

HB 369-FN - AS AMENDED BY THE SENATE

13Feb2025... 0167h
05/22/2025 2168s

2025 SESSION

25-0419
09/11

HOUSE BILL **369-FN**

AN ACT relative to misdemeanor sexual assault prosecutions and relative to the duty to report for sexual offenders and offenders against children.

SPONSORS: Rep. Potenza, Straf. 19; Rep. Bjelobrk, Graf. 5; Rep. Kuttab, Rock. 17; Rep. Sabourin, Rock. 30; Rep. Lynn, Rock. 17; Rep. Burnham, Straf. 2; Sen. Ricciardi, Dist 9; Sen. Sullivan, Dist 18

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill:

1. Requires a defendant charged with a misdemeanor sexual assault of a minor under the age of 18 to elect whether to proceed in circuit court and waive his or her right to a jury trial or to immediately appeal to superior court for a jury trial.

2. Clarifies a sexual offender or offender against children's duty to report to local law enforcement.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to misdemeanor sexual assault prosecutions and relative to the duty to report for sexual offenders and offenders against children.

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

1 1 District Courts; Jurisdiction; Appeals from Sentence. Amend RSA 502-A:12, I to read as
2 follows:

3 I. A person sentenced by a district court for a class A misdemeanor after trial or after
4 proceedings pursuant to [~~District Court Rule 2:14~~] **Rule of Criminal Procedure 21(a)** may appeal
5 therefrom to the superior court for a jury trial as provided in RSA 599, except [~~in cases in district~~
6 ~~courts served by regional jury trial courts as provided in RSA 502-A:12-a]~~ **as provided in RSA 632-**
7 **A:9-a.**

8 2 Appeals from Convictions in Circuit Court. Amend RSA 599:1 to read as follows:

9 599:1 Appeals. **Except as provided in RSA 632-A:9-a**, a person convicted by a circuit court of
10 a class A misdemeanor, at the time the sentence is declared, may appeal therefrom to obtain a de
11 novo jury trial in the superior court, which shall hear the appeal. The appeal shall be entered by the
12 defendant at the next return day unless for good cause shown the time is extended by the superior
13 court. If, after a jury trial in the superior court, the defendant is found guilty, the superior court
14 shall sentence the defendant, and the defendant may appeal questions of law arising therefrom to
15 the supreme court. In the event the defendant waives the right to jury trial after the case has been
16 appealed, the superior court shall forthwith remand the case to the circuit court for imposition of the
17 sentence originally imposed by the circuit court, and the defendant may appeal questions of law
18 arising therefrom to the supreme court. In all misdemeanor cases which are appealed to superior
19 court, it shall be the duty of the superior court to transmit to the justice of the circuit court, within
20 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

21 3 New Section; Sexual Assault and Related Offenses; Cases Involving Misdemeanor Sexual
22 Assaults Against Minors. Amend RSA 632-A by inserting after section 9 the following new section:

23 632-A:9-a Misdemeanor Sexual Assault Prosecutions with Victim Less Than 18 Years of Age.

24 I. In any prosecution for a violation of RSA 632-A:4 involving a victim less than 18 years of
25 age at the time the prosecution is commenced, and which is brought in the circuit court, the
26 defendant may elect to either:

27 (a) Appeal within 30 days after the arraignment to the superior court for a jury trial
28 pursuant to the provisions of Rule of Criminal Procedure 21(a); or

1 (b) Proceed with a trial in the circuit court, which will constitute a waiver of the right to
2 a jury trial and the right to appeal for a jury trial pursuant to RSA 502-A:12 and 599:1.

3 II. A circuit court shall not proceed with a trial under subparagraph I(b) unless it has
4 conducted a colloquy with the defendant and finds that the defendant has knowingly, voluntarily,
5 and intelligently waived his or her right to a jury trial.

6 4 Registration of Criminal Offenders; Duty to Report. Amend the introductory paragraph of
7 RSA 651-B:4, I to read as follows:

8 I. Any sexual offender or offender against children residing in this state shall report in
9 person to the local law enforcement agency. The offender shall report in person as set forth in this
10 section within 5 business days after ***any of the following events:*** the person's release, ***the***
11 ***person's conviction of the sexual offense or offense against children if not incarcerated, the***
12 ***person's conviction of the sexual offense or offense against children if not immediately***
13 ***incarcerated,*** or [~~within 5 business days after~~] the person's date of establishment of residence,
14 employment, or schooling in New Hampshire. If an offender has more than one residence, the
15 offender shall report in person to the local law enforcement agency having jurisdiction over his or her
16 primary residence and report the addresses of all his or her residences, including those outside of
17 New Hampshire. The division shall notify the local law enforcement agencies having jurisdiction
18 over the offender's other residences of the offender's address in their jurisdiction. Thereafter, the
19 offender shall report as follows:

20 5 Effective Date. This act shall take effect January 1, 2026.

LBA
25-0419
Amended 5/28/25

HB 369-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-2168s)

AN ACT relative to misdemeanor sexual assault prosecutions and relative to the duty to report for sexual offenders and offenders against children.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2025 through 2028.

AGENCIES CONTACTED:

None