

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1651-FN, establishing sexual assault orders of protection and relative to sexual assault survivors' rights.

Hearing Date: March 24, 2026

Time Opened: 2:45 p.m.

Time Closed: 3:03 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Reardon and Altschiller

Members of the Committee Absent: Senator Carson

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

Sponsors:

Rep. Rhodes

Rep. Simpson

Rep. A. Murray

Rep. Meuse

Rep. E. Kelly

Rep. Nelson

Rep. Kuttub

Rep. Rice

Rep. N. Murphy

Rep. Roy

Sen. Perkins Kwoka

Sen. Gannon

Sen. Ricciardi

Sen. Birdsell

Who supports the bill: Representative Jennifer Rhodes, Mary Krueger (NH Legal Assistance), Steven Endres, Pat Sullivan (New Hampshire Assoc. of Chiefs of Police), Lyn Schollet (NH Coalition Against Domestic and Sexual Violence), Shauna Foster (New Beginnings), Elizabeth Sargent (NH Assoc. of Chiefs of Police), Cory Stone, Fiona Geary, Karin Ashton, Rachel Therrien, Jeanne Whittington, Helen Honorow, Mary Lou Paquette, Frances Strayer, Martha Dickey, Christine LaCourse, Jacqueline Whatmough, Ellen Fries, Kelly Butler, Paula Czech Lesmerises, Piper Lounsbury, Finlay Stover, Eleanor Hennesey, Noah Stanton, Haley Demers, Suzanna Derynioski, Sofia Holmes, Judy Wilbur-Albertson, Nathaniel Blair, Nancy Husarik, Emily Dentzer, Jen Forys, Regina Eckrich, Kim Destefano, and Rachel Stewart.

Who opposes the bill: Curtis Howland and Pamela Harders.

Who is neutral on the bill: None.

Summary of testimony the presented:

Representative Jennifer Rhodes introduced the bill and explained that it is intended to strengthen protections for victims of sexual assault by extending into the civil system protections similar to those available in domestic violence cases.

- Stated that victims of sexual assault often do not report immediately, if at all, and may not have any relationship with the perpetrator, which creates a gap in current law. The bill allows those victims to access comparable protective orders in the civil context, using the same requirements and framework as domestic violence protections.
- Explained that the bill builds on prior legislation establishing time lines for processing sexual assault evidence kits by ensuring victims can receive updates on the status of their cases.
- Stated that the bill enhances the victims' bill of rights by requiring that evidence not be destroyed before the applicable statute of limitations expires, noting that in some cases involving minors this could extend for decades. She concluded that the bill is concise but addresses several important gaps.

Mary Krueger, an attorney with New Hampshire Legal Assistance, testified in support and explained that there is a significant gap in RSA 173-B, the domestic violence statute, because sexual assault victims can only access protection orders under that law if they have a qualifying relationship with the defendant, such as being married, dating, cohabiting, or related.

- Stated that while New Hampshire has a stalking statute that does not require such a relationship, it requires a course of conduct, and a single act of sexual assault may not meet that definition. As a result, many victims must seek injunctive relief in superior court, which is more complex, slower, and less accessible.
- Explained that HB 1651 would allow sexual assault victims to file for protection orders in circuit court using the same procedures, burdens of proof, notice requirements, and enforcement mechanisms as domestic violence cases, requiring proof by a preponderance of the evidence that a sexual assault occurred.
- Emphasized that this would fill a longstanding gap and allow courts to use an already familiar process.
- Senator Altschiller asked whether it is necessary to retain provisions allowing courts to order batterer's intervention programs, noting that such programs are limited or largely online in New Hampshire, and whether that presents a problem for the bill.
 - o Mary Krueger responded that this is not a problem specific to the bill but rather reflects a broader issue with the availability of such programs in the state. She stated that the bill simply allows courts to order any relief

currently available under RSA 173-B, including batterer's intervention, and that the lack of robust programs is a separate policy concern.

Lyn Schollett, executive director of the New Hampshire Coalition Against Domestic and Sexual Violence, testified in strong support and explained that the bill makes two key changes: it creates sexual assault protective orders and updates the sexual assault survivors' bill of rights.

- Stated that New Hampshire has long recognized the need to address the gap for victims without a qualifying relationship and noted that over 20 years ago she worked on creating the first standalone sexual assault protective order law in Illinois.
- Explained that today 23 states have standalone sexual assault protective orders and an additional 14 include such protections within existing statutes. She provided examples of common scenarios where protection is needed, such as college students who share living or dining spaces, coworkers who must continue interacting after an assault, and neighbors.
- Emphasized that the bill's strength is its simplicity because it builds on existing legal processes. She also highlighted the importance of requiring retention of evidence kits for the full statute of limitations and notifying victims of the status of their kits, noting that restoring control over information is critical for survivors.

Shauna Foster, executive director of New Beginnings Without Violence and Abuse located in Laconia, NH, testified in support and described her experience working with survivors.

- She provided data from 2025 showing that her organization delivered 529 services to 108 sexual assault survivors in Belknap County alone, including hospital accompaniment, forensic interviews, court support, law enforcement accompaniment, and financial assistance such as relocation.
- Explained that despite these supports, victims often cannot obtain protection orders due to lack of a qualifying relationship or absence of a pattern required under stalking laws.
- Gave two examples: one survivor assaulted by a coworker who was denied a protective order despite fear of retaliation, and another un-housed survivor assaulted by another individual who also did not qualify for protection. She stated that in such cases victims often relocate to feel safe, and that access to protective orders could allow them to remain in their communities.
- Emphasized that these orders would prevent contact, reduce retaliation, and provide law enforcement with clear authority to intervene.

Patrick Sullivan, executive director of the New Hampshire Association of Chiefs of Police and a retired police chief, testified in support. He stated that current protection order laws are insufficient for individuals who most need protection and emphasized that HB 1651 would shift the focus to the victim's need for safety rather than the nature of their relationship with the offender. He concluded that the bill would strengthen protections and improve public safety.

Steven Endres, a criminal defense attorney, testified in support and explained that while victims can currently seek protective orders in superior court, that process is not user-friendly, involves filing fees, and can be slow.

- Contrasted this with the circuit court process available for domestic violence and stalking cases, which is faster and free. He stated that the bill would allow sexual assault victims to use this more accessible process without needing to engage with the criminal justice system.
- Highlighted a technical correction in the bill regarding evidence retention, explaining that current law requires kits to be preserved for 20 years or the statute of limitations, whichever is shorter, which can result in evidence being destroyed prematurely.
- Stated that the bill corrects this by requiring preservation for the longer of the two periods, aligning with the statute of limitations.

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Date Hearing Report completed: March 27, 2026