

Bill as
Introduced

SB 318-FN - FISCAL NOTE

AN ACT establishing the crime of domestic violence.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, Department of Corrections and New Hampshire Association of Counties state this bill, as introduced, may increase state and county expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no fiscal impact on local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill establishes the crime of domestic violence by adding RSA 631:2-b as well as adding a new subparagraph to several other crimes to label them with "domestic violence" after the name of the offense. The Branch states this bill may not result in a change in the number of cases handled by the Branch, as it just re-labels criminal activity resulting from a domestic situation. On the assumption this bill would neither add nor remove cases from the Branch's caseload, it is expected to have no fiscal impact. The Branch states it may have a fiscal impact of less than \$10,000 associated with making changes to some forms and ensuring the superior court captures the domestic violence related crimes in its system. The Branch states it already has the functionality to capture domestic violence related crimes in the circuit court.

The Judicial Council states this bill does not create any new criminal offenses nor does it increase or decrease most of the penalties for offenses that are already crimes. The Council assumes some misdemeanor offenses that are now brought as class B misdemeanors will be filed as class A misdemeanors. The Council states this bill may result in an indeterminable increase in general fund expenditures if an individual is found to be indigent and the public defender program is unable to provide representation. The majority of the cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). The public defender program is appropriated monies that it expends according to the terms of its contract with the Council, of which the proposed changes in this bill would not impact. The Council states if the public defender program is not used then a contract attorney is used, charging a flat fee of \$275 per misdemeanor case. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor charge.

The Department of Corrections states it is not able to determine the fiscal impact of this bill because it does not have sufficient information to predict the number of individuals who would be subject to this legislation. The Department states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2013 was \$32,872. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2013 was \$570.

The New Hampshire Association of Counties states to the extent individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties will have expenditures. The Association is unable to determine the number of individuals who may be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Department of Justice states this bill will not have a fiscal impact on the Department because such offenses are typically prosecuted by local and county prosecutors not the Department and any appeals for a conviction for such an offense could be handled within the Department's existing budget.

SB 318-FN - AS AMENDED BY THE SENATE

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

ANALYSIS

This bill establishes the crime of domestic violence.

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.

SB 318-FN - AS AMENDED BY THE SENATE

02/13/14 0411s

14-2811

05/10

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 1 Name of Act. This act shall be known as "Joshua's law."

2 2 New Section; Crime of Domestic Violence. Amend RSA 631 by inserting after section 2-a the
3 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
30 enforcement agency; or

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

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

6 III. For purposes of this section:

7 (a) "Family or household member" means:

8 (1) The actor's spouse or former spouse;

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

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

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

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

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

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

20 3 New Paragraph; First Degree Assault. Amend RSA 631:1 by inserting after paragraph II the
21 following new paragraph:

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

25 4 New Paragraph; Second Degree Assault. Amend RSA 631:2 by inserting after paragraph II the
26 following new paragraph:

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

30 5 New Paragraph; Reckless Conduct. Amend RSA 631:3 by inserting after paragraph III the
31 following new paragraph:

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

35 6 New Paragraph; Aggravated Felonious Sexual Assault. Amend RSA 632-A:2 by inserting after
36 paragraph IV the following new paragraph:

37 V. Upon proof that the victim and defendant were intimate partners or family or household

SB 318-FN - AS AMENDED BY THE SENATE

- Page 3 -

1 members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be
2 recorded as "Aggravated Felonious Sexual Assault - Domestic Violence."

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

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

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

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

13 9 New Paragraph; Kidnapping. Amend RSA 633:1 by inserting after paragraph II the following
14 new paragraph:

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

18 10 New Paragraph; Stalking. Amend RSA 633:3-a by inserting after paragraph VII the
19 following new paragraph:

20 VIII. 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, a conviction under this section
22 shall be recorded as "Stalking - Domestic Violence."

23 11 Effective Date. This act shall take effect January 1, 2015.

SB 318-FN FISCAL NOTE

AN ACT establishing the crime of domestic violence.

FISCAL IMPACT:

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METHODOLOGY:

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Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 318-FN Date 4/15/14
Committee Criminal Justice

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one)	
				Pro	Con
SENATOR DONNA SOUCY			SD # 18	✓	
SENATOR SAM CATALDO			SD # 6	✓	
Rep Gene Chandler			Carroll-1	✓	
Sarah Mattson	117 N. State St.	206-2214	NH Legal Assistance	✓	
Rep Patricia G. Sizer			Hills 28	✓	
Rep Janice Schmidt			Hills 28	✓	
CHIEF DONALD S. GOLDSTEIN	FRANKLIN PD		NH ASST CHIEF	✓	
Sara Hennessy			NH State Police	✓	
Michael Kearney			Saint Anselm College	✓	
Matthew McQueeney			Saint Anselm College	✓	
MO DAXLEY			LACONIA	✓	
Shane Harvey		598-0581	SE/F	✓	
SENATOR DAVID BOUTIN			District # 16	✓	
Deborah Morin				✓	
Sharon Roberts	Fitzwilliam NH			✓	
Linda Douglas	Pendecost	5452086	NH CADSV	✓	
K. Bell	Verro Bca, F-			✓	
Meg Kennedy Dugg			Voices Against Violence	✓	
Maureen McDonald	13 Sprague St		Hampden NH	✓	
Eleanor Ford	No Reading MA			✓	
Laura Spaulding	35 Green St		Concord PD	✓	
Rep. J. J.	35 Green St.		Concord PD	✓	
Rep. Sarah W. Dugg			GR13	✓	

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 318-FV Date 4/15/14
 Committee Criminal Justice

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
LYN SCHOLLETT	P.O. Box 353 Concord		NH C ADSV	✓	
Sen. Andrew Housner			D.J. 7	✓	
KEITH KUENNING	CFS		CFS	✓	
Rep Katherine Rogers			Me. #28	✓	
James Nestor	100 Saint Anselm Dr	617-257-0912	Saint Anselm College	✓	
James Fitzgerald	100 Saint Anselm Dr.	617-852-5680	St. A's	✓	
Karen McCall	6 Cornwall Ln Nashua	NH	Asaferbox	✓	
KARIN ASHTON	146 Pine St Concord	NH		✓	
Heda Contis	13 Hazell Lane Manchester			✓	
Rep Lisa DiMauro	23 Williamsburg			✓	
Christine Bradley	PO Box 353 Concord		NH C ADSV	✓	
St Paul Thompson	Manchester PD DU Unit			✓	
Patrick McGuire	Manchester P.D DU Unit			✓	
Elizabeth Sargent	NH Assoc of Chiefs of Police			✓	
Matthew Blake	100 St. Anselm Dr.	(617) 285-6325	St. A's		
Shawn O'Halloran			St. Anselm College	✓	
Alex Moeller			St Anselm College	✓	
Alex Murphy			St. Anselm	✓	
Rep. Timothy Horvigan			Stratford 6	✓	
Jo Fonda Newell	11 Clark Island Rd Amherst NH 03031	801-6073	Self	✓	
Devan Quinn	Laconia (New Beginnings)		NH C ADSV	✓	
Shannon Handley	Amherst Hills Co, 22			✓	

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 318-FN

BILL TITLE: establishing the crime of domestic violence.

DATE: 4/15/14}

LOB ROOM: 202-204 **Time Public Hearing Called to Order:** 1:03 pm

Time Adjourned: 2:57 pm

(please circle if present)

Committee Members: Reps. Pantelakos, Cushing, Charron, Berube, Robertson, Shurtleff, Boisvert, Grady, Harriott-Gathright, Hirsch, O'Hearne, Mangipudi, Fields, Fesh, Villeneuve, L. Gagne, Parsons, Tasker, Warden and Vaillancourt.

Bill 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

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

#1 Sen. Soucy, Prime Sponsor, Rep: SD #18

Gave the background and rationale for this bill.

Under current law, assaults by partners or strangers get prosecuted as the same crime.

This bill takes existing actions and places them under a new category of domestic violence.

Believes this is critical for law enforcement to address these actions. Will benefit victims.

Amendment to include stalking and also name this bill "Joshua's Law"

? asked if this bill would prevent incidents like the one that inspired this bill?

Response: laws may not prevent crime, but give law enforcement a new category to pursue with events like this.

? about raw Numbers of DV cases? Sen Soucy did not have ready data.
? about the meaning of a "romantic relationship" -- what does that mean?
Response: lies in the hand of the prosecution to provide evidence.
? about penalties? Response: penalties would remain the same, but law enforcement could better track incidents and offender involvement. Judicial discretion may be altered by repeated incidents of DV.
? Could an offender be charged with both the DV crime AND the existing assault charge? Response: purpose of the bill is to re-classify, not add the possibility of multiple charges.

#2 Ann Rice, SUPPORTS, Rep: NH DOJ

Distributed a handout that shows the differences between current law and SB 118 as amended. (Handout #2)
Also a two page summary of testimony (also labeled #2)

Clarified that an offender can not be charged with 2 crimes for a single act (as in assault) - it will either be assault OR DV assault.

Current criminal records make no permanent indication of DV incidents. This bill rectifies this and allows courts to track these incidents. Why? Since DV incidents are often repetitive, tracking these is critical to managing this problem. This history is useful in establishing levels of risk. History will be useful for probation, bail, etc.

NH has no way currently of defining a qualifying DV offense. Federal law needs this classification to enforce federal law regarding, for example, firearm possession. This bill makes submission to federal registry more accurate.

She then went through the side-by-side handout pointing out significant parts.

Bill narrows some crime definitions to be more in line with federal definitions.

Bill allows a prosecutor the chance to prove that if any offense fell under the current/prior relationship determination, it would then fall under the DV umbrella.

#3 Amanda Grady Sexton, SUPPORTS, Rep: NHCADSV

see W/T #3 (submitted 25 copies)

Referred to State of NH Gov's commission on domestic and sexual violence (9th Report, Oct. 2012)

#4 Earl Sweeney, SUPPORTS, Rep: NH Dept. of Safety

This bill is an essential next step in the evolution of dealing with this important issue. Victims used to withdraw from testifying or pressing charges.

Evolution of NH DV statutes have remained in one area for ease of research and application

Criminal Records Dept. at DOS will benefit from this bill in their reporting.

This bill makes a strong statement regarding the severity of the problem of DV.

This bill gives the state the tool to track and analyze the incidents of DV.

The Senate amendment regarding stalking ... belongs there as DV incidents tend to be increasingly violent, so having the record of stalking, establishes the pattern.

DV is currently under-reported, mis-reported, etc. This bill will help.

#5 Betsy Paine, SUPPORTS, Rep: NH Circuit Courts

Has W/T (#5)

Noted that the NH Court system does not officially endorse specific legislation.

#6 Jim Testaverde, Supports, Rep: self

See W/T #6

#7 Patti LaFrance, SUPPORTS, Rep: County Attorneys

Wants to point out that this bill also protects children, not just partners.

Very important to know history of any offender.

Classifying DV crimes early on can facilitate earlier intervention before offenses escalate (as they usually do).

Identifying "relationships" is not new to statutes - positions of authority or trust or influence.

#8 John Cantin, SUPPORTS, Rep: self

Was connected with Missy's Law, is an advocate for victims of domestic violence. The label of DV helps courts identify crimes and offenders.

#9 Shannon Chandley, SUPPORTS, Rep: Hills 22

Co-Sponsor.

Necessity of identifying, charging, and recording of Domestic Violent crimes. These crimes are distinctly different due to the relationship between the offender and the victim. Often the key part of the relationship is or was trust.

#10 Becky Ranes, SUPPORTS, Rep: self

Joshua's mother. Told the story of the death of her son and hopes that this bill might serve to protect others in his name.

See W/T #10

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Geoffrey Hirsch".

Rep. Geoffrey Hirsch, Clerk

Testimony



New Hampshire Firearms Coalition

NH's Only No-Compromise Gun Rights Organization

April 15, 2014

Committee on Criminal Justice and Public Safety
New Hampshire House of Representatives

RE: Opposition to SB 318

Dear Honorable Committee Members.

The New Hampshire Firearms Coalition is an organization of law abiding firearms owners, manufacturers and dealers. We are strongly opposed to SB 318.

SB 318 could adversely affect the Second Amendment rights of our members. We have a specific concern about:

Section: III, 5 (b) "Intimate partner" means a person with whom the actor is currently or was formerly involved in a romantic relationship, regardless of whether or not the relationship was sexually consummated.

Our concern is that with this loosely worded definition, a single date could be considered a "romantic relationship". If either party feels "uncomfortable", and reports that discomfort to law enforcement the actor could be charged with a crime and then would be a prohibited person who could not purchase or possess firearms pursuant to the Lautenberg Act found at 18 USC 922 (d) (9) and 18 USC 922 (g) (8) (A)(B)(C).

While we would prefer to see the entire bill voted Inexpedient to Legislate. At a minimum NHFC, in the strongest possible language urges you to remove Section: III, 5 (b) from SB 318.

It is also instructive to note that all of the offenses found in SB 318 are already criminal acts and the actors can be prosecuted irrespective of who the victims are.

Thanks for your kind consideration of our points.

Respectfully, The Board of Directors, NHFC, Inc.

PO Box 7182, Milford, NH 03055
<http://www.nhfc-ontarget.org>

A2

Testimony of Deputy Attorney General Ann Rice
April 15, 2014
Senate Bill 318

For years, New Hampshire has been a leader in addressing the issue of domestic violence, with progressive laws, statewide protocols, victim advocates, and comprehensive services. Interestingly, despite this history, we have not enacted a law that identifies the crime of domestic violence for what it is. Abusers are charged under a variety of laws – such as simple assault and criminal threatening. And, if convicted, their criminal record will show a conviction for simple assault, or criminal threatening. There is no indication in the record that the person was convicted of a crime of domestic violence. That's what this bill does. It establishes a crime of domestic violence.

Why is that important? Unlike most crimes, an incident of domestic violence is rarely is one-time occurrence. Research has made it abundantly clear that domestic violence involves a cycle of violence, and the severity of the abuse, the potential for lethality, escalates over time. In New Hampshire, 50% of all our homicides involve domestic violence, and 93% of all the murder-suicides were the result of domestic violence. The earlier in that cycle that domestic violence is recognized, the more likely the system can intervene.

In the criminal justice system, that means when a police officer is called to a home for a domestic dispute, he or she can call up the criminal histories of the persons involved and see if there's a history of domestic violence. That will help officers evaluate the level of risk they may be facing, as well as the level of risk posed to those involved. For prosecutors, knowing that a person has a prior conviction involving domestic violence will allow for a more informed recommendations on bail, charging decisions, plea negotiations, and sentencing recommendations. For judges, knowing that a person has a prior conviction for domestic violence may be critical to the decision of what bail conditions should be imposed, whether to grant a petition for protective order against the person, the appropriateness of a recommended sentence.

This bill serves a second purpose as well, to ensure that New Hampshire is not being over inclusive with respect to identifying individuals who are prohibited under federal law from purchasing or possessing a firearm. Under federal law, a person who has been convicted of a qualifying domestic violence misdemeanor loses his or her right to purchase or possess firearms. Currently, we have no good way to identify what constitutes a qualifying misdemeanor. In the past, law enforcement officers were expected to check off a box on a complaint form if the crime involved domestic violence, and if the person was ultimately convicted of a crime for which the box had been checked, his or her name would be included in the federal database of individuals who are not permitted to purchase a firearm. It has come to light that there are many individuals whose names are included in that database that should not be included. This bill was drafted in manner that will now allow New Hampshire to correctly identify those who are prohibited under federal law and ensure that people are not being incorrectly included in that data base.

This bill does not create any new crimes. It does not increase the penalty for any crime. It does not impose new restrictions on a person's right to purchase firearms. The bill consolidates

already existing misdemeanor crimes, commonly charged in domestic violence situations, in one place and labels it "domestic violence." It allows for the labeling of certain felony crimes as domestic violence, and it correctly identifies those misdemeanor crimes for which the federal gun restrictions apply.

I will walk you through the bill. Page 1, line 7 through Page 2, line 2, lists 11 types of conduct that would constitute the offense of domestic violence. Each of those is drawn from current law. However, in order to convict a person for an offense under any of these provisions, the prosecutor would have the additional burden of proving that the victim was a family or household member or an intimate partner – something not required under current law. That requirement, which comes from the federal law, is included at page 1, lines 5-6. The definitions of those terms, which mirror the federal law, are included on page 2, lines 7 through 16.

I have provided a hand-out that is a side-by-side comparison of the 11 types of domestic violence crime listed on page 1 of the bill and the current law. The column on the left shows the proposed crime, the column on the right shows the crime under current law. In some cases, the wording is not exactly the same. The reason is that what constitutes a qualifying domestic violence misdemeanor under federal law is more narrow than our current crime. Federal law says that in order to be a qualifying domestic violence misdemeanor, the crime must have as an element, the use or attempted use of physical force or threatened use of a deadly weapon.

Look to the first row of the handout. On the left is the provision of the proposed law, on the right is the current law. The proposed law requires the use of physical force to commit the crime, whereas current law does not.

Similarly, on page 1, fourth row down: the proposed provision includes the requirement of physical force or threatening by physical conduct, neither of which is required under current law.

Lines 3-5 on page 2 define the penalties for the crime of domestic violence. These are drawn directly from current law, no changes have been made.

Page 2, lines 7-16 include the definitions of household or family member and intimate partner.

Page 2, lines 17-19 require that upon conviction for one of these offenses, the court specify on the sentencing form the relationship of the defendant and victim. This will ensure compliance with the federal law and make sure that the list of prohibited people is not over inclusive.

The remaining sections of the bill amend certain felony offenses that are commonly charged in domestic violence situation – first and second degree assault, reckless conduct, aggravated felonious sexual assault, felonious sexual assault, sexual assault, kidnapping, and stalking. The amendment for each offense is the same. It provides that if the prosecutor proves the offense beyond a reasonable and also proves that the defendant and the victim were household or family members or intimate partners, the conviction will be recorded as, for example, First Degree Assault – Domestic Violence. That will allow a judge, prosecutor or police officer to readily determine whether a prior conviction involved domestic violence.

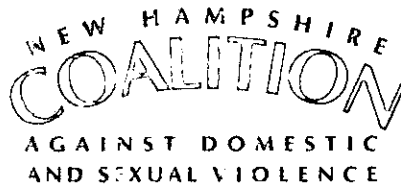
2

	Senate Bill 318 – As Amended	Current Law
Pg 1, lines 7-8	a) Purposely or knowingly causes bodily injury or unprivileged physical contact against another by use of physical force;	631:2-a Simple Assault. – I. A person is guilty of simple assault if he: (a) Purposely or knowingly causes bodily injury or unprivileged physical contact to another
Pg 1, Line 9	(b) Recklessly causes bodily injury to another by use of physical force	631:2-a Simple Assault. – I. A person is guilty of simple assault if he: . . . (b) Recklessly causes bodily injury to another; or
Pg 1, Line 10	(c) Negligently causes bodily injury to another by means of a deadly weapon	631:2-a Simple Assault. – I. A person is guilty of simple assault if he: . . . (c) Negligently causes bodily injury to another by means of a deadly weapon.
Pg 1, Lines 11-12	(d) Uses or attempts to use physical force, or by physical conduct threatens to use a deadly weapon for the purpose of placing another in fear of imminent bodily injury;	631:4 Criminal Threatening. – I. A person is guilty of criminal threatening when: (a) By physical conduct, the person purposely places or attempts to place another in fear of imminent bodily injury or physical contact;
Pg 1, Lines 13-14	e) Threatens to use a deadly weapon against another person for the purpose to terrorize that person;	631:4 Criminal Threatening. – I. A person is guilty of criminal threatening when: (d) The person threatens to commit any crime against the person of another with a purpose to terrorize any person;

	Senate Bill 318	Current Law
Pg 1, Lines 15-16	f) Coerces or forces another to submit to sexual contact by using physical force or physical violence	<p>632-A:4 Sexual Assault. – I. A person is guilty of a class A misdemeanor under any of the following circumstances: (a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.</p> <p>632-A:2 Aggravated Felonious Sexual Assault. – I. A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances: (a) When the actor overcomes the victim through the actual application of physical force, physical violence or superior physical strength.</p>
Pg 1, Lines 17-18	(g) Threatens to use physical force or physical violence to cause another to submit to sexual contact and the victim believes the actor has the present ability to execute the threat;	<p>632-A:4 Sexual Assault. – I. A person is guilty of a class A misdemeanor under any of the following circumstances: (a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.</p> <p>632-A:2 Aggravated Felonious Sexual Assault. – I. A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances: (c) When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats.</p>

	Senate Bill 318	Current Law
Pg 1, Lines 19-20	(h) Threatens to use a deadly weapon to cause another to submit to sexual contact and the victim believes the actor has the present ability to carry out the threat	632-A:4 Sexual Assault. – I. A person is guilty of a class A misdemeanor under any of the following circumstances: (a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2. 632-A:2 Aggravated Felonious Sexual Assault. – I. A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances: (c) When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats.
Pg 1, Lines 21-23	(i) Confines another unlawfully, as defined in RSA 633:2, by means of physical force or the threatened use of a deadly weapon, so as to interfere substantially with his or her physical movement	633:3 False Imprisonment. – A person is guilty of a misdemeanor if he knowingly confines another unlawfully, as defined in RSA 633:2, so as to interfere substantially with his physical movement.
Pg 1, Lines 24-25	(j) Knowingly violates a term of a protective order issued pursuant to RSA 173-B:4, I by means of the use or attempted use of physical force or the threatened use of a deadly weapon	173-B:9 Violation of Protective Order; Penalty. – III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter

	Senate Bill 318	Current Law
Pg 1, Line 29 – Pg 2, Line 2	<p>(k) Uses physical force or the threatened use of a deadly weapon against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:</p> <p>(1) The report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or</p> <p>(2) A request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.</p>	<p>642:10 Obstructing Report of Crime or Injury. –</p> <p>I. A person shall be guilty of an offense under this section who uses physical force or intimidation to block access to any telephone, radio, or other electronic communication device with a purpose to obstruct, prevent, or interfere with:</p> <p>...</p> <p>(b) The report of any bodily injury or property damage to any law enforcement agency; or</p> <p>(c) A request for ambulance or emergency medical assistance to any governmental agency, or any hospital, doctor, or other medical service provider.</p>



#3

Good afternoon Madam Chair and members of the House Criminal Justice and Public Safety Committee. For the record my name is Amanda Grady Sexton and I am the Director of Public Policy at the NH Coalition Against Domestic and Sexual Violence. I am here to speak on behalf of the Coalition and our 14 member programs. In 2012 our programs provided direct service to over 16,000 victims of abuse in the State of New Hampshire. The Coalition is in full support of Senate Bill 318.

30 years ago, domestic violence was a silent crime that hardly anyone spoke about openly. Since then, we have acknowledged the problem to some extent, in that we have established adequate civil protections for victims here in New Hampshire. However, we have fallen far behind the rest of the country, and even the world, as we still do not have an actual crime of "domestic violence". Because of this shortfall, violent offenders go unrecognized as abusers and some victims aren't even aware that what they are experiencing is in fact domestic violence, and as a result they do not seek the help that they need to escape their dangerous situation.

Under current New Hampshire law, an abuser who assaults their partner in their home is often charged with the same crime as a person who assaults a stranger a bar: that being "simple assault". This is a problem, because statistics tell us that the intimate nature of the domestic violence scenario carries a potential risk for escalated criminal behavior and homicide, while something like a bar fight scenario typically does not. Alarming, according to the latest report (October 2012) of the Governor's Commission on Domestic and Sexual Violence's Domestic Violence Fatality Review Committee, **50% of homicides and a staggering 92% of murder-suicides in New Hampshire are domestic violence related.**

SB 318 takes charges that are commonly used in domestic violence related cases and reorganizes them under one crime called "Domestic Violence".

It is important to note that this bill does not change anything within our civil statutes, nor does it change the substance of the crimes that law enforcement currently uses to charge domestic violence abusers. This bill simply reorganizes these charges under their own specific statute.

This bill does not create a mandate – law enforcement will still have the discretion as to how they will charge these crimes, depending on the specific circumstances of each case.

Until we are able to distinguish crimes of domestic violence from crimes against non-intimate partners and non-family members, we cannot effectively coordinate our community responses to victims and their children. We can reduce domestic violence and homicides in New Hampshire, but our courts, prosecutors, child protection agencies, law enforcement, and

NO MORE | **TOGETHER WE CAN END
DOMESTIC VIOLENCE & SEXUAL ASSAULT**

By creating a crime of domestic violence, New Hampshire will be able to gather and maintain important statistics on domestic violence crimes occurring in the state. Without an accurate snapshot of the scope of the problem, we cannot adequately respond to solve it.

Until we shine a light on this social problem by calling domestic violence what it is, and recognizing its inherent societal dangers, we are not doing enough to address this epidemic.

I hope you will support this important measure that will provide all stakeholders with the tools they need to work together and solve this problem in New Hampshire.

Criminalizing the Act of Domestic Violence in New Hampshire

SB 318-FN

The problem:

30 years ago domestic violence was a silent crime that few spoke about openly. Since then, we have acknowledged the problem to some extent, establishing adequate civil protections for victims here in New Hampshire. However, we have fallen far behind the rest of the country, and even the world, as New Hampshire still does not have an actual crime of "domestic violence." Because of this shortfall, violent offenders go unrecognized and some victims aren't even aware themselves that what they are experiencing is domestic violence.

Alarmingly, according to the October 2012 report of the Governor's Commission on Domestic and Sexual Violence Domestic Violence Fatality Review Committee, **50% of homicides and 92% of murder-suicides in New Hampshire are domestic violence related.**

Until we shine a light on this social problem by naming domestic violence for what it is, we are not doing enough to address this epidemic.

What this bill does:

This bill takes charges that are commonly used in domestic violence related cases and pulls them under one crime called "Domestic Violence."

Under current law in New Hampshire, an abuser who assaults their partner in their home is often charged with the same crime as a person who assaults someone at a bar: "simple assault." This is a problem, because statistics show that the intimate nature of the domestic violence situation carries a potential risk for escalated criminal behavior and homicide, while the bar fight typically does not.

Until we are able to distinguish crimes of domestic violence from crimes against non-intimate partners and non-family members, we cannot effectively coordinate our community responses to victims and their children. We **CAN** reduce domestic violence and homicides in New Hampshire, but our courts, prosecutors, child protection agencies, law enforcement, and advocates must first be able to properly identify instances of domestic violence in order to provide assistance to those in need and hold abusers accountable.

What this bill does NOT do:

This bill does not change anything within our civil statutes, nor does it change the substance of the crimes that law enforcement currently uses to charge domestic violence abusers. This bill simply reorganizes these charges under their own specific statute. This bill does not create a mandate – law enforcement will still have the discretion as to how they will charge these crimes, depending on the specifics of each case.

