

HB 1633-FN - AS INTRODUCED

2026 SESSION

26-3011

09/06

HOUSE BILL ***1633-FN***

AN ACT expanding the information provided to survivors of sexual assault regarding their existing rights.

SPONSORS: Rep. Read, Rock. 10; Rep. Popovici-Muller, Rock. 17; Rep. Layon, Rock. 13; Rep. Wheeler, Hills. 33

COMMITTEE: Criminal Justice and Public Safety

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT expanding the information provided to survivors of sexual assault regarding their existing rights.

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

1 1 Sexual Assault Survivors' Rights. Amend RSA 21-M:18 to read as follows:

2 21-M:18 Sexual Assault Survivors' Rights.

3 I. In addition to the rights of a crime victim provided in RSA 21-M:8-k, a sexual assault
4 survivor shall have the following rights:

5 (a) The right not to be prevented from, or charged for, receiving a medical examination,
6 ***including any individual element or elements of a state sexual assault evidence collection***
7 ***kit.***

8 (b) The right to:

9 (1) Have a sexual assault evidence collection kit or its probative contents preserved,
10 without charge, for the duration of the maximum applicable statute of limitations or 20 years,
11 whichever is shorter;

12 (2) Be informed of any result of a sexual assault evidence collection kit, including a
13 DNA profile match, toxicology report, or other information collected as part of a medical forensic
14 examination, if such disclosure would not impede or compromise an ongoing investigation; and

15 (3) Be informed in writing of policies governing the collection and preservation of a
16 sexual assault evidence collection kit, ***including the information required by RSA 21-M:19, IV.***

17 (c) The right, if the state intends to destroy or dispose of a sexual assault evidence
18 collection kit or its probative contents before the expiration date of the maximum applicable statute
19 of limitations, to:

20 (1) Upon written request, receive written notification from the prosecutor or
21 appropriate state official with custody not later than 60 days before the date of the intended
22 destruction or disposal; and

23 (2) Upon written request, be granted further preservation of the kit or its probative
24 contents.

25 (d) The right to be informed of the rights under this section.

26 II. In this ~~[subdivision,]~~ ***chapter, "sexual assault survivor" means:***

27 (a) ***Any individual who asserts that they have been subject to an offense under***
28 ***RSA 632-A:2, 632-A:3, or 632-A:4 including, but not limited to, penetrative or non-***
29 ***penetrative sexual assault or the administering of a drug or other intoxicating substance***
30 ***as part of a sexual assault which falls under the referenced statutes.***

1 ***(b) An individual reporting an attempted rape who asserts sexual contact as***
2 ***defined by RSA 632-A:1, IV and described within RSA 632-A:4 shall not be denied survivor***
3 ***rights because of lack of knowledge of correct legal terminology.***

4 ***(c) "Sexual assault survivor" includes a deceased victim of sexual assault.***

5 2 New Paragraphs; Notification of Sexual Assault Survivors' Rights. Amend RSA 21-M:19 by
6 inserting after paragraph II the following new paragraphs:

7 III. The attorney general shall post prominently on the attorney general's website the
8 document or documents required by RSA 21-M:8-d, II which summarize the policies to inform a
9 sexual assault survivor, listed entities, and the general public regarding:

10 (a) Rights under this section and RSA 21-M:18, I.

11 (b) Policies governing the collection and preservation of a sexual assault evidence
12 collection kit established in RSA 21-M:8-d, I including:

13 (1) How long after an assault samples, including blood, urine and other evidence, are
14 generally collected;

15 (2) The evidentiary value of all clothing and other material present at the time of
16 assault; and

17 (3) The ability to collect evidence for an assault which occurred in a location outside
18 of New Hampshire.

19 (c) That sexual contact which would be considered aggravated felonious sexual assault if
20 it was penetration is misdemeanor sexual assault.

21 IV. A health care provider, law enforcement officer, or other employee of an entity listed in
22 paragraph I, who in the course of their professional responsibilities has contact with a sexual assault
23 survivor, shall provide the individual with the document intended for sexual assault survivors
24 provided by the attorney general pursuant to paragraph III or an internally created document which
25 contains, at minimum, the same material information.

26 3 Standardized Rape Protocol and Kit and Domestic Violence Protocol. Amend RSA 21-M:8-d to
27 read as follows:

28 21-M:8-d Standardized Rape Protocol and Kit and Domestic Violence Protocol.

29 ***I.*** The department of justice shall adopt, pursuant to RSA 541-A, and implement rules
30 establishing a standardized rape protocol and kit and a domestic violence protocol to be used by all
31 physicians or hospitals in this state when providing physical examinations of victims of alleged
32 sexual offenses and alleged domestic abuse, as defined in RSA 173-B:1.

33 ***II.*** ***The department of justice shall create a document summarizing the information***
34 ***required by RSA 21-M:19, III so that victims of sexual assault, health care providers, and***
35 ***the general public can easily access the details of the protocols required in paragraph I***
36 ***necessary to protect the rights of sexual assault survivors.***

37 4 Effective Date. This act shall take effect 60 days after its passage.

**HB 1633-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT expanding the information provided to survivors of sexual assault regarding their existing rights.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$1,158,000	\$1,159,000	\$1,164,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill expands the information that must be provided to sexual assault survivors regarding their existing rights under RSA 21-M, revises and broadens the definition of “sexual assault survivor,” requires the Department of Justice (DOJ) to prominently post specific sexual-assault-related rights and evidence-handling information on its website, and requires health care providers, law enforcement officers, and other listed entities to give survivors a written notice of rights. The bill also requires DOJ to update and maintain the standardized rape kit protocol and domestic violence protocol and to create a document summarizing these procedures.

The Department of Justice states that implementation of the bill will require expanded evidence-collection responsibilities, survivor notification processes, and statewide distribution of required written materials. DOJ estimates it will need approximately 1,000 additional sexual assault evidence collection kits, including tracking materials, with startup costs of about \$50,000. It further estimates that toxicology testing costs of \$551 per kit could total up to \$1,002,000 annually. These would represent ongoing annual costs for kit-related testing and coordination. To manage these new statutory responsibilities, DOJ anticipates requiring one new full-time Program Coordinator (23-2010 PARALGLS-LGL ASSTS-6 SOC23-06), for a cost of approximately \$106,000 in FY 2027, \$107,000 in FY 2028, and \$112,000 in FY 2029 for this position.

This bill does not provide funding nor does it authorize positions. If the position is authorized and funded for FY 2027 it is assumed the cost of the position will be included in the DOJ's FY 2028 and FY 2029 budget request.

AGENCIES CONTACTED:

Department of Justice