

SB 156-FN – AS INTRODUCED

2013 SESSION

13-0943  
04/09

SENATE BILL        ***156-FN***

AN ACT            relative to the appointment of a guardian ad litem in certain sexual assault cases.

SPONSORS:        Sen. Lasky, Dist 13; Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Rep. Hackel,  
                         Hills 29

COMMITTEE:      Judiciary

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ANALYSIS

This bill permits the court to use its discretion on the appointment of a guardian ad litem in certain sexual assault cases.

This bill is a request of the New Hampshire supreme court.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to the appointment of a guardian ad litem in certain sexual assault cases.

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

1           1 Sexual Assault and Related Offenses; Testimony and Evidence. Amend RSA 632-A:6, V to  
2 read as follows:

3           V. In any sexual assault case under RSA 632-A where the victim is 16 years of age or  
4 younger, and the defense has listed as a witness or subpoenaed a parent or parents to testify in the  
5 case and requested that the parent or parents be sequestered, the court [~~shall~~] **may** appoint a  
6 guardian ad litem to determine the best interests of the minor victim. ***If appointed by the court,***  
7 ***the guardian ad litem shall make a recommendation to the court, based on the preferences and best***  
8 ***interests of the victim, as to whether the parent or parents should be permitted to sit with the victim***  
9 ***in the court room during the duration of the trial.***

10          2 Applicability. This act shall apply to sexual assault cases initiated on or after the effective  
11 date of this act.

12          3 Effective Date. This act shall take effect January 1, 2014.

LBAO  
13-0943  
01/25/13

**SB 156-FN - FISCAL NOTE**

AN ACT                    relative to the appointment of a guardian ad litem in certain sexual assault cases.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, **as introduced**, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2013 through 2017.