Why this is important:

Domestic violence is largely a crime that is committed behind closed doors. Many victims and their children suffer in silence. Statistics show that domestic violence prevention, education and intervention can reduce assaults and homicides in a community. Efforts to educate victims and offenders are crucial. Passage of this bill will enhance and improve several multi-agency projects currently going on in the criminal justice system that would improve victim notification of important court dates and any changes to the status of their case.

By creating a specific crime of domestic violence, New Hampshire will be able to gather and maintain important statistics on domestic violence crimes occurring in the state. Without knowing the scope of the problem, we cannot adequately solve the problem.

In a recent survey conducted by the UNH Survey Center, a poll of adults in New Hampshire were asked about domestic violence laws in the state. It found that the following:

“Currently, the New Hampshire House is considering a bill that would recognize domestic violence as a distinct crime under state law. **Three in four (74%) New Hampshire residents support this bill** (59% strongly and 15% somewhat), just 3% oppose the bill (2% strongly and 1% somewhat), 1% are neutral and 22% don’t know enough to say.”

These numbers are very clear: There is overwhelming support for Joshua’s Law in the State of New Hampshire.

Supporting agencies:

- New Hampshire Coalition Against Domestic and Sexual Violence
- Child and Family Services
- New Hampshire Association of Chiefs of Police
- New Hampshire County Attorney’s Association
- New Hampshire Department of Justice
- New Hampshire Department of Safety
- New Hampshire Legal Assistance
- New Hampshire Nurses’ Association
- New Hampshire Sheriff’s Association

Endorsed by:

- The Concord Monitor
- The Nashua Telegraph
- The Union Leader

“It is surprising that New Hampshire’s criminal code has no “domestic violence” classification. If it did, the legal system might be able to prevent some horrible acts of domestic violence... It is hard to think of a good argument against it.” –Union Leader editorial

It is our hope that the House will support this proposal to create a crime of domestic violence in New Hampshire.

#4



JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

State of New Hampshire

DEPARTMENT OF SAFETY
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EARL M. SWEENEY
ASSISTANT COMMISSIONER

LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

SB 318: Domestic Violence Statute

Dear Honorable Members of the Committee:

This bill is something that is long overdue. New Hampshire's domestic violence statutes have evolved slowly over a period of years and this puts them all in one place, where they will be easy to find and work with, by police officers, victim advocates, prosecutors and defense attorneys. They do not make any substantial changes to the existing statutes, they simply recodify them into a single bill and add an additional paragraph to those laws that makes it clear that the incident was a crime of domestic violence.

One advantage to this bill is it will eliminate any question as to whether a particular incident was a crime of domestic violence or not. In the past, the Criminal Records Unit at the Department of Safety and the Gun Line that firearms dealers must check with before selling a handgun, often had to almost guess at whether a given crime under the circumstances in which it occurred, was domestic violence related or not. At first the judicial system relied on police officers making an arrest for one of these offenses to check off a block as to whether or not this particular assault or whatever was domestic violence related or not. This did not work because sometimes the wrong block was checked and other times nothing was checked when it should have been, so the judicial system revised the form and eliminated the block. That made it more confusing than ever. One example of the harm that can be done if an offense is misclassified is that someone who was convicted of an offense such as simple assault or reckless conduct that did not occur in the context of a domestic situation, would be reported on the criminal history files as a crime of domestic violence. That information would go to the national NCIS database and the individual would be barred from purchasing or possessing a firearm. On the other hand, if an individual committed such an offense in the context of domestic violence and it was not accurately reported, they would have access to firearms that they should not have and a tragedy that could have been averted might occur. By separating out domestic violence crimes and clearly noting in the charging document that they are a crime of domestic violence, the process should become error-free.

The Senate Amendment to the bill named the bill "Joshua's Law" in memory of the teenager who was shot and killed by his father in a murder/suicide that occurred at a visitation center in Concord last year. The amendment also deals with stalking convictions that resulted from a domestic situation, and reads that upon proof that the victim and defendant were intimate partners or members of the same household, a stalking conviction will be recorded as "Stalking – Domestic Violence".

The Department of Safety believes this is a good bill, as you can see it has bipartisan support, and we hope it will pass.

APPROVED

A handwritten signature in black ink, appearing to be "Earl M. Sweeney", with a long horizontal line extending to the right.

Earl M. Sweeney
Assistant Commissioner

#5

Testimony of Attorney Elizabeth Paine

Madame Chair and the members of House Criminal Justice Committee,

My name is Betsy Paine. I am an attorney working with the New Hampshire Circuit Court with a focus on domestic violence issues. I have been engaged in this work since 1994.

I appear today on behalf of the judicial branch but have been asked to make it very clear that, while we see this bill as providing a great benefit to the branch in fulfilling some very important obligations that we have, which I will explain further in a moment, the branch does not take a position on the ultimate policy issue. As is our usual practice, we leave those policy considerations completely to the legislature.

The bill before you would significantly aid the court system in its responsibility to supply accurate and complete criminal history information to the federal National Instant Check System (NICS) and to the National Crime Information Center (NCIC). Submissions of information to these systems must be very specific or the information will not be entered. The crime must have as an element the use or attempted use of physical force or the threatened use of a deadly weapon; and there must be an "intimate relationship" between the parties. SB318 has been drafted to meet the requirements of the both NICS and NCIC.

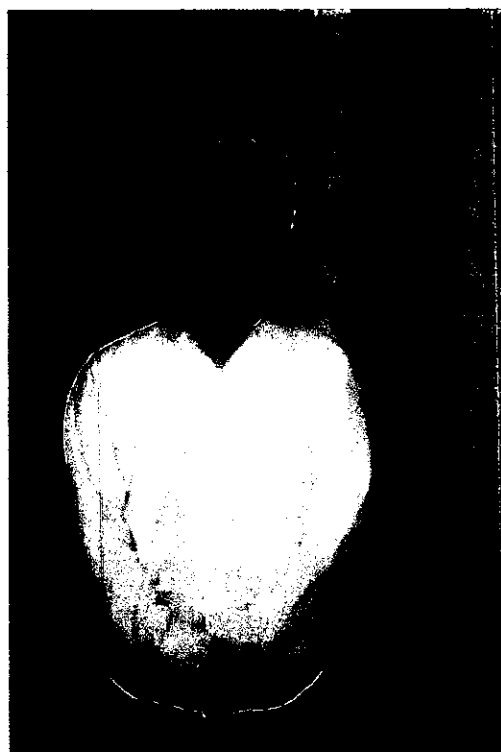
SB 318, if passed, will assist the Judicial Branch in carrying out its obligation to provide the FBI with the information they are requesting. Absent a state law, the New Hampshire Judicial Branch has tried several different administrative solutions for providing this information. At one time there was simply a box on the complaint form and law enforcement agencies were instructed to check the box to indicate if the crime was "domestic violence related". This solution had a number of flaws; there was no criminal statutory definition of "domestic violence"; the box was not used consistently and the box was checked before the case went through the judicial process. After a research study released in 2007 the box was removed from the criminal complaint form.

Currently there is a form that judges fill out at sentencing. This solution is problematic because the relationship is not currently an element of any of the crimes. On the form the judge is required to identify the type of intimate relationship. Without a state law which provides a clear definition and the proof of this the information at trial it may be difficult for a judge to identify the relationship between the parties. Without this information the criminal history is not entered into NICS.

With the proposed criminal law a person charged with the crime, and provided notice of all the elements of that crime prior to trial, would have an opportunity to mount a defense. No "domestic violence related" information would be recorded unless the person was convicted of the crime and all of the required elements were present.

SB 318 provides the clarity and specificity required for transmission of criminal history data. We support passage of this bill.

Testimony of Becky Ranes, Mother of Joshua Savyon, on
SB 318, establishing the crime of domestic violence.
House Criminal Justice Committee
Tuesday, April 15, 2014



Joshua Savyon, age 9

Good afternoon, Representatives. Thank you for your public service and your leadership in New Hampshire. My name is Becky Ranes.

This is a picture of my only child, my son Joshua. Joshua was 9 years old when he was killed. Five days ago, April 10th, would have been his tenth birthday. Joshua was about to start the 4th grade at the Wilkins Elementary School in Amherst. Joshua loved martial arts, tennis, rock collecting, and so much more. He was my pride and joy. He was a very caring, loving boy. In this picture, you can see why Joshua made everybody smile. I'm here because I am a survivor of domestic violence, but the real reason I am here is that my son, Joshua, is not. He was murdered by his father 8 months ago.

Words cannot express how much I miss him. Today I speak for Joshua and all of the other children in New Hampshire who don't have a voice.

Co-parenting with Joshua's father was always difficult, but I never truly recognized how much danger we were in until the day he threatened our lives.

In March, 2012, Joshua's father threatened me that he had a gun, and he would either kill me, or he would kill Joshua and then himself. I believed him when he said it. I knew he was capable of doing it. And that is exactly what he did on August 11th 2013. And like he said he would, he killed Joshua—shooting him several times—and then committed suicide. He did this during a court-ordered supervised visitation at the YWCA in Manchester.

Testimony of Becky Ranes, Mother of Joshua Savyon, on
SB 318, establishing the crime of domestic violence.
House Criminal Justice Committee
Tuesday, April 15, 2014

After we had been threatened, I reported his threats to the police and was granted a domestic violence protective order. At that point, I was given a pamphlet that was put out by Bridges Domestic & Sexual Violence Support Services and learned about Domestic Violence. I saw the "power and control wheel" that illustrates the potential factors of Domestic Violence. I then saw that many of the non-physical elements of this wheel were part of my everyday experience with Joshua's father.

Because of the threat, the Court ordered supervised visitations for Joshua, supposedly to provide a safe place for Joshua to see his father. The Court also ordered Joshua's father to attend a Batterer's Intervention Program. In addition to providing a safe home for Joshua, I had no choice but to rely on our criminal justice and child protection laws to keep Joshua safe, and even that was not enough. Even though this bill might not have saved my son's life, I do feel it will go a long way toward helping other families in crisis.

You don't have to be beaten or bruised to experience domestic violence. My son and I lived it every day. The attempts to control us were real. The threat to kill us was real. We lived each day with fear. It is so painful and unnerving to watch your child be granted regular access to someone who has threatened to kill him. And despite all of it, Joshua was growing up to be a very happy, generous, always helpful young man. Joshua really liked school and did really well; he earned his Black Belt in Taekwondo and enjoyed his friends and activities. It makes me happy to hear stories from his friends, peers, and teachers about how Joshua touched their lives.

My amazing young son was taken from us in the most violent of ways, and this never should have happened. I want to honor Joshua by helping improve laws that will help other families exposed to domestic violence. No other parent should have to endure losing a child this way.

If our state had a specific crime of domestic violence, Joshua's father would have been charged with the crime of "domestic violence" instead of "criminal threatening." As a result, police, prosecutors, and the courts would immediately have had better information about the type of crime that was committed. It's important to be able to tell the difference between two strangers who get into a fight at a baseball game and an abuser who threatens to kill his child or ex-partner. We know that it is common for domestic violence crimes to escalate, and we must treat these crimes differently than others. My hope is that if what happened to my family makes people take a closer look at how we handle these situations, then something good will come out of this, and Joshua will live on in spirit by helping others who are suffering this silent crime.

Thank you for listening, and I very much hope that you can support this bill, Joshua's Law, that could have a positive impact on thousands of lives. I respectfully request that I not take any questions at this time.

Testimony of Sergeant James Testaverde
Senate Bill 318, establishing the crime of domestic violence.

Good afternoon Madam Chair and members of the committee. For the record my name is James Testaverde and I am a Sergeant with the Nashua Police Department's Special Investigations Division and have been a member of the Department for 16 years. The primary responsibilities of the Special Investigations Division are to investigate child abuse and neglect, all sexual assaults against both children and adults and all Domestic Violence complaints. I am here today to speak in support of Senate Bill 318.

As a police officer and father of three I have spent my career preaching to family, friends, and citizens about being aware of their surroundings. I have instructed people of all ages to beware of the "stranger hiding in the bushes". I have reemphasized the age old warning of "don't talk to strangers". Ironically, all of my training and experience that I have compiled over the past 16 years have taught me that the real threat is not the unknown perpetrator.

Both nationally and here at home statistics show that the person most likely to harm you is a family member or loved one. Again, from my training and what I have observed first hand, the emotional damage to a victim is devastating when being committed by a person that the victim expects to be their friend, partner and protector.

There are situations when an officer investigating a domestic incident would need to know if the defendant has a previous history with domestic violence.

First, officers want as much information as possible when responding to any call to service. Because of the volatility of domestic incidents knowing if there is a prior history is extremely beneficial. Also, while on scene and investigating a complaint, this information can be a useful piece of the puzzle.

Second, there are situations when a crime or bail can be enhanced based on prior domestic violence convictions.

Presently, we have no way of knowing if a Simple Assault conviction was based on a domestic incident or two strangers in a bar room altercation. It is 2014 and with all the technology that law enforcement as well as our society has at our disposal, it seems silly that at 2:00 a.m. I would have to call Mt. Vernon P.D., Berlin P.D., Henniker P.D., etc. to have an officer return to

Testimony of Sergeant James Testaverde
Senate Bill 318, establishing the crime of domestic violence.

their respective station to read the narrative of a police report in order to determine if the person Nashua has arrested has a domestic history.

I wanted to comment on the division I am currently assigned. The Nashua Police Department recently formed the Special Investigations Division due to the vast number of domestic related incidents we encounter. As a result we are now able to better serve the victims and their families. This law would further assist us with tracking these crimes on a State wide rather than just a local level.

I have spoken repeatedly about victims, but I do want to comment on the defendants. SB 318 would allow the victim and the defendant to clearly know the criminal charge, assuring due process. In addition, the arresting officer would have to work harder to pass the two prong test that SB 318 establishes in order to charge a person with Domestic Violence. Specifically, not only would the officer need to meet all elements of the crime, but they would additionally have to make sure that the relationship is covered under the Domestic Violence definition.

All officers take an oath to uphold both the State and Federal Constitution which includes the 2nd Amendment. Now, instead of possibly over reporting domestic incidents to the Federal government which could prevent a person from possessing a firearm, we would be conforming our definition of domestic violence to the Federal definition. In other words, this law is not one sided but is fair to both parties, victims and defendants alike.

I thank you all for your time and ask that you vote Ought to Pass on this critical legislation.



DOMESTIC ABUSE INTERVENTION PROJECT

202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.duluth-model.org

STATE OF NEW HAMPSHIRE

**GOVERNOR'S COMMISSION ON
DOMESTIC AND SEXUAL VIOLENCE**



**DOMESTIC VIOLENCE FATALITY
REVIEW COMMITTEE**

**NINTH REPORT
OCTOBER 2012**

<http://www.doi.nh.gov/criminal/victim-assistance/domestic-violence-fatality-review-committee.htm>



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**NEW HAMPSHIRE GOVERNOR'S COMMISSION ON
DOMESTIC AND SEXUAL VIOLENCE**

**DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE
2010-2011 MEMBERSHIP**

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****Executive Committee Members***

I. INTRODUCTION

The Domestic Violence Fatality Review Committee (DVFRC, "Committee") was created by Executive Order of Governor Jeanne Shaheen in July 1999. Since its inception, the DVFRC has generated recommendations for the state's three branches of government and the many individuals, agencies, and community organizations which work with domestic violence victims and offenders. These recommendations have generated policies, procedures, and practices to improve New Hampshire's multidisciplinary response to domestic violence.

The DVFRC produces annual reports that include statistical data, recommendations, and responses to the recommendations previously made by the Committee. This year the DVFRC is pleased to release a report which presents 10 years of data on domestic violence-related homicides in New Hampshire from 2001 to 2010. The goal in presenting the data in this way is to improve the understanding of the context of these homicides and to promote the optimal allocation of resources to help prevent future homicides.

Also included in this report are crisis center data from the New Hampshire Coalition Against Domestic and Sexual Violence and court system data from the New Hampshire Judicial Branch. These represent two additional, individual sets of data separate from the homicide data, and are each based on a one-year period for 2011. However, all data sets present important and related information about domestic violence in the state.

The DVFRC strives to promote greater awareness of domestic violence in New Hampshire and opportunities for building safer communities for all our citizens. The Committee is hopeful that this report may serve as a valuable resource to those who serve victims of domestic violence, decision-makers, and researchers.

II. DOMESTIC VIOLENCE HOMICIDES IN NEW HAMPSHIRE

III. 2001-2010 DATA REPORT

This report presents data* on domestic violence-related homicides in New Hampshire for a 10-year period from **2001** to **2010**.

The first section compares domestic violence homicides to total homicides as a way of demonstrating the significance of this problem to New Hampshire citizens. For ease of analysis, the data was then grouped into the following categories:

- **OVERVIEW** of the statistics of homicides, domestic violence homicides and homicide/suicides.
- **WHERE** did the homicides occur? (Does the likelihood of a domestic violence homicide vary depending on where the perpetrator and victim are located?)
- **WHEN** did the homicides occur? (Are there higher or lower risk months, days or times for domestic violence homicides to occur?)
- **HOW** was the homicide committed? (Cause of death?)
- **WHO** was involved? (Victim and perpetrator characteristics?)

The goal in presenting the data in this way is to improve the understanding of the context of these homicides and to promote the optimal allocation of resources to help prevent future homicides.

**Data in this report is from the New Hampshire Attorney General's Office of Victim/Witness Assistance Homicide Database.*

SUMMARY OF DATA

Domestic violence is having a profound effect on the citizens of New Hampshire. In the decade from **2001 to 2010** domestic violence has been one of the leading "causes" of death with the domestic violence homicide rate hovering around the **50%** mark. The average domestic violence homicide rate is **.57 per 100,000** residents. New Hampshire has a relatively low homicide rate compared to the national average, however the relationship of the parties can prove to be a fatal factor. Domestic violence is a causal factor in **92%** of the state's **homicide/suicides**.

WHERE

The highest domestic violence rates are in some of the state's most **rural counties**, **Sullivan County** had the highest rate per capita at **1.17 per 100K**, almost twice the rate of the state average. Home can be a dangerous place for a domestic violence victim, **84%** of domestic violence homicides occurred in the home while only **15%** of these homicides occurred at some place other than a residence.

WHEN

We are beginning to develop data on when domestic violence homicides occur. In the past decade the highest rate of domestic violence homicides have occurred in the summer months and early autumn, **13%** have occurred in **July** with next highest rates at **12%** in **September** and **October**. **Sunday** was the day of the week with the highest rate of domestic violence. Over **70%** of domestic violence homicides in New Hampshire occur between **six pm and six am**.

HOW

Firearms which include handguns and long guns were involved in **48%** of the cases. Of these cases **handguns** were the cause of death in **42%**. Other causes of death in domestic violence homicides include **stabbing** at **22%** and **blunt force impact** at **21%**.

WHO

Women were the victims in **67%** of the domestic violence homicides. They were killed by their **partners** in **56%** of the cases and by a **family member** in **31%** of the cases. If the victim was killed by a **partner**, in **86%** of the cases she was **female**. If the victim was killed by a family member, **32%** of the victims were **male**.

The **average age** of domestic violence victims was **38** years old, with the youngest victim being **3 months** old and the **oldest** victim was **92**. The **average age** of domestic violence **perpetrators** was **41**, with the youngest being **16** years old and the oldest being **85**.

In the last decade in **53%** of the cases the **perpetrator** had a **known history of domestic violence**. Only **6%** of victims had sought **crisis center services** prior to their death and only **4%** had a **protective order** in place when they died. Only **6%** of victims had a **known history of mental illness** and over half had **no known history of substance abuse**.

Perpetrators of a domestic violence homicide defy the stereotype that drugs or mental illness are causal influences. Only **11%** of perpetrators of domestic violence homicide had a **known history of both mental illness and substance abuse**. Just over one quarter of perpetrators had history of mental illness and **43%** had a **history of substance abuse** though **43%** were **not impaired at the time** they committed the murder.

NOTE: The number of homicides equals the number of victims. The number of perpetrators is different from the number of victims because sometimes, more than one perpetrator is involved in the death of a victim and on occasion, one perpetrator might kill more than one victim. Also, the number of perpetrators does not include unsolved cases where a perpetrator has not been identified.

NOTE: The percentages in this report have been rounded up or down so the total percentage may not add up to 100%.

PLEASE NOTE: Figure 1 reflects the 185 total homicides responded to by the Attorney General's Office Homicide Unit. This includes 26 cases which were ruled justified, accidental or other.

This report is based upon data from 159 homicides, which includes the 133 prosecutable homicides and the 26 homicide suicides.

This report does NOT include data on the 26 cases that were ruled to be justified, accidental or other.

**Total Domestic Violence Homicides vs. Total Homicides
2001–2010**

Year	Total Homicides (Including those ruled Justifiable, Accidental or Other)	Total Homicides (Not including 26 cases ruled Justifiable, Accidental or Other)	Total Domestic Violence Homicides	Partner Homicides	Family Members Homicides	DV Related Homicides	Total % DV Homicides n-159
2001	20	19	7	3	4	0	37%
2002	13	9	4	3	0	1	44%
2003	19	18	9	3	3	3	50%
2004	19	19	13	6	7	0	68%
2005	22	19	10	5	4	1	53%
2006	18	16	7	5	1	1	44%
2007	19	13	5	4	1	0	39%
2008	19	15	7	4	1	2	47%
2009	18	15	7	6	1	0	47%
2010	18	16	10	5	3	2	63%
Total	185	159*	79	44	25	10	50%

Figure 1

From 2001 to 2010, the New Hampshire Attorney General's Office responded to a total of 185 homicide cases. Of those cases, 26 were found to be justified, accidental or other.

The average number of homicides per year was 19. The numbers ranged from a low of 13 homicides in 2002, to a high of 22 homicides in 2005.

Figure 1 depicts that from 2001 to 2010 there were a total of 159* homicides. This number represents prosecutable homicides and homicide/suicides.

**This report is based on data from these 159 homicide cases*

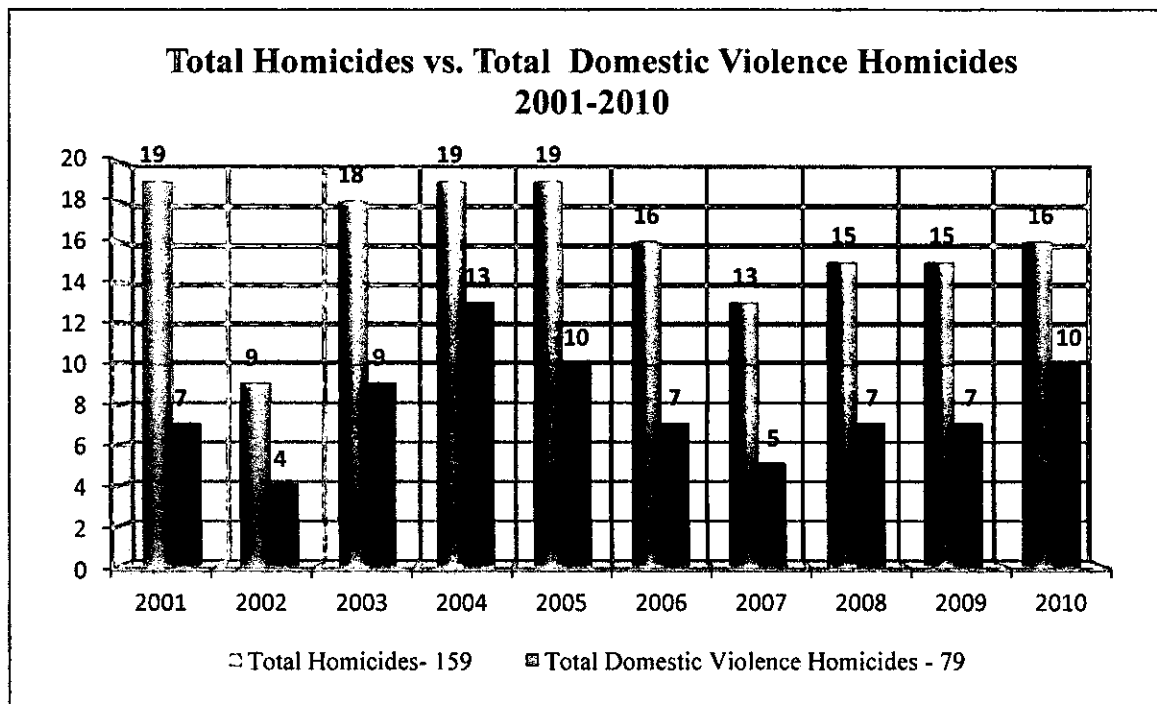


Figure 2

Figure 2 reflects that of the total of 159 homicides, 50% or 79, involved domestic violence.

The average number of domestic violence homicides per year was 8. The numbers ranged from a low of 4 domestic violence homicides in 2002, to a high of 13 domestic violence homicides in 2004.

Homicide Suicides vs. Domestic Violence Homicide Suicides

Year	Total Prosecutable Homicides	Homicide/Suicides	Domestic Violence Homicide/Suicides	% of DV Homicide Suicides
2001	16	3	3	100%
2002	8	1	0	0%
2003	13	5	5	100%
2004	18	1	1	100%
2005	15	4	3	75%
2006	15	1	1	100%
2007	10	3	3	100%
2008	14	1	1	100%
2009	11	4	4	100%
2010	13	3	3	100%
Totals	133	26	24	92%

Figure 3

Figure 3 reflects that of the total 159 homicides there were **26 homicide suicides**. It should be noted that of the **26 homicide suicides**, the vast majority, **92% or 24** were **domestic violence (DV) related**. Except for **2002** and **2005**, **100%** of the homicide suicides each year were domestic violence homicides.

