

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1633-FN, expanding the information provided to survivors of sexual assault regarding their existing rights.

Hearing Date: April 7, 2026

Time Opened: 5:31 p.m.

Time Closed: 6:54 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 information provided to sexual assault survivors, defines sexual assault survivor for purposes of receiving such information, and requires certain entities to provide the notice of rights to sexual assault survivors.

Sponsors:

Rep. Read

Rep. Popovici-Muller

Rep. Layon

Rep. Wheeler

Who supports the bill: Rep. Jonah Orion Wheeler, Rep. Erica Layon, Jade Flad, Rep. Kelley Potenza, Rep. Henry Giasson, Esther Claudette, Stacey Brown, Rep. Daniel Popovici-Muller, Dana Albrecht, Francesca Potenza, Cory Stone, Cindy Deal, Janet Lucas, Nancy Donahue, Sheila Donahue, William Copeland Jr, Amy Erickson, Linda Burnap, Diane Arsenault, Margaret Konze.

Who opposes the bill: Jeffery Strelzin, Lynde Ruel, Lyn Schollett (NH Coalition against Domestic and Sexual Violence), Meghan Jenks NH Coalition against Domestic and Sexual Violence), and Elizabeth Karagosian.

Who is neutral on the bill: None.

Summary of testimony the presented:

Erica Layon, representing Derry (Rockingham 13) and serving as a co-sponsor of the bill, testified that the legislation should not be necessary but is due to a gap between existing law and its implementation, noting that a fiscal note suggests as many as three sexual assault victims per day in New Hampshire are currently denied rape kits.

- She emphasized that the bill does not expand definitions of rape or sexual assault, pointing to RSA 21M:19, which already guarantees victims the right to evidence collection kits without charge, yet described a specific case in which a

woman who was drugged and groped. Despite knowing her legal rights and citing applicable statutes she was denied the ability to collect blood evidence that could prove drug-facilitated sexual assault .

- Rep. Layon explained that administering an intoxicating substance without consent constitutes sexual assault under RSA 632-A:4 and RSA 742:4, and stressed that the survivor in this case, who is now the bill's prime sponsor, was outspoken and knowledgeable yet still denied care, illustrating the disconnect between law and practice .
- She cited existing Department of Justice materials, including a one-page sheet, a 40-page pamphlet from 2020, and a 2006 report showing most sexual assaults are not prosecuted, arguing that progress over 20 years has been insufficient and that current materials fail to convey the urgency of timely evidence collection, particularly for drug-related assaults where blood evidence must be collected far sooner than the pamphlet's stated five-day window .
- She detailed the costs of rape kits (about \$46) and laboratory testing (around \$500 per sample, or roughly \$1,000 total per case), and raised concerns about the accessibility and usability of a 300-page DOJ guide for medical providers, questioning whether doctors can realistically internalize such extensive guidance for rare cases instead of relying on a clear, concise reference.
- Layon outlined specific forensic timelines for collecting blood, urine, DNA, and swab evidence, arguing that current guidance is inadequate and that both survivors and doctors need clearer, more practical instructions, including urging victims to seek immediate care, preserve evidence, and still go to the hospital even if they have bathed .
- She highlighted the importance of forensic evidence through an anecdote about prosecutor Carol Nelson's role in advancing DNA admissibility, noting that evidence can become more valuable over time as technology improves and that even unused kits empower survivors by restoring autonomy .
- She expressed concern that the fiscal estimate of 1,000 additional kits per year implies widespread current denial of access, and argued that the societal and personal costs of unaddressed sexual assault far exceed the financial cost of kits.
- She shared her own experience of being drugged and raped in college 25 years ago and not reporting it due to fear of not being believed, describing the long-term trauma that resurfaced later despite her having strong personal support, and emphasizing that many survivors lack such resources .
- She further described broader societal harms, including substance abuse, continued abusive relationships, harm to children, and suicide, and noted that

men also face similar barriers, citing a case of a male victim denied evidence collection after anal rape.

- Rep. Layon framed the bill as a clarification of existing rights intended to ensure consistent implementation and urged legislative action to provide clear guidance, arguing that the cost of supporting survivors is minimal compared to the consequences of failing them .
- Senator Gannon asked a question about concerns that the bill might create a false sense of security or undermine proper evidence handling.
 - Rep. Layon stated that at-home rape kits are illegal in New Hampshire and that the bill simply ensures victims are informed of their rights to hospital-administered exams conducted by trained professionals, preserving proper chain of custody, while suggesting that without such clarity, future efforts might push toward allowing alternative options if hospitals continue to deny care.

