

CHAPTER 105  
SB 274 – FINAL VERSION

01/18/12 0132s

2012 SESSION

12-2956  
04/09

SENATE BILL **274**

AN ACT removing the phrase “mentally defective” from the aggravated felonious sexual assault statute.

SPONSORS: Sen. Stiles, Dist 24; Sen. Carson, Dist 14; Sen. Lambert, Dist 13; Sen. Boutin, Dist 16; Sen. Barnes, Jr., Dist 17; Sen. Luther, Dist 12; Rep. Charron, Rock 7; Rep. Cali-Pitts, Rock 16; Rep. Griffin, Rock 4; Rep. Nevins, Rock 15; Rep. Pantelakos, Rock 16

COMMITTEE: Judiciary

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AMENDED ANALYSIS

This bill replaces the phrase “mentally defective” for purposes of aggravated felonious sexual assault.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT removing the phrase “mentally defective” from the aggravated felonious sexual assault statute.

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

1 105:1 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, I(h) to read as follows:

2 (h) When, except as between legally married spouses, the victim [~~is mentally defective~~]  
3 ***has a disability that renders him or her incapable of freely arriving at an independent***  
4 ***choice as to whether or not to engage in sexual conduct***, and the actor knows or has reason to  
5 know that the victim [~~is mentally defective~~] ***has such a disability***.

6 105:2 Effective Date. This act shall take effect 60 days after its passage.

7 Approved: May 29, 2012

8 Effective Date: July 28, 2012