

- physical force, violence or superior physical strength;
- through application of physical force, violence or superior physical strength;
- when the victim is physically helpless to resist;
- when the victim is less than 13;
- when at the time of the assault the victim indicates by speech or conduct that consent is not freely given to performance of the sexual act;
- when there is a pattern of sexual assault with a victim under the age of 16;
- when the actor coerces the victim to submit by threatened use of physical violence or physical strength and the victim believes the actor has the ability to execute these threats;
- when the actor coerces the victim to submit by threatening to retaliate and the victim believes the actor has the ability to execute these threats;
- when the victim submits under circumstances involving false imprisonment, kidnapping or extortion;
- when the actor, without prior knowledge or consent of the victim administers or has knowledge of another administering to the victim any intoxicating substance which mentally incapacitates the victim;
- when the actor provides therapy, medical treatment or examination of the victim in the course of a therapeutic relationship under certain circumstances. See, NH RSA 632-A:2.

2. Aggravated Felonious Sexual Assault (a Class A felony punishable by up to 15 years in prison) includes intentional touching through clothing, or otherwise, the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.

3. Felonious Sexual Assault (a Class B felony punishable by up to 7 years imprisonment), includes, in part, "sexual contact", (intentional touching, reasonably construed as being for purposes of sexual arousal or gratification) when the accused:

- causes serious personal injury to the victim;
- engages in sexual penetration with the person between the ages of 13 and 16, where the age difference is three years or more;
- engages in sexual contact with a person under the age of 13;
- engages in sexual contact with a person when the actor is in a position of authority over the person and uses that authority to coerce the victim. See, NH RSA 632-A:3.

4. Sexual Assault (a Class A misdemeanor punishable by a fine of \$2000 and up to one year imprisonment), includes, in part, "sexual contact" (intentional touching, reasonably construed as being for the purposes of sexual arousal or gratification) with a person 13 years of age or older under the circumstances described regarding aggravated felonious sexual assault, and/or engages in sexual penetration with a person between the ages of 13 and 16 where the age difference between the actor and the other person is three years or less. See, NH RSA 623-A:4.