

Amendment to HB 94-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT prohibiting certain defenses in prostitution and human trafficking cases and relative
4 to fines assessed for certain offenses involving domestic violence.
5

6 Amend the bill by replacing all after section 3 with the following:

7
8 4 Assault and Related Offenses; First Degree Assault. Amend RSA 631:1, III to read as follows:

9 III.(a) Upon proof that the victim and defendant were intimate partners or family or
10 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
11 shall be recorded as [~~"First Degree Assault-Domestic Violence."~~] ***"first degree assault-domestic
12 violence."***

13 (b) *In addition to any other penalty authorized by law, the court shall levy a
14 fine of \$50 for each conviction recorded as "first degree assault-domestic violence" under
15 this paragraph. The court shall not reduce or suspend any sentence or the payment of any
16 fine imposed under this paragraph and no fine imposed under this paragraph shall be
17 subject to an additional penalty assessment. If the court determines that the defendant is
18 unable to pay the fine on the date imposed, the court may defer payment or order periodic
19 payments thereof. The clerk shall forward all fines collected under this paragraph to the
20 department of health and human services for the purposes of RSA 173-B:15. The
21 provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this
22 paragraph.*

23 5 Assault and Related Offenses; Second Degree Assault. Amend RSA 631:2, III to read as
24 follows:

25 III.(a) Upon proof that the victim and defendant were intimate partners or family or
26 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
27 shall be recorded as [~~"Second Degree Assault-Domestic Violence."~~] ***"second degree assault-
28 domestic violence."***

29 (b) *In addition to any other penalty authorized by law, the court shall levy a
30 fine of \$50 for each conviction recorded as "second degree assault-domestic violence"
31 under this paragraph. The court shall not reduce or suspend any sentence or the payment
32 of any fine imposed under this paragraph and no fine imposed under this paragraph
33 shall be subject to an additional penalty assessment. If the court determines that the*

1 *defendant is unable to pay the fine on the date imposed, the court may defer payment or*
2 *order periodic payments thereof. The clerk shall forward all fines collected under this*
3 *paragraph to the department of health and human services for the purposes of RSA 173-*
4 *B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under*
5 *this paragraph.*

6 6 Domestic Violence; Fines. Amend RSA 631:2-b, V to read as follows:

7 V. In addition to any other penalty authorized by law, the court shall levy a fine of \$50 for
8 each conviction under this section. *The court shall not reduce or suspend any sentence or the*
9 *payment of any fine imposed under this section.* If the court determines that the defendant is
10 unable to pay the fine on the date imposed, the court may defer payment or order periodic payments
11 thereof. Fines imposed under this section shall not be subject to an additional penalty assessment
12 *and shall not be subject to the provisions of RSA 618:8 or 618:9.* The clerk shall forward all
13 fines collected under this paragraph to the department of health and human services for the
14 purposes of RSA 173-B:15.

15 7 Assault and Related Offenses; Reckless Conduct. Amend RSA 631:3, IV to read as follows:

16 IV.(a) Upon proof that the victim and defendant were intimate partners or family or
17 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
18 shall be recorded as [~~"Reckless Conduct--Domestic Violence."~~] *"reckless conduct-domestic*
19 *violence."*

20 (b) *In addition to any other penalty authorized by law, the court shall levy a*
21 *fine of \$50 for each conviction recorded as "reckless conduct-domestic violence" under this*
22 *paragraph. The court shall not reduce or suspend any sentence or the payment of any fine*
23 *imposed under this paragraph and no fine imposed under this paragraph shall be subject*
24 *to an additional penalty assessment. If the court determines that the defendant is unable*
25 *to pay the fine on the date imposed, the court may defer payment or order periodic*
26 *payments thereof. The clerk shall forward all fines collected under this paragraph to the*
27 *department of health and human services for the purposes of RSA 173-B:15. The*
28 *provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this*
29 *paragraph.*

30 8 Sexual Assault and Related Offenses; Aggravated Felonious Sexual Assault. Amend RSA
31 632-A:2, V to read as follows:

32 V.(a) Upon proof that the victim and defendant were intimate partners or family or
33 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
34 shall be recorded as [~~"Aggravated Felonious Sexual Assault--Domestic Violence."~~] *"aggravated*
35 *felonious sexual assault-domestic violence."*

36 (b) *In addition to any other penalty authorized by law, the court shall levy a*
37 *fine of \$50 for each conviction recorded as "aggravated felonious sexual assault-domestic*

1 *violence" under this paragraph. The court shall not reduce or suspend any sentence or*
2 *the payment of any fine imposed under this paragraph and no fine imposed under this*
3 *paragraph shall be subject to an additional penalty assessment. If the court determines*
4 *that the defendant is unable to pay the fine on the date imposed, the court may defer*
5 *payment or order periodic payments thereof. The clerk shall forward all fines collected*
6 *under this paragraph to the department of health and human services for the purposes of*
7 *RSA 173-B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed*
8 *under this paragraph.*

9 9 Sexual Assault and Related Offenses; Felonious Sexual Assault. Amend RSA 632-A:3, V to
10 read as follows:

11 V.(a) Upon proof that the victim and defendant were intimate partners or family or
12 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
13 shall be recorded as [~~"Felonious Sexual Assault-Domestic Violence."~~] *"felonious sexual assault-*
14 *domestic violence."*

15 (b) *In addition to any other penalty authorized by law, the court shall levy a*
16 *fine of \$50 for each conviction recorded as "felonious sexual assault-domestic violence"*
17 *under this paragraph. The court shall not reduce or suspend any sentence or the payment*
18 *of any fine imposed under this paragraph and no fine imposed under this paragraph*
19 *shall be subject to an additional penalty assessment. If the court determines that the*
20 *defendant is unable to pay the fine on the date imposed, the court may defer payment or*
21 *order periodic payments thereof. The clerk shall forward all fines collected under this*
22 *paragraph to the department of health and human services for the purposes of RSA 173-*
23 *B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under*
24 *this paragraph.*

25 10 Sexual Assault and Related Offenses; Sexual Assault. Amend RSA 632-A:4, IV to read as
26 follows:

27 IV.(a) Upon proof that the victim and defendant were intimate partners or family or
28 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
29 shall be recorded as [~~"Sexual Assault-Domestic Violence."~~] *"sexual assault-domestic violence."*

30 (b) *In addition to any other penalty authorized by law, the court shall levