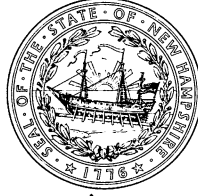


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 30, 2013

Hon. Bob Goodlatte, Chair
U.S. House of Representatives
Committee on the Judiciary
2138 Rayburn House Office Bldg.
Washington, DC 20515-6216

Hon. Trent Franks, Chair
U.S. House of Representatives
Subcommittee on the Constitution and Civil Justice
2138 Rayburn House Office Bldg.
Washington, DC 20515-6216

Dear Representatives Goodlatte and Franks:

I am writing in response to your letter to Attorney General Michael Delaney, dated May 7, 2013, in which you requested certain information relating to the killing of newborn infants. Our responses are as follows:

(1) Do prosecutors in your state treat the deliberate killing of newborns, including those newborns who were delivered alive in the process of abortions, as a criminal offense? If so, have there been any prosecutions in your state for this crime? If the answer to the previous question is yes, please provide a log of cases, excluding any personally identifying information.

NH RSA 329:36 makes it a class A felony offense to perform a partial birth abortion. To date, no such cases have been reported for prosecution.

(2) Has the legislature in your state enacted laws, in addition to general laws against homicide or requiring ordinary medical treatment, specifically to protect newborns delivered alive in the process of abortions? If so, how, if at all, have these laws changed prosecutorial practices?

The statutes prohibiting partial birth abortions, NH RSA 329:32 *et seq.* became effective on January 1, 2013. To date, there have not been any prosecutions initiated under those statutes.

(3) Does your state have different statutes of limitations for culpability in the death of an infant and culpability in the death of human beings in later stages of development? If so, what is the understood rationale for that difference?

No, the statute of limitations does not make such a distinction.

(4) Have you or your predecessors prosecuted any criminal cases in which a woman has died or suffered serious complications as a result of an abortion? If so, please provide a log of such cases, excluding any personally identifying information.

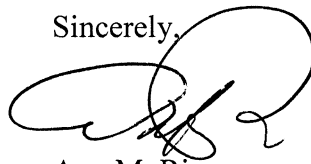
Based on the collective knowledge of the prosecutors in this office, it does not appear that such a case has been prosecuted in New Hampshire.

(5) This Gosnell case has also raised concerns about the effectiveness of state laws that limit, or purport to limit, abortions late in pregnancy. If your state has such a limit, have abortions performed after the statutory limit been prosecuted in your state? If so, please provide a log of such cases, excluding any personally identifying information. If not, are there legal considerations that have prevented such prosecutions from proceeding?

New Hampshire passed the Partial Birth Abortion Ban Act, effective January 1, 2013. No prosecutions have been initiated under that law.

I trust this information is sufficient for your needs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann M. Rice', with a large, stylized flourish above the name.

Ann M. Rice
Deputy Attorney General
(603) 271-4900

AMR/k
#907749