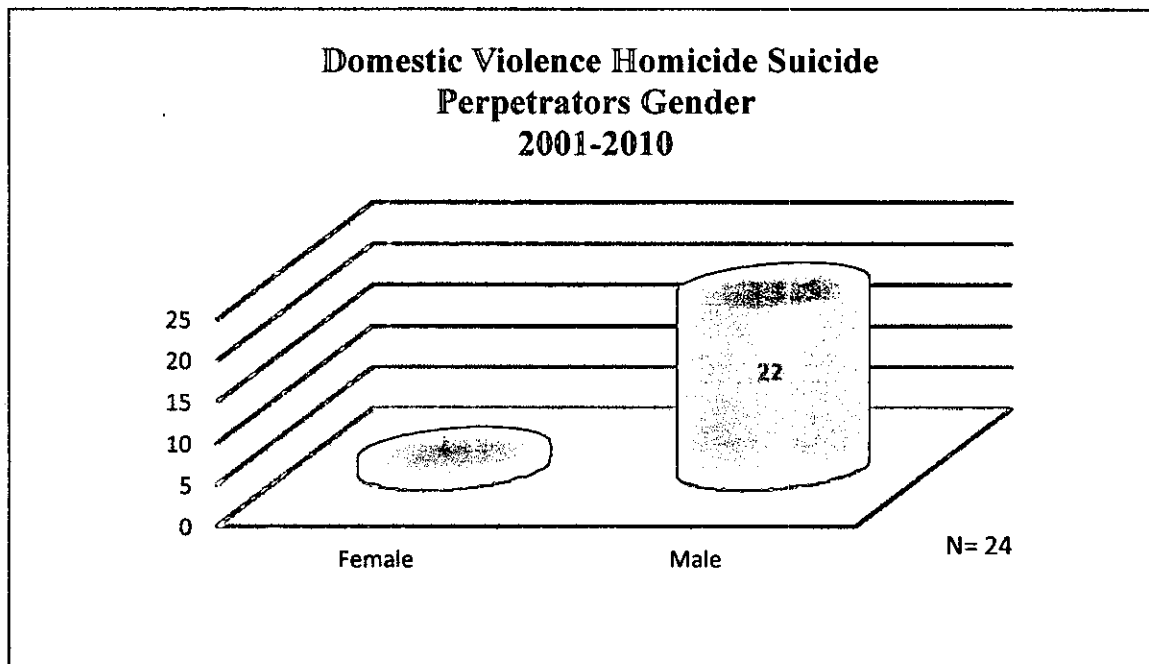


Figure 4

Figure 4 reflects that in the majority of the **24 domestic violence homicide/suicides**, **92% or 22** of the perpetrators were **male** and **8% or 2** were **female**.

Where?

Domestic Violence Homicides and Total Homicides by County

<u>County</u>	<u>Total Homicides</u>	<u>Domestic Violence Homicides</u>
Hillsborough	40% or 64	40% or 35
Rockingham	17% or 17	22% or 17
Grafton	9% or 14	5% or 4
Strafford	7% or 11	5% or 4
Belknap	6% or 9	8% or 6
Merrimack	6% or 9	4% or 3
Sullivan	5% or 8	6% or 5
Carroll	5% or 8	1% or 1
Coos	4% or 6	3% or 2
Cheshire	2% or 3	3% or 2
Total	159	79

Figure 5

Figure 5 and Figure 6 reflect that for both the 159 total homicides and the 79 domestic violence homicides, Hillsborough County, the county with the greatest population, had the largest number of total homicides, as well as the largest number of domestic violence homicides.

Cheshire County had the lowest number of total homicides and Carroll County had the lowest number of domestic violence homicides.

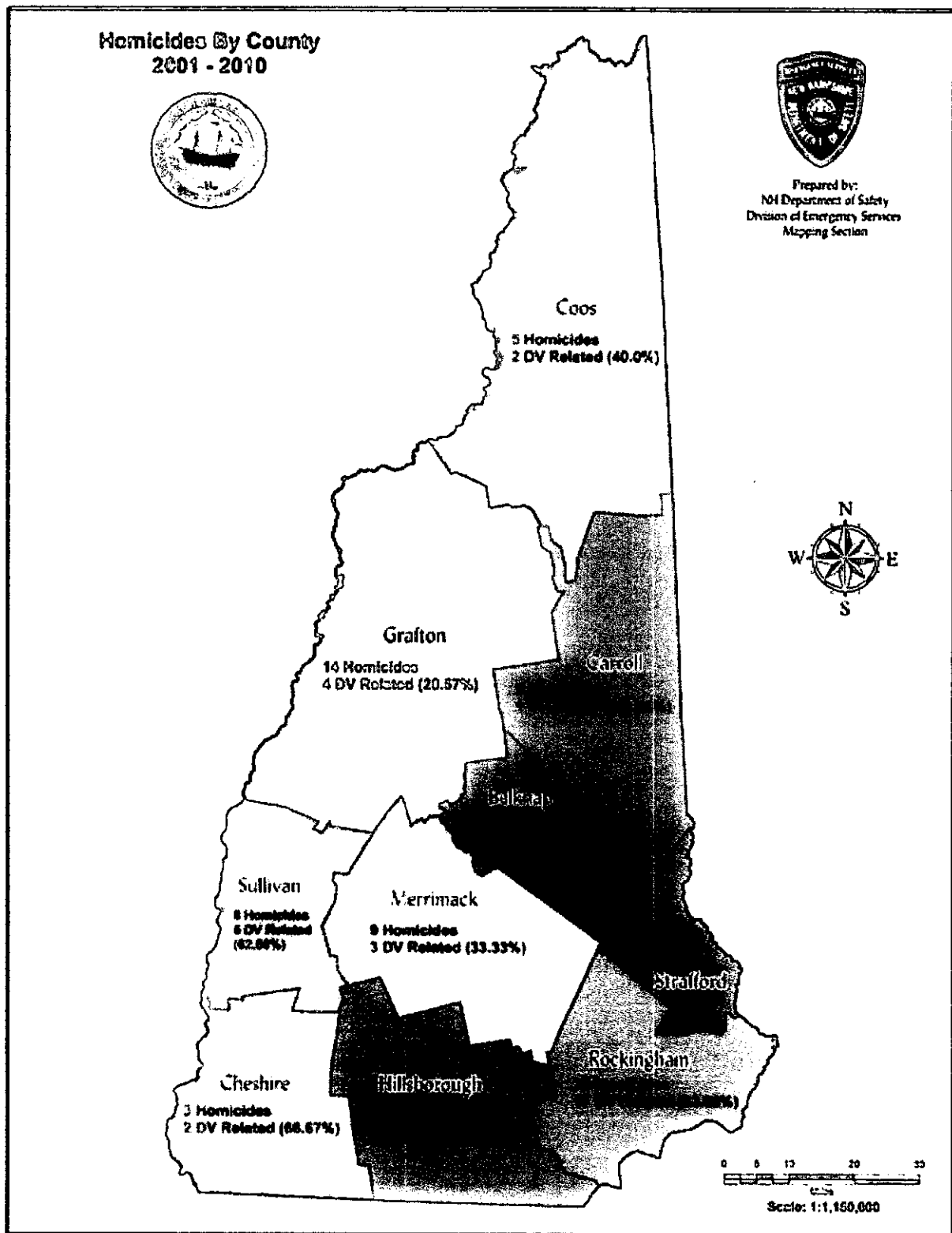


Figure 6

**Total Homicides
By County per 100K Population**

<u>County</u>	<u>Rate per 100K</u>	<u>Homicides</u>
Coos	1.87	6
Sullivan	1.87	8
Carroll	1.68	8
Grafton	1.62	14
Hillsborough	1.59	64
Belknap	1.46	9
Strafford	.90	11
Merrimack	.60	9
Cheshire	.38	3
Total	1.29	159

Figure 7

To more accurately reflect the areas of the state where homicides occur most frequently per capita, **Figure 7** reflects the total number of homicides broken down by the number of homicides per 100K population,

Coos and **Sullivan Counties** had the highest rate of homicides, each with **1.87** per 100K, followed by **Carroll County** with **1.68**. At the other end of the spectrum was **Cheshire County**, which had the lowest rate of homicides per capita with **.38**.

It should be noted that the counties with the highest per capita homicide rate are three of the most rural counties in the state.

According to the *CP Press Annual State Crime Rankings*, New Hampshire has been rated as one of the safest states in the nation, with an average of **1.29** homicides per 100K population.

**Domestic Violence Homicides
By County per 100K Population**

<u>County</u>	<u>Rate per 100K</u>	<u>Homicides</u>
Sullivan	1.17	5
Belknap	0.98	6
Hillsborough	0.87	35
Coos	0.63	2
Rockingham	0.57	17
Grafton	0.47	4
Strafford	0.33	4
Cheshire	0.26	2
Carroll	0.21	1
Merrimack	0.20	3
Total	0.57	79

Figure 8

Figure 8 reflects that of the 79 domestic violence homicides, **Sullivan County** had the highest rate of domestic violence homicides at 1.17 per 100K, followed by **Belknap County** at .98.

As with the total homicides, the highest rate of domestic violence homicide occurred in two of the most rural counties.

On average there were .57 domestic violence homicides per 100K population.

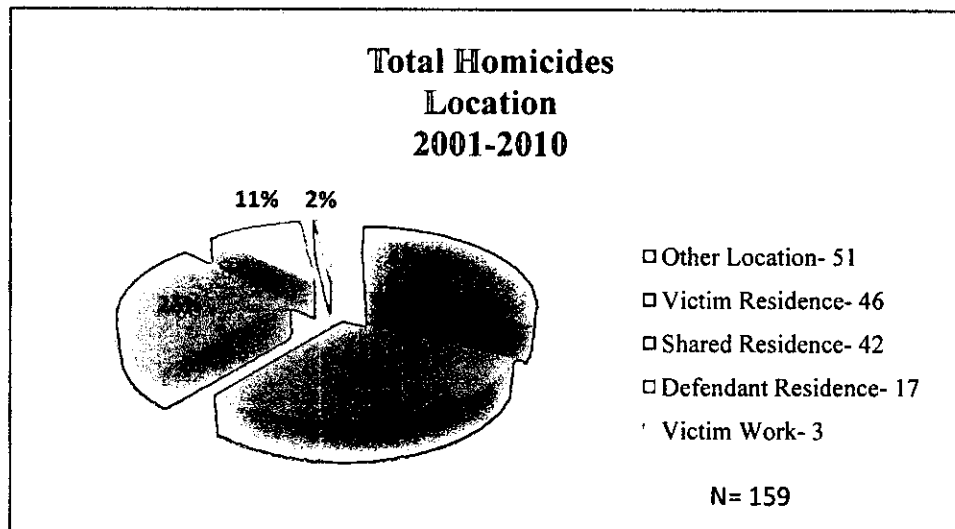


Figure 9

Figure 9 reflects that of the 159 homicides, 32% or 51 occurred at a location **other** than at a residence or workplace, 29% or 46 occurred at the **victim's residence**, 26% or 42 occurred at a **shared residence**, 11% or 17 occurred at the **perpetrator's residence** and 2% or 3 occurred at the **victim's workplace**.

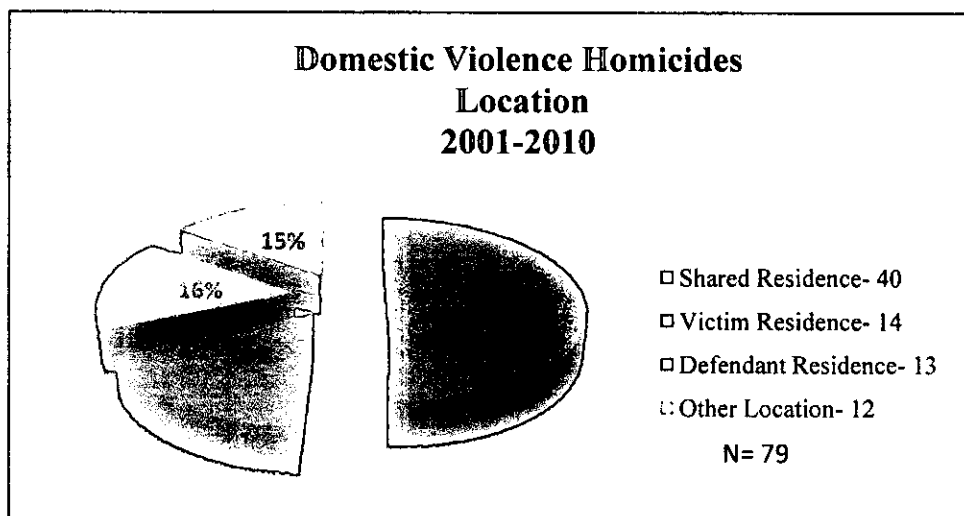


Figure 10

Figure 10 reflects that of the 79 domestic violence homicides 84% or 67 occurred at a residence and 15% or 12 occurred at a location other than a residence.

The majority, 51% or 40, occurred at a **shared residence**, followed by 18% or 14 at the **victim's residence** and 16% or 13 at the **perpetrator's residence**.

When?

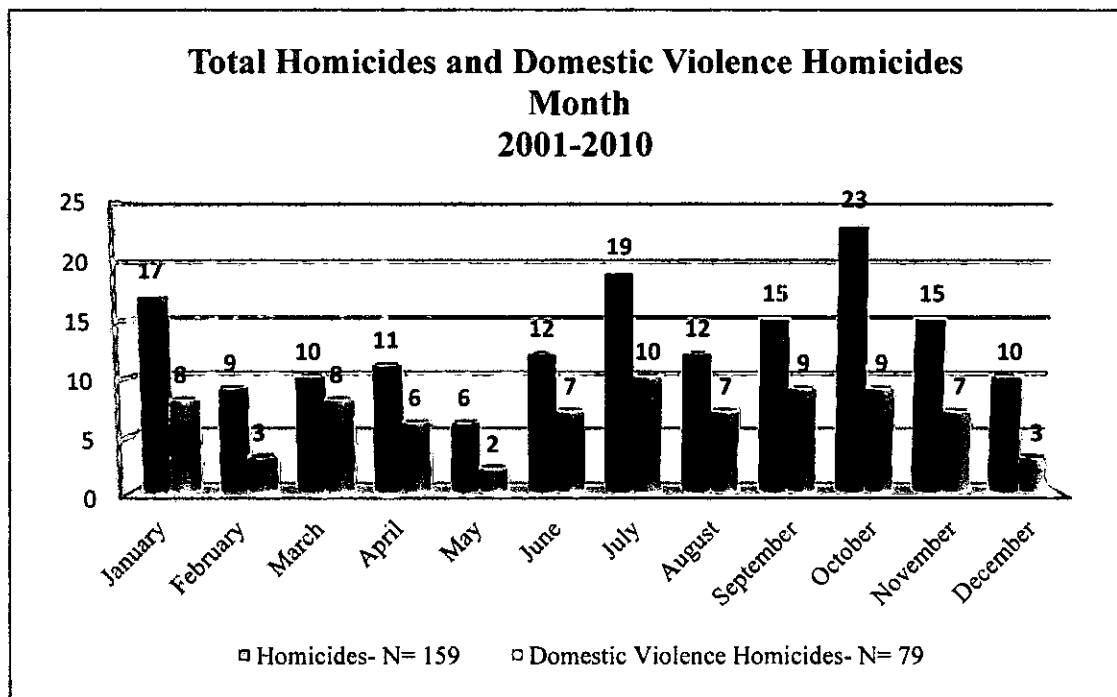


Figure 11

Figure 11 reflects that the greatest number of the 159 homicides occurred in **October** with 14% or 23, followed by **July** with 12% or 19.

The greatest number of the 79 domestic violence homicides occurred in **July** with 13% or 10, followed by **September** and **October** with 12% or 9.

Homicides seem to be evenly distributed throughout the months and there does not appear to be a pattern or trend that can be discerned from this information.

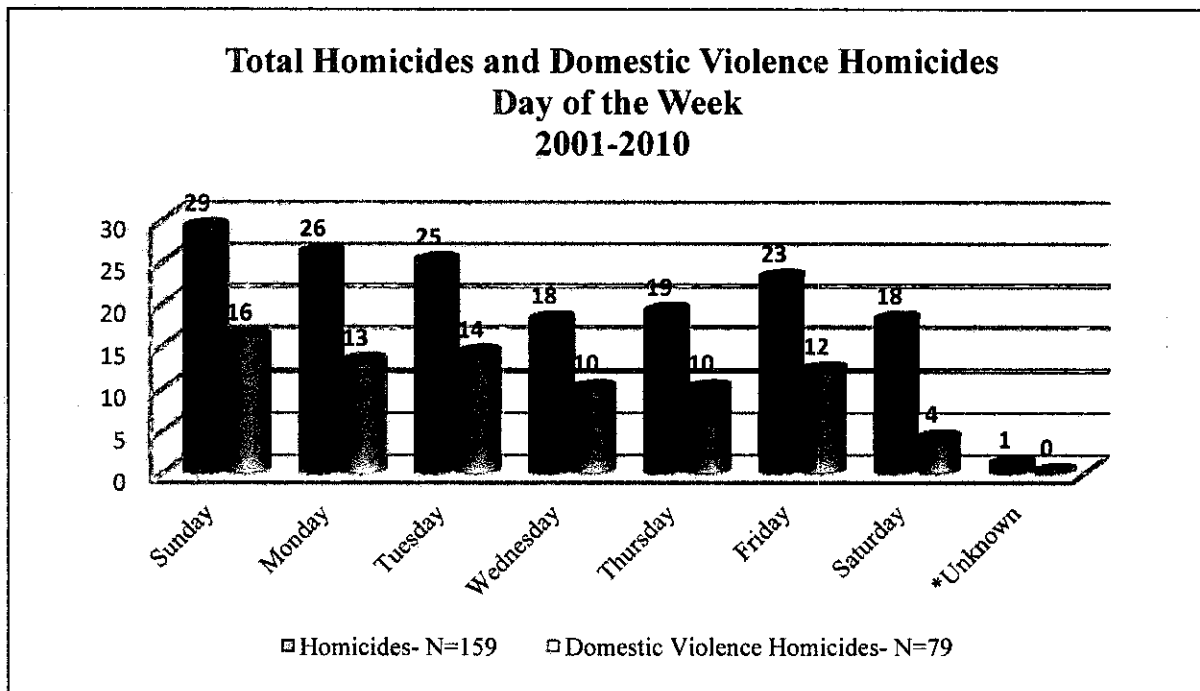


Figure 12

Figure 12 reflects that the greatest number of the 159 homicides occurred on **Sunday** with 18% or 29, followed by **Monday** with 16% or 26.

The greatest number of the 79 domestic violence homicides also occurred on **Sunday** with 20% or 16, followed by **Tuesday** with 18% or 14.

In regards to the 159 homicides, the data reflects that the homicides are evenly distributed between days.

When looking at the 79 domestic violence homicides the homicides are evenly also distributed, except for **Saturday** when there are very few occurrences of domestic violence homicides.

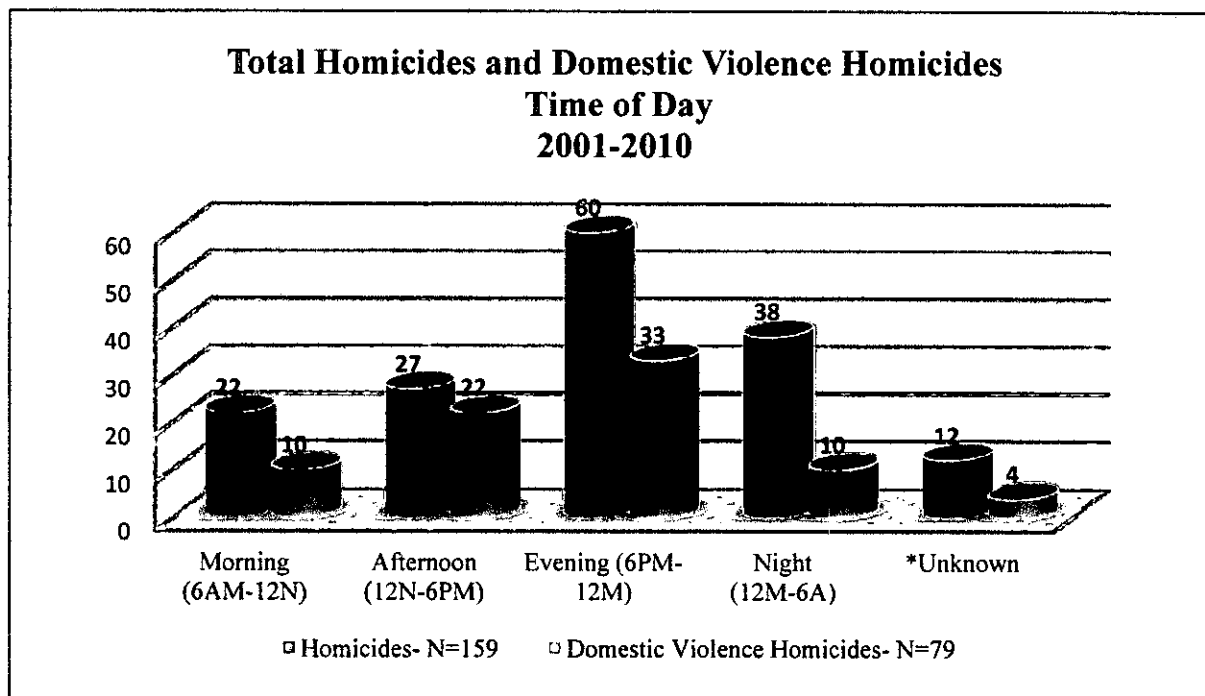


Figure 13

Figure 13 reflects that the highest number of both total homicides and domestic violence homicides occurred between **6 pm and 12 midnight** with **38%** or **60** of the total homicides and **42%** or **33** of the domestic violence homicides.

The data shows the next most dangerous time of day in total homicides was between **12 midnight to 6 am** with **24%** or **38**, while in domestic violence cases it was between **12 noon to 6 pm** with **29%** or **22**.

The **8%** or **12** of unknown cases reflect the cases where no time of death has been determined.

HOW?

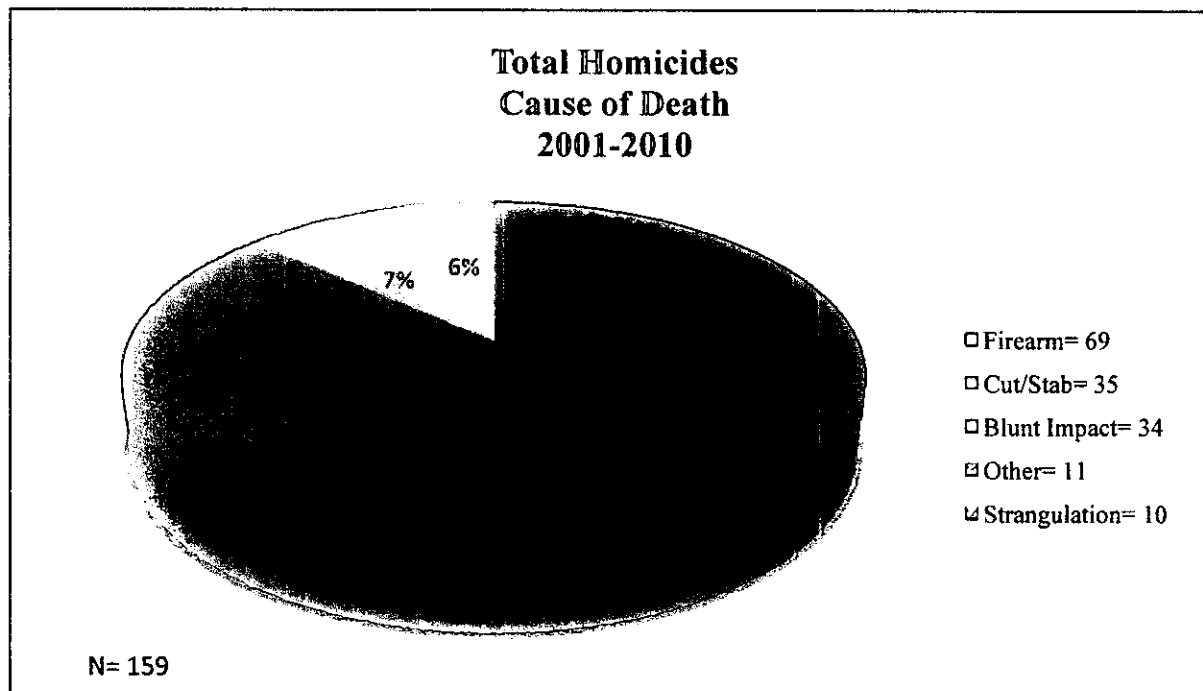


Figure 14

Figure 14 reflects that of the 159 homicides, the majority, 44% or 69, were a result of a firearm*, followed by cutting or stabbing with 22% or 35, blunt force impact with 21% or 34 and strangulation with 6% or 10.

**A firearm for the purpose of this report is defined as either a hand gun or a long gun.*

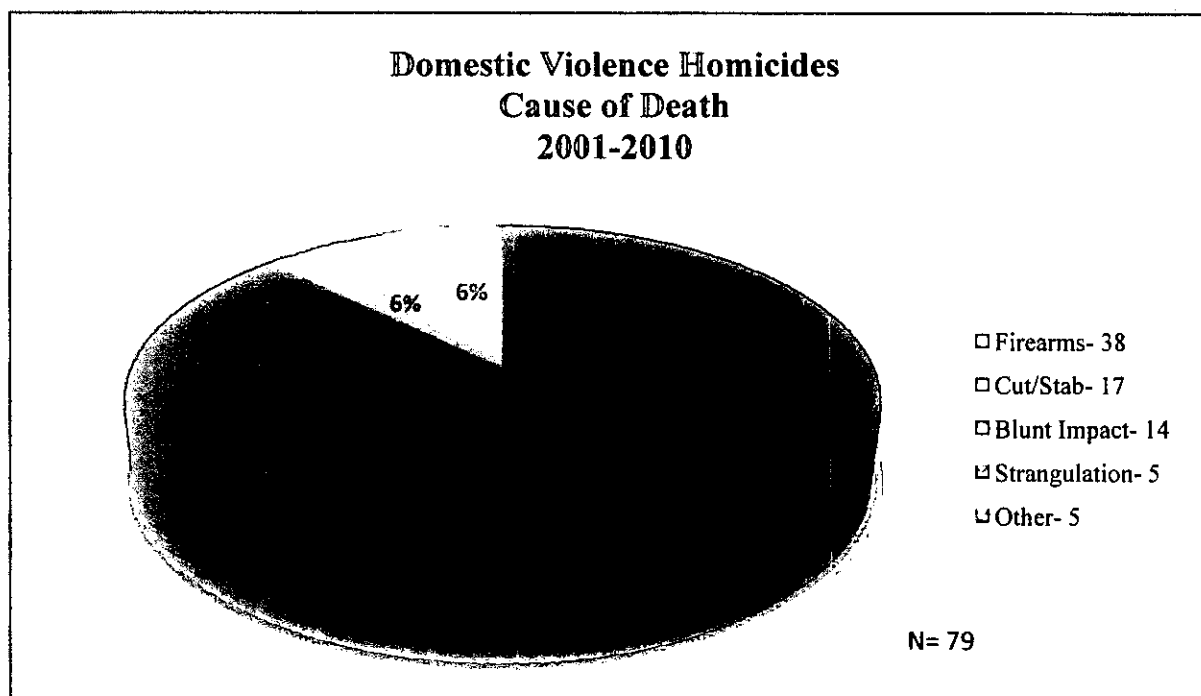


Figure 15

Figure 15 reflects that of the 79 domestic violence homicides, the majority, were the result of a **firearm** with **48%** or **38**, followed by **cutting or stabbing** with **22%** or **17**, **blunt force impact** with **18%** or **14** and **strangulation** with **6%** or **5**.



