

New Hampshire 2010 Legislative Session



The following bills passed the 2010 Legislative Session and will become law in the state of New Hampshire.

HB 523, Requiring DNA testing of all persons convicted of a felony

Effective Date: August 24, 2010

- Sponsored by Rep David Welch (R-Kingston) and Rep Steve Shurtleff (D-Penacook), HB 523 authorizes the Department of Safety to take DNA from all persons convicted of a felony and enter this information into the Combined DNA Index System (CODIS). DNA would NOT be taken upon arrest and would NOT be taken from juvenile offenders.

HB 1634, Relative to assault by strangulation

Effective Date: January 1, 2011

- Sponsored by Rep Steve Shurtleff (D-Penacook), this bill strengthens the penalties against strangulation by adding it to the second degree assault statute, making it a class B felony in NH.

HB 1508, Prohibiting offenders convicted of certain sexual assaults from contacting the victim of the crime

Effective Date: January 1, 2011

- Sponsored by Rep Robert “Renny” Cushing (D-Hampton), this bill limits communication between a person convicted of certain sexual assaults and the victim.
- It prohibits a person convicted of sexual assault from initiating contact with the victim.
- Prohibition does not apply where:
 - There was an ongoing relationship at the time of the offense between the offender and victim; and
 - That relationship necessitates continued contact between them; and
 - The offender strictly limits communication to that immediate issue

HB 230, Relative to the burden of proof for a finding of abuse in domestic violence cases

Effective Date: January 1, 2011

- Rep. David Nixon (D-Manchester) sponsored HB 230 in an attempt to counter some of the current case law that has made it difficult for pro-se victims of abuse to obtain protective orders.
- Introduced in Session year 2009, HB 230 passed the House, but was “Re-Referred to Committee” in the Senate. *This is a recommendation to the full Senate or House that they should send the bill back to the committee for additional work before the next Legislative Session.*
- After working with the Senate Judiciary Committee throughout the 2010 legislative session, HB 230 passed the Senate Floor on a Voice Vote on January 27, 2010.
- In amending RSA 173-B, I: HB 230 now reads:

I. “Abuse” means the commission or attempted commission of one or more of the [~~following~~] acts ***described in subparagraphs (a) through (g)*** by a family or household member or ***by a*** current or former sexual or intimate partner [~~and~~], where such conduct [~~constitutes a credible threat to the plaintiff’s safety~~] ***is determined to constitute a credible present threat to the petitioner’s safety. The court may consider evidence of such acts, regardless of their proximity in time to the filing of the petition, which, in combination with recent conduct, reflects an ongoing pattern of behavior which reasonably causes or has caused the petitioner to fear for his or her safety or well-being.***

SB 471, Relative to felonious sexual assault and sexual assault.

Effective Date: January 1, 2011

- Sponsored by Senator Betsi DeVries (D-District 18), this bill adds a circumstance under which a person may be charged with felonious sexual assault and sexual assault.
- It amends RSA 632-A:3, IV, by making it a class B felony when an actor is in a position of authority who “engages in sexual contact with the person, ***or causes the person to engage in sexual contact on himself or herself in the presence of the actor...***”
- This bill was requested by the NH Attorney General.

SB 431, Relative to housing and tenancy protections for victims of domestic violence

Effective Date: October 6, 2010

- Sponsored by Senator Matthew Houde (D-District 5), this bill prohibits lessors and owners of restricted property from terminating a tenancy or refusing to renew a tenancy based on the tenant or household member of a tenant having been a victim of domestic violence, sexual assault, or stalking.

HB 1523, Relative to revising the pupil safety and violence prevention act.

Effective Date: July 1, 2010.

- Sponsored by Rep Donna Schlachman (D-Exeter), this bill revises the statute on pupil safety and violence prevention to include harassment, intimidation, bullying, and cyberbullying.

HJR 20, urging Congress to maintain the crime victims fund established in the Victims of Crimes Act and to continue to fully fund federal contributions to state and local victim services

Effective Date: July 6, 2010

- Sponsored by Rep Robert “Renny” Cushing (D-Hampton), this House Joint Resolution (HJR) urges Congress to continue to fully fund federal contributions to state and local victim services.
- A Joint Resolution needs to be adopted by both bodies and must go to the Governor for signature. A Joint Resolution has the force and effect of law; it can be used to appropriate money, but for limited purposes; it cannot be used to amend statutory law (RSAs).

HB 1156, Relative to the determination of parental rights and responsibilities.

Effective Date: September 6, 2010

- Sponsored by Rep Jayne Spaulding (R-Bedford), this bill clarifies the factors considered by the court in determining the best interests of the child in parenting cases. The bill also addresses how allegations and findings of abuse and neglect, including sexual abuse, effect the determination of parental rights and responsibilities.
- HB 1156 keeps the focus on the best interests of the child by clarifying factors to be considered by the court in parenting cases.
- It provides protections for parents who make good-faith allegations of child abuse/neglect.

***2009 Session HB 601, relative to claims for compensation from the victims' assistance fund.**

Effective Date: September 14, 2009

- HB 601 increased the limit of recovery from the victims' assistance fund from \$10,000 to \$25,000.
- It also extended the filing deadline for assistance from 1 year to 2 years after the crime.

HB 1441, Relative to claimant eligibility for victim's compensation.

Effective Date: August 13, 2010

- Sponsored by Rep Robert "Renny" Cushing (D-Hampton), HB 1441 provides that a victim of a crime under investigation by the cold case homicide unit shall be eligible for victim's compensation, regardless of the date of the crime, which are incurred after the effective date of this act.
- This bill also requires that the victims' assistance commission submit a report on the number of claims and amount of compensation granted from the victims' assistance fund and the balance of the fund at the end of each fiscal year.

HB 1318, relative to post-conviction DNA testing, eligibility for victim's compensation for a victim of a crime in which a petition for post-conviction DNA testing was filed, and relative to victim services while the court is considering post-conviction DNA testing.

Effective Date: September 11, 2010

- Sponsored by Rep Robert "Renny" Cushing (D-Hampton), this bill allows for the re-activation of victim services when a defendant files a request for post-conviction DNA testing.
- A victim in those circumstances can apply for victim's compensation for expenses incurred as a result of the post-conviction proceedings.
- Essentially, this bill permits any person who was a victim of a crime for which the person convicted of the crime has filed a petition for post-conviction DNA testing to be eligible for victim's compensation regardless of the date of the crime.