

Amendment to SB 9

1 Amend the title of the bill by replacing it with the following:

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

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5 Amend the bill by replacing section 1 with the following:

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7 1 New Paragraph; Sexual Assault and Related Offenses; Testimony and Evidence. Amend
8 RSA 632-A:6 by inserting after paragraph II the following new paragraph:

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

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

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AMENDED ANALYSIS

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