

# New Hampshire

A variety of forms of street harassment are illegal in New Hampshire, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

## Verbal Harassment

In New Hampshire, there are three laws that prohibit some form of verbal street harassment.

### ***Disorderly Conduct***

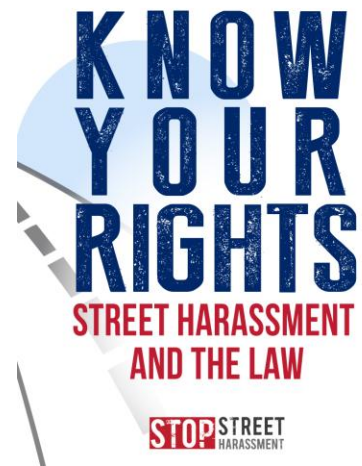
#### §644:2

New Hampshire's disorderly conduct law prohibits a wide range of offensive acts. Those that are relevant to street harassment include:

- Knowingly or purposely creating a hazardous condition in a public place by any action that serves no legitimate purpose.
- Engaging in fighting or in violent, tumultuous or threatening behavior in a public place. ("Tumultuous" can mean noisy or uproarious, and so New Hampshire's disorderly conduct law may protect you from a street harasser yelling at you or otherwise causing a scene.)
- Directing obscene, derisive, or offensive words at another person in a public place. This is a "[fighting words](#)" clause and applies to speech that is "likely to provoke a violent reaction on the part of an ordinary person."
- Obstructing vehicular or pedestrian traffic on any public street or sidewalk or the entrance to any public building.
- Purposely causing or recklessly creating the risk of a breach of the peace, public inconvenience, annoyance or alarm by:
  - Making loud or unreasonable noises which would disturb a person of average sensibilities.
  - Disrupting the orderly conduct of business in any public or governmental facility.
  - Disrupting any lawful assembly or meeting of persons without lawful authority.

If a street harasser is yelling at you, using obscene, derisive, or offensive words, threatening you, or blocking your path on a sidewalk or in front of a public building to either get your attention or prevent you from entering/leaving a space, you can report him/her.

**Penalty:** Disorderly conduct is a violation, punishable by a fine of up to \$1,000, unless the offense continues after a request by any person to desist. You have the right to ask a street harasser to stop his or her offensive behavior, and if s/he does not do so, disorderly conduct is a misdemeanor, punishable by a fine of up to \$1,200.



## Stop Street Harassment

### **Harassment**

#### [§644:4](#)

New Hampshire's general harassment law prohibits various forms of harassing communications. Those relevant to street harassment include:

- Repeatedly communicating with you at extremely inconvenient hours. (This likely applies to telephone calls, but could potentially include inappropriate in-person communications at night.)
- Repeatedly using offensively coarse language with the intent to annoy or alarm you.
- Insulting, taunting, or challenging you "in a manner likely to provoke a violent or disorderly response." This is a "[fighting words](#)" clause – click through for more information on fighting words and street harassment.
- Continuing to communicate with you with the intent to annoy or alarm you, for no lawful or constitutionally protected purpose, after you have asked the person to stop.

You have the right in New Hampshire to tell a street harasser that you do not want him/her to communicate with you. If a street harasser uses offensive language toward you, taunts, challenges, or insults you, or continues to speak to you after you have asked him or her not to, you can report him/her.

Penalty: Harassment in New Hampshire is a misdemeanor, punishable by a fine of up to \$1,200.

### **Prostitution**

#### [§645:2](#)

Offering to pay for sexual contact is illegal in New Hampshire. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, "How much?!" or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn't oppose consensual sex work, but we do think it's inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Prostitution is a misdemeanor in New Hampshire, punishable by a fine of up to \$1,200.

## [Unlawful Filming & Photography](#)

### **Violation of Privacy**

#### [§644:9](#)

It is illegal in New Hampshire for anyone to observe, photograph, or record the private parts of a non-consenting person's body either underneath clothing, or in a private place where one should reasonably expect privacy.

The law states that the private parts of your body include "the genitalia, buttocks, or female breasts, or a person's body underneath that person's clothing."

## Stop Street Harassment

If a harasser films or photographs you someplace like public restrooms, dressing rooms, locker rooms, and hotel rooms, and/or if a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

Penalty: Violation of privacy (in the manner described here) is a class A misdemeanor, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

## Indecent Exposure

### ***Indecent Exposure and Lewdness***

#### §645:1

In New Hampshire, it is illegal for anyone to expose his or her genitals, engage in fornication (usually defined as sex between two people not married to each other), or to perform “any other act of gross lewdness,” under circumstances that will likely cause affront or alarm to others – i.e., in a public place.

The statute doesn’t define an act of gross lewdness, but this might include masturbating or committing some other sex act in public.

If a street harasser exposes him or herself to you, is masturbating in public, or does some other inappropriate and overtly sexual act, you can report him/her.

Penalty: Indecent exposure and lewdness is a misdemeanor, punishable by a fine of up to \$1,000. If the harasser commits an act of sexual contact (including masturbation) in the presence of a child under 16 years of age, indecent exposure and lewdness is a class B felony, punishable by a fine of up to \$2,000 and/or up to 7 years in prison.

## Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

### ***Stalking***

#### §633:3

New Hampshire law defines stalking as purposefully or recklessly engaging in a course of conduct, targeted at a specific individual, that *either* the harasser knows will cause the person to fear for his/her personal safety (or that of an immediate family member) *or* that is *likely* to cause a person to fear for his/her personal safety and actually does cause that fear.

A course of conduct means “2 or more acts over a period of time, however short, which evidences a continuity of purpose,” and may include:

- Threatening you
- Following you
- Approaching you
- Confronting you
- Appearing near your home, school, or job
- Communicating with you without your consent

## Stop Street Harassment

If a street harasser commits two or more acts that make you feel scared or intimidated – such as verbally harassing you and/or following you – his/her actions may constitute stalking and you can report him or her to the police.

This law provides that you have the right to a protective order against the harasser to prevent further stalking, and also gives a law enforcement office the right to make an arrest without a warrant if there is probable cause to believe someone has committed stalking.

Penalty: Stalking is a Class A misdemeanor, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

## Groping

### ***Sexual Assault***

#### §632-A:4

It is illegal to subject a non-consenting person to sexual contact “through concealment or by the element of surprise,” before the person has an adequate opportunity to “flee or resist.”

Sexual contact means “the intentional touching whether directly, through clothing, or otherwise, of the victim's or actor's sexual or intimate parts, including emissions, tongue, anus, breasts, and buttocks.”

If a street harasser grabs your crotch, butt, or breasts, kisses or licks you inappropriately, rubs against you, or ejaculates on you, you can report him/her.

Penalty: Sexual assault is a Class A misdemeanor, punishable by a fine of up to \$2,000 and/or up to 1 year in jail.

## Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
  
- Call the local police office's non-emergency number to submit a report afterward. For example, in Concord, it is (603) 225-8600 but in Nashua, it's (603) 594-3500. In Portsmouth, it is (603) 427-1500. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as harassment, [N.H. Rev.](#)

## Stop Street Harassment

[Stat. Ann. § 644:4](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.

- A description of the harasser/s.
- Many police departments also have online reporting forms, visit your local police department website for more information
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - In the Seacoast area, which encompasses more than 13 communities, including Portsmouth, you can submit a tip by calling (603) 431-1199 or (207) 439-1199. You can also submit via [webform](#).
  - For the state of New Hampshire, you can do this by calling either (603) 223-3860 or (800) NAB-DOPE, or emailing [isb@dos.nh.gov](mailto:isb@dos.nh.gov)
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.