

HB 62-FN - AS INTRODUCED

2025 SESSION

25-0039

09/06

HOUSE BILL

62-FN

AN ACT relative to protection of persons from domestic violence and military protective orders.

SPONSORS: Rep. Roy, Rock. 31; Rep. Creighton, Hills. 30; Rep. Edwards, Rock. 31; Rep. Moffett, Merr. 4; Rep. Rhodes, Ches. 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Requires the adjutant general to provide national guard victims of sexual assault or sexual harassment financial assistance to allow the victim to participate in proceedings related to the assault or harassment.

II. Permits the introduction of military protective orders in proceedings for civil domestic violence protective orders, allows the assistance of military special victims' counsel in the drafting and filing of the petition, and adds "coercive control" as an abuse that can be alleged during the proceedings.

III. Adds to the definition of the crimes of stalking and violation of a protective order current or former national guard members that violate an order from his or her commanding officer while committing a proscribed act.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to protection of persons from domestic violence and military protective orders.

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

1 1 New Paragraph; Department of Military Affairs and Veterans Services; The Adjutant General.
2 Amend RSA 110-B:8 by inserting after paragraph IV the following new paragraph:

3 V. The adjutant general shall provide current and former members of the national guard
4 who were the victims of sexual assault or sexual harassment while members of the national guard
5 with financial assistance when the victims participate in adverse administrative proceedings or New
6 Hampshire code of military justice proceedings related to the sexual assault or sexual harassment.
7 The financial assistance shall cover the reasonable expenses incurred from traveling to and from
8 those proceedings. This section does not alter or expand a victim's right to participate in those
9 proceedings.

10 2 Protection of Persons from Domestic Violence; Definition Amended. Amend RSA 173-B:1, I to
11 read as follows:

12 I. "Abuse" means the commission or attempted commission of one or more of the acts
13 described in subparagraphs (a) through ~~(h)~~ **(i)** by a family or household member or by a current or
14 former sexual or intimate partner, where such conduct is determined to constitute a credible present
15 threat to the petitioner's safety. The court may consider evidence of such acts, regardless of their
16 proximity in time to the filing of the petition, which, in combination with recent conduct, reflects an
17 ongoing pattern of behavior which reasonably causes or has caused the petitioner to fear for his or
18 her safety or well-being:

19 (a) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.

20 (b) Criminal threatening as defined in RSA 631:4.

21 (c) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.

22 (d) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.

23 (e) Destruction of property as defined in RSA 634:1 and RSA 634:2.

24 (f) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.

25 (g) Harassment as defined in RSA 644:4.

26 (h) Cruelty to animals as defined in RSA 644:8.

27 **(i) Coercive control, as defined in RSA 173-B:1, II-a, of a family or household**
28 **member.**

29 3 New Paragraph; Protection of Persons from Domestic Violence; Definition Added. Amend RSA
30 173-B:1 by inserting after paragraph II the following new paragraph:

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1 II-a. "Coercive control" means a pattern of threatening, humiliating, or intimidating actions
2 that is used to harm, punish, or frighten an individual, and which in purpose or effect unreasonably
3 interferes with a person's free will and personal liberty.

4 4 New Paragraph; Protection of Persons from Domestic Violence; Definition Added. Amend RSA
5 173-B:1 by inserting after paragraph XV the following new paragraph:

6 XV-a. "Military protective order" means an order issued to a current member of United
7 States Armed Forces, the New Hampshire national guard, or the national guard of another state or
8 territory by the defendant's commanding officer, on a form prescribed by the United States
9 Department of Defense, prohibiting certain contact with or conduct against another person.

