

HB 405 - AS AMENDED BY THE HOUSE

20Mar2025... 0811h

2025 SESSION

25-0806
09/05

HOUSE BILL **405**

AN ACT establishing a commission to study human trafficking within illicit massage businesses and relative to prostitution and related offenses.

SPONSORS: Rep. Layon, Rock. 13

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study human trafficking within illicit massage businesses and provides for the commission's eventual repeal.

II. Enhances the penalties for certain prostitution-related offenses.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT establishing a commission to study human trafficking within illicit massage businesses and relative to prostitution and related offenses.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Statement of Findings and Purpose. The general court finds that:

2 I. The New Hampshire human trafficking collaborative task force has identified trafficking
3 activity in every county, with victims of all ages experiencing exploitation in the forms of labor and
4 sex trafficking.

5 II. Law enforcement officers in New Hampshire have identified illicit massage businesses
6 (IMBs) in towns and cities across the state. IMBs are a very specific type of exploitative, organized,
7 commercial-front trafficking venue recognized by the National Human Trafficking Hotline. IMBs do
8 not refer to legal, therapeutic massage businesses, nor does it include non-coercive sex work that
9 may incorporate massage. Nationally, more than 15,000 IMBs have been identified. There is no
10 licensing oversight of IMBs in New Hampshire, making it difficult to hold traffickers accountable
11 and ensure that victims are referred to services.

12 III. National and state experts have been working to prevent human trafficking in the state
13 and hold the owners of IMBs accountable, but a more coordinated effort across sectors would help
14 better address the problem.

15 2 New Section; Commission to Study Human Trafficking Within Illicit Massage Businesses.
16 Amend RSA 633 by inserting after section 11 the following new section:

17 633:12 Commission to Study Human Trafficking Within Illicit Massage Businesses; Established.
18 There is hereby established a commission to study human trafficking within illicit massage
19 businesses.

20 I. Notwithstanding RSA 14:49, the members of the commission shall be as follows:

21 (a) Three members of the house of representatives, appointed by the speaker of the
22 house of representatives, one of whom shall be a member of the criminal justice and public safety
23 committee and one of whom shall be a member of the executive departments and administration
24 committee.

25 (b) Two members of the senate, appointed by the president of the senate.

26 (c) The attorney general, or designee.

27 (d) The commissioner of the department of safety, or designee.

28 (e) The executive director of the New Hampshire office of professional licensure and
29 certification, or designee.

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1 (f) A representative from the New Hampshire Association of Chiefs of Police, appointed
2 by the association.

3 (g) A county attorney, appointed by the New Hampshire Association of Counties.

4 (h) The executive director of the New Hampshire Municipal Association, or designee.

5 (i) The executive director of the New Hampshire Coalition Against Domestic and Sexual
6 Violence, or designee.

7 II. Legislative members of the commission shall receive mileage at the legislative rate when
8 attending to the duties of the commission.

9 III. The commission shall study:

10 (a) Prior efforts to combat human trafficking conducted by illicit massage businesses.

11 (b) Statewide and interstate collaboration to prevent the establishment of illicit massage
12 businesses.

13 (c) Best practices to support victims of human trafficking found in illicit massage
14 businesses.

15 (d) Regulation and licensure under RSA 328-H, relative to reflexologists, structural
16 integrators, and Asian bodywork therapists, and RSA 328-B relative to massage therapists and
17 massage establishments.

18 (e) Creation of a statewide database of licensure applications and issuances to
19 businesses.

20 (f) Enhancing penalties for violation of RSA 633:7 relative to trafficking in persons and
21 RSA 645:2 relative to prostitution and related offenses.

22 (g) Consumer protection and labor violations.

23 (h) Community-based approaches to preventing illicit massage businesses such as
24 landlord education and engagement and termination of leases, as well as health and safety
25 inspections.

26 (i) Preventing sexual harassment and assault against licensed massage therapists and
27 other reflexology professionals.

28 IV. The commission may solicit input from any person or entity the committee deems
29 relevant to its study.

30 V. The commission members shall be appointed within 30 days after the effective date of
31 this section.

32 VI. The members of the study commission shall elect a chairperson from among the
33 members. The first meeting of the commission shall be called by the senate member. The first
34 meeting of the commission shall be held within 45 days of the effective date of this section. The
35 commission shall hold a minimum of 10 meetings over the course of its study. A majority of the
36 members of the commission shall constitute a quorum.

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1 VII. The commission shall submit an interim report of its findings and any
2 recommendations for proposed legislation to the president of the senate, the speaker of the house of
3 representatives, the senate clerk, the house clerk, the governor, and the state library on or before
4 November 1, 2025. The commission shall submit a final report of its findings and any
5 recommendations for proposed legislation to the speaker of the house of representatives, the
6 president of the senate, the house clerk, the senate clerk, the governor, and the state library on or
7 before November 1, 2026.

8 3 New Paragraphs; Prostitution and Related Offenses. Amend RSA 645:2 by inserting after
9 paragraph II the following new paragraphs:

10 II-a. A person is guilty of a class B felony if such person knowingly permits a place under
11 such person's control to be used for violation of subparagraph I(a).

12 II-b. A person is guilty of a class A felony if such person violates the provisions of paragraph
13 II-a and the violation:

14 (a) Involves another person who is under the age of 18; or

15 (b) Involves compelling another person by force or intimidation.

16 4 Prostitution and Related Offenses. Amend RSA 645:2, VI to read as follows:

17 VI. In a prosecution under subparagraph II(a) **or II-b(a)**, the actor's lack of knowledge of
18 the other person's age shall not constitute a defense.

19 5 Prostitution and Related Offenses. Amend the introductory paragraph of RSA 645:2, II to
20 read as follows:

21 II. A person is guilty of a class B felony if such person violates the provisions of
22 subparagraphs (b), (c), (d), [~~(e)~~] or (f) of paragraph I and the violation:

23 6 Repeal. RSA 645:2, I(e), relative to a misdemeanor offense for knowingly permitting a place
24 under control to be used for certain offenses, is repealed.

25 7 Prospective Repeal. RSA 633:12, relative to the commission to study human trafficking within
26 illicit massage businesses, is repealed.

27 8 Effective Date.

28 I. Section 7 of this act shall take effect November 1, 2026.

29 II. The remainder of this act shall take effect upon its passage.

**HB 405- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0811h)**

AN ACT establishing a commission to study human trafficking within illicit massage businesses and relative to prostitution and related offenses.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association