

HB 1651-FN - AS INTRODUCED

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 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 as is necessary to protect the physical, psychological
8 or emotional wellbeing of the victim. The types of relief that may be granted, the procedures and
9 burdens of proof to be applied in such proceedings, the methods of notice, service, and enforcement of
10 such orders, and the 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
12 protective orders under this section.

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

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

with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

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

V. Any law enforcement officer may arrest, without a warrant, any person that the officer has probable cause to believe has violated the provisions of this section when the offense occurred within 12 hours, regardless of whether the crime occurred in the presence of the officer. A law enforcement officer shall arrest a person when he has probable cause to believe a violation of the provisions of this section has occurred within the last 12 hours when the offense involves a violation of a protective order issued pursuant to RSA 173-B, RSA 458:16, RSA 461-A:10 or paragraph I of this section.

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

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

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

(b) The right to:

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

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

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

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

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

**HB 1651-FN- FISCAL NOTE
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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 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