Representative Jonah Orian Wheeler testified as a co-sponsor of the bill, stating that he adjusted his prepared remarks after Representative Erica Layon’s testimony, which he described as powerful and effectively demonstrating the importance of the legislation.

- He emphasized that the bill is intended to ensure that all individuals who experience sexual assault, regardless of who they are, are clearly informed of their rights and fully understand the avenues available to seek justice.
- Wheeler referenced prior discussions about the legislative process, noting that the definition of “survivor” was intentionally left broad and not codified in statute, allowing for more inclusive application, and expressed openness to refining the bill’s language to ensure it is as strong and precise as possible before returning it to the House.
- He stated that the bill passed the House policy committee unanimously, the finance committee with only one opposing vote, and the full House twice, once unanimously on the consent calendar and again with only a single dissenting vote from the same finance committee member.
- He argued that such overwhelming bipartisan support is uncommon and reflects a shared legislative commitment to ensuring that sexual assault survivors are informed of their rights during what he described as one of the most difficult experiences of their lives.

- He concluded by expressing hope that the committee would advance a version of the bill that meets all concerns while preserving its central goal of providing survivors with the information they need to pursue justice.

Representative Kelley Potenza of Strafford District 19 testified in support of the bill, explaining that her remarks were based on previously submitted Department of Justice (DOJ) materials, including a 282-page document and related communications, and that she was presenting a rebuttal to those materials, noting this was the second time the bill had come before the legislature during her tenure .

- She framed the bill as straightforward, stating that it ensures sexual assault survivors are informed of their rights, receive clear written information, have free access to exams and evidence collection, benefit from long-term evidence preservation of up to 20 years, are notified before evidence destruction, and can access clear public-facing information from the DOJ, emphasizing that the bill does not expand government power or mandate unnecessary procedures but instead focuses on transparency and victim notification, reinforcing rights that already exist under New Hampshire law .
- She focused heavily on the fiscal note, arguing the committee deserved an accurate interpretation of its contents, explaining that while the DOJ estimated costs of about \$1 million, the rape kit itself costs \$46.71 and the large projected cost comes from an assumption that all 1,000 additional cases would require both blood and urine toxicology tests at \$551 each, totaling \$1,102 per case, which she argued is unrealistic because such testing is only necessary in suspected drug-facilitated assaults and not all cases would require both tests .
- She stressed that the most significant implication of the fiscal note is the DOJ's acknowledgment that approximately 1,000 sexual assault victims per year in New Hampshire seek evidence collection but do not receive it because they are not informed of their rights, characterizing this as an admission of a systemic failure rather than a valid fiscal objection .
- She criticized what she described as circular reasoning by the DOJ, arguing that claims of insufficient data to demonstrate a problem ignore the fact that victims unaware of their rights do not report violations, resulting in a lack of data that is then used to deny the existence of the problem, while the fiscal note itself demonstrates the issue exists at scale.
- She clarified that the bill does not override medical judgment or require evidence collection outside best practices but ensures victims can access existing rights, countering DOJ arguments about clinical discretion and emphasizing that the legislation simply guarantees access and awareness .
- She argued that the DOJ's opposition to requirements for clear public information reflects resistance to transparency, asserting that informing victims

of their rights is a fundamental obligation and that any system relying on victims' lack of knowledge is inherently flawed.

- Broadening her argument, she described what she sees as a systemic imbalance in New Hampshire's justice system, contrasting aggressive prosecution and long sentences for drug offenses with underreporting, weaker follow-through, and comparatively lighter sentencing in sexual assault cases, which she characterized as a two-tier justice system that the bill would help address.
- She echoed Rep. Wheeler's testimony regarding the bill's strong bipartisan support, noting its passage through the criminal justice committee, finance committee, and the full House, arguing this reflects a clear consensus that the policy is common-sense and victim-centered, and expressing surprise that it had not previously been enacted .
- Senator Gannon asked about the admissibility of evidence from at-home rape kits.
 - o Rep. Potenza stated she was not qualified to answer but reiterated that the bill's purpose is to ensure victims are informed of their rights, particularly in less severe or incomplete assault cases where victims may escape or have limited evidence (such as DNA under fingernails) and currently are not being told what steps they can take, emphasizing that the primary gap the bill addresses is the failure to inform victims in such situations, rather than issues in more severe cases where procedures are typically followed

