HB 1022-FN - AS INTRODUCED

2024 SESSION

24-2289
09/10

HOUSE BILL ***1022-FN***

AN ACT relative to decriminalizing certain acts between consenting adults.

SPONSORS: Rep. Hynes, Hills. 2

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill reduces the penalties under the prohibition against prostitution and related offenses, including decriminalizing certain conduct.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2289
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to decriminalizing certain acts between consenting adults.

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

1 Criminal Code; Public Indecency; Prostitution and Related Offenses. Amend RSA 645:2 to read as follows:

645:2 Prostitution and Related Offenses.

I. ***A person is guilty of a violation 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) Knowingly permits a place under such person's control to be used for violation of subparagraph (a); or

(d) 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.

II. A person is guilty of a misdemeanor 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)~~] ***(a)*** 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)~~] ***I(a)***; or

[~~(d)~~] ***(b)*** 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~~] ***I(a).***

[~~(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.~~

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

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

(b) Involved compelling another person by force or intimidation.

[~~III.~~] ***IV.*** A person is guilty under this section regardless of the sex of the persons involved.

[~~IV.~~] ***V.*** It shall be an affirmative defense to a charge under subparagraph I(a) that the defendant engaged in the conduct because he or she was the victim of trafficking in persons, as defined in RSA 633:7.

[~~V.~~] ***VI.*** A person under 18 years of age shall not be subject to a juvenile delinquency proceeding under RSA 169-B or criminal prosecution for the commission of an offense under subparagraph I(a).

[~~VI. In a prosecution under subparagraph II(a), the actor's lack of knowledge of the other person's age shall not constitute a defense.~~

~~VII. As used in this section, "reports being the victim of a sexual assault or other crime" means reporting the initial crime to law enforcement and does not include further cooperation.~~

~~VIII. It shall be a defense to a violation of this section that a person reports being the victim of a sexual assault as defined in RSA 632-A:2, 632-A:3, or 632-A:4. A person who reports being the victim of such an offense shall not be arrested, prosecuted, or convicted for a violation of this section if the evidence for the charge was gained as a proximate result of the person's reporting. Any victim seeking medical treatment following a sexual assault will be afforded all options of care outlined in the New Hampshire attorney general's sexual assault medical forensic exam protocol without making a report to or cooperating with law enforcement.~~

~~IX. Nothing in this section shall be construed to limit the admissibility of evidence in connection with the investigation or prosecution of a crime involving a person who is not protected as provided in paragraph VIII. Nothing in this section shall be construed to limit the lawful seizure of any evidence or contraband. Nothing in this section shall be construed to limit or abridge the authority of a law enforcement officer to detain or place into custody a person as part of a criminal investigation who is not protected by the provisions of paragraph VIII.~~]

2 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2289
10/12/23

HB 1022-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to decriminalizing certain acts between consenting adults.

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

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund	None			
Expenditures	Indeterminable			
Funding Source	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
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/FiscalNotes/JudicialCorrectionalCosts.pdf.

AGENCIES CONTACTED:

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