

Submitted: 02/08/95
Reviewed by committee 06/08/95
Reporter's draft 04/30/97

OFFENSES AGAINST THE FAMILY

DRAFT

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RSA 639:1: Bigamy

The defendant is charged with the crime of bigamy. This offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant married [insert name of person];and
2. The defendant already had a spouse and was not legally eligible to marry; and
3. The defendant acted knowingly.

Those are the elements of the crime of bigamy. Certain words in the definition need to be defined.

“Knowingly” means....[see definition of knowingly].

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RSA 639:2: Incest

The defendant is charged with the crime of incest. This offense has four parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [married another] [lived together with another person under the representation of being married] [had sexual intercourse with another person]; and
2. The other person was the defendant's [ancestor] [descendant] [brother of the whole or half blood] [sister of the whole or half blood] [aunt] [uncle] [nephew] [niece]; and
3. [The defendant was 18 years of age or older] [The defendant was under the age of 18 and the other party was at least 3 years older at the time of the act]; and
4. The defendant acted knowingly.

Those are the elements of the crime of incest. Certain words in the definition need to be defined.

“Knowingly” means....[see definition of knowingly].

The terms ancestor and descendant include stepchildren and the relationships of parent and child by adoption.

Blood relationships exist whether or not the person was born in or out of wedlock.

<p>Deleted: ¶ married another person¶ [or]¶ had sexual intercourse with another person¶ [or]¶ lived together with another person, under the representation of being married;¶</p>

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RSA 639:3, I: Endangering the Welfare of Child or Incompetent (Violation of Duty of Care)

The defendant is charged with the crime of endangering the welfare of [a child], [an incompetent]. This offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant owed a duty of [care], [protection], [support] to [a child under 18 years of age], [an incompetent person]; and
2. The defendant purposely violated this duty of [care], [protection], [support]; and
3. By this conduct, the defendant knowingly endangered the welfare of the [child], [incompetent].

These are the three elements of the crime of endangering the welfare of [a child], [an incompetent]. Certain words in the definition need to be defined.

“Purposely” means....[see definition of purposely].

“Knowingly” means....[see definition of knowingly].

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RSA 639:3, I: Endangering the Welfare of Child or Incompetent (Inducement)

The defendant is charged with the crime of endangering the welfare of [a child], [an incompetent]. This offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

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1. The defendant induced [a child under 18 years of age], [an incompetent person] to engage in conduct that endangered the [child's], [incompetent's] health or safety; and
2. The defendant's conduct endangered the welfare of that [child], [incompetent]; and
3. The defendant acted knowingly.

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These are the three elements of the crime of endangering the welfare of [a child], [an incompetent] by inducement. Certain words in the definition need to be defined.

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"Knowingly" means....[see definition of knowingly].

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RSA 639:3, II: Endangering the Welfare of Child (Tattooing)

The defendant is charged with the crime of endangering the welfare of a child by tattooing the child. This offense has two parts or elements. The State must prove each element beyond a reasonable doubt. In this case the State must prove that:

1. The defendant tattooed a child under 18 years of age; and
2. The defendant acted knowingly.

These are the two elements of the crime of endangering the welfare of a child by tattooing. Certain words in the definition need to be defined.

“Knowingly” means....[see definition of knowingly].

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RSA 639:3, III: Endangering the Welfare of Child (Solicitation of Sexual Activity)

The defendant is charged with the crime of endangering the welfare of a child under 16 by soliciting the child to engage in sexual activity for the purpose of creating a visual representation. This offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant solicited a person to engage in sexual activity; and
2. The person was under 16 years of age; and
3. The purpose of the solicitation was to create a visual representation of the sexual activity.

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These are the three elements of the crime of solicitation of sexual activity. Certain words need to be defined.

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“Sexual activity” means [insert statutory definition RSA 649-A:2, III].

“Visual representation” means [insert statutory definition RSA 649-A:2, IV].

“Purposely” means ... [see definition of purposely]

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RSA 639:3, III: Endangering the Welfare of Child (Solicitation of Sexual Penetration)

The defendant is charged with the crime of endangering the welfare of a child under 16 by soliciting the child to engage in sexual penetration. This offense has two parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

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1. The defendant purposely solicited a person to engage in sexual penetration; and
2. The person was under 16 years of age

These are the two elements of the crime of solicitation of sexual penetration. Some of the words used in these elements need to be defined.

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“Sexual penetration” means [insert statutory definition RSA 632-A:1,V].

“Purposely” means ... [see definition of purposely]

RSA 639:4: Non-Support

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The defendant is charged with the crime of non-support. This offense has five parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant was legally obligated to provide support to his [spouse], [child], [de-
pendant]; and
2. The defendant had the ability to provide support; and
3. The defendant failed to provide support; and
4. Class B felony if [the arrearage of support has remained unpaid for a cumulative pe-
riod of more than one year.] [the arrearage is more than \$10,000] [the defendant has been
previously convicted of non-support under this section] [the defendant has been convicted
of a similar criminal nonsupport offense in another state and the arrearage of support in
this state has remained unpaid for a cumulative period of more than one year.]; and
5. The defendant acted knowingly.

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Those are the elements of the crime of non-support. Certain words in the definition need to be defined.

“Knowingly” means....[see definition of knowingly].

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RSA 639.5: Concealing Death of a Newborn

The defendant is charged with the crime of concealing the death of a newborn. This offense has two parts or elements. The State must prove each element beyond a reasonable doubt. In this case the State must prove that:

1. The defendant concealed the corpse of a newborn child; and
2. The defendant acted knowingly.

These are the two elements of the crime of concealing the death of a newborn. Certain words in the definition need to be defined.

“Knowingly” means....[see definition of knowingly]