Representative Henry Giasson of Hillsborough District 29 (Goffstown) testified in support of the bill, expressing surprise that notification of victims' rights was an issue at all and agreeing with prior testimony questioning concerns raised in the fiscal note, particularly regarding the cost of maintaining evidence, which he suggested should not be a deterrent.

- Drawing on his 24-year military career, during which he served as a sexual harassment and rape prevention officer, victim advocate, suicide intervention officer, and resiliency trainer, he emphasized that in the military context, the first step when working with a victim is to inform them of their rights, available resources, and options, including whether to pursue justice or maintain privacy, while ensuring they understand access to counseling, evidence collection kits, and support systems.
- He argued that failing to provide this information at the first point of contact constitutes a disservice to citizens and places them at risk, noting that victims of sexual assault face significantly higher rates of substance abuse, alcoholism, and suicidal ideation and completion, underscoring the importance of early intervention and information-sharing .

- Stated that his perspective is informed by firsthand experience both supporting victims and navigating a false accusation, and maintained that in all cases, the priority should be to “frontload” information so individuals can access care, pursue justice if they choose, and recover, ultimately becoming productive members of society rather than statistics . He emphasized that concerns about cost should be secondary to ensuring victims receive comprehensive information and support .
- Senator Gannon raised his concern about whether providing access to kits could give victims a false sense of security if they do not go to a hospital or properly preserve evidence for admissibility, but ultimately deferred to later testimony.
 - Giasson advised that in such situations, the best course of action would be to take a victim to a hospital and contact law enforcement.

Jade Flad stated that she was present to explain why the bill is important. She began by addressing clarification about over-the-counter evidence collection, stating that the bill clearly requires covered providers to follow its provisions and that home collection kits are not the focus.

- She expressed support for the bill and encouraged its passage. She identified herself as a survivor of sexual assault and violence beginning at the age of six and explained that she wanted to speak about what it means to try to make decisions after experiencing severe trauma.
- She described that victims are often in shock and do not fully understand what has happened, particularly when the perpetrator is someone known or trusted. She stated that if a victim is able to reach a hospital or covered provider, that victim should be given every available option to seek justice.
- She explained that during trauma, the brain is in a fight-or-flight state and not functioning normally, and that survivors are not able to process information clearly. She argued that it is inappropriate for a medical provider to have sole discretion over whether evidence is collected and that the decision should be available to the victim, with support from family or others if present. She expressed confusion about opposition to the bill, questioning whether it is based on cost or other concerns, and emphasized that survivors of traumatic experiences should not be denied clear information about their rights.
- She described her own long-term experience with trauma, stating that at 39 years old she is still dealing with complex PTSD as a result of past abuse. She stated that having clear guidance at the time of trauma, including being told that what happened was not acceptable and being informed of available rights and options, could have changed outcomes. She described the importance of stabilizing victims and helping them understand next steps so they are not left to deal with trauma alone.

- She connected lack of support and information to long-term mental health impacts, including suicidal ideation and suicide, and stated that these outcomes are linked to not knowing what to do after an assault. She defined trauma as an event the brain cannot process or make sense of and argued that victims should be given the opportunity to understand what happened and move forward.
- She emphasized that rights are only meaningful if they are clearly communicated at the moment they are needed, and that survivors are not thinking about legal outcomes or prosecution in the immediate aftermath, but rather trying to survive the experience.
- She stated that without guidance, survivors may feel their lives are effectively over and that it is unacceptable that individuals must publicly share traumatic experiences to advocate for basic protections.
- She concluded by stating that survivors should be told they have options and do not have to remain silent.

Esther Claudette stated that she is a middle school student in Concord and a sexual assault awareness advocate and explained that she was present because the bill matters to both the community and to her personally.