Figure 16

Figure 16 reflects that of the 159 homicides, 36% or 57 were the result of a **handgun**.

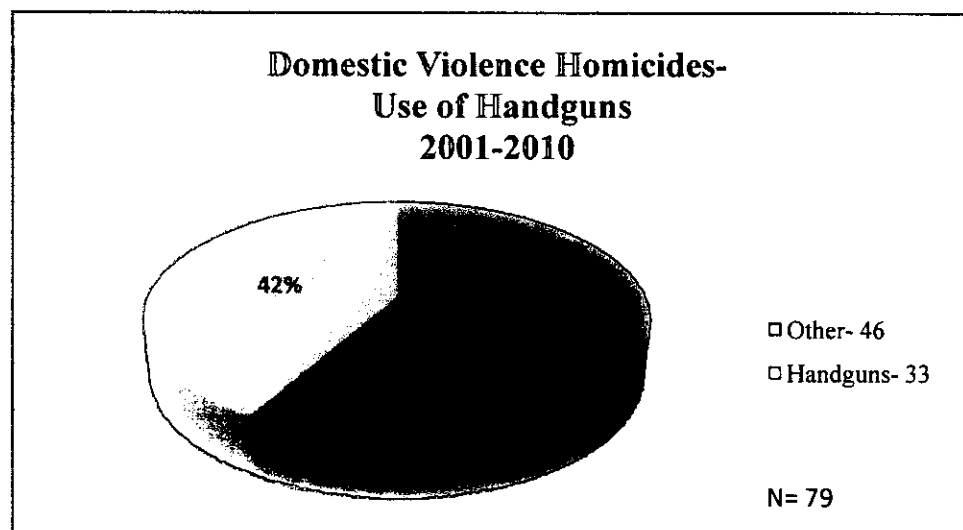


Figure 17

Figure 17 reflects that of the 79 domestic violence homicides, 42% or 33 were the result of a **handgun**.

Who?

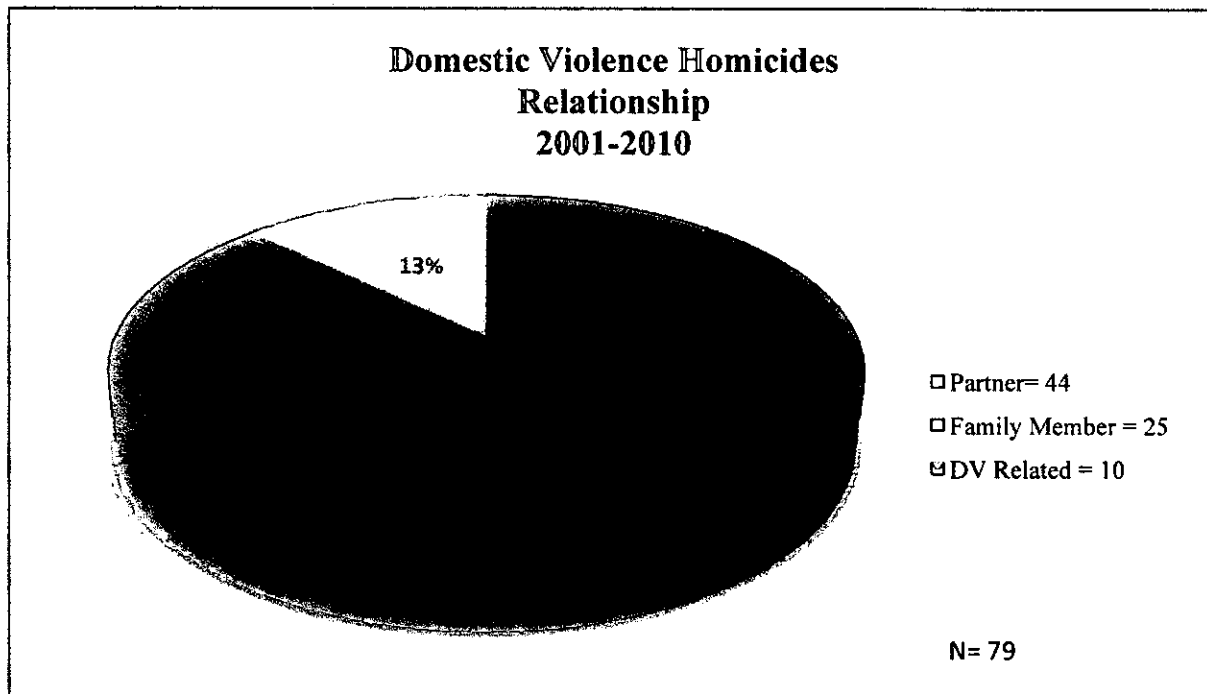


Figure 18

Figure 18 reflects that **56%** or **44** of the **79** domestic violence homicides involved **partners**, **31%** or **25** involved **family members** and **13%** or **10** were **domestic violence related**.

Domestic violence homicide relationships are defined as follows:

- **Partner** homicides are defined as those where the victim and perpetrator have or have had an intimate relationship, spouse or former spouse, or are unmarried persons who have or are cohabitating.
- **Family member** homicides are those where the victim and perpetrator are NOT intimate partners but are family members. (e.g., when a child kills a parent.)
- **Domestic violence related** homicides are those where the victim and perpetrator are neither intimate partners nor family members, but the homicide has some relationship to domestic violence. (E.g., estranged husband kills wife's current intimate partner.)*

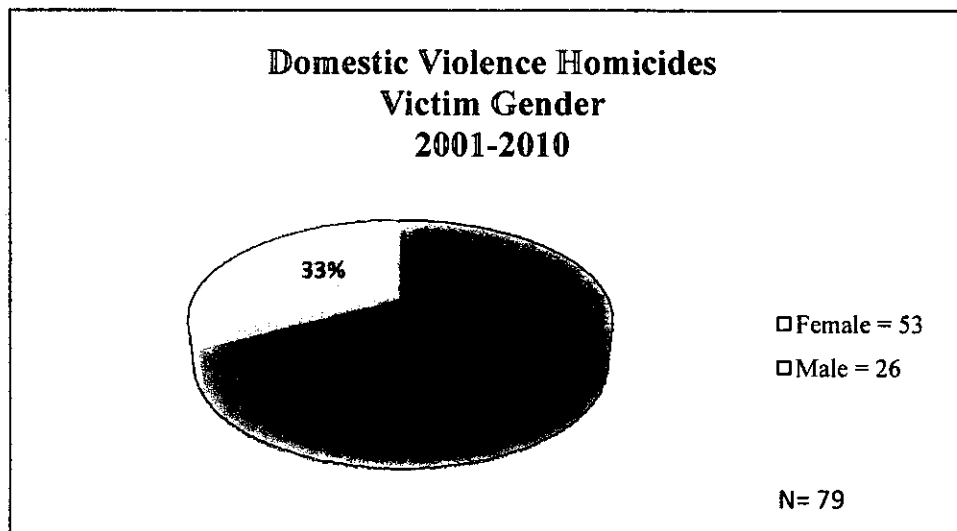


Figure 19

Figure 19 reflects that of the 79 domestic violence homicides, 67% or 53 of the victims were female and 33% or 26 were male.

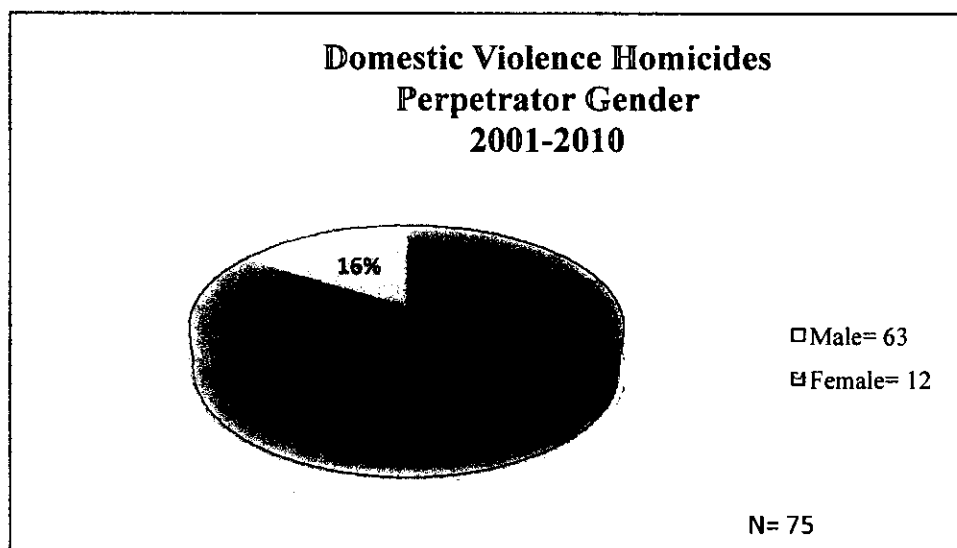


Figure 20

Figure 20 reflects that of the 75 perpetrators, the majority, 84% or 63 were male, while 16% or 12 of the perpetrators were female.

These numbers are consistent with national data regarding the gender breakdown for perpetrators of domestic violence homicide.

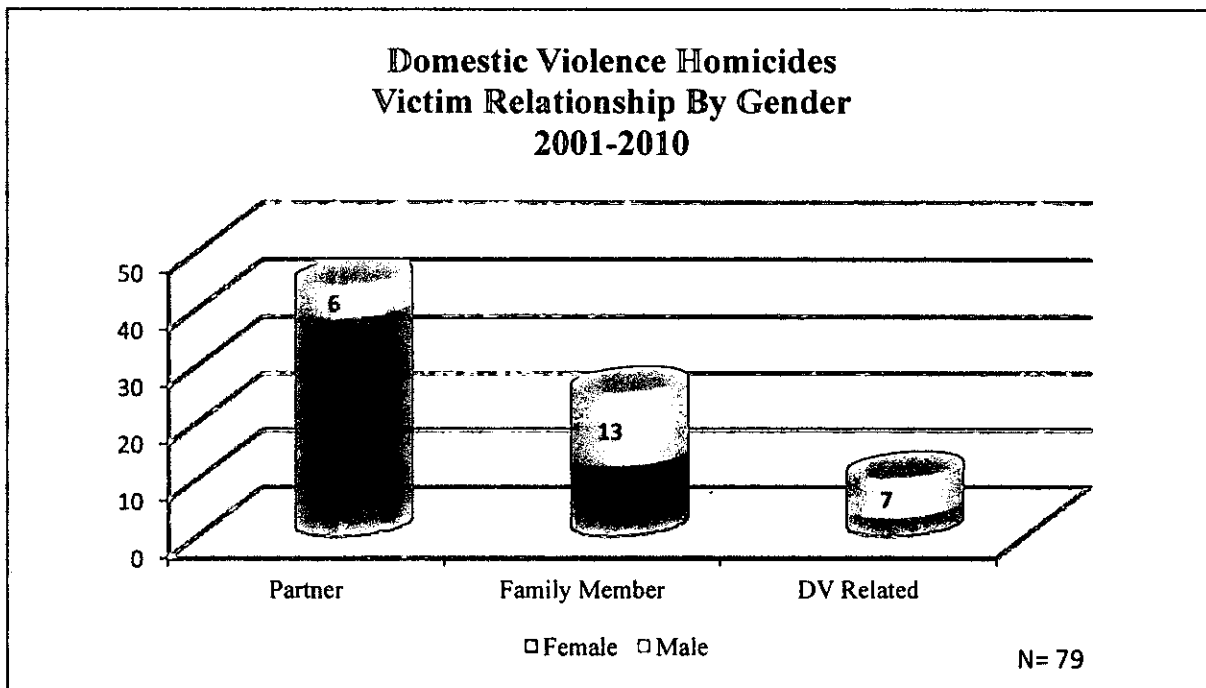


Figure 21

Figure 21 reflects that of the 44 of the **partner** domestic violence homicides, the majority, 86% or 38 victims were **female** and 14% or 6 victims were **male**. .

Of the 25 **family member** homicides, 52% or 13 were **male** with and 48% or 12 were **female**.

Of the 10 **domestic violence related** homicides, 70% or 7 victims were **male** and 30% or 3 victims were **female**.

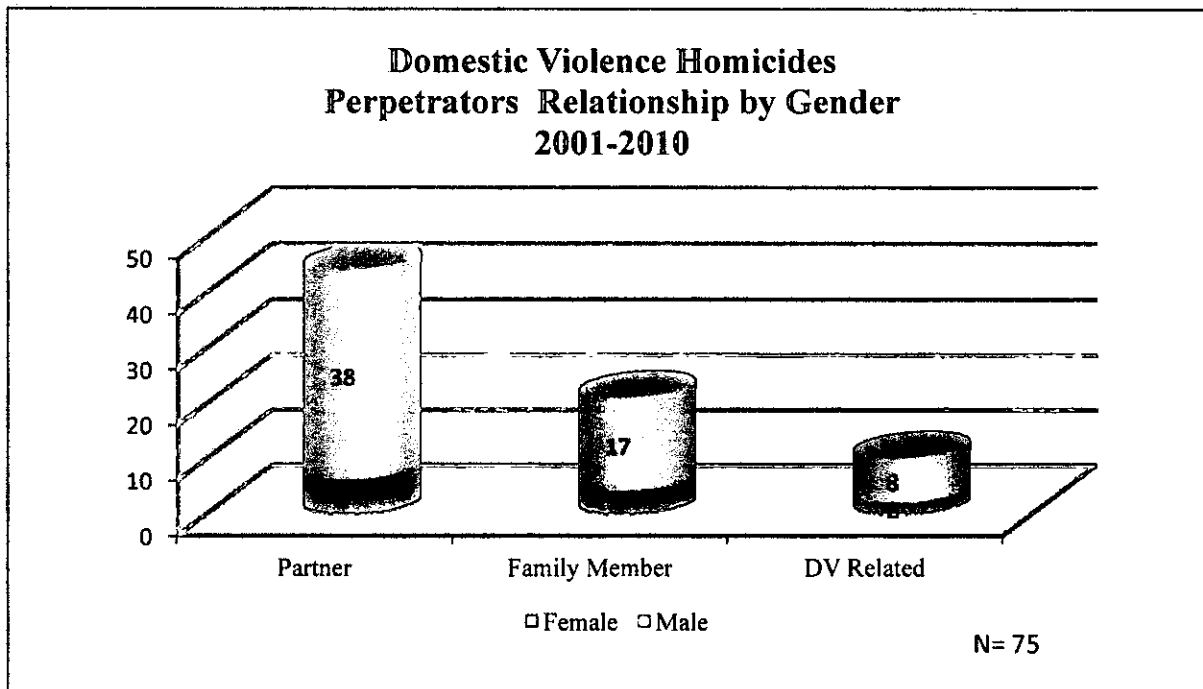


Figure 22

Figure 22 reflects that of the 75 domestic violence homicide perpetrators, 84% or 63 were **males** and 16% or 12 were **female**.

Of the 44 **partner** domestic violence homicides, 86% or 38 perpetrators were **male** and 14% or 6 were **female**.

Of the 21 **family member** domestic violence homicides, 81% or 17 perpetrators were **male** and 19% or 4 were **female**.

Of the 10 **domestic violence related** homicides, 80% or 8 perpetrators were **male** and 20% or 2 were **female**.

In all of the domestic violence homicides, the majority of the perpetrators were **male**.

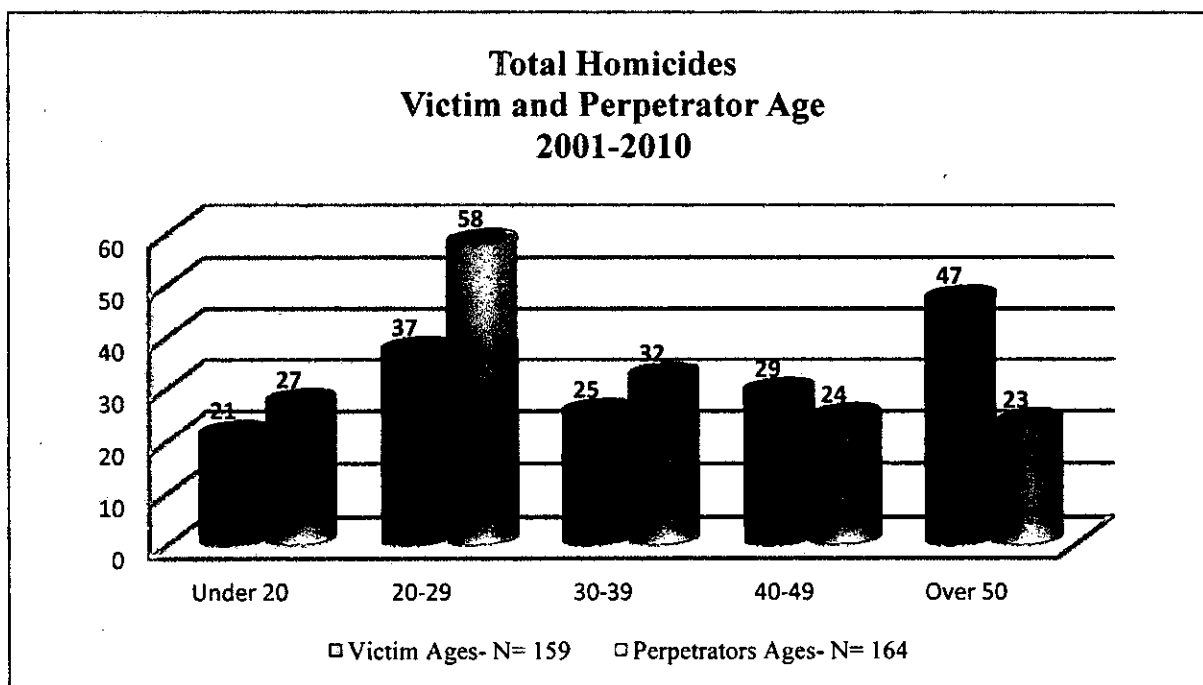


Figure 23

Figure 23 reflects that of the **159** homicide victims, **30%** or **47** were **over 50** years of age followed by **23%** or **37** who were **between 20 and 29**.

Of the **159** total victims the **average age** was **39**, with the youngest being **3 months old** and the oldest being **92**.

Of the **164** total homicide perpetrators, **35%** or **58** were **between 20 and 29** years of age followed by **20%** or **32** who were **between 30 and 39**.

Of the **164** total **perpetrators** the **average age** was approximately **33**, with the youngest being **16** and the oldest being **85**.

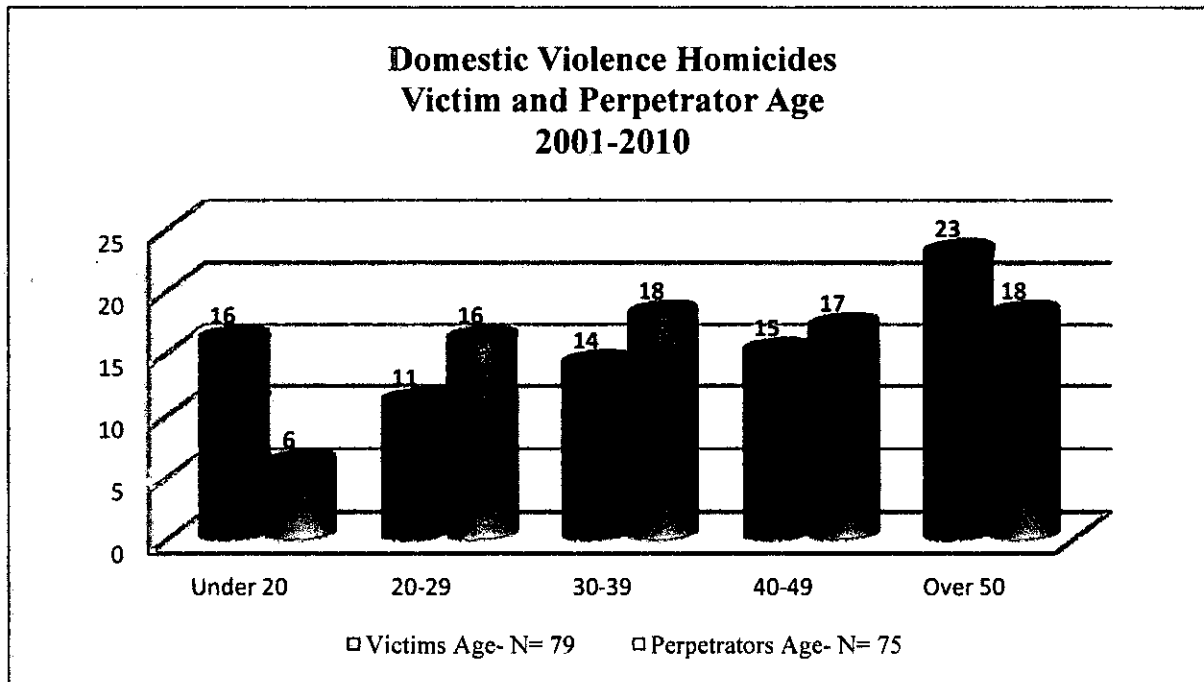


Figure 24

Figure 24 reflects that of the **79** domestic violence homicide victims, **29%** or **23** were **over 50** years of age followed by **20%** or **16** who were **under 20**.

Of the **79** domestic violence homicide victims the **average age** was **38**, with the youngest being **3 months old** and the oldest being **92**.

Of the **75** domestic violence homicide perpetrators, **24%** or **18** were between **30** and **39** and **24%** or **18** were also **over 50**, followed by **21%** or **16** who were **under 20** and also **21%** or **16** who were **between 30** and **39**.

Of the **75** domestic violence perpetrators the **average age** was **41**, with the youngest being **16** years old and the oldest being **85**.

**Domestic Violence Homicides
Perpetrators History of Domestic Violence
2001-2010**

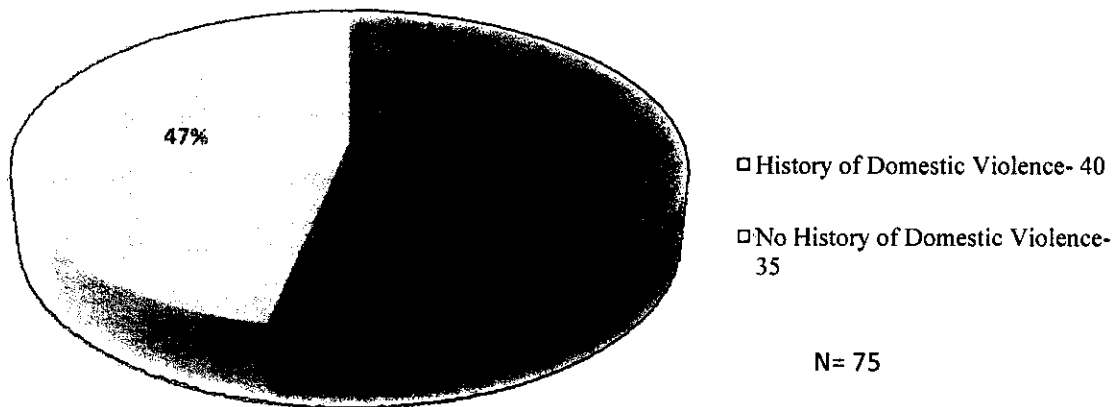


Figure 25

Figure 25 reflects that of the 75 domestic violence homicide perpetrators, 53% or 40 had a known history of domestic violence as a perpetrator.

Domestic Violence Homicides Protective Orders and Crisis Center Services

79	Domestic Violence Homicides
5	Victims accessed Crisis Center Services
3	Protective Orders in Place at the Time of Homicide
2	Victims had a Protective Order and Accessed Crisis Center Services

Figure 26

Figure 26 reflects that of the 79 victims of domestic violence homicides, only 6% or 5 of the victims sought crisis center services. Of the 79 victims of domestic violence homicides only 4% or 3 of the victims had **protective orders** in effect at the time of the homicide. Of the 3 victims that had a protective order in effect, 67% or 2 sought services from a **crisis center**. This is consistent with national research. (See below)

New Hampshire Lethality Assessment Program

The New Hampshire Attorney General's Office has adopted the research/evidence based* Maryland **Lethality Assessment Program (LAP)** as a model response for domestic violence cases.

The LAP is an 11 question lethality screening tool and an accompanying response and referral protocol designed to identify high risk domestic violence victims who are at the greatest risk of being seriously injured or killed and to immediately connect them with crisis center services for safety planning, information and resources.

The goal of LAP is to prevent domestic violence homicides, serious injury and re-assault by encouraging more victims to use the services of domestic violence crisis centers.

Studies have shown that the support services of crisis centers can save lives and reduce re-assaults, yet these programs continue to be under-utilized. There is a 60% reduction in risk of severe assault when victims utilize domestic violence services. Studies show that abused women who used domestic violence services are much less likely to be the victim of murder or attempted murder. A comprehensive, nationwide, domestic violence study found that **only 4%** of actual or attempted intimate partner homicide victims utilized domestic violence services

**Research of Dr. Jacquelyn Campbell, Johns Hopkins University*

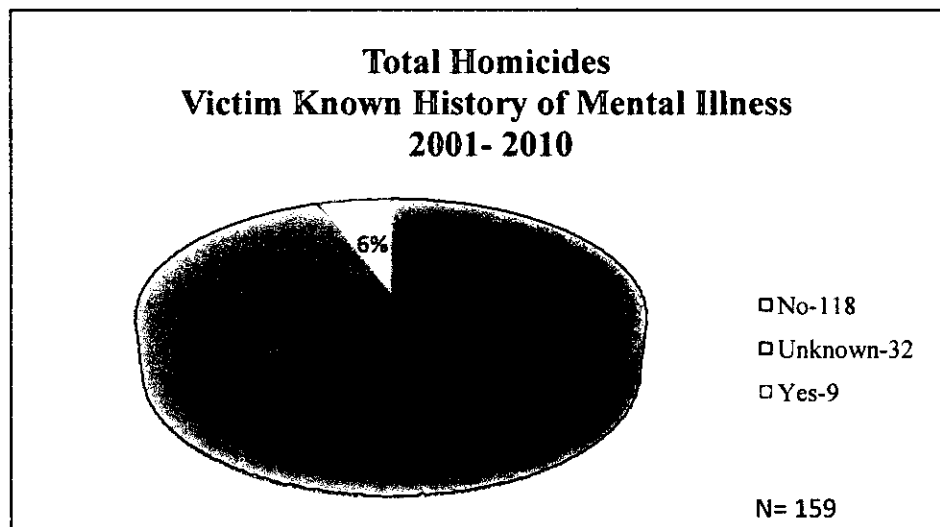


Figure 27

Figure 27 reflects that of the **159** total homicides victims, the majority, **74%** or **118** did not have a history of mental illness, **6%** or **9** had a known history of mental illness and **20%** or **32** were unknown.

