HB 1306-FN - AS INTRODUCED

2018 SESSION

18-2258
04/08

HOUSE BILL ***1306-FN***

AN ACT relative to aggravated felonious sexual assault in a public accommodation.

SPONSORS: Rep. J. Edwards, Rock. 4; Sen. Reagan, Dist 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill adds sexual assault in a place of public accommodation to the circumstances which constitute aggravated felonious sexual assault.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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18-2258
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to aggravated felonious sexual assault in a public accommodation.

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

1 New Subparagraph; Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, I by inserting after subparagraph (n) the following new subparagraph:

(o) When the victim is vulnerable due to using facilities within a place of public accommodation, as defined in RSA 354-A:2, in which the user has an expectation of privacy, such as a bathroom or a locker room.

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

LBAO
18-2258
10/23/17

HB 1306-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to aggravated felonious sexual assault in a public accommodation.

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 a penalty 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
Complex Criminal Case	$892	$916
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.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Major Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault)	$2,490/Case	$2,490/Case
Assigned Counsel – Major Crimes (aggravated felonious	$100/Hour up to $8,000	$100/Hour up to $8,000

sexual assault, felonious sexual assault and first degree assault)		
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2017 Average Cost of Incarcerating an Individual	$36,960	$36,960
FY 2017 Average Cost of Supervising an Individual on Parole/Probation	$557	$557
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$85 to $110	$85 to $110

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

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