HB 1567-FN - AS INTRODUCED

2018 SESSION

18-2187
04/10

HOUSE BILL ***1567-FN***

AN ACT relative to the penalties for prostitution and related offenses.

SPONSORS: Rep. Burridge, Ches. 16

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill changes the penalty for certain prostitution-related offenses to a violation, and establishes a criminal penalty for any person who pays, agrees to pay, or offers to pay another to engage in sexual contact.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to the penalties for prostitution and related offenses.

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

1 Prostitution and Related Offenses. Amend RSA 645:2, I to read as follows:

I. A person is guilty of a [~~misdemeanor~~] ***violation and shall be fined $100*** if the person:

(a) Solicits, agrees to perform, or engages in sexual contact as defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V, in return for consideration; or

(b) Induces or otherwise purposely causes another to violate subparagraph (a); or

(c) Transports another into or within this state with the purpose of promoting or facilitating such other in engaging in conduct in violation of subparagraph (a); or

(d) Not being a legal dependent incapable of self support, knowingly is supported in whole or in part by the proceeds of violation of subparagraph (a); or

(e) Knowingly permits a place under such person's control to be used for violation of subparagraph (a)[~~; or~~

~~(f) Pays, agrees to pay, or offers to pay another person to engage in sexual contact as defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V, with the payor or with another person~~].

2 New Paragraph; Prostitution and Related Offenses. Amend RSA 645:2 by inserting after paragraph I the following new paragraph:

I-a. A person is guilty of a class B misdemeanor if such person pays, agrees to pay, or offers to pay another person to engage in sexual contact as defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V, with the payor or with another person. For a second or subsequent offense under this paragraph, the person shall be guilty of a class B misdemeanor and the court may order public reprimand or shaming of the payor.

3 Effective Date. This act shall take effect January 1, 2019.

LBAO
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HB 1567-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the penalties for prostitution and related offenses.

FISCAL IMPACT: [X] State [X] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2019	FY 2020
Violation Level Offense	$49	$49
Class B Misdemeanor	$50	$51
Class A Misdemeanor	$72	$73
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2019 and FY 2020 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$85 to $110	$85 to $110

The Judicial Council assumes this bill could reduce the number of misdemeanor criminal

offenses, but not significantly. On average, the Public Defender Program handles 36 prostitution cases each year. The Council assumes this bill could decrease expenditures for the defense of the indigent accused by an indeterminable amount.

The Department of Justice is generally not involved with the prosecution of prostitution cases, which are typically handled by local or county prosecutors. Appeals from any convictions from such offenses would be handled by the Criminal Justice Bureau and could be handled within the Department's current budget.

The Department of Corrections states there would be no fiscal impact to the Department since individuals charged with prostitution would be subject to incarceration in county correctional facilities and not the State prisons.

AGENCIES CONTACTED:

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