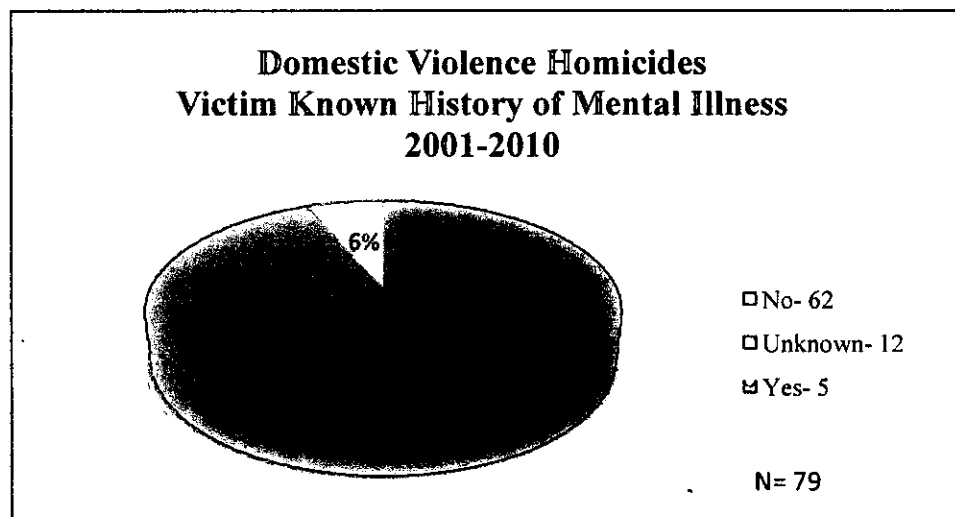


Figure 28

Figure 28 reflects that similar to the total **159** homicides, the majority, **79%** or **62** of the victims of domestic violence homicides did not have a history of mental illness, **6%** or **5** victims had a known history of mental illness and **15%** or **12** were unknown.

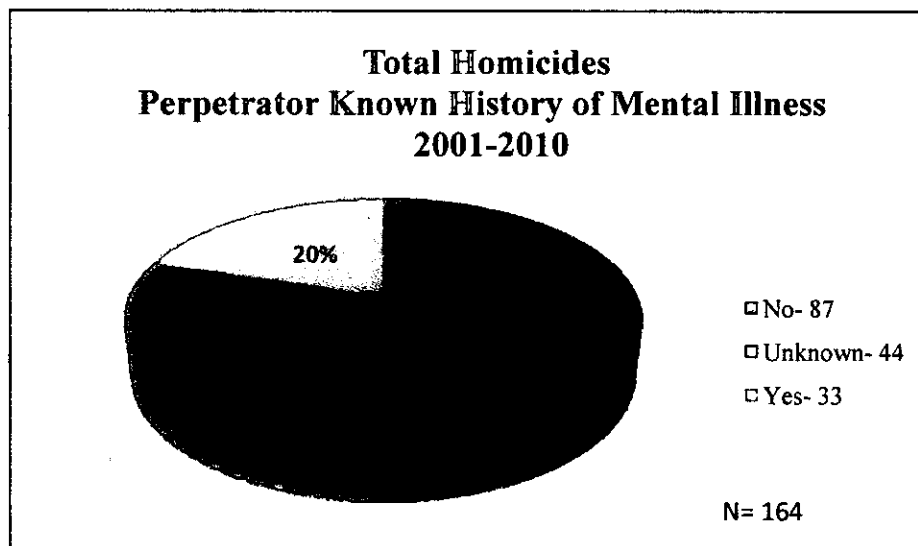


Figure 29

Figure 29 reflects that of the total 164 homicide perpetrators, the majority, 53% or 87 did not have a history of mental illness, 20% or 33 had a known history of mental illness and 27% or 44 were unknown.

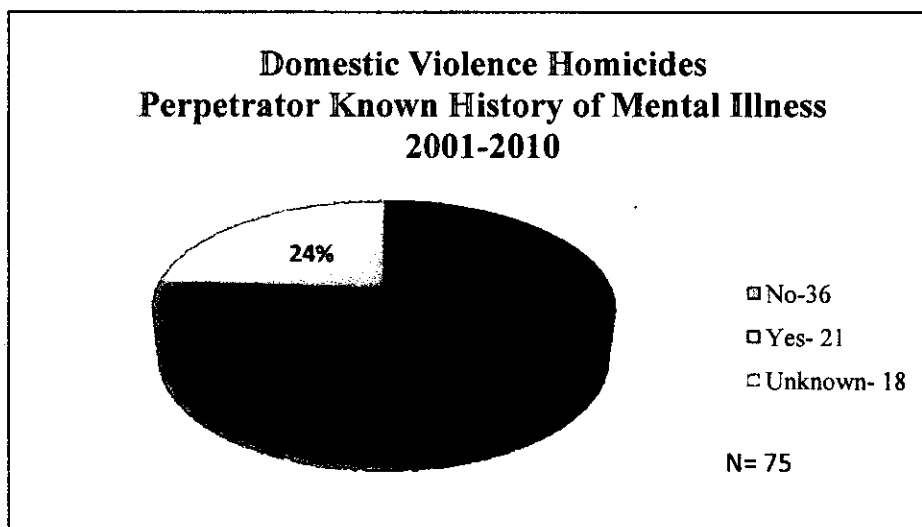


Figure 30

Figure 30 reflects that of the 75 perpetrators of domestic violence homicides, the majority, 48% or 36 did not have a history of mental illness, 28% or 21 had a known history of mental illness and 24% or 18% were unknown.

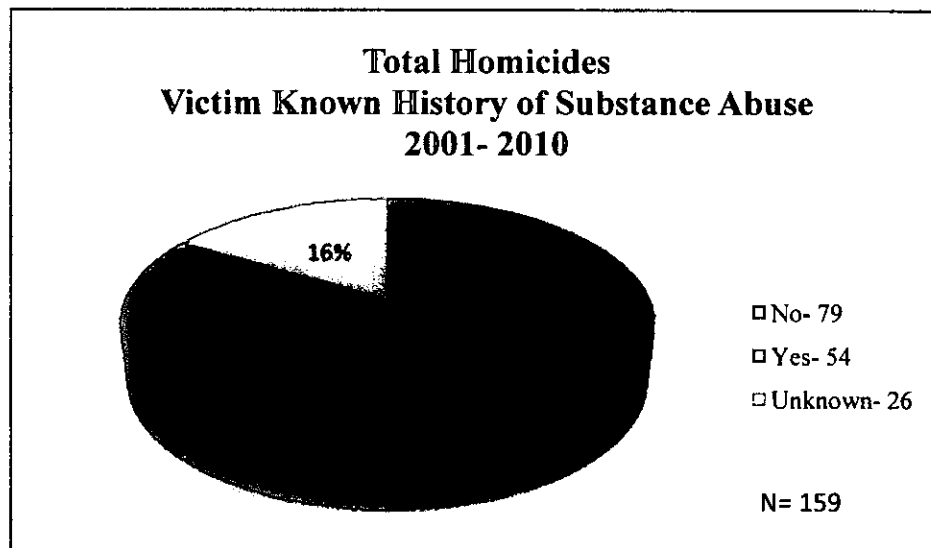


Figure 31

Figure 31 reflects that of the 159 total homicide victims, the majority, 50% or 79 did not have a known history of substance abuse, 34% or 54 had a known history of substance abuse and 16% or 26 were unknown.

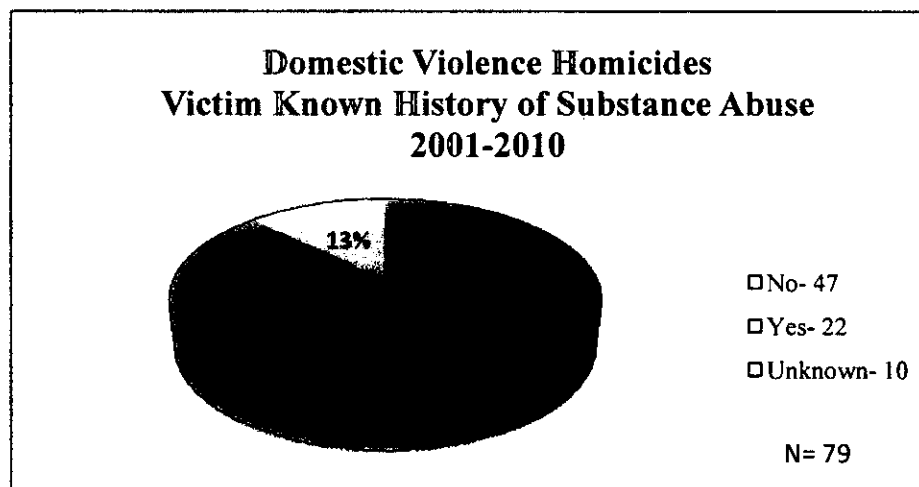


Figure 32

Figure 32 reflects that of the 79 domestic violence homicide victims, 59% or 47 had no history of substance abuse, 28% or 22 victims had a known history of substance abuse and 13% or 10 victims had an unknown history.

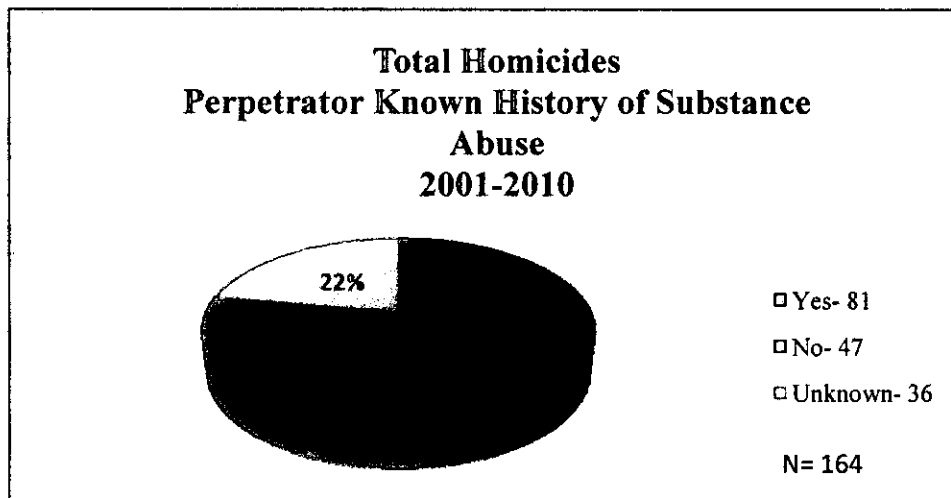


Figure 33

Figure 33 of the 164 homicide perpetrators, the majority, 49% or 81 had a known history of substance abuse, 29% or 47 did not have a known history of substance abuse and 22% or 36 were unknown.

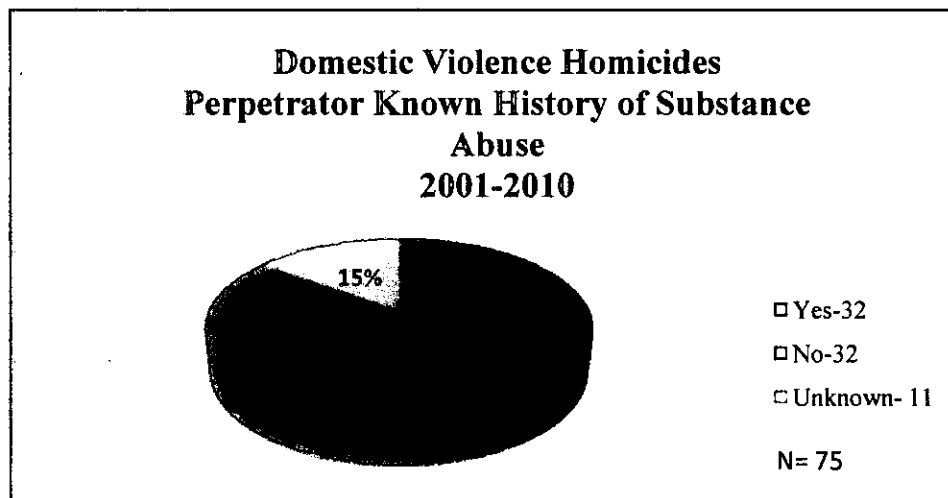


Figure 34

Figure 34 reflects that of the 75 perpetrators of domestic violence homicides, 42% or 32 had a known history of substance abuse, 43% or 32 had no known history of substance abuse and 15% or 11 were unknown.

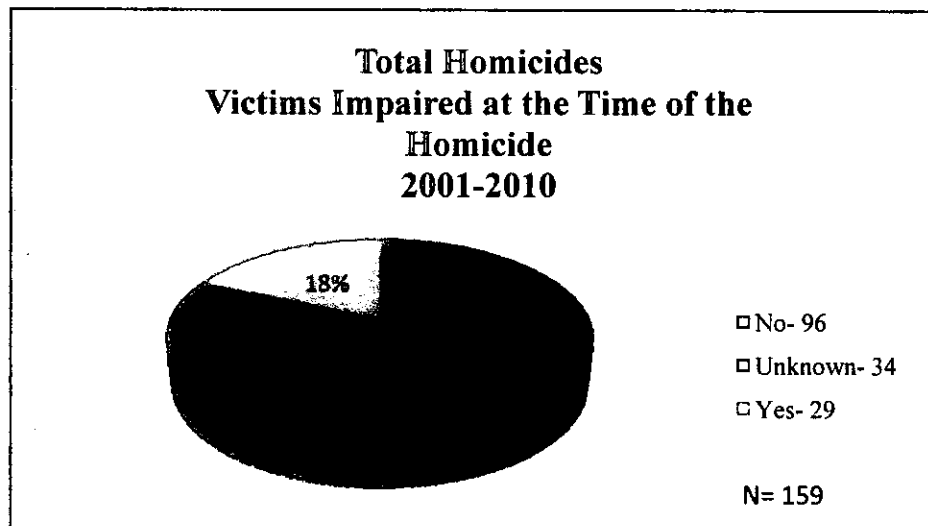


Figure 35

Figure 35 reflects that of the 159 total homicide victims, the majority, 60% or 96 were not impaired at the time of the homicide, 18% or 29 were known to be impaired and 21% or 34 were unknown.

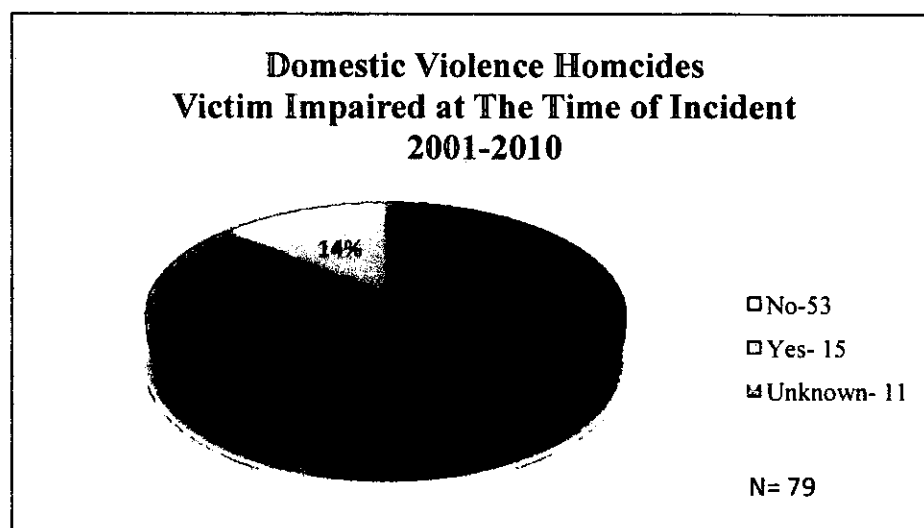


Figure 36

Figure 36 reflects that of the 79 victims of domestic violence homicide, the majority, 67% or 53 were not impaired at the time of the homicide, 19% or 15 were impaired and 14% or 11 were unknown.

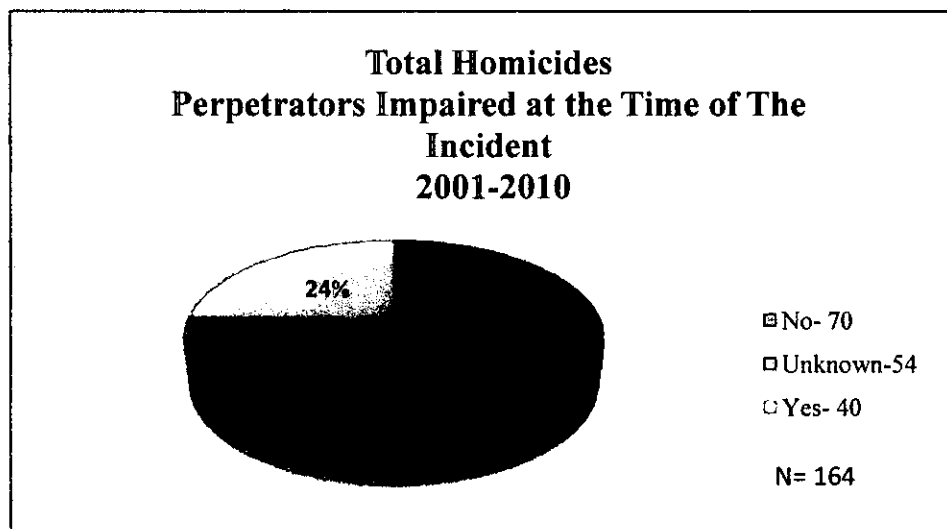


Figure 37

Figure 37 reflects that of the **164** total perpetrators, the majority, **43%** or **70** were not impaired at the time of the homicide, **24%** or **40** were impaired and **33%** or **54** were unknown.

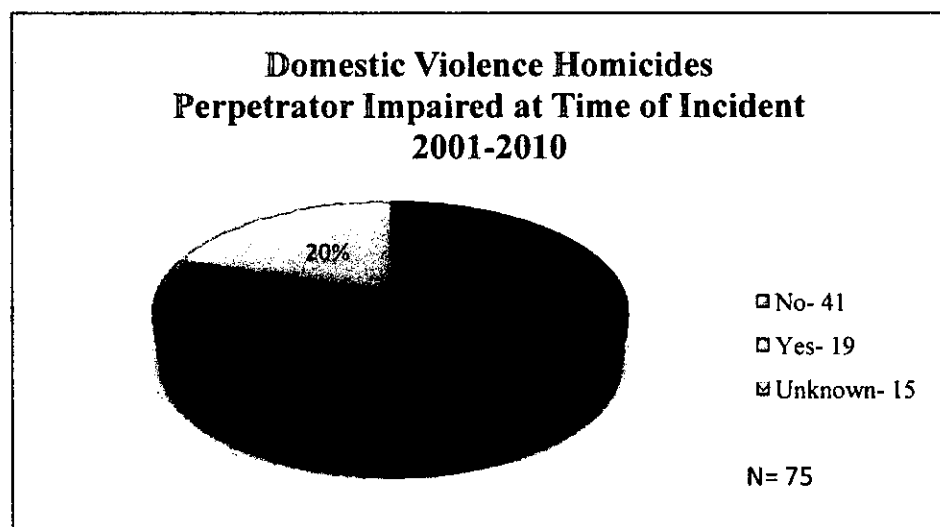


Figure 38

Figure 38 reflects that of the **75** perpetrators of domestic violence homicides, the majority, **55%** or **41** were not impaired at the time of the homicide, **25%** or **19** were impaired and **20%** or **15** were unknown.

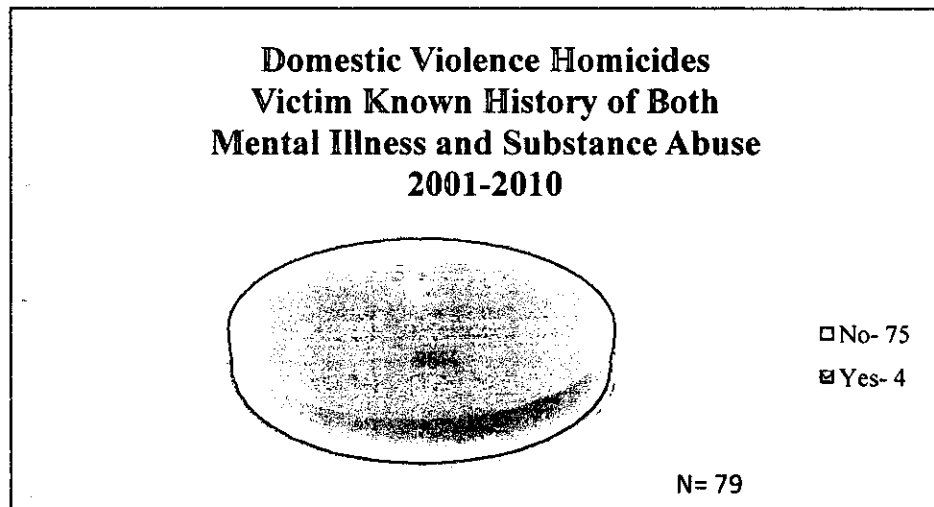


Figure 39

Figure 39 reflects that of the 79 victims of domestic violence homicides, the majority, 95% or 75 did not have a known history of **both** mental illness and substance abuse and only 5% or 4 victims had a known history of **both** mental illness and substance abuse.

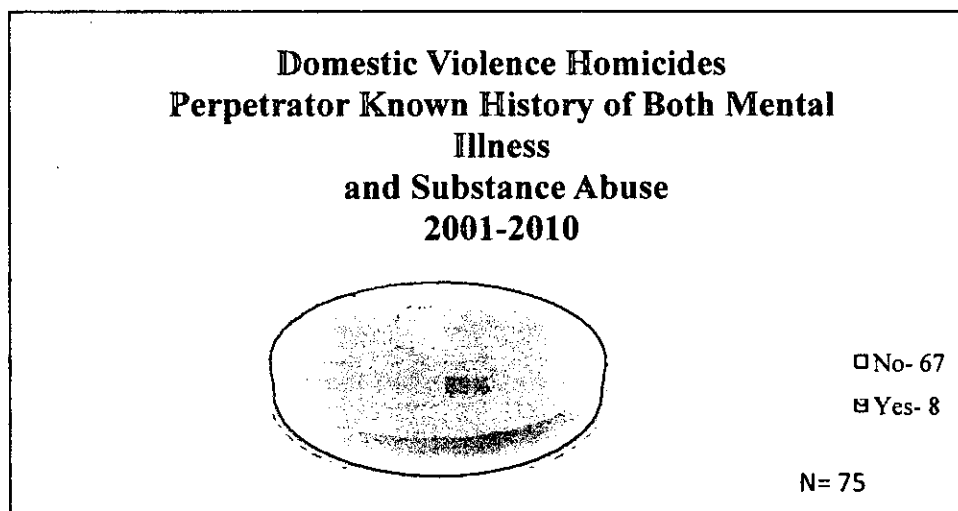


Figure 40

Figure 40 reflects that of the 75 perpetrators of domestic violence homicides, the majority, 85% or 67 did not have a known history of **both** mental illness and substance abuse and only 11% or 8 had a known history of **both** mental illness and substance abuse.

II. 2011 DOMESTIC VIOLENCE HOMICIDES

In **2011** there were **8** domestic violence homicides, out of a total of **22** homicides. Of the **8** domestic violence homicides, **4** were partner homicides and **4** involved family members. The **8** domestic violence homicides comprised **36%** of the total homicides. As compared to the prior calendar year (2010), the total number of homicides increased, but the percentage of domestic violence homicides decreased from **63%** to **36%**.

AGE OF VICTIM AND PERPETRATOR

Of the **8** domestic violence homicides, the **victims** ranged in age from **6** to **91**, with an **average age of 44**. The **perpetrators** ranged in age from **18** to **60**, with an **average age of 39**.

GENDER OF VICTIM AND PERPETRATOR

Of the **8** domestic violence **victims**, **5** were **female** and **3** were **male**. Of the **8** domestic violence **perpetrators**, **2** were **female** and **6** were **male**.

COUNTY OF DEATH

Of the **8** domestic violence homicides, **2** each occurred in **Hillsborough County, Rockingham County and Merrimack County** and **1** each occurred in **Grafton County and Strafford County**.

CAUSE OF DEATH

Of the **8** domestic violence homicides, **4** involved **firearms** and **1** each involved **cutting/stabbing, blunt force impact, suffocation and arson**.

PARTNER HOMICIDES

Of the **4** partner homicides, **3** victims were **female** and **1** was **male**. **3** perpetrators were **male** and **1** was **female**. **3** were in **current relationships** and one was a **former partner**. **No protective orders** were in effect for any of the victims. **3** of the homicides involved **firearms** and **1** involved **arson**. **2** of homicides occurred in **Merrimack County** and **1** each occurred in **Grafton County and Strafford County**.

*** The New Hampshire Attorney General's Office responded to a total of 27 homicides in 2011, including 5 officer involved deaths, which were ruled justified.**

IV. NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE 2011 CRISIS CENTER DATA REPORT

The New Hampshire Coalition Against Domestic and Sexual Violence (“Coalition”) and its 14 member programs – crisis centers and emergency shelters throughout the state – provide victims and their children of domestic violence, sexual assault, and stalking with lifesaving intervention, direct services, support, and advocacy. The Coalition’s prevention initiatives, outreach, and education are part of proactive efforts to stop the violence before it occurs. The Coalition partners with law enforcement, prosecution, state and local agencies, and social service and community-based support systems to promote safety and well-being in New Hampshire communities.

The following data was compiled by the Coalition, derived from its victim database.

