

SB 9 - VERSION ADOPTED BY BOTH BODIES

02/16/2017 0358s

2017 SESSION

17-0786

04/03

SENATE BILL **9**

AN ACT relative to the admissibility of proffered evidence in sexual assault cases.

SPONSORS: Sen. Avar, Dist 12; Sen. Birdsell, Dist 19; Sen. Giuda, Dist 2; Rep. Burt, Hills. 39; Rep. Hoell, Merr. 23; Rep. LeBrun, Hills. 32; Rep. Kotowski, Merr. 24

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill establishes a procedure to determine the admissibility of proffered evidence in sexual assault cases.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the admissibility of proffered evidence in sexual assault cases.

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

1 1 New Paragraph; Sexual Assault and Related Offenses; Testimony and Evidence. Amend
2 RSA 632-A:6 by inserting after paragraph II the following new paragraph:

3 II-a.(a) Proffered evidence excluded under this section, and related pleadings, shall remain
4 under seal and exempt from public disclosure unless and until the New Hampshire supreme court
5 overturns the trial court's evidentiary ruling, in which case only the evidence that the supreme
6 court rules admissible would be subject to public disclosure.

7 (b) For purposes of this section, "sexual activity" includes any conduct or behavior
8 relating to sexual activities of the victim, including but not limited to, previous or subsequent
9 experience of sexual penetration or sexual contact, sexual predisposition, thoughts or expressions
10 related to sexual issues, use of contraceptives, sexual activities reflected in medical and counseling
11 records, living arrangements, and lifestyle.

12 2 Effective Date. This act shall take effect 60 days after its passage.