

**CHAPTER 65**  
**SB 298-FN - FINAL VERSION**

2019 SESSION

19-1105  
04/03

SENATE BILL            ***298-FN***

AN ACT                relative to summoning out-of-state witnesses in criminal cases.

SPONSORS:            Sen. Hennessey, Dist 5

COMMITTEE:           Judiciary

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ANALYSIS

This bill enacts a procedure to secure the attendance of a witness from the Commonwealth of Massachusetts to testify in a criminal matter in this state.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    relative to summoning out-of-state witnesses in criminal cases.

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

1            65:1 New Section; Alternative Procedure to Compel the Attendance of a Witness to a Contiguous  
2 State. Amend RSA 613 by inserting after section 2 the following new section:

3            613:2-a Alternative Procedure to Compel the Attendance of a Witness to a Contiguous State. A  
4 justice of the peace, upon receipt of a certificate of the clerk of a court of record in any jurisdiction  
5 contiguous to the state of New Hampshire that a criminal prosecution is pending in such court, and  
6 that a resident of this state is supposed to be a material witness therein, shall issue a summons  
7 requiring such person to appear and testify at the court in which such case is pending.

8            65:2 New Section; Alternative Procedure to Secure the Attendance of a Witness from the  
9 Commonwealth of Massachusetts. Amend RSA 613 by inserting after section 3 the following new  
10 section:

11            613:3-a Alternative Procedure to Secure the Attendance of a Witness From the Commonwealth  
12 of Massachusetts.

13            I. In order to secure the attendance of a witness residing in the Commonwealth of  
14 Massachusetts, the clerk of a court of record, upon application by the state or counsel for a defendant  
15 stating that a criminal prosecution is pending in such court and that a resident of the  
16 Commonwealth of Massachusetts is supposed to be a material witness therein, shall issue a  
17 certificate so stating, to be presented to a justice of the peace of the Commonwealth of Massachusetts  
18 in accordance with Massachusetts law.

19            II. If the witness is summoned to attend and testify in New Hampshire, he or she shall be  
20 tendered the sum of \$.10 a mile for each mile by the ordinary traveled route to and from the court  
21 where the prosecution is pending and \$5 for each day that he or she is required to travel and attend  
22 as a witness.

23            65:3 Effective Date. This act shall take effect January 1, 2020.

Approved: June 05, 2019  
Effective Date: January 01, 2020