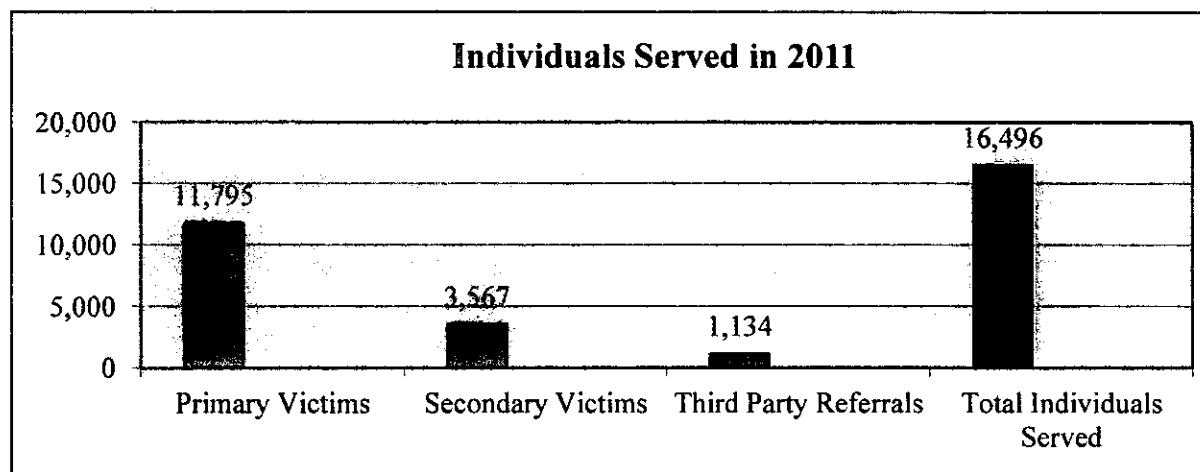


Figure 1

In 2011, 16,496 individuals turned to the 14 member programs of the New Hampshire Coalition Against Domestic and Sexual Violence for services, a 3% increase from 2010.

11,795 individuals sought support who were the primary victim domestic violence, sexual assault, and/or stalking.

3,567 individuals known as secondary victims sought support. These individuals did not directly experience the violence however they are supporting a friend or a loved one who has.

1,134 third party referrals were handled. This is typically an outside agency seeking services on behalf of an individual they are working with (e.g. School, law enforcement, DCYF, or a hospital.)

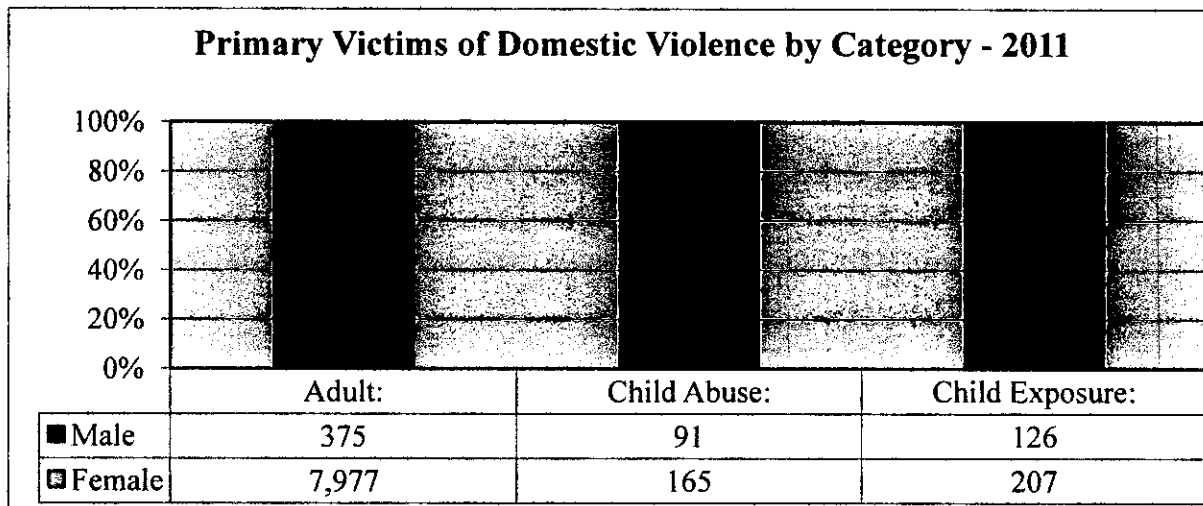


Figure 2

In 2011, **8,941** individuals sought services for domestic violence, an increase of **4.3%** over 2010.

Of the **8,352** adults who sought services for domestic violence, **375** were male, and **7,977** were female.

A total of **256** children received support for child abuse and **333** children received support after witnessing domestic violence in their home.

Advocates report that they continue to see an increase in the frequency and the severity of the violence that victims are experiencing.

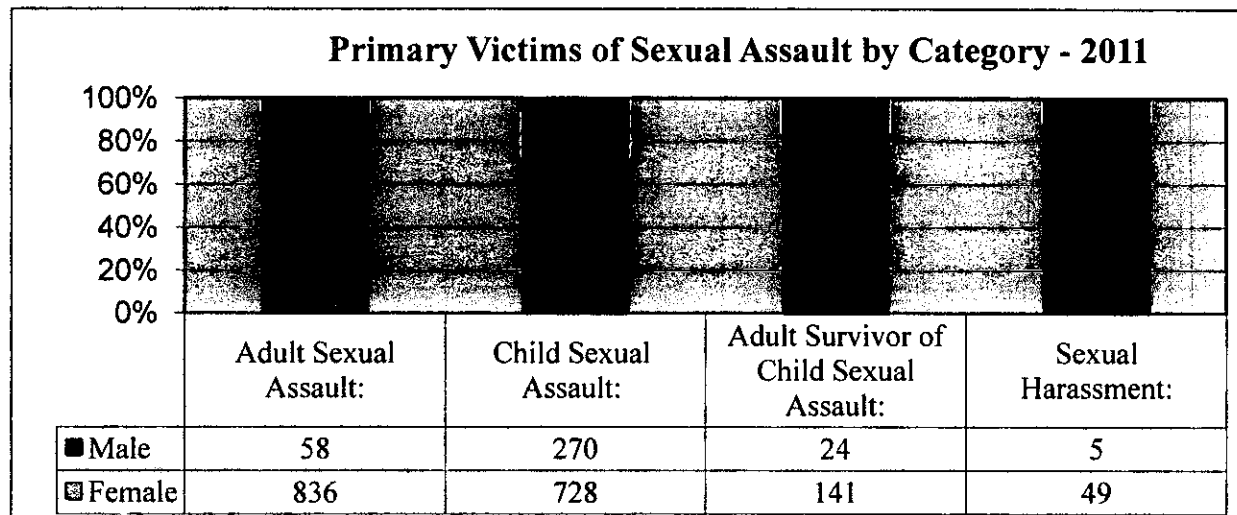


Figure 3

In 2011, 2,111 individuals sought services for sexual assault, a decrease of 1.2% over 2010.*

Of the 894 adults that sought services for sexual assault 58 were male, and 836 were female. In addition 165 adults sought support for victimization they experienced as a child.

A total of 998 children received support for sexual assault.

A total of 54 individuals received support for sexual harassment.

**Note: The number of adult sexual assault victims and child sexual assault victims did increase slightly, however the number of adults who were seeking support for the victimization they experienced as a child dropped sharply. This is likely due to limited availability of support groups because of staffing cuts.*

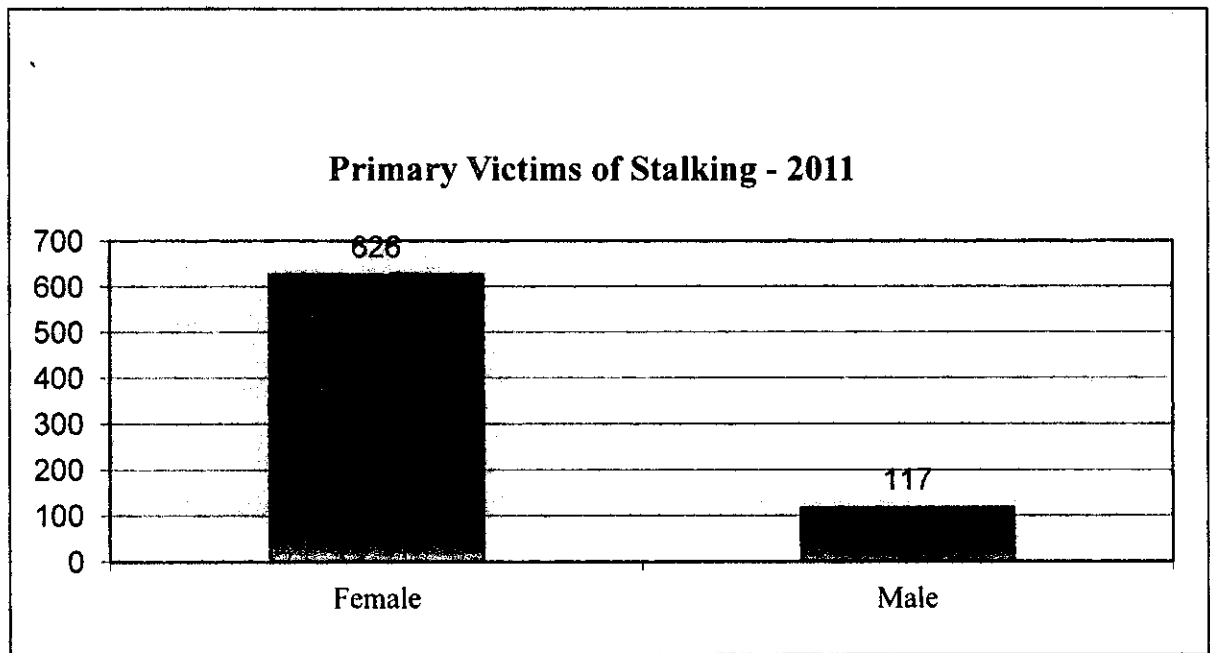


Figure 4

In 2011, 743 individuals sought services for stalking, a 6.4% increase over 2010. Of those seeking support 117 were male and 626 were female.

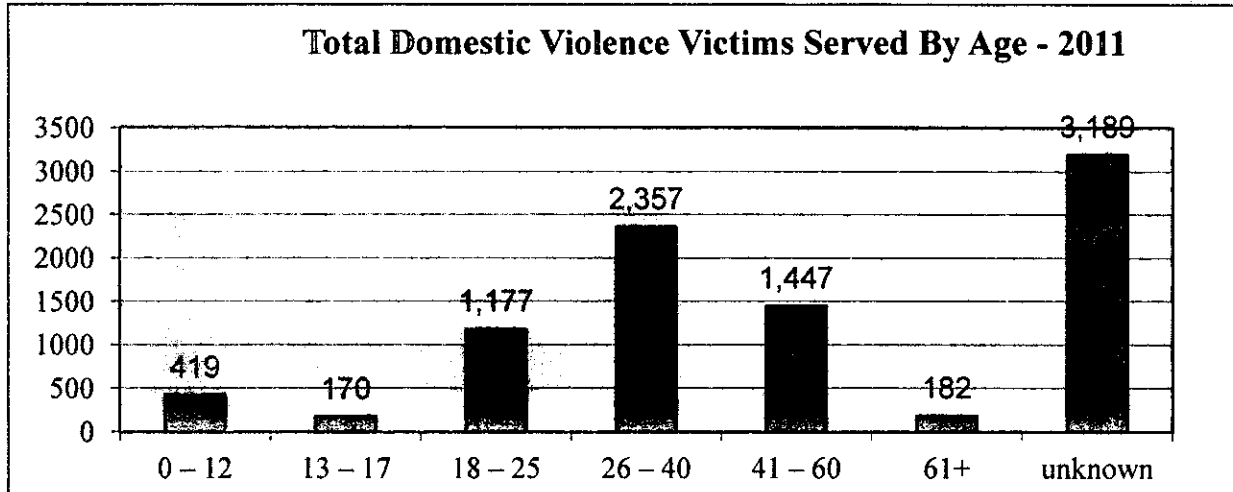


Figure 5

In **2011**, **8,942** victims sought services for domestic violence, childhood exposure to domestic violence, or child abuse.

Of the **children** seeking support, **419** were **under the age of 12**, and **170** were **between the age of 13 and 17 years old**.

Of the **adults** seeking support, **1,177** were between the age of **18 and 25**, **2,357** were between the age of **26 and 40**, **1,447** were between the age of **41 and 60**, and **182** people were **over the age of 61**.

3,189 individuals did not provide their age.

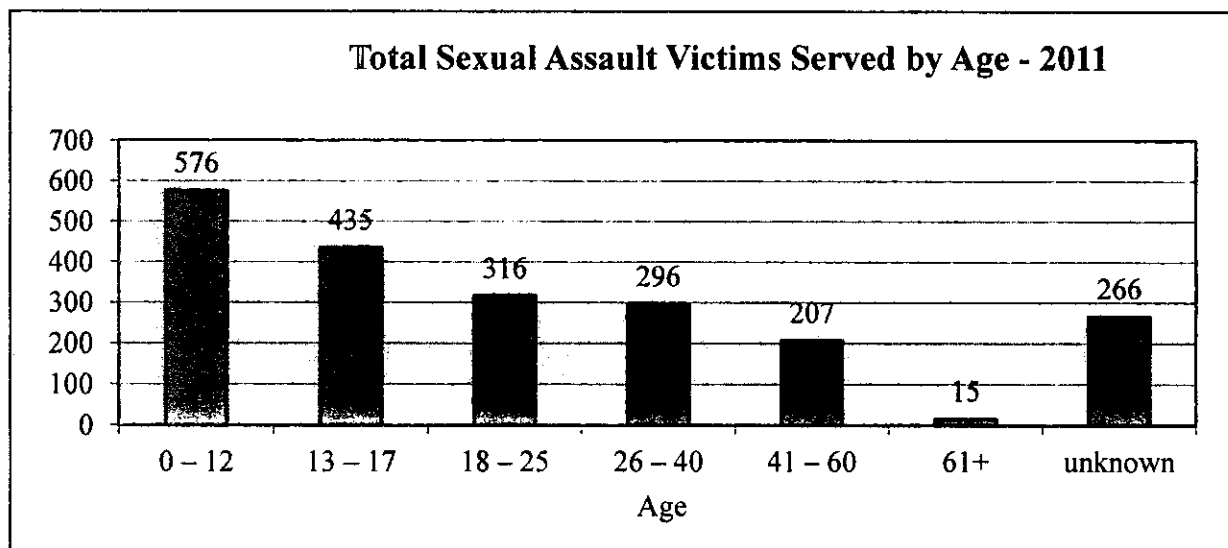


Figure 6

2,111 victims sought services for sexual assault and/or sexual harassment.

Of the young people seeking support, **576** were **under** the age of **12**, and **435** were between the age of **13** and **17** years old.

Of the adults seeking support, **316** were between the age of **18** and **25**, **296** were between the age of **26** and **40**, **207** were between the age of **41** and **60**, and **15** people were **over** the age of **61**.

266 individuals did not provide their age.

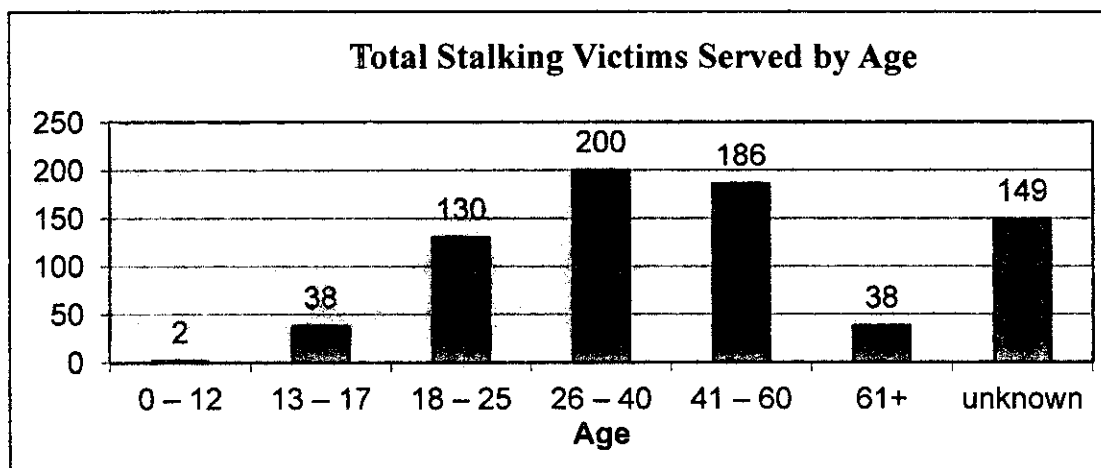


Figure 7

In 2011, **743** victims sought services for stalking.

Of the young people seeking support, two were under the age of **12**, and **38** were between the age of **13** and **17** years old.

Of the adults seeking support, **130** were between the age of **18** and **25**, **200** were between the age of **26** and **40**, **186** were between the age of **41** and **60**, and **38** individuals were **over** the age of **61**.

149 individuals did not provide their age.

SHELTER

Shelters are often full, and families are staying for several months, much longer than in past years. This has greatly impacted the number of people who were able to receive shelter in 2011. The result is fewer people receiving shelter services, while the number of nights spent in shelter skyrocketed.

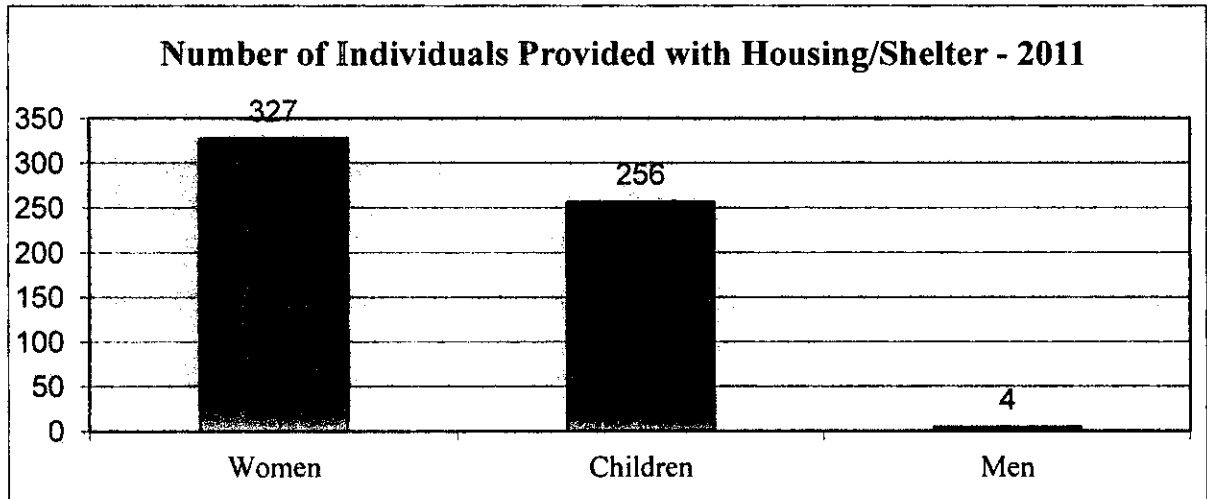


Figure 8

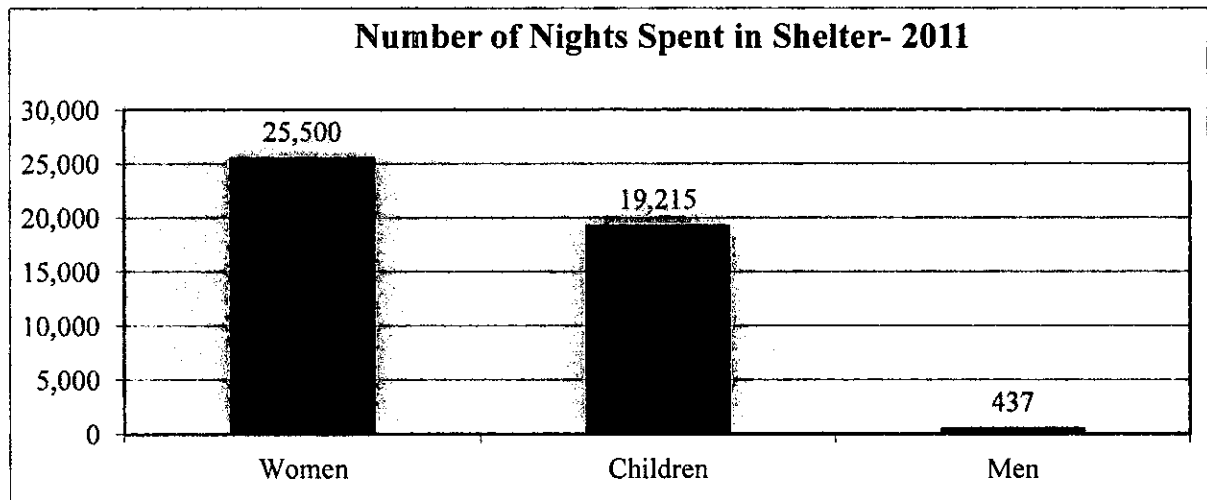


Figure 9

The number of women staying in shelter was 327, an increase of 3.5%, while the number of actual nights these women spent in shelter was 22,500, an increase of 40.8%.

The number of children staying in shelter was 256, an increase of 20.8 % while the number of actual nights these children spent in shelter was 19,215, an increase of 51.6%.

In addition 4 men received shelter for a total of 437 nights

V. NEW HAMPSHIRE JUDICIAL BRANCH 2011 VIOLENCE AGAINST WOMEN DATA REPORT

Summary

The data presented in **Figure 3 through Figure 11** and **Figure 13 through Figure 21** reflects information from civil domestic violence or civil stalking protective order cases. A civil protective order case is created when a **plaintiff** (person requesting relief) comes to the court during regular business hours to request immediate relief from abuse (RSA 173-B) or stalking (633:3-a). The plaintiff files a **petition** describing what occurred to cause them fear for their safety, then waits while the judge reviews the request. The judge may or may not speak with the plaintiff before issuing a decision.

The decision may be to either:

- Grant a **temporary order** of protection (valid until the final hearing is held within 30 days);
- Deny temporary orders but schedule a hearing at which both parties may present their case to the court; or
- Deny the request completely.

If a final hearing is scheduled, the **defendant** (person against whom the order is issued) is given notice by the police department regarding the allegations and temporary order. At the final hearing the judge hears arguments from both parties, and then typically issues a **final order** either dismissing the case or a granting a final order of protection (which will expire in one year). The plaintiff may file a **request to withdraw** the petition at any time during this process. Withdrawal or dismissal of a petition does not prevent a plaintiff from filing a new petition should new incidents occur.

NOTE: County locations are determined by the case's current location. In most circumstances this will also be the location where the case was originally filed, but for a minor number of transferred cases, this will reflect only the court to which the case was transferred.

Merrimack County data include cases from the 6th Circuit Court in Franklin. This court's jurisdiction extends to Tilton and Sanbornton, towns physically located in Belknap County.

Rate data reflected in figures 2, 4, 14, & 23 were calculated utilizing county population data obtained from the 2010 U.S. Census. <http://2010.census.gov/2010census/popmap/>

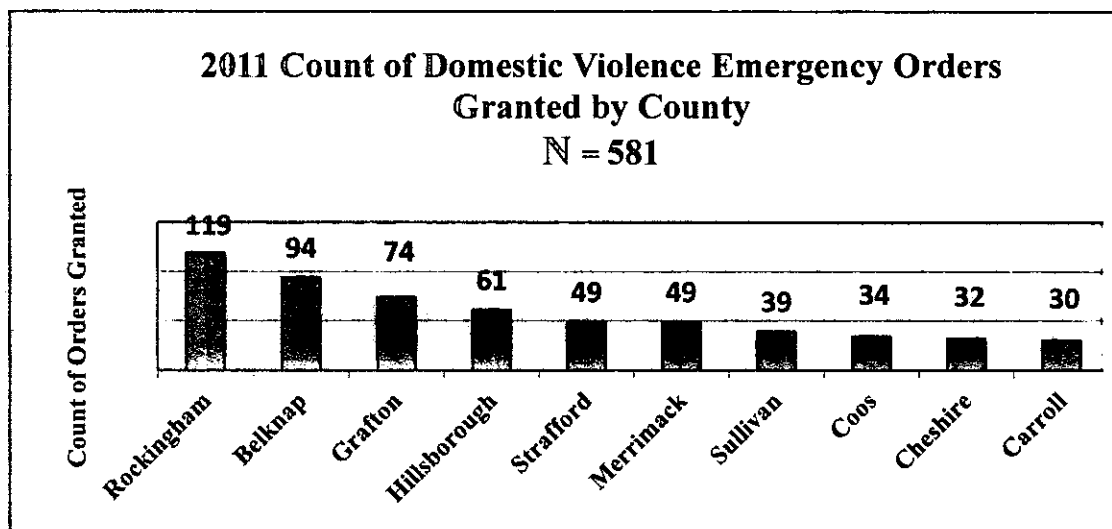


Figure 1

At times when courts are closed, victims may request a civil **emergency protective order** through the police department. These orders remain in effect until the end of the next court business day, at which time a plaintiff may file a civil domestic violence petition to request continued protection. The court typically only receives copies of the orders that have been granted by an on call judge; data regarding those that may have been requested and denied are not available.

Figure 1 identifies the number of emergency domestic violence orders granted by county.

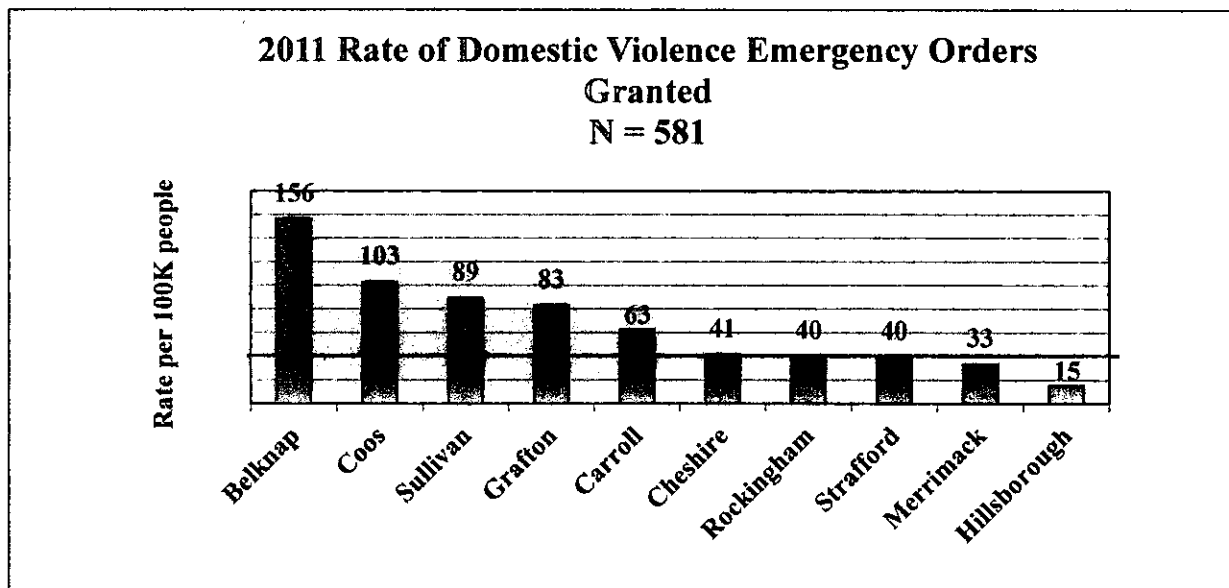


Figure 2

Figure 2 represents the rate at which these orders are issued per 100,000 people. The red line in represents the statewide rate (44).

