

CHAPTER 238
HB 1651-FN - FINAL VERSION

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

1 238:1 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 defendant
5 resides to seek relief from the court upon demonstrating, by a preponderance of the evidence, they have
6 been the victim of sexual assault as defined in this chapter. Upon a showing of sexual assault, the court
7 shall grant such relief against the actor as is necessary to protect the physical, psychological, or emotional
8 wellbeing of the victim. The types of relief that may be granted, the procedures and burdens of proof to be
9 applied in such proceedings, the methods of notice, service, and enforcement of such orders, and the
10 penalties for violation thereof shall be the same as those set forth in RSA 173-B.

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

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

23 IV. (a) A protective order issued pursuant to this section shall not be construed to prohibit an
24 attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action
25 brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this section,
26 from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding;
27 provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a
28 representative of the defendant; acknowledges the existence of the protective order and informs the
29 plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff
30 expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside
31 of the defendant's presence, unless the court has modified the protective order to permit such contact.

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

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

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

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

11 238:2 Sexual Assault Survivors' Rights. Amend RSA 21-M:18, I(b) to read as follows:

12 (b) The right to:

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

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

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

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

22 238:3 Effective Date. This act shall take effect January 1, 2027.

Approved: July 02, 2026
Effective Date: January 01, 2027

