

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**HB 1172**, relative to confidentiality protections for national guard sexual assault prevention and response personnel.

**Hearing Date:** March 3, 2026

**Time Opened:** 2:35 p.m.

**Time Closed:** 3:03 p.m.

**Members of the Committee Present:** Senators Gannon, Altschiller and Reardon

**Members of the Committee Absent:** Senators Abbas and Carson

**Bill Analysis:** This bill expands the definition of sexual assault counselor under state law to include military and civilian sexual assault prevention and response personnel, thereby extending to them the confidentiality protections of the military rules of evidence.

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This bill is a request of the department of military affairs and veteran services.

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**Sponsors:**

Rep. Moffett

Rep. Creighton

Rep. Foss

Rep. Mandelbaum

Rep. Roy

Rep. Seibert

Sen. Birdsell

Sen. Lang

Sen. Pearl

Sen. Sullivan

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**Who supports the bill:** Pamela Keilig (NHCADSV), Kevin Grady (State Veteran's advisory Committee), Senator Howard Pearl, Cory Stone, Alexandra Prescott.

**Who opposes the bill:** None.

**Who is neutral on the bill:** Ryan Ollis (NHNG) and Emily Crall (NHNG).

**Summary of the testimony presented:**

**Representative Michael Moffett**, introduced the bill, explaining that it would provide certain confidentiality protections to members of the New Hampshire National Guard, and that it had passed the House committee unanimously. He deferred to two members of the National Guard that were here to speak to the content of the bill.

**Major Ryan Ollis**, a member of the New Hampshire National Guard, spoke to the contents of the bill, making clear that his role in the National Guard made him unable to take a stance on the legislation. He explained that the bill would expand the

definition of sexual assault personnel to include the relevant personnel in the National Guard.

- Explained that current protections come from the Department of War's policies and Rule 514 of the Military Rules of Evidence. He stated that there is a current gap in New Hampshire state law under RSA 173C2 which may require sexual assault response coordinators to be forced to testify in both criminal and civil hearings.
- Stated that this bill, if passed, would provide the same confidentiality to members of the National Guard that New Hampshire residents already enjoy.

**Ms. Emily Crall**, the Sexual Assault Prevention and Response Officer for the New Hampshire National Guard, also spoke to the contents of the bill and the effect that it might have. She explained that her department provides support and resources to victims of sexual assault, domestic violence, and harassment in the DoW community. They provide legal, health, and mental health care to such victims. She explained that while active-duty military counselors are given protections from testimony, as are civilian counselors, those in the National Guard are not fully protected in New Hampshire.

- Explained that this can have a silencing effect for victims, who might believe that their testimony could be revealed in a later hearing.
- Stated that this would expand the care that her department would be able to provide and enhance both that support and the ethics involved.
- Senator Altschiller asked if she was able to provide confidentiality for victims outside the bounds of New Hampshire law or if there was a required report to the chain of command.
  - o Ms. Crall answered that the most important thing is that they have confidentiality assurances while on active duty, the same as military or civilians.
- Senator Altschiller stated that she worked for a long period as a certified counsellor in the state and that she was aware that there were certain protections provided when someone on active duty or in the National Guard came to them, no questions asked. She asked if there was confidentiality in that they were not required to report up the chain of command.
  - o Ms. Crall answered that there were a few options for those that came to her department. She stated that in the case that someone did not choose to file a report or filed a restricted report it would not be filed up the chain of command, but that they would be notified. Only in the case that someone filed an unrestricted report would it be sent up the chain of command with any details.

- Senator Gannon asked if, were the bill passed, individuals would be able to come to Ms. Crall's department, seek help, and have assured confidentiality.
  - Ms. Crall answered that this would be correct, and that there is currently legal uncertainty as to whether members of her department could be subpoenaed to testify.
- Senator Altschiller asked about the classification of a restricted or unrestricted report, and whether it was at the discretion of the survivor.
  - Ms. Crall answered that it was.
- Senator Altschiller asked whether this was acting as an exception, where the idea of confidentiality was being used as a cloak by the department. She asked for clarification on the details of an unrestricted versus a restricted report.
  - Ms. Crall answered that restricted reports provided a notification to the brigade or wing commander that a report has been filed, without any other details.
- Senator Altschiller asked if a restricted report was violating the survivor's anonymity by making it apparent up the chain of command that a report had been filed from a particular unit. She asked how this would maintain confidentiality.
  - Ms. Crall stated that survivors were given the exact definition of what confidentiality includes when they come to her department, and that notifications for a report only go to senior command, not the relevant infantry command. She stated that this would be incredibly unlikely to be traced back to the survivor given the number of individuals under that command.
  - Ms. Crall stated that victims are given the option to not file a report, in which case no notification is given. She stated that lower-level command was only notified in the instance of an unrestricted report.
- Senator Gannon asked whether those involved were meant to be held responsible in the case of an unrestricted report.
  - Ms. Crall stated that this was correct and that this option was still on a need-to-know basis of a very limited circle. It includes relevant law enforcement, the immediate commander of that individual, and the adjutant-general of that brigade.

**Major Ryan Ollis**, a member of the New Hampshire National Guard, spoke to one of the questions that Ms. Crall had answered, making clear that Ms. Crall was also required to follow confidentiality unless given permission by the victim in writing to make the report unrestricted. He stated that she would at most report the number of restricted cases each year, with no other information given that might identify those victims.

- Senator Gannon asked if Ms. Crall did not currently have these confidentiality protections, or if this bill would allow them.
  - Major Ollis stated that this bill would offer greater confidentiality and serve as a proactive rather than a reactive measure to ensure that those in Ms. Crall's position cannot be forced to testify in court on the details of the victims.
- Senator Reardon asked if there were any steps that counsellors could take in the case of multiple mentions of the same perpetrator, given confidentiality protections.
  - Major Ollis stated that if individuals do not want to reveal who the perpetrator is by filing an unrestricted report there is no way for them to take action against them. He stated that they require evidence and that cannot otherwise take action.
- Senator Reardon asked if it would be a breach of confidentiality for a victim to be informed that they are not the only victim.
  - Major Ollis stated that he would need to defer to Ms. Crall, but that his impression was that it would be so.
- Senator Altschiller asked for confirmation that a victim finds a confidential space when they choose to come to a counselor, and that they are able to do so without fear that it will be taken further.
  - Major Ollis answered that there are many advocates for confidentiality within the National Guard, and that victims are given many options for how to engage with the services of the counsellors. He expressed the flexibility of such programs, and spoke to the determination of Ms. Crall to make sure that victims are kept confidential should they choose to be.
  - He also stated that sexual assault injuries and trauma caused in the line of duty used to go through the normal process but that new regulations make it controlled by the assault response coordinator who is able to keep the process confidential.