Figure 2 indicates that, per capita, **Belknap County** tends to utilize these orders most frequently. It should be noted that, in addition to this civil option for protection, a criminal bail protective order may also be issued following a domestic violence incident. This may account for the low number of emergency orders in **Hillsborough County**, a county which appears to most frequently utilize criminal bail protective orders (see **Figure 23**).

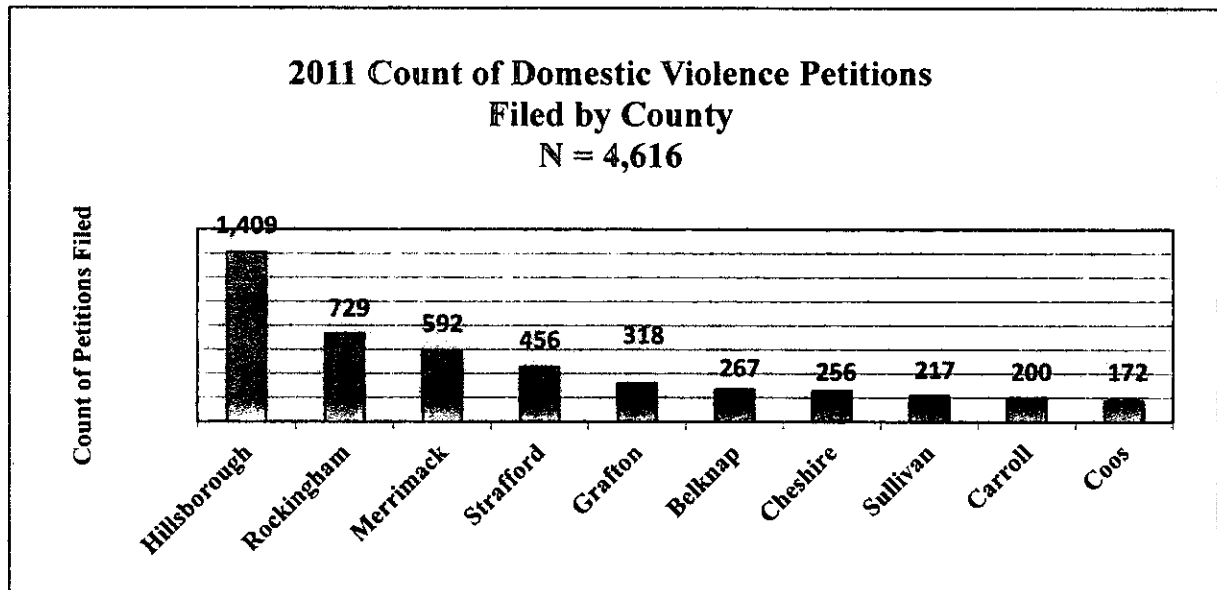


Figure 3

Figure 3 reflects the number of civil domestic violence petitions (cases) filed in each county in 2011.

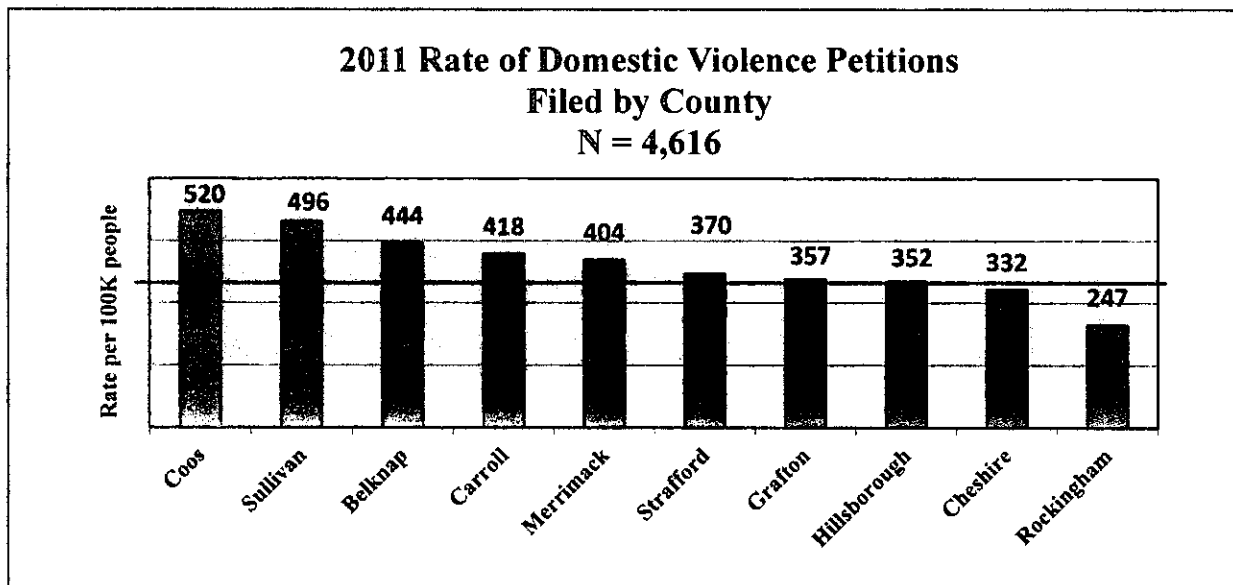


Figure 4

Figure 4 reflects the rate at which these petitions were filed per 100,000 people in each county. The red line in figure 4 represents the statewide rate of 351 petitions filed per 100,000 people.

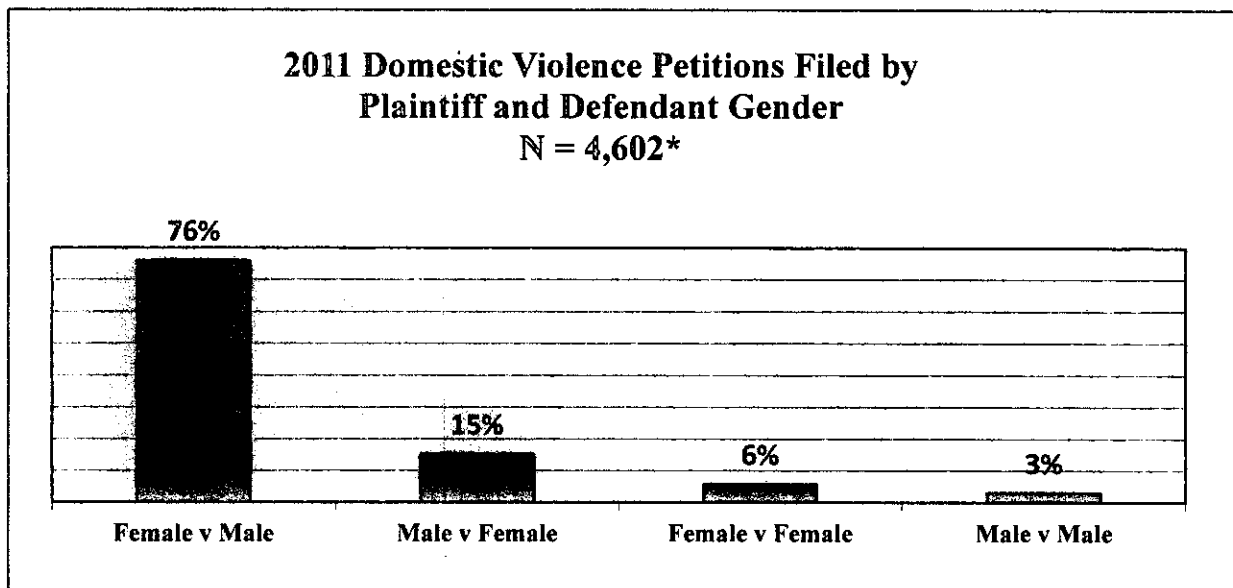


Figure 5

Figure 5 reflects the gender of the plaintiff and defendant in civil domestic violence petitions (cases). *Plaintiff and/or defendant gender identity was unavailable for 0.3% of the 4,616 petitions.

RSA 173-B:1 defines qualifying relationships as "a family or household member or by a current or former sexual or intimate partner."

"Family or household member" means:

- (a) spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other, but who no longer share the same residence, and
- (b) parents and other persons related by consanguinity or affinity, other than minor children who reside with the defendant.

"Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

2011 Petitions Filed by Plaintiff and Defendant Age
N = 4,555 Plaintiffs / 4,448 Defendants*

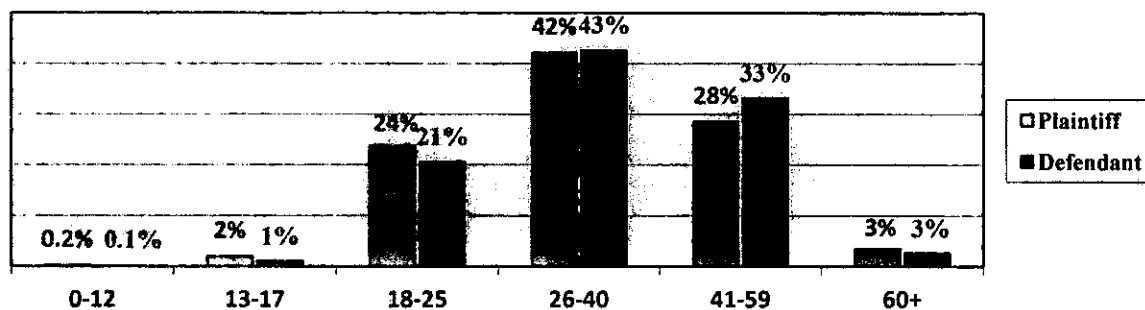


Figure 6

Figure 6 identifies the age of the plaintiff and defendant at the time of filing in civil domestic violence petitions (cases). *The plaintiff's date of birth was unavailable in 1%, and the defendant's date of birth was unavailable in 4%, of the 4,616 petitions. Birth date information is primarily provided by the plaintiff. The percentage of cases in which the defendant age was unknown is slightly higher because in some circumstances the plaintiff may not know the defendant's birthdates.

2011 Domestic Violence Temporary Orders

N = 4,604

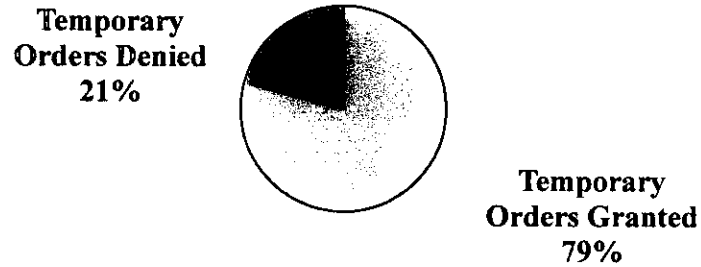


Figure 7

As reflected in **Figure 7**, 79% of the civil domestic violence petitions filed in 2011 were granted a temporary order of protection. Of the 21% of petitions which were denied temporary orders, 45% were offered a final hearing and 55% were denied completely. After a temporary order has been granted, a final hearing is held within 30 days to determine if the order should remain in effect. The defendant may also request a sooner final hearing within 3-5 days.

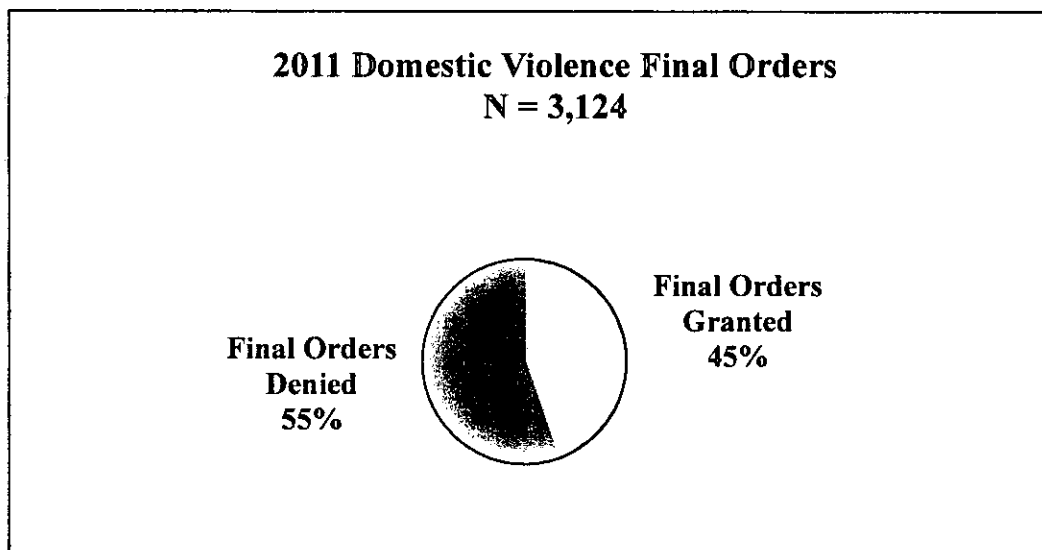


Figure 8

Figure 8 indicates that, of all of the civil domestic violence cases containing a final order, **45%** were granted a final order of protection for one year. It should be noted that reasons for denial of a final order vary, and are not yet able to be distinguished electronically. Possible reasons include parties' non-appearance at the final hearing and failure to find that abuse occurred as defined by RSA 173-B, among others.

This figure does not take into account whether the case had a temporary order in place at the time the final order was granted, nor does it reflect the cases that may be withdrawn prior to a final hearing. For a more detailed examination of case outcomes, see **Figure 9** and **Figure 10**.

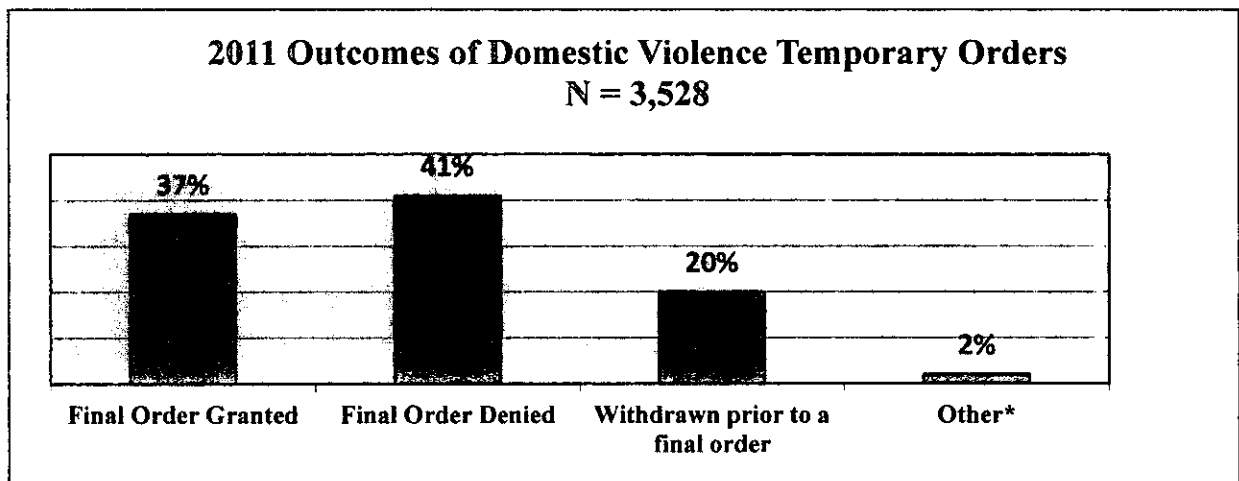


Figure 9

Figure 9 and **Figure10** outline what occurred in civil domestic violence cases after an initial ruling (granting or denying a temporary order) was made. Data were obtained from cases that closed in 2011.

Figure 9 displays outcomes of cases in which a temporary order of protection was granted.

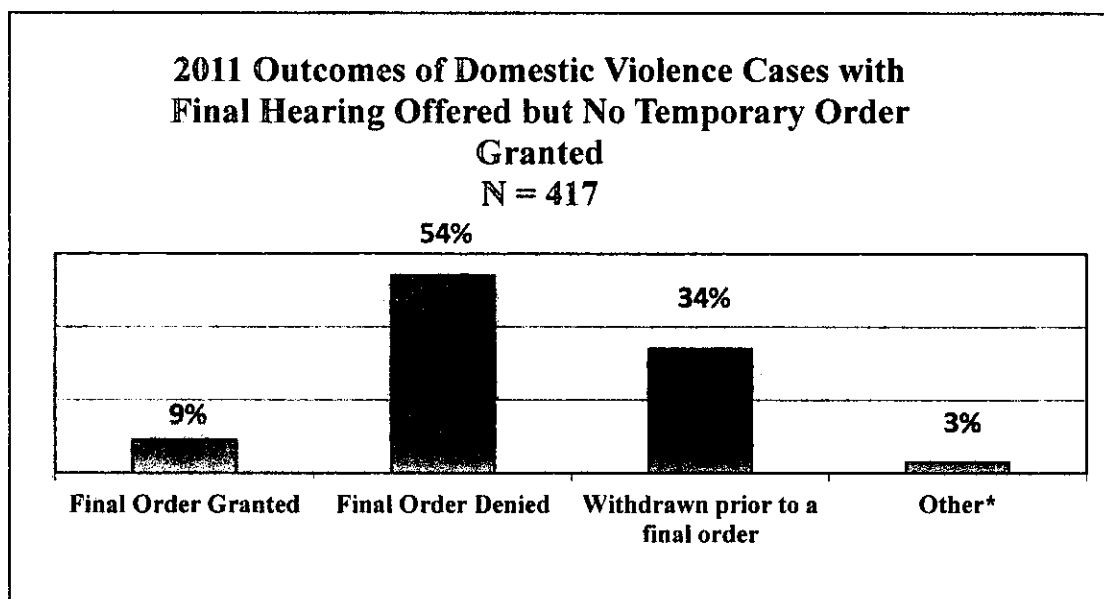


Figure 10

Figure 10 displays outcomes of cases in which a temporary order of protection was denied, but a final hearing was offered. In this second circumstance, the court typically advises the plaintiff that the defendant will be served with notice of the petition and that no protective order is in place. Plaintiffs are given the opportunity to withdraw their petition at that time if they do not wish to continue to a final hearing without a temporary order in place.

It should be noted that reasons for denial of a final order vary, and are not yet able to be distinguished electronically. Possible reasons include parties' non-appearance at the final hearing and failure to find that abuse occurred as defined by RSA 173-B, among others.

*An outcome will be counted as "Other" if the case contains neither a final order nor a withdrawal. The most common reasons for this include: case was closed after judge approved parties' stipulated agreement; case was manually transferred to another court prior to a final order or withdrawal; and data entry error/omission.

2011 Domestic Violence Plaintiff Representation

N=4,616

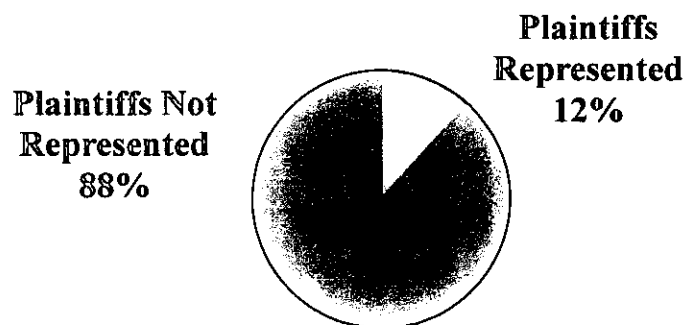


Figure 11

Figure 11 indicates that **12%** of the plaintiffs who filed a civil domestic violence petition were represented by an attorney at some point during the court process.

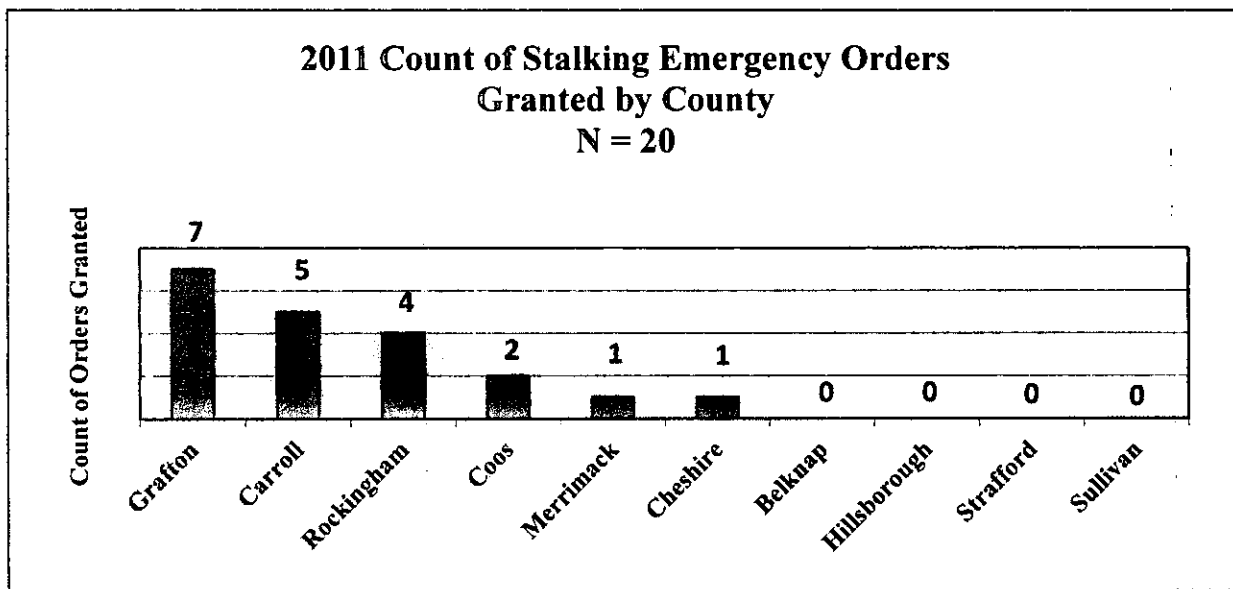


Figure 12

At times when courts are closed, victims may request a civil emergency protective order through the police department. These orders remain in effect until the end of the next court business day, at which time a plaintiff may file a civil stalking petition to request continued protection. The court typically only receives copies of the orders that have been granted by an on call judge; data regarding those that may have been requested and denied are not available.

Figure 12 identifies the number of emergency stalking orders granted by county.

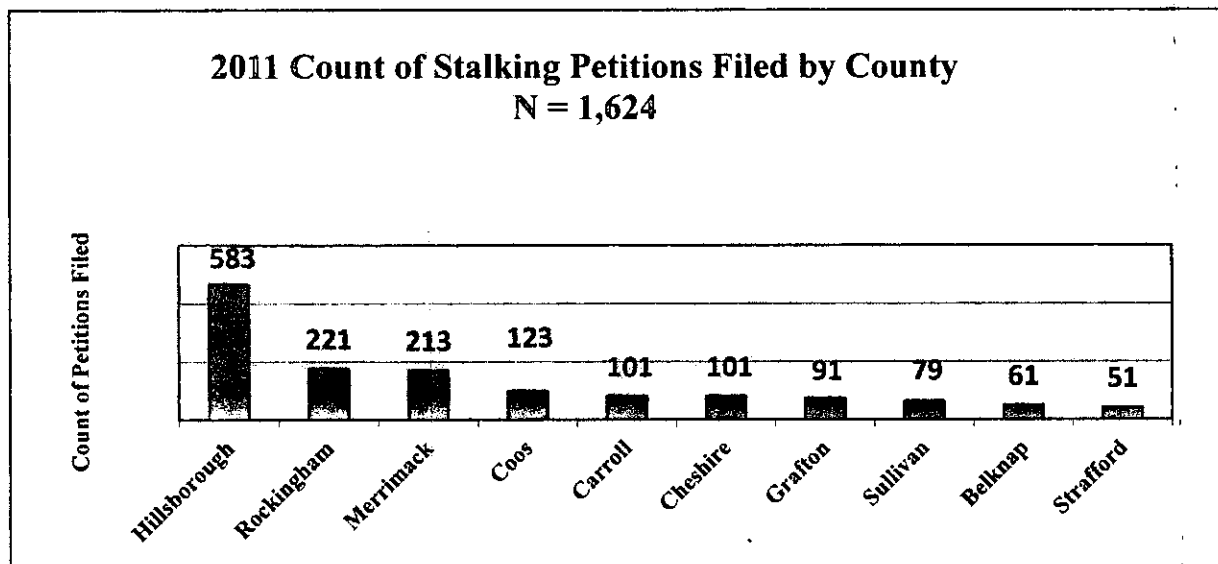


Figure 13

Figure 13 reflects the number of civil stalking petitions (cases) filed in each county in 2011.

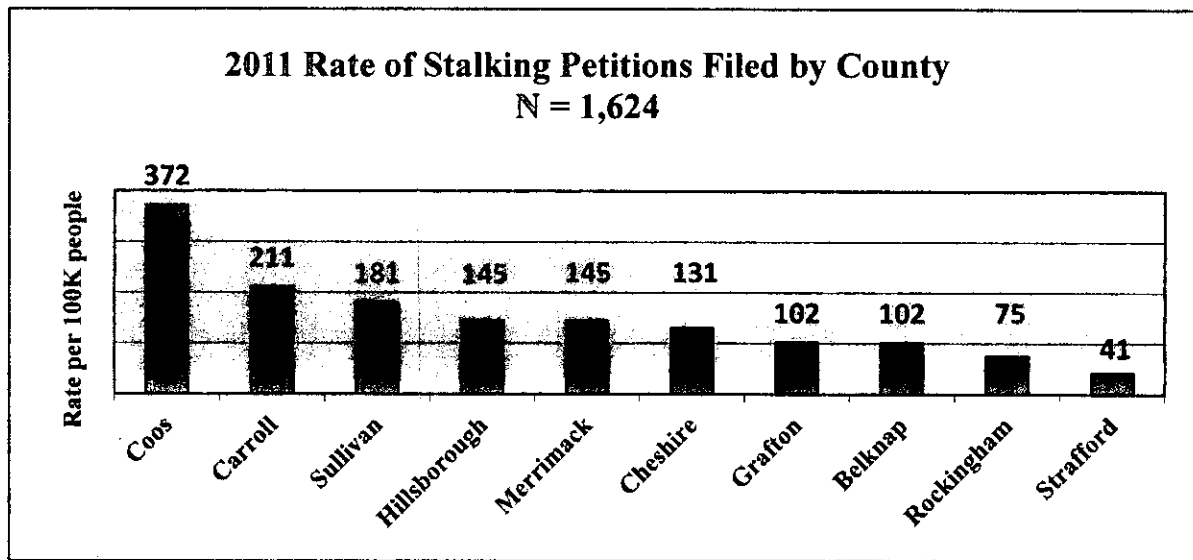


Figure 14

Figure 14 reflects the rate at which these petitions were filed per 100,000 people in each county. The red line in figure 14 represents the statewide rate (123 petitions filed per 100,000 people).