- She stated that New Hampshire law already provides sexual assault survivors with specific rights, including the right to have forensic evidence collected, the right to a medical examination, and the right to receive information about available options. She emphasized that these rights already exist for every survivor in the state, but explained that the problem is that if a survivor does not know those rights exist, those rights cannot be exercised.
- She stated that a right that is kept secret is not truly a right, but rather an undelivered promise. She posed a question to the committee, asking what a right means if it is kept secret, and stated that it means nothing and becomes performative rather than meaningful.
- She explained that while students are taught constitutional rights such as the Bill of Rights in school, they are not taught about these rights for sexual assault survivors. She stated that the bill is intended to address that gap by requiring covered providers to give survivors a card listing the rights they are already entitled to under existing law.
- She emphasized that the bill does not create new rights, but simply ensures awareness of existing ones.
- She compared this to law enforcement reading individuals their rights upon arrest, explaining that rights only function when the person who holds them

knows they exist. She stated that survivors deserve the same level of clarity and respect.

- She explained that she has spoken with teachers, administrators, peers, and survivors about the bill, and that the common reaction is surprise, as many assume this requirement is already law.
- She stated that people find it difficult to believe that a hospital would treat a sexual assault survivor without informing them of their right to a rape kit. She described this expectation as common sense and stated that people assume these protections are already in place.
- She urged the committee to make that expectation a reality by passing the bill. She reiterated that the rights already exist and that the bill simply ensures that survivors are informed of them, which she described as a basic level of respect owed to all individuals.
- She concluded by asking for the committee's support and stated she was willing to answer questions.

Stacey Brown stated that she is a resident of Concord and serves on the city council, clarifying that the testimony was given in a personal capacity and not on behalf of the ward or city council. She testified in support of the bill and stated that powerlessness protects predators, while the bill empowers victims by ensuring that every survivor receives clear, written notice of rights.

- She emphasized that survivors should no longer be left in the dark or silenced by systems that fail to inform them.
- She shared a personal experience from when she was under 21, describing being at a party in an unfamiliar place, consuming too much alcohol, and losing consciousness, and then regaining awareness while being assaulted.
- She stated that she felt ashamed and did not tell her parents, and that when she told friends, they did not believe her. She explained that having access to a survivor's bill of rights at that time would have been immensely helpful, particularly knowing about the right to an evidence collection kit, which could have provided proof of what happened and changed the outcome for her.
- She stated that in her work as a counselor, she has heard many similar stories of victims seeking help and being denied, and emphasized that if survivors knew their rights, they could advocate for themselves and obtain forensic evidence instead of being turned away.
- She stated that this is why the bill is important, as it places power back with victims. She explained that the New Hampshire Survivors Bill of Rights now

exists and provides specific protections under the law, but that the bill simply requires that survivors be informed of those rights through a card provided by medical providers, with the option for the provider to document that the card was received.

- She stated that it is unacceptable to allow systems to continue leaving victims powerless. She described the bill as a straightforward and common sense measure to ensure survivors are informed of rights they already have.
- She also noted that organizations that previously opposed the bill have registered as neutral, and stated that out of 341 House members, 340 supported the bill.

Dana Albrecht testified in support of the bill and stated that he had spoken earlier in support of coalitions and domestic violence survivors and was again speaking in support of survivors.

- He stated that rape is a serious crime that should be prosecuted and that attempted rape under RSA 629:1 is also a serious crime that should be prosecuted. He referenced *Miranda v. Arizona* and explained that since that decision, individuals arrested as criminal defendants are read their due process rights, including the right to an attorney and the right to remain silent, describing that as an important protection. He stated support for due process and questioned why, nearly 60 years later in 2026, a rape victim who goes to a hospital is not informed of rights under the law.
- He referenced a prior question from a senator regarding a daughter and stated that, as a parent with daughters, the expectation would be that if a daughter went to a hospital, she would at least be informed of what the statute says in a simplified form.
- He emphasized that obtaining a rape kit requires going to a hospital and clarified that no one is suggesting do-it-yourself evidence collection. He argued that if citizens, especially victims, are not informed of what current law provides, that is a serious problem.
- He referenced that the bill passed the House by a vote of 340 to 1 and criticized opposing arguments, referencing the phrase “lies, damned lies, and statistics,” and stating that it is unacceptable to suggest that rape or attempted rape should not be prosecuted or that victims should not be informed of their rights.
- He stated that the request is simply to ensure victims are told what the law already provides.

