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New Hampshire House
Criminal Justice and Public Safety Committee
Concord, NH 03301

Via email

Re: HB 1158, relative to the definition of intimate partner.

Dear Chairman Roy and members of the committee,

Unfortunately, I will be in court on the morning of Thursday, January 29, 2026 so I will not be available to testify *in opposition* to HB1158. By way of introduction, I am an attorney in Concord who has been practicing criminal law for over 25 years.

I think that this is a truly well-meaning bill which would not accomplish its intended goals. First, as we previously identified with HB 1651 (establishing sexual assault orders of protection), there is a gap in current New Hampshire law. A person who is being stalked can obtain a stalking order of protection. A person in an abusive intimate relationship can obtain a domestic violence protective order, but there is currently no easy way for a sexual assault survivor to obtain a protective order against their attacker.

HB1158 appears to attempt to remedy that in a simple way- add “sexual relationship” to the definition of “intimate partner” in RSA 173-B. However, I believe this would be problematic for the following reasons:

- The word “relationship” indicates some level of ongoing kinship. While a “one night stand” is a sexual encounter, it is not clear that if that is a “sexual relationship.”
- “sexual relationship” insinuates some level of consent. I don’t believe any victim of sexual assault would consider him or herself to be in a “sexual relationship” with their attacker.
- Sexual assault in New Hampshire does not require physical contact between the perpetrator and the victim. A person can commit aggravated felonious sexual assault if they force another person to perform sexual penetration on a third party or on themselves. These situations would not necessarily give rise to a “sexual relationship” between the victim and the perpetrator.

In addition, I have heard that there is a concern about the court not being able to issue “criminal bail protective orders” (hereinafter CBPO) in sexual assault cases. A CBPO is something

that is not mentioned anywhere in the state statutes, it is simply a form that the NH Court system utilizes when there is a bail order that makes certain findings and there is a specific qualifying intimate partnership.

Under Federal Law, specifically 18 USC 922(g)(8), if a person is in subject to a court order that restrains the person from harassing, stalking, or threatening an “intimate partner” *as defined by federal law*, and the order contains certain findings, that person is prohibited from possessing or purchasing a firearm under federal law.

So, if a defendant is in a relationship that meets the *federal* definition of “intimate partners” and is the subject to a bail order which makes certain findings and restrains the person from harassing, stalking, or threatening their intimate partner, the court can issue a bail order, and that defendant would be prohibited from possessing or purchasing a firearm under federal law. In this case, the court would utilize the CBPO form.

The reason the CBPO form exists is that it puts information in a format which allows the information to be entered into the National Crime Information Center (NCIC), which is an FBI database. That way if the defendant attempts to purchase a firearm, they will not pass a background check.

Changing the definition of “intimate partners” in RSA 173-B will have no impact on CBPO whatsoever, since the CBPO only utilizes the *federal* definition of “intimate partners.”

I would encourage you to find HB1158 inexpedient to legislate.

Thank you,

A handwritten signature in black ink, appearing to read 'SE', with a stylized flourish at the end.

Steven Endres