

HB 1340 - AS INTRODUCED

2022 SESSION

22-2560

04/05

HOUSE BILL **1340**

AN ACT relative to the definition of "domestic violence" and relative to criminal convictions for domestic violence.

SPONSORS: Rep. Abramson, Rock. 37

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill inserts a definition of "domestic violence" that is based on the federal definition of domestic violence, and requires convictions for certain violent crimes that are based on the federal definition shall be annotated to indicate that they are domestic violence-related offenses.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the definition of "domestic violence" and relative to criminal convictions for domestic violence.

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

1 1 Protection of Persons From Domestic Violence; Definition of Domestic Violence. Amend RSA
2 173-B:1, IX to read as follows:

3 IX. "Domestic violence" means ~~[abuse as defined in RSA 173-B:1, I]~~ ***any state or federal***
4 ***misdemeanor that has, as an element, the use or attempted use of physical force, or the***
5 ***threatened use of a deadly weapon, committed by a current or former spouse, parent, or***
6 ***guardian of the victim, by a person with whom the victim shares a child in common, by a***
7 ***person who is cohabiting with or has cohabited with the victim as a spouse, parent, or***
8 ***guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.***

9 2 First Degree Assault; Domestic Violence Conviction. Amend RSA 631:1, III(a) to read as
10 follows:

11 III.(a) Upon proof that ~~[the victim and defendant were intimate partners or family or~~
12 ~~household members, as those terms are defined in RSA 631:2-b, III,]~~ ***the conviction was based on***
13 ***the definition of domestic violence under RSA 173-B:1, IX,*** a conviction under this section shall
14 be recorded as "first degree assault-domestic violence."

15 3 Second Degree Assault; Domestic Violence Conviction. Amend RSA 631:2, III(a) to read as
16 follows:

17 III.(a) Upon proof that ~~[the victim and defendant were intimate partners or family or~~
18 ~~household members, as those terms are defined in RSA 631:2-b, III,]~~ ***the conviction was based on***
19 ***the definition of domestic violence under RSA 173-B:1, IX,*** a conviction under this section shall
20 be recorded as "second degree assault-domestic violence."

21 4 Assault and Related Offenses; Reckless Conduct. Amend RSA 631:3, IV to read as follows:

22 IV.(a) 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,]~~ ***the conviction was based on***
24 ***the definition of domestic violence under RSA 173-B:1, IX,*** a conviction under this section shall
25 be recorded as "reckless conduct-domestic violence."

26 5 Assault and Related Offenses; Aggravated Felonious Sexual Assault. Amend RSA 632-A:2,
27 V(a) to read as follows:

28 V.(a) Upon proof that ~~[the victim and defendant were intimate partners or family or~~
29 ~~household members, as those terms are defined in RSA 631:2-b, III,]~~ ***the conviction was based on***

1 ***the definition of domestic violence under RSA 173-B:1, IX***, a conviction under this section shall
2 be recorded as "aggravated felonious sexual assault-domestic violence."

3 6 Assault and Related Offenses; Felonious Sexual Assault. Amend RSA 632-A:3, V(a) to read as
4 follows:

5 V.(a) Upon proof that ~~[the victim and defendant were intimate partners or family or~~
6 ~~household members, as those terms are defined in RSA 631:2-b, III,]~~ ***the conviction was based on***
7 ***the definition of domestic violence under RSA 173-B:1, IX***, a conviction under this section shall
8 be recorded as "felonious sexual assault-domestic violence."

9 7 Assault and Related Offenses; Sexual Assault. Amend RSA 632-A:4, IV(a) to read as follows:

10 IV.(a) Upon proof that ~~[the victim and defendant were intimate partners or family or~~
11 ~~household members, as those terms are defined in RSA 631:2-b, III,]~~ ***the conviction was based on***
12 ***the definition of domestic violence under RSA 173-B:1, IX***, a conviction under this section shall
13 be recorded as "sexual assault-domestic violence."

14 8 Interference With Freedom; Kidnapping. Amend RSA 633:1, III(a) to read as follows:

15 III.(a) Upon proof that ~~[the victim and defendant were intimate partners or family or~~
16 ~~household members, as those terms are defined in RSA 631:2-b, III,]~~ ***the conviction was based on***
17 ***the definition of domestic violence under RSA 173-B:1, IX***, a conviction under this section shall
18 be recorded as "kidnapping-domestic violence."

19 9 Interference With Freedom; Stalking. Amend RSA 633:3-a, VIII(a) to read as follows:

20 VIII.(a) Upon proof that ~~[the victim and defendant were intimate partners or family or~~
21 ~~household members, as those terms are defined in RSA 631:2-b, III,]~~ ***the conviction was based on***
22 ***the definition of domestic violence under RSA 173-B:1, IX***, a conviction under this section shall
23 be recorded as "stalking-domestic violence."

24 10 Effective Date. This act shall take effect January 1, 2023.