

CHAPTER 152  
SB 318-FN – FINAL VERSION

02/13/14 0411s

2014 SESSION

14-2811  
05/10

SENATE BILL        ***318-FN***

AN ACT            establishing the crime of domestic violence.

SPONSORS:        Sen. Soucy, Dist 18; Sen. Boutin, Dist 16; Sen. Watters, Dist 4; Sen. Hosmer,  
Dist 7; Sen. Odell, Dist 8; Sen. Cataldo, Dist 6; Rep. Cushing, Rock 21;  
Rep. G. Chandler, Carr 1; Rep. S. Chandley, Hills 22; Rep. Shurtleff, Merr 11;  
Rep. Charron, Rock 4

COMMITTEE:      Judiciary

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ANALYSIS

This bill establishes the crime of domestic violence.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**CHAPTER 152**  
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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                    establishing the crime of domestic violence.

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

1            152:1 Name of Act. This act shall be known as “Joshua’s law.”

2            152:2 New Section; Crime of Domestic Violence. Amend RSA 631 by inserting after section 2-a  
3 the following new section:

4            631:2-b Domestic Violence.

5            I. A person is guilty of domestic violence if the person commits any of the following against a  
6 family or household member or intimate partner:

7                    (a) Purposely or knowingly causes bodily injury or unprivileged physical contact against  
8 another by use of physical force;

9                    (b) Recklessly causes bodily injury to another by use of physical force;

10                    (c) Negligently causes bodily injury to another by means of a deadly weapon;

11                    (d) Uses or attempts to use physical force, or by physical conduct threatens to use a  
12 deadly weapon for the purpose of placing another in fear of imminent bodily injury;

13                    (e) Threatens to use a deadly weapon against another person for the purpose to terrorize  
14 that person;

15                    (f) Coerces or forces another to submit to sexual contact by using physical force or  
16 physical violence;

17                    (g) Threatens to use physical force or physical violence to cause another to submit to  
18 sexual contact and the victim believes the actor has the present ability to execute the threat;

19                    (h) Threatens to use a deadly weapon to cause another to submit to sexual contact and  
20 the victim believes the actor has the present ability to carry out the threat;

21                    (i) Confines another unlawfully, as defined in RSA 633:2, by means of physical force or  
22 the threatened use of a deadly weapon, so as to interfere substantially with his or her physical  
23 movement;

24                    (j) Knowingly violates a term of a protective order issued pursuant to RSA 173-B:4, I by  
25 means of the use or attempted use of physical force or the threatened use of a deadly weapon;

26                    (k) Uses physical force or the threatened use of a deadly weapon against another to block  
27 that person’s access to any cell phone, telephone, or electronic communication device with the  
28 purpose of preventing, obstructing, or interfering with:

29                            (1) The report of any criminal offense, bodily injury, or property damage to a law

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1 enforcement agency; or

2 (2) A request for an ambulance or emergency medical assistance to any law  
3 enforcement agency or emergency medical provider.

4 II. Domestic violence is a class A misdemeanor unless the person uses or threatens to use a  
5 deadly weapon as defined in RSA 625:11, V, in the commission of an offense, in which case it is a  
6 class B felony.

7 III. For purposes of this section:

8 (a) “Family or household member” means:

9 (1) The actor’s spouse or former spouse;

10 (2) A person with whom the actor is cohabiting as a spouse, parent, or guardian;

11 (3) A person with whom the actor cohabited as a spouse, parent, or guardian but no  
12 longer shares the same residence;

13 (4) An adult with whom the actor is related by blood or marriage; or

14 (5) A person with whom the actor shares a child in common.

15 (b) “Intimate partner” means a person with whom the actor is currently or was formerly  
16 involved in a romantic relationship, regardless of whether or not the relationship was sexually  
17 consummated.

18 IV. Upon conviction and sentencing, the court shall document on the sentencing form the  
19 specific nature of the relationship between the defendant and the victim, by reference to  
20 subparagraphs III(a)(1)-(5) and III(b).

21 152:3 New Paragraph; First Degree Assault. Amend RSA 631:1 by inserting after paragraph II  
22 the following new paragraph:

23 III. Upon proof that the victim and defendant were intimate partners or family or household  
24 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be  
25 recorded as “First Degree Assault – Domestic Violence.”

26 152:4 New Paragraph; Second Degree Assault. Amend RSA 631:2 by inserting after paragraph  
27 II the following new paragraph:

28 III. Upon proof that the victim and defendant were intimate partners or family or household  
29 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be  
30 recorded as “Second Degree Assault – Domestic Violence.”

31 152:5 New Paragraph; Reckless Conduct. Amend RSA 631:3 by inserting after paragraph III the  
32 following new paragraph:

33 IV. Upon proof that the victim and defendant were intimate partners or family or household  
34 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be  
35 recorded as “Reckless Conduct – Domestic Violence.”

36 152:6 New Paragraph; Aggravated Felonious Sexual Assault. Amend RSA 632-A:2 by inserting

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1 after paragraph IV the following new paragraph:

2 V. Upon proof that the victim and defendant were intimate partners or family or household  
3 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be  
4 recorded as “Aggravated Felonious Sexual Assault – Domestic Violence.”

5 152:7 New Paragraph; Felonious Sexual Assault. Amend RSA 632-A:3 by inserting after  
6 paragraph IV the following new paragraph:

7 V. Upon proof that the victim and defendant were intimate partners or family or household  
8 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be  
9 recorded as “Felonious Sexual Assault – Domestic Violence.”

10 152:8 New Paragraph; Sexual Assault. Amend RSA 632-A:4 by inserting after paragraph III the  
11 following new paragraph:

12 IV. Upon proof that the victim and defendant were intimate partners or family or household  
13 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be  
14 recorded as “Sexual Assault – Domestic Violence.”

15 152:9 New Paragraph; Kidnapping. Amend RSA 633:1 by inserting after paragraph II the  
16 following new paragraph:

17 III. Upon proof that the victim and defendant were intimate partners or family or household  
18 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be  
19 recorded as “Kidnapping – Domestic Violence.”

20 152:10 New Paragraph; Stalking. Amend RSA 633:3-a by inserting after paragraph VII the  
21 following new paragraph:

22 VIII. Upon proof that the victim and defendant were intimate partners or family or  
23 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section  
24 shall be recorded as “Stalking – Domestic Violence.”

25 152:11 Effective Date. This act shall take effect January 1, 2015.

26

27 Approved: June 19, 2014

28 Effective Date: January 1, 2015.