

HB 1651-FN - VERSION ADOPTED BY BOTH BODIES

5Mar2026... 0139h
05/07/2026 1814s

2026 SESSION

26-3104
09/08

HOUSE BILL ***1651-FN***

AN ACT establishing sexual assault orders of protection and relative to sexual assault survivors' rights.

SPONSORS: Rep. Rhodes, Ches. 17; Rep. Simpson, Rock. 33; Rep. A. Murray, Hills. 20; Rep. Meuse, Rock. 37; Rep. E. Kelly, Merr. 8; Rep. Nelson, Rock. 13; Rep. Kuttab, Rock. 17; Rep. Rice, Hills. 38; Rep. N. Murphy, Hills. 12; Rep. Roy, Rock. 31; Sen. Perkins Kwoka, Dist 21; Sen. Gannon, Dist 23; Sen. Ricciardi, Dist 9; Sen. Birdsell, Dist 19

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes sexual assault orders of protection and updates certain rights for sexual assault survivors.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six

AN ACT establishing sexual assault orders of protection and relative to sexual assault survivors' rights.

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

1 1 New Section; Sexual Assault and Related Offenses; Sexual Assault Protective Order. Amend
2 RSA 632-A by inserting after section 5 the following new section:

3 632-A:5-a Sexual Assault Protective Order.

4 I. A person may file a civil petition in the circuit court in the district where the plaintiff or
5 defendant resides to seek relief from the court upon demonstrating, by a preponderance of the
6 evidence, they have been the victim of sexual assault as defined in this chapter. Upon a showing of
7 sexual assault, the court shall grant such relief against the actor as is necessary to protect the
8 physical, psychological or emotional wellbeing of the victim. The types of relief that may be granted,
9 the procedures and burdens of proof to be applied in such proceedings, the methods of notice, service,
10 and enforcement of such orders, and the penalties for violation thereof shall be the same as those set
11 forth in RSA 173-B.

12 II. The minority of a plaintiff or defendant shall not preclude the court from issuing
13 protective orders under this section.

14 III. Any order under this section shall be for a fixed period of time not to exceed one year,
15 but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with
16 notice to the defendant, for one year after the expiration of the first order and thereafter each
17 extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the
18 court. The court shall review the order, and each renewal thereof and shall grant such relief as may
19 be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the
20 right to a hearing on the extension of any order under this paragraph to be held within 30 days of
21 the extension. The court shall state in writing, at the respondent's request, its reason or reasons for
22 granting the extension. The court shall retain jurisdiction to enforce and collect the financial
23 support obligation which accrued prior to the expiration of the protective order.

24 IV. (a) A protective order issued pursuant to this section shall not be construed to prohibit
25 an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an
26 action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under
27 this section, from contacting the plaintiff for a legitimate purpose within the scope of the civil or
28 criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies
29 himself or herself as a representative of the defendant; acknowledges the existence of the protective

1 order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the
2 plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact
3 with the plaintiff occurs outside of the defendant's presence, unless the court has modified the
4 protective order to permit such contact.

5 (b) A violation of this paragraph may result in a finding of contempt of court.

6 V. Notwithstanding RSA 594:10, any law enforcement officer shall arrest, without a
7 warrant, any person that the officer has probable cause to believe has violated the provisions of this
8 section when the offense occurred within 12 hours, regardless of whether the crime occurred in the
9 presence of the officer.

10 VI.(a) A person shall be guilty of a class A misdemeanor if such person knowingly violates a
11 protective order issued under this section.

12 (b) Any person who is convicted of a second or subsequent offense under paragraph
13 VI(a), based on a complaint which alleges that the person has had one or more prior convictions
14 under paragraph VI(a), or under a reasonably equivalent offense in an out-of-state jurisdiction, shall
15 be guilty of a class B felony.

16 2 Sexual Assault Survivors' Rights. Amend RSA 21-M:18, I(b) to read as follows:

17 (b) The right to:

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

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

24 (3) Be informed in writing of policies governing the collection and preservation of a
25 sexual assault evidence collection kit~~[-]~~; **and**

26 (4) ***Be informed of the status and location of a sexual assault evidence***
27 ***collection kit.***

28 3 Effective Date. This act shall take effect January 1, 2027.

**HB 1651-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT # 2026-1814s)**

AN ACT establishing sexual assault orders of protection and relative to sexual assault survivors' rights.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill creates a new type of protective order petition in Circuit Court for victims of sexual assault under RSA 632-A. The Judicial Branch states they would need to modify court forms, their website and systems as well as provide limited training to staff for the new petition type. The fiscal impact to the Branch would be under \$10,000.

Additionally, this bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association