Francesca Potenza testified in support of the bill and identified herself as a survivor of multiple sexual assaults. She stated that she wanted to offer the committee a straightforward way of thinking about what is being decided.

- She explained that in the United States, when a person is arrested on suspicion of a crime, law enforcement is required to inform that person of rights such as the right to remain silent and the right to an attorney, referencing *Miranda v. Arizona*.
- She stated that these rights exist whether or not they are read aloud, but are required to be communicated because a right that is not known cannot be exercised. She emphasized that this protection is extended to individuals accused of crimes and argued that the same basic courtesy should be extended to survivors of crimes.
- She stated that the survivor's bill of rights is already law in New Hampshire and already entitles survivors to forensic evidence collection, medical examination, and information about available options.
- She explained that the bill simply requires that covered providers give survivors a card informing them of those rights and emphasized that this is the entirety of the bill.
- She stated that she has observed rights existing on paper for several years without reliably reaching the people they were meant to protect and argued that when rights are not communicated, they function only for individuals who already understand the system well enough to ask the right questions. She stated that this is not equal protection under the law, but rather access to rights distributed based on social capital and circumstance.
- She stated that the bill corrects that issue in the simplest possible way, without imposing significant burdens on providers and without changing underlying law, but instead requiring that the law be communicated to those it was written to protect.
- She stated that sexual assault is the most underreported and underprosecuted violent crime and that only five out of every 1,000 perpetrators will end up in prison. She stated that sexual violence costs approximately \$122,000 per survivor over a lifetime due to healthcare, lost wages, and long-term trauma. She argued that better evidence collection leads to stronger prosecutions, identification of serial offenders, and reduction of repeat harm.
- She emphasized that the cost of doing nothing is not zero, while providing a card is a minimal action with significant impact. She concluded by urging the committee to pass the bill and stated that survivors deserve to know what the law already provides to them.

Lynde Ruel testified as Director of the Office of Victim Witness Assistance at the Attorney General's Office and Senior Assistant Attorney General **Jeffery Strelzin** also testified in opposition.

- Lynde Ruel stated that the Department of Justice is not in support of the bill in its current form and expressed concern that the language does not reflect the sponsor's stated intent.
- She specifically referenced the bill language stating "including any individual element or elements of a state sexual assault evidence collection kit" and explained that this raised concern that victims could direct the collection of specific portions of the kit outside of established medical and forensic protocols.
- She stated that in preparing the fiscal note, the office had to anticipate how that language could be implemented in practice. She stated that approximately 83 percent of sexual assault evidence collection kits in New Hampshire include either a urine or blood sample and that this informed the fiscal estimate.
- She explained that if a victim requests a specific element, such as a urine or blood sample, outside the medically appropriate timeframe, that sample will not be analyzed by the New Hampshire State Forensic Laboratory, resulting in a situation where a victim believes evidence is being processed when it is not.
- She stated that this creates a false expectation and does not serve justice. She explained that the sexual assault evidence collection kit consists of two parts, a medical forensic examination and evidence collection, and that the decision on what evidence is collected is made through consultation with a trained medical provider following established protocols and national best practices.
- She stated that while she supports victims' rights, she has concerns about allowing individual elements of the kit to be requested outside those protocols and deferred to Jeffery Strelzin.
- Jeffery Strelzin testified and addressed legal concerns with the bill. He began by responding to repeated references to *Miranda v. Arizona* and stated that the comparison is legally incorrect, explaining that *Miranda* rights apply only during custodial interrogation and that in most arrests individuals are not read *Miranda* rights.
- He then outlined three primary legal concerns. First, he stated that the bill appears to create a right for a victim to obtain testing outside the established system, potentially implicating evidentiary issues under the New Hampshire Rules of Evidence, particularly regarding chain of custody.
- He explained that if evidence is collected outside established protocols, it may require testimony from multiple additional witnesses, including independent laboratories, and that under New Hampshire criminal procedure, expert witnesses are subject to deposition by either party, which increases cost and

complexity. He stated that this could create issues with admissibility and reliability of evidence.

