TITLE: removing the oath requirement for
Criminal complaints filed by police officers

DATE: 5-11-11 CONSENT CALENDAR: YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS W/ AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

1696h

STATEMENT OF INTENT:

SB 64 Ought to Pass as Amended

Rep Gregory M. Sorg for the Majority of Judiciary:

This bill seeks to amend RSA 592-A:7 by expanding the offenses that can be initiated by the unsworn complaint of a police officer to include not just violation-level offenses as under present law, but misdemeanors as well. The purpose of the bill is to address the difficulty frequently encountered, particularly in rural areas or late at night, in locating notaries or justices of the peace before whom to attest. The Committee was sympathetic with the desire for convenience, but wanted to prevent possible abuses. Accordingly, as amended by the Committee, the proposed expansion is limited to class B misdemeanors (the penalties for which do not allow for imprisonment), and requires the complaint to be signed by the officer and to contain a warning that the officer's making a false statement on the complaint could result in his or her criminal prosecution. The Committee amendment also amends RSA 592-A:8 to make clear – consistent with Article 19 of Part I of the New Hampshire Constitution, that a complaint used as the basis of an arrest warrant must continue to be signed under oath.

Vote: 16-0

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Gregory M. Sorg
For the Committee