

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1522-FN, relative to amending and adding definitions related to the protection of persons from domestic violence.

Hearing Date: March 24, 2026

Time Opened: 1:58 p.m.

Time Closed: 2:44 p.m.

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

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill adds to the types of abuse the court can consider in determining whether to issue a domestic violence order of protection.

Sponsors:

Rep. Markell
Rep. Litchfield
Rep. Nelson

Rep. DeSimone
Rep. W. MacDonald

Rep. Korzen
Rep. Mandelbaum

Who supports the bill: 72 Individuals signed in support of the bill. For a complete list of those who Signed in support please contact the Senate Judiciary Committee Aide.

Who opposes the bill: Daniel Richardson.

Who is neutral on the bill: None.

Summary of the testimony presented:

Representative Jay Markell introduced the bill and explained that it amends the domestic violence statute, RSA 173-B. He stated the bill is intended to address gaps highlighted by serious domestic violence incidents, including the murder-suicide of Marisol Fuentes.

- Emphasized the scale of the issue, citing that in 2025 there were 3,281 domestic violence petitions filed in the family division, with 2,704 granted on a temporary basis and 573 denied, meaning approximately 82% were granted and 18% denied. He explained that domestic violence petitions are the second-largest

category of cases in the family division. He also noted anecdotal data that approximately half of murders nationally are related to domestic violence.

- Explained that under current law, a petitioner must prove two elements: first, the existence of one of several predicate criminal offenses, and second, that the defendant poses a present credible threat to the physical safety of the plaintiff.
- Listed the existing predicate offenses in the statute, including assault, reckless conduct, criminal threatening, sexual assault, interference with freedom (including false imprisonment), destruction of property, unauthorized entry, harassment, and cruelty to animals. He explained that the bill proposes adding non-consensual dissemination of private sexual images, as defined in RSA 644-A, as an additional predicate offense.
- Described coercive control as a pattern of conduct designed to remove a victim's autonomy. He detailed behaviors included in the bill such as isolating a person from friends or family, depriving them of basic needs, controlling or monitoring communications, finances, movements, and access to services through physical or technological means, and compelling a person to engage in specific conduct, including potentially criminal conduct. He also noted that conduct directed at a child, relative, or animal connected to the victim could be included. He emphasized that coercive control involves a pattern of behavior rather than isolated incidents.
- Cited research showing that 60 to 80 percent of female abuse survivors experience coercive control along with physical violence, and that over 95 percent of victims experience it according to Canadian research.
- Stated that the bill does not criminalize coercive control, but instead incorporates it into the civil framework to assist courts in determining whether a credible threat exists. He noted that other states including Washington, Massachusetts, Maine, Kentucky, and New York have adopted or are considering similar approaches.
- Explained that coercive control can be supported by documentation such as text messages, emails, or GPS tracking, helping courts move beyond conflicting testimony. He stated that courts would weigh all factors without giving any single factor controlling weight. He argued this improves due process because both parties can present context, such as whether financial control is abusive or part of normal household management.
- Described coercive control as distinct from substance-driven violence, characterizing it as a pattern-based behavioral issue. He also referenced a case from his own legal practice in Massachusetts where coercive control supported a protective order, including circumstances where firearms were hidden and police were misled. He concluded that the bill passed unanimously in committee and would save lives and prevent serious harm.

- Senator Altschiller asked whether coercive control could be misused by abusers, giving an example where an abusive partner manipulates facts such as shared location tracking to falsely claim they are the victim, and asked if the bill could be used preemptively against actual victims.
 - Representative Markell responded that abusers can be manipulative, but courts are required to evaluate credibility and see through such tactics. He stated that judges are expected to look beyond pleadings and representations to determine what is actually happening.
 - He emphasized that cases would be evaluated based on the totality of the circumstances. He also clarified that coercive control does not replace the requirement to prove a predicate criminal offense, and that a person cannot obtain a protective order based solely on coercive control. He stated that coercive control supplements, rather than drives, the legal analysis.
- Senator Reardon asked whether Representative Markell worked with the Bar Association or advocacy groups in drafting the bill and whether the language reflects what those groups were seeking.
 - Representative Markell responded that he did not formally collaborate with those groups. He explained that he relied on his own research and more than 25 years of experience handling domestic violence cases in both Massachusetts and New Hampshire. He stated that he had heard from others independently who supported similar ideas and that he remains open to collaboration.

Representative Lori Korzen testified in support, describing her personal connection to Marisol Fuentes and the impact of her death on the community.

- Stated that Marisol experienced long-term coercive control, including isolation, monitoring through GPS, financial control, and threats. She explained that the system failed to recognize the pattern of abuse because it focused on individual incidents rather than ongoing conduct.
- Stated that the bill amends RSA 173-B:1 to recognize patterns of coercion as a credible threat to safety. She emphasized that victims often report abuse and seek help but are not adequately protected under current law.
- Urged passage of the bill so courts can recognize coercive control and intervene earlier.

Representative DeSimone testified in support, describing her daughter's experience with coercive control. She detailed behaviors including GPS tracking, monitoring communications, verbal abuse, manipulation of children, false accusations, confinement in a bathroom, and threats regarding custody and finances.

- She stated that the abuser explicitly relied on the fact that he had not physically assaulted her to avoid consequences. She explained that her daughter initially struggled to obtain a restraining order due to lack of visible physical injury despite escalating danger.
- She described the discovery of hidden weapons and ammunition and police involvement. She stated that her daughter ultimately escaped and obtained protection but continues to live in fear. She argued that the law currently allows abusers to exploit the absence of physical violence and that this bill would close that gap.

Mary Krueger of New Hampshire Legal Assistance testified in support of the bill and its amendments to RSA 173-B, including adding coercive control and non-consensual dissemination of sexual images.

- Explained that her organization represents high-lethality domestic violence cases. She raised concerns about potential misuse, stating that abusers could attempt to use coercive control allegations against victims to obtain protective orders.
- Suggested that coercive control could instead be incorporated into the definition of a credible present threat rather than as a standalone act. She explained that current predicate acts are tied to criminal statutes that include mens rea requirements such as purposely, knowingly, or recklessly.
- Warned that adding a broad definition without such requirements could create constitutional vulnerabilities and referenced a recent Supreme Court case involving stalking laws lacking mens rea. She cautioned that this could lead to protection orders being overturned and negatively impact victims. She offered to work with sponsors on potential amendments.

Lyn Schollett, executive director of the New Hampshire Coalition Against Domestic and Sexual Violence, testified in support. She stated that the coalition supports adding non-consensual dissemination of sexual images and recognizes coercive control as a pattern of intimidation, isolation, and control.

- Explained that the coalition has worked on this issue for years with prosecutors, attorneys, the judicial branch, and other stakeholders. She noted that multiple states, including Massachusetts, Connecticut, and Maine, have adopted similar language, and others are considering it.
- Stated that adding this language would help courts understand the full dynamics of domestic violence and provide meaningful relief to victims. She acknowledged concerns about misuse and supported working on an amendment with stakeholders to prevent unintended consequences.

- Senator Gannon asked whether the inclusion of the word “intent” in the coercive control language would satisfy legal standards such as knowingly or purposefully.
 - o Lyn Schollett deferred the question to Mary Krueger, stating that Krueger has more expertise in statutory interpretation and case law related to mens rea requirements.

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Date Hearing Report completed: March 27, 2026