- Second, he referenced the bill’s definition of a sexual assault survivor as someone who “asserts” that they were sexually assaulted or that there was an attempt, and explained that this language could exclude categories of victims such as infants, young children, or nonverbal individuals who are unable to make such an assertion.
- He stated that this is a drafting issue that could unintentionally narrow the class of protected victims.
- Third, he referenced proposed language requiring that victims be informed of the ability to collect evidence for assaults occurring outside New Hampshire and stated that this raises jurisdictional concerns, as New Hampshire law enforcement does not have authority outside the state, and that interstate evidence collection is governed through separate legal processes. He stated that this provision is unclear in how it would operate and may promise something that cannot be delivered under existing law.
- Senator Reardon asked about statutory citations in the bill, specifically referencing RSA 21-M:19 and noting that a cited provision did not appear to exist.
 - Jeffery Strelzin responded that the referenced language is created within the bill itself, specifically through amendments to RSA 21-M:19, and acknowledged that there are drafting and organizational issues that make the language difficult to follow.
- Senator Reardon asked whether there could be additional provisions of RSA 21-M that were enacted elsewhere and not reflected.
 - Jeffery Strelzin responded that the provisions in question are contained within the bill and are not separate existing statutes.
- Senator Altschiller asked for clarification on chain of custody requirements under the rules of evidence.
 - Jeffery Strelzin explained that chain of custody is required to establish admissibility of evidence by demonstrating that the evidence is reliable and has not been altered or contaminated. He explained that for biological evidence, the state may be required to establish every link in the chain of custody, meaning every person who handled the evidence, and that failure to do so could result in exclusion of the evidence at trial.
- Senator Altschiller asked who develops and approves sexual assault evidence collection kits and whether they follow specific standards.

- o Lynde Ruel responded that the kits are developed through a multidisciplinary group including the New Hampshire State Forensic Laboratory, medical providers, law enforcement, and victim advocates, and that they follow national best practices and have evolved since their introduction in 1988 to reflect advancements in forensic science and medical protocols.
- Senator Altschiller asked whether the Sexual Assault Survivors’ Bill of Rights, codified in RSA 21-M:19, is provided to victims through materials at hospitals.
 - o Lynde Ruel responded that victims’ rights information is included in materials distributed to law enforcement, medical providers, and victim advocates, and that these materials are available both within the kit and separately.
- Senator Reardon asked whether medical providers and law enforcement are trained to provide those materials.
 - o Lynde Ruel responded that Sexual Assault Nurse Examiners (SANE nurses) and law enforcement receive training and are provided with these materials for distribution.
- Senator Altschiller asked about the use of the term “asserts” in the bill and whether it would exclude certain victims.
 - o Jeffery Strelzin responded that it would exclude victims who cannot assert, such as infants or nonverbal individuals, and stated that this is likely an unintended consequence of the drafting language.
- Senator Altschiller asked about timing requirements for evidence collection, specifically in drug-facilitated sexual assault cases.
 - o Lynde Ruel responded that under current medical forensic protocols, sexual assault evidence collection kits are generally initiated within five days, but that blood samples typically must be collected within approximately 24 hours and urine samples within a limited timeframe, and that these samples are often sent to external laboratories such as NMS Labs. She stated that whether evidence is usable depends on individual circumstances and medical assessment.
- Senator Reardon asked whether failure to establish chain of custody would prevent prosecution.
 - o Jeffery Strelzin responded that the more accurate statement is that the evidence may be excluded under the rules of evidence, and that while prosecutions can proceed without physical evidence, the absence of such evidence weakens the case.

Lyn Schollett testified on behalf of the New Hampshire Coalition Against Domestic and Sexual Violence and stated opposition to the bill as drafted. She stated that while there is full support for increased notification of victims' rights, there is a significant unintended consequence in the bill related to statutory definitions.

- She explained that current New Hampshire law, specifically the Crime Victims' Bill of Rights under RSA 21-M:8-k and related provisions, does not narrowly define "sexual assault" in the way proposed in the bill, and that the bill instead introduces a narrower definition of "sexual assault survivor."
- She stated that this could create situations in emergency rooms where medical providers would have to determine whether a patient meets that statutory definition before providing services, which she described as inappropriate and burdensome for medical providers.
- She emphasized that providers should not be placed in a position of interpreting statutory language in clinical settings.
- She reiterated support for notifying victims of their rights but stated opposition to the portion of the bill that narrows the definition of who qualifies as a sexual assault survivor.

Meghan Jenks testified as Assistant SANE Director for the statewide Sexual Assault Nurse Examiner program and also expressed concerns with the bill as written.

