

SB 23-FN - AS INTRODUCED

2025 SESSION

25-1052

11/09

SENATE BILL **23-FN**

AN ACT expanding the crime of endangering the welfare of a child.

SPONSORS: Sen. Long, Dist 20; Rep. Gregg, Hills. 7

COMMITTEE: Children and Family Law

ANALYSIS

This bill expands what constitutes endangering the welfare of a child by adding additional violative conduct.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 expanding the crime of endangering the welfare of a child.

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

1 1 Endangering the Welfare of a Child; Additional Violative Conduct. Amend RSA 639:3 to read
2 as follows:

3 639:3 Endangering Welfare of Child or Incompetent.

4 I. A person is guilty of endangering the welfare of a child or incompetent if he knowingly
5 endangers the welfare of a child under 18 years of age or of an incompetent person by ~~purposely~~
6 violating a duty of care, protection or support he owes to such child or incompetent, or by inducing
7 such child or incompetent to engage in conduct that endangers his health or safety.

8 II. In the prosecution of any person under this section, the tattooing or branding by any
9 person of a child under the age of 18 constitutes endangering the welfare of such child.

10 II-a. In the prosecution of any person under this section, the placement of a child for
11 adoption or the attempt to place a child for adoption in violation of RSA 170-B:33 constitutes
12 endangering the welfare of such child.

13 III. In the prosecution of any person under this section, the solicitation by any person of a
14 child under the age of 16 to engage in sexual activity as defined by RSA 649-A:2, III for the purpose
15 of creating a visual representation as defined in RSA 649-A:2, IV, or to engage in sexual penetration
16 as defined by RSA 632-A:1, V, constitutes endangering the welfare of such child.

17 IV. A person who pursuant to the tenets of a recognized religion fails to conform to an
18 otherwise existing duty of care or protection is not guilty of an offense under this section.

19 ***IV-a. In the prosecution of any person under this section, engaging in conduct that***
20 ***places a child under the age of 18 in danger of serious bodily injury or death constitutes***
21 ***endangering the welfare of such child.***

22 ***IV-b. In the prosecution of any person under this section, engaging in conduct that***
23 ***results in serious bodily injury or death to a child under the age of 18 constitutes***
24 ***endangering the welfare of such child.***

25 V. A person who endangers the welfare of a child or incompetent by violating paragraph ***IV-***
26 ***b of this section shall be guilty of a class A felony. A person who endangers the welfare of a***
27 ***child or incompetent by violating paragraph III or IV-a of this section, or who engages in a***
28 ***pattern of violating paragraph I of this section,*** is guilty of a class B felony. All other violations
29 of this section are misdemeanors. ***For the purposes of this section, "pattern" means***
30 ***committing more than one act under paragraph I over a period of 2 months or more and***
31 ***within a period of 5 years.***

1 VI. No person acting in accordance with the provisions of RSA 132-A shall be guilty of an
2 offense under this section.

3 2 Effective Date. This act shall take effect January 1, 2026.

**SB 23-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT expanding the crime of endangering the welfare of a child.

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:

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