

Rep. Kuttab, Rock. 17
Rep. Turer, Rock. 6
January 29, 2025
2025-0167h
09/08

Amendment to HB 369-FN

1 Amend the bill by replacing section 3 with the following:

2

3 3 New Section; Sexual Assault and Related Offenses; Cases Involving Misdemeanor Sexual
4 Assaults Against Minors. Amend RSA 632-A by inserting after section 9 the following new section:

5 632-A:9-a Misdemeanor Sexual Assault Prosecutions with Victim Less Than 18 Years of Age.

6 I. In any prosecution for a violation of RSA 632-A:4 involving a victim less than 18 years of
7 age at the time the prosecution is commenced, and which is brought in the circuit court, the
8 defendant may elect to either:

9 (a) Appeal within 30 days after the arraignment to the superior court for a jury trial
10 pursuant to the provisions of Rule of Criminal Procedure 21(a); or

11 (b) Proceed with a trial in the circuit court, which will constitute a waiver of the right to
12 a jury trial and the right to appeal for a jury trial pursuant to RSA 502-A:12 and 599:1.

13 II. A circuit court shall not proceed with a trial under subparagraph I(b) unless it has
14 conducted a colloquy with the defendant and finds that the defendant has knowingly, voluntarily,
15 and intelligently waived his or her right to a jury trial.

Amendment to HB 369-FN
- Page 2 -

2025-0167h

AMENDED ANALYSIS

This bill requires a defendant charged with a misdemeanor sexual assault of a minor under the age of 18 to elect whether to proceed in circuit court and waive his or her right to a jury trial or to immediately appeal to superior court for a jury trial.