- She stated that if the bill were solely about notification of rights, there would be full support. However, she raised concerns about the requirement that victims not be prevented from receiving a sexual assault evidence collection kit or any portion of a kit, even when outside medically or forensically appropriate timeframes.
- She explained that SANE nurses prioritize medical care first, including treatment of injuries, testing and treatment for sexually transmitted infections, and providing pregnancy and HIV prophylaxis, as well as referrals to advocacy services, mental health services, and follow-up care.
- She emphasized that medical care is always available regardless of whether a kit is performed.
- She explained that when a patient is within the appropriate timeframe, they may choose to complete all or part of a kit, but that these decisions are guided by medical and forensic standards.
- She noted that beyond DNA or drug-facilitated sexual assault evidence, documentation created by SANE nurses including detailed notes, patient history, and photographs serves as significant evidence in court proceedings.

- She emphasized that these exams follow state protocols based on scientific evidence and national best practices.
- She stated that the sexual assault medical forensic exam is lengthy, typically lasting three to four hours, and is invasive, involving full-body and genital examinations and documentation.
- She expressed concern that requiring providers to perform kits outside appropriate timeframes, when there is no reasonable expectation of obtaining useful forensic evidence, could subject patients to unnecessary procedures without benefit.
- She emphasized that not receiving a kit does not mean a patient is not believed or not receiving care, but rather reflects clinical judgment about whether evidence collection would be effective. She stated that the goal is to ensure the best possible outcomes for survivors.
- Senator Reardon asked whether SANE nurses have access to materials such as victims' rights cards and whether they are trained to provide them.
 - Meghan Jenks responded that SANE nurses are provided with materials including the sexual assault booklet referenced earlier, local crisis center resources, and the Crime Victims' Bill of Rights, which is included in the sexual assault evidence collection kit pursuant to RSA 21-M:8-k and related provisions.
 - She stated that SANE nurses and hospital staff are trained that when a patient presents and reports a sexual assault, a SANE nurse and advocate are contacted, and those professionals explain the patient's rights and available options based on the patient's history.
- Senator Altschiller asked whether written testimony would be provided.
 - Lyn Schollett responded that written testimony would be submitted.

Representative Daniel Popovici-Muller testified in support as a co-sponsor of the bill, representing Windham, Rockingham 17.

- He began by addressing concerns raised about over-the-counter rape test kits and cited RSA 359-R:1, which prohibits the sale of over-the-counter rape test kits in New Hampshire.
- He stated that the bill has nothing to do with over-the-counter kits and expressed frustration that time had been spent discussing that issue. He emphasized that the right to have evidence collected is essential and stated that

currently approximately three-quarters of sexual assault victims are being denied the ability to have evidence collected when requested.

- He argued that even if evidence cannot be used immediately, future technological advancements may allow it to be used later, but only if it is collected in the first place.
- He stated that medical providers are not lawyers or detectives and should not be required to make legal determinations about whether a victim qualifies for evidence collection.
- He referenced prior testimony that medical providers should not be asked to interpret statutes and contrasted that with the expectation that providers interpret lengthy Department of Justice guidance documents, which he described as over 100 pages.
- He argued that this is unrealistic in an emergency room setting where providers do not have time to make complex legal determinations.
- He addressed testimony that victims receive notice of rights through materials included in the sexual assault evidence collection kit and described this as a “catch-22,” stating that victims are only informed of their rights if they are given a kit, but many victims are not given a kit in the first place. He argued that notification of rights must occur independently of whether a kit is provided.
- He addressed the Department of Justice fiscal note and stated that it created confusion in the House policy committee. He referenced the fiscal note indicating that toxicology testing costs \$551 per kit and stated that this led the committee to believe that the total cost of kits was significantly higher than it actually is.
- He stated that this misunderstanding contributed to discussions about modular kits and cost concerns. He asserted that the fiscal analysis contained a mathematical or documentation error, stating that figures were incorrectly added, and emphasized his background in finance in evaluating those numbers.
- He argued that even if the full projected cost of approximately \$1 million were accurate, it would be justified if it resulted in additional perpetrators being convicted, even years later, and described that as money well spent to protect victims.
- He addressed concerns that the bill narrows the definition of a sexual assault survivor and stated that as a co-sponsor he was not contacted about this issue until late in the process.
- He stated that if the concern had been raised earlier in the House, it could have been addressed through amendment and argued that any definitional issue is straightforward to fix and should not prevent passage of the bill. He stated that

similar concerns raised in opposition could be resolved and urged that they not be used to block the bill.