10 5 Protection of Persons from Domestic Violence; Commencement of Proceedings. Amend RSA
11 173-B:3, I to read as follows:

12 I.**(a)** Any person may seek relief pursuant to RSA 173-B:5 by filing a petition, in the county
13 or district where the plaintiff or defendant resides, alleging abuse by the defendant. Any person
14 filing a petition containing false allegations of abuse shall be subject to criminal penalties. Notice of
15 the pendency of the action and of the facts alleged against the defendant shall be given to the
16 defendant, either personally or as provided in paragraph III. The plaintiff shall be permitted to
17 supplement or amend the petition only if the defendant is provided an opportunity prior to the
18 hearing to respond to the supplemental or amended petition. All petitions filed under this section
19 shall include the home and work telephone numbers of the defendant, if known. Notice of the
20 whereabouts of the plaintiff shall not be revealed except by order of the court for good cause shown.
21 Any answer by the defendant shall be filed with the court and a copy shall be provided to the
22 plaintiff by the court.

23 ***(b) An assigned special victims' counsel or legal assistance attorney of any***
24 ***military component may assist with drafting a petition in accordance with subparagraph***
25 ***(a) on behalf of a plaintiff who has also received a military protective order and only after***
26 ***receiving consent from the plaintiff. The petition shall include a statement that the***
27 ***plaintiff has consented to the military attorney filing the petition. The petition may be***
28 ***filed by the plaintiff, special victims' counsel, or legal assistance attorney.***

29 6 New Paragraph; Protection of Persons from Domestic Violence; Hearing. Amend RSA 173-B:3
30 by inserting after paragraph VIII the following new paragraph:

31 IX. Military protective orders shall be admissible evidence in proceedings under this chapter
32 in order to establish a relevant pattern or course of conduct.

33 7 Protection of Persons from Domestic Violence. Amend RSA 173-B:9, III to read as follows:

34 III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a
35 protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order
36 enforceable under the laws of this state. ***A person shall also be guilty of a class A misdemeanor***
37 ***if such person knowingly violates a military protective order as defined in RSA 173-B:1***

issued while the person was a member of the national guard, within one year of the order's issuance and regardless of whether or not the person remains a member of the national guard. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

8 Criminal Code; Stalking. Amend RSA 633:3-a, I to read as follows:

I. A person commits the offense of stalking if such person:

(a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear;

(b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family; ~~or~~

(c) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section, or an order pursuant to RSA 597:2 that prohibits contact with a specific individual, purposely, knowingly, or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a); **or**

(d) After having been notified, in writing or otherwise, while the person was a member of the national guard, not to engage in such conduct by a commanding officer, purposely, knowingly, or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a). The notification not to engage in such conduct expires one year from the date of issuance. A person violates this subparagraph regardless of whether the person is a member of the national guard when the person engages in the conduct and regardless of where the conduct occurs.

9 Effective Date. This act shall take effect January 1, 2026.

**HB 62-FN- FISCAL NOTE
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AN ACT relative to protection of persons from domestic violence and military protective orders.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
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 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

The bill requires the Adjutant General to provide national guard victims of sexual assault or sexual harassment financial assistance to allow the victim to participate in proceedings related to the assault or harassment. It permits introduction of military protective orders in proceedings for civil domestic violence protective orders, allows the assistance of military special victims' counsel in the drafting and filing of the petition, and adds "coercive control" as an abuse that can be alleged during the proceedings. In addition, the bill adds to the definition of the crimes of stalking and violation of a protective order current or former national guard members that violate an order from his or her commanding officer while committing a proscribed act.

The Department of Military Affairs and Veterans Services states the fiscal impact of this bill is indeterminable as they cannot predict the number of victims who will require financial

assistance to participate in proceedings related to assault or harassment. The Department does not anticipate a large fiscal impact as instances of sexual assault requiring travel will be rare.

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

The Judicial Branch indicates a broadened scope of 173-B to include “coercive control” is expected to result in additional hearings. There may be additional litigation costs related to fleshing out what conduct is included in the definition of the term “coercive control.” Additional legislative guidance on the meaning of the term may reduce the frequency of such litigation, and therefore costs.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, Military Affairs and Veterans Services, New Hampshire Association of Counties, and New Hampshire Municipal Association