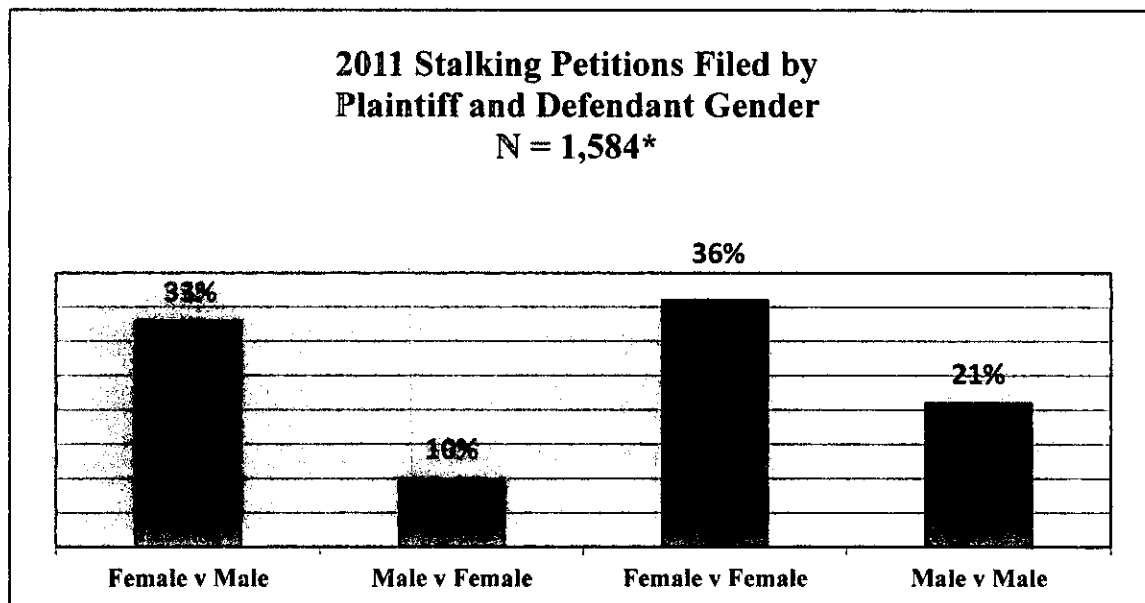


Figure 15

Figure 15 reflects the gender of the plaintiff and defendant in civil stalking petitions (cases).
*Plaintiff and/or defendant gender identity was unavailable for 2% of the 1,624 petitions. Unlike the domestic violence statute, the stalking statute (RSA 633:3-a) does not require a particular relationship between parties in order to qualify for a civil stalking protective order.

2011 Stalking Petitions Filed by Plaintiff and Defendant Age
N = 1,556 Plaintiffs / 1,306 Defendants*

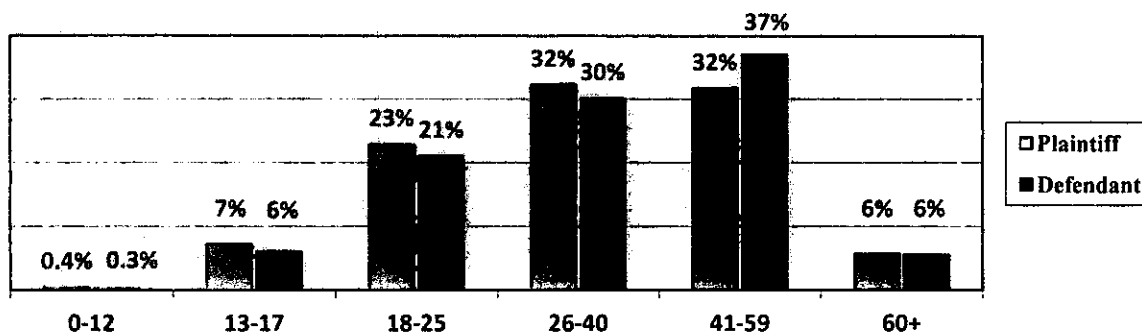


Figure 16

Figure 16 identifies the age of the plaintiff and defendant at the time of filing in civil stalking petitions (cases). *The plaintiff's date of birth was unavailable in 4%, and the defendant's date of birth was unavailable in 20%, of the 1,624 petitions. Birth date information is primarily provided by the plaintiff. The percentage of cases in which the defendant age was unknown is particularly high because in many circumstances the plaintiff may not know the defendant's birth date. This is especially true in stalking cases, as the parties may be less intimately acquainted than in a domestic violence case.

2011 Stalking Temporary Orders
N = 1,623

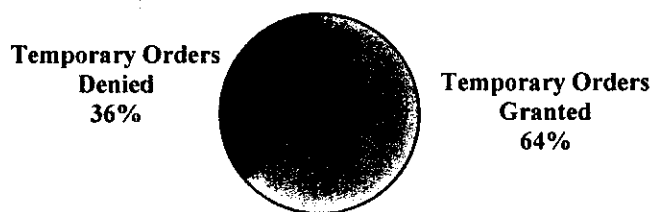


Figure 17

As reflected in **Figure 17**, 64% of the civil stalking petitions filed in 2011 were granted a temporary order of protection. Of the 36% of petitions which were denied temporary orders, 48% were offered a final hearing and 52% were denied completely. After a temporary order has been granted, a final hearing is held within 30 days to determine if the order should remain in effect. The defendant may also request a sooner final hearing within 3-5 days.

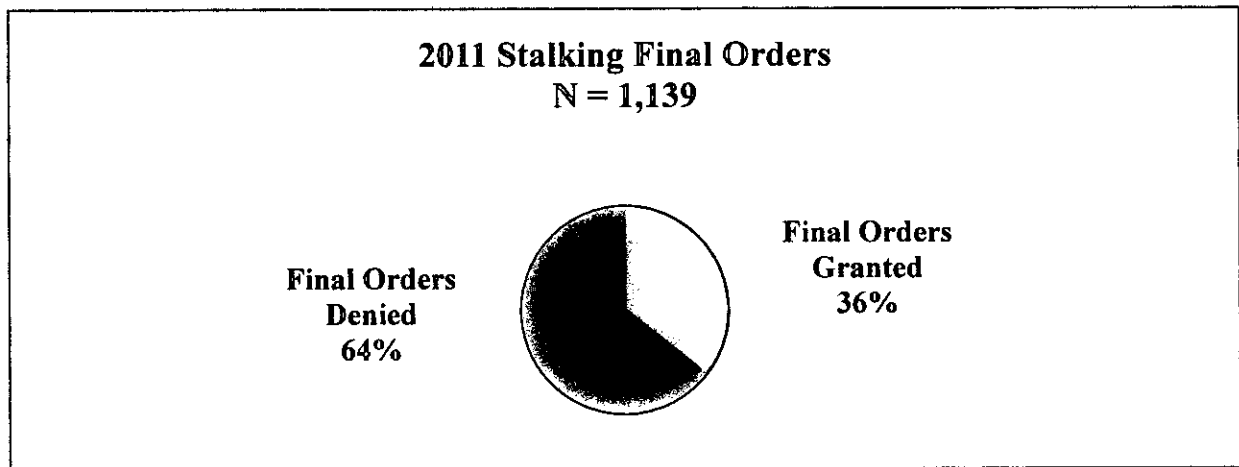


Figure 18

Figure 18 indicates that, of all of the civil stalking cases containing a final order, **36%** were granted a final order of protection for one year. It should be noted that reasons for denial of a final order vary, and are not yet able to be distinguished electronically. Possible reasons include parties' non-appearance at the final hearing and failure to find that stalking occurred as defined by RSA 633:3-a, among others.

This graph does not take into account whether the case had a temporary order in place at the time the final order was granted, nor does it reflect the cases that may be withdrawn prior to a final hearing. For a more detailed examination of case outcomes, see **Figure 19** and **Figure 20**.

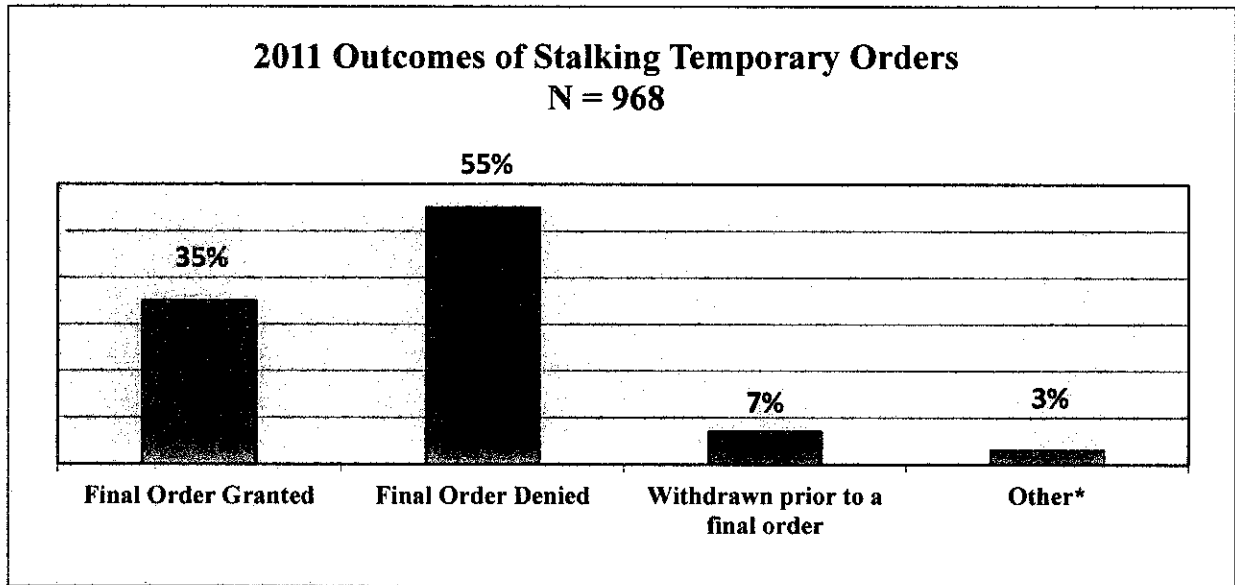


Figure 19

Figure 19 and **Figure 20** outline what occurred in civil stalking cases after an initial ruling (granting or denying a temporary order) was made. Data were obtained from cases that closed in 2011.

Figure 19 displays outcomes of cases in which a temporary order of protection was granted.

**2011 Outcomes of Stalking Cases with Final Hearing Offered
but No Temporary Order Granted**
N = 265

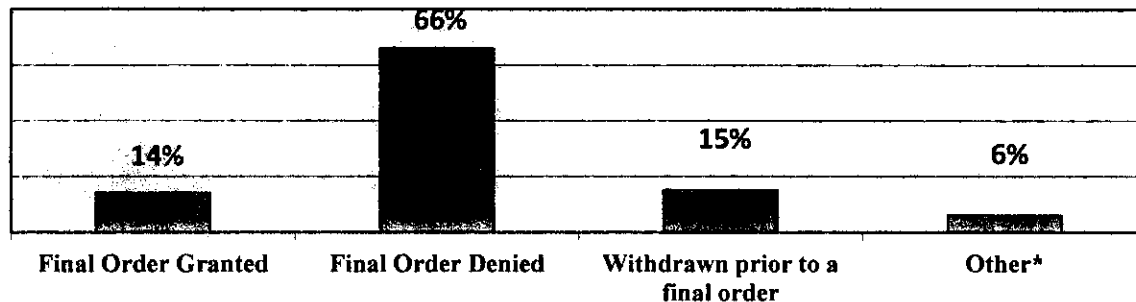


Figure 20

Figure 20 displays outcomes of cases in which a temporary order of protection was denied, but a final hearing was offered. In this second circumstance, the court typically advises the plaintiff that the defendant will be served with notice of the petition and that no protective order is in place. Plaintiffs are given the opportunity to withdraw their petition at that time if they do not wish to continue to a final hearing without a temporary order in place.

It should be noted that reasons for denial of a final order vary, and are not yet able to be distinguished electronically. Possible reasons include parties' non-appearance at the final hearing and failure to find that abuse occurred as defined by RSA 173-B, among others.

*An outcome will be counted as "Other" if the case contains neither a final order nor a withdrawal. The most common reasons for this include: case was closed after judge approved parties' stipulated agreement; case was manually transferred to another court prior to a final order or withdrawal; and data entry error/omission.

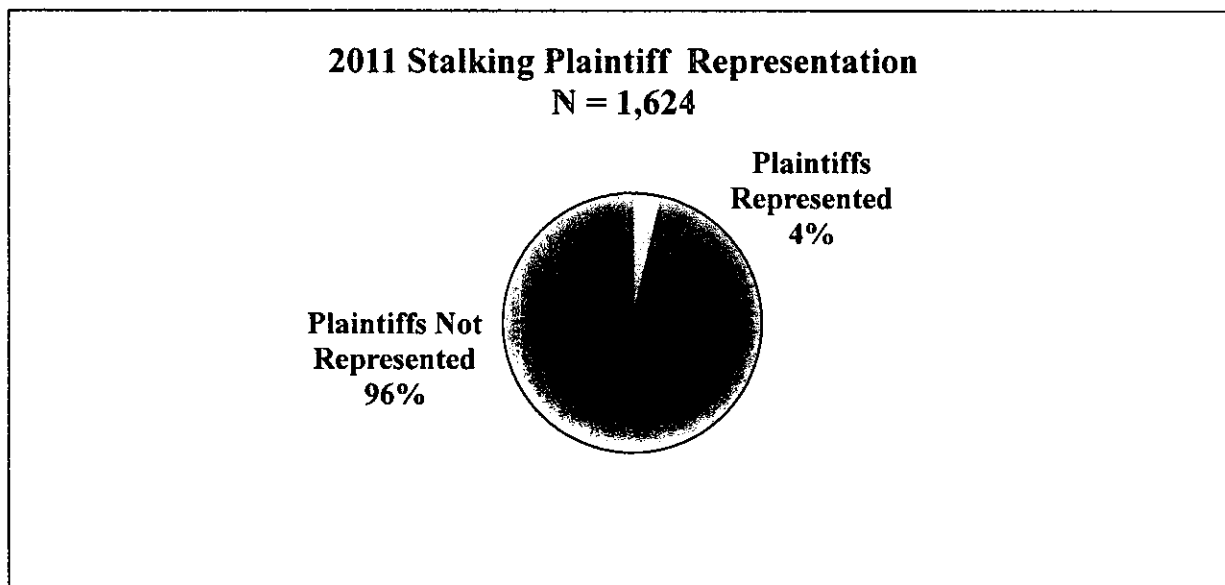


Figure 21

Figure 21 indicates that 4% of the plaintiffs who filed a civil stalking petition were represented by an attorney at some point during the process.

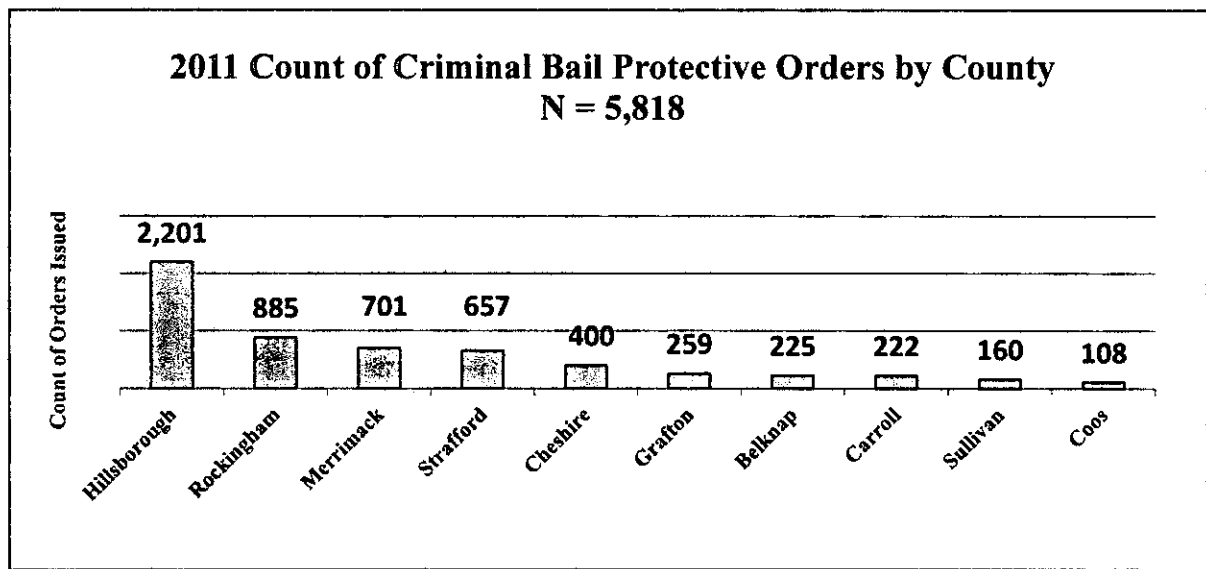


Figure 22

Figure 22 reflects the number of criminal bail protective orders (CBPOs) issued in each county in 2011.

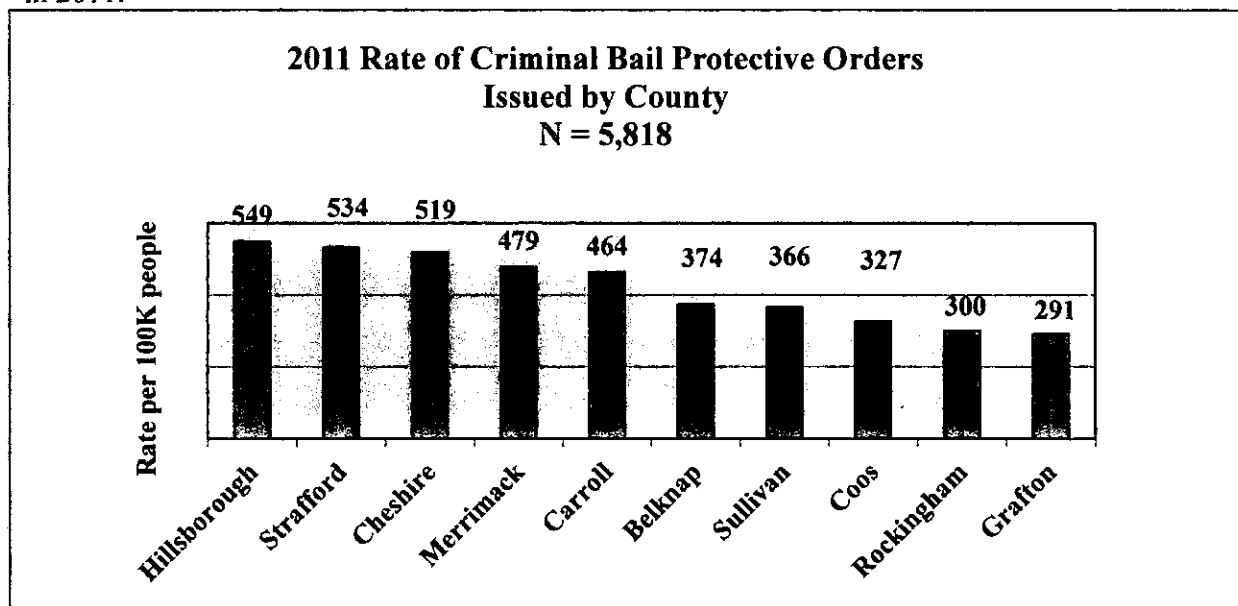


Figure 23

Figure 23 reflects the rate at which these orders were issued per 100,000 people in each county. The red line in figure 4 represents the statewide rate of **442 orders issued per 100,000 people**. Criminal bail protective orders, unlike civil domestic violence protective orders, are initiated by a bail commissioner or judge (rather than by the victim) following an arrest for a domestic violence-related crime. The order becomes "final" when adopted by a judge at arraignment. The order remains in effect until vacated or the criminal case is disposed.

2011 Violation of Protective Order - Charges	
Felony	14
Misdemeanor	980
Violation	1
Total	995

Figure 24

Figure 24 reflects the number of violation of protective order (RSA 173-B:9) charges filed in the District Division of the Circuit Court in 2011. Criminal charges are filed by a police department following a violation of a civil domestic violence protective order. Typically, one charge is filed for each unique incident or offense. For example, if a defendant violated the order by contacting the victim three times, three charges may be filed. Incidents occurring within close proximity (ex: numerous text messages) may, at times, be filed as one charge.

2011 Violation of Protective Order - Dispositions						
	Acquittal	Bindover	Conviction	Dismissed	Nolle Prossed	Other*
Felony N = 11	-	55%	-	-	45%	-
Misdemeanor N = 943	2%	-	40%	9%	38%	12%
Violation N = 3	-	-	100%	-	-	-
Total N = 957	2%	1%	40%	9%	38%	11%

Figure 25

Figure 25 reflects dispositions made in 2011 on violation of protective order (RSA 173-B:9) charges filed in the District Division of the Circuit Court. Each charge receives a unique disposition. *

Other dispositions include: Placed on File without a Finding (n = 107), Underlying Charges Filed (n = 1), Default (n = 1).

The reader may note that number of dispositions (957) is not equal to the number of charges (995) in **Figure 24**; this is because charges are not always disposed in the same calendar year in which they are filed.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 318-FN

BILL TITLE: establishing the crime of domestic violence.

DATE: 4/22/14

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Cushing

Seconded by Rep. Gagne

Vote: 18-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: No

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Geoffrey Hirsch, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 318-FN

BILL TITLE: establishing the crime of domestic violence.

DATE: 4/22/14

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Cushing*

Seconded by Rep. *Gagne*

Vote: 18-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES OR NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Geoffrey Hirsch, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/14/2014 1:20:22 PM
Roll Call Committee Registers
Report

2014 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: 318-FN Title: Relative to Crime of D.V.

PH Date: / / Exec Session Date: 4 / 22 / 14

Motion: OTP Amendment #:

MEMBER	YEAS	NAYS
Pantelakos, Laura C, Chairman	✓	
Cushing, Robert R, V Chairman	✓	
Berube, Roger R	✓	
Robertson, Timothy N	✓	
Shurtleff, Stephen J	✓	
Boisvert, Ronald R		
Grady, Brenda E	✓	
Harriott-Gathright, Linda	✓	
Hirsch, Geoffrey D <i>Clerk</i>	✓	
O'Hearne, Andrew S	✓	
Mangipudi, Latha	✓	
Charron, Gene P, Clerk <i>Rep Gasper</i>	✓	
Fields, Dennis H	✓	
Fesh, Robert M	✓	
Villeneuve, Moe	✓	
Gagne, Larry G	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J	✓	
Warden, Mark		✓
Vaillancourt, Steve	✓	
TOTAL VOTE:	18	1

Committee Report

REGULAR CALENDAR

April 22, 2014

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on CRIMINAL JUSTICE AND PUBLIC
SAFETY to which was referred SB318-FN,**

AN ACT establishing the crime of domestic violence.

**Having considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Robert R Cushing

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	SB318-FN
Title:	establishing the crime of domestic violence.
Date:	April 22, 2014
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill establishes the crime of domestic violence by taking charges that are commonly used in domestic violence related cases and reorganizes them in statute under one crime of "Domestic Violence". It is important to note that this is a simple reorganization of current state law. Current NH law does not distinguish between an abuser who assaults their partner and a person that assaults a stranger: In both instances, the charge applied would most likely be "simple assault". This is a problem, because statistics show that the intimate nature of the domestic violence situation carries a very high risk for escalated violence—up to and including homicide—whereas violence between strangers typically does not.

By establishing the crime of domestic violence, our justice system, child protection agencies, law enforcement, and advocates will be able to distinguish crimes of domestic violence from non-domestic violence and more effectively coordinate community responses to assist victims of domestic violence and their children, as well as hold abusers accountable. Additionally, this bill will improve efficiency and transparency in state government. Federal law requires that the Department of Safety transmit criminal records of offenders who have committed a crime that qualifies them, under federal law, to be included in the National Instant Criminal Background Check System (NICS). Among these qualifying offenses are certain misdemeanor crimes of domestic violence. Because NH does not distinguish crimes of domestic violence from other crimes, the Department of Safety must try to speculate, based on incomplete documentation in criminal records, whether an incident was domestic violence-related or not. As such, there are names being submitted to NICS who shouldn't be and there are violent abusers not being identified and submitted who should be. By distinguishing these crimes, we can remove the element of human error from this critically important determination and ensure that individuals who have committed non-qualifying misdemeanors under federal law are still able to purchase firearms. This bill is critical to ending domestic violence here in New Hampshire, and it will absolutely save lives. This bill is supported by the NH Coalition Against Domestic and Sexual Violence and its 14 member programs, Child and Family Services, NH Association of Chiefs of Police, NH County Attorneys Association, NH Department of Justice, NH Department of

Original: House Clerk

Cc: Committee Bill File

Safety, NH Legal Assistance, NH Nurses Association, and NH Sheriffs Association.

Vote 18-1.

Rep. Robert R Cushing
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB318-FN, establishing the crime of domestic violence. **OUGHT TO PASS.**

Rep. Robert R Cushing for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill establishes the crime of domestic violence by taking charges that are commonly used in domestic violence related cases and reorganizes them in statute under one crime of "Domestic Violence". It is important to note that this is a simple reorganization of current state law. Current NH law does not distinguish between an abuser who assaults their partner and a person that assaults a stranger: In both instances, the charge applied would most likely be "simple assault". This is a problem, because statistics show that the intimate nature of the domestic violence situation carries a very high risk for escalated violence—up to and including homicide—whereas violence between strangers typically does not.

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Vote 18-1.

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: CRIMINAL JUSTICE + Public Safety

BILL NUMBER: SB 318

TITLE: Establishing the crime of domestic violence

DATE: 9/22/14 CONSENT CALENDAR: YES ☐ NO ☒

☒ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

See attached

COMMITTEE VOTE: 18-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Rep. Amy

For the Committee

Rep. Curkley

SB 318, establishing the crime of domestic violence. OUGHT TO PASS. Rep. Cushing for Criminal Justice and Public Safety.

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