- He emphasized the impact on victims, stating that sexual assault survivors are often not in a mental state to understand or assert their rights at the time they seek care.
- He argued that if victims are not informed of their rights immediately, evidence may be lost permanently, making it impossible to pursue justice later. He criticized current Department of Justice guidance, stating that it suggests victims may have several days to seek care without adequately emphasizing the importance of preserving evidence immediately, such as not showering or changing clothes.
- He argued that victims should be encouraged to go to a hospital immediately and preserve evidence in its current state.
- He stated that the system should err on the side of collecting evidence rather than denying it, even if some evidence ultimately proves unusable. He argued that the financial cost of collecting evidence, approximately \$1,000 per case, is minimal compared to the societal and personal costs of failing to collect evidence and allowing perpetrators to remain free.
- He referenced Department of Justice estimates that approximately three victims per day are denied evidence collection and questioned whether cost savings justify denying those individuals the opportunity to collect evidence. He urged the committee to consider the impact on victims and to prioritize fixing any technical issues in the bill rather than rejecting it.
- He offered to work with the committee to address any concerns and concluded by urging passage of the bill.

Meghan Jenks was asked to approach once more in order to answer questions by Senator Gannon.

- Senator Gannon asked whether victims are given a physical card outlining their rights when they go to a hospital.
 - Meghan Jenks responded that she did not believe a physical card is provided and stated that there is a form included within the sexual assault evidence collection kit that is given when a kit is administered, and that providers review rights and options with patients during intake.
- Senator Gannon asked whether a victim who is denied a kit would still receive written notice of rights.

- o Meghan Jenks responded that such a victim would not receive the form contained within the kit but would still have options for medical treatment explained.

Dr. Elizabeth Karagosian testified that she works at Southern New Hampshire Medical Center in the emergency department and has been employed there since 2004.

- She stated that she has served as the medical director of the forensic program since approximately 2012 and is a trained forensic examiner who routinely takes call. She stated that she has conducted approximately 100 to 150 forensic examinations.
- She explained that she did not have prepared remarks and was present to provide clarity about what does and does not occur at her institution, noting that Southern New Hampshire Medical Center is the only place she has worked during her professional career.
- She offered to answer questions regarding procedures and practices at that facility.
- Senator Altschiller asked whether the Survivors Bill of Rights is made available to survivors who present at her facility.
 - o Dr. Karagosian responded by explaining the intake process in detail. She stated that when a patient arrives at the emergency room, the patient is first seen by a triage nurse, who determines next steps based on the nature of the complaint, which may include going directly to the emergency department or waiting.
 - o She stated that, to her knowledge, a Bill of Rights card is not provided at that initial triage stage. She explained that if a patient identifies as a victim of sexual assault, a member of the forensic team is immediately called, along with a crisis advocate.
 - o She stated that during triage, staff avoid obtaining a detailed history in order to prevent the patient from having to repeat the experience multiple times, recognizing that being in an emergency room is already stressful. She explained that the patient is then brought to a private room, where the forensic team and advocate meet with the patient and review the patient's situation to determine how best to meet the patient's needs.
- Senator Altschiller asked a follow-up question seeking clarification on whether forensic medical examinations are provided to all survivors, noting concerns raised in prior testimony about time limitations.
 - o Dr. Karagosian responded that all individuals who identify as sexual assault victims are offered the opportunity to speak with an advocate

regardless of the timing of the assault. She confirmed that this is done regardless of how much time has passed.

- o She explained that even if a patient presents outside the timeframe for forensic evidence collection, such as a week after the assault, a member of the forensic team and an advocate will still meet with the patient.
- o She emphasized that care is not limited to forensic evidence collection and includes addressing medical concerns, documenting the patient's account, and ensuring the patient is heard.
- o She stated that the process focuses on listening to the patient's story and documenting it, regardless of whether the patient chooses to pursue medical treatment or forensic evidence collection or whether the patient falls within the forensic evidence collection window.

BMB

Date Hearing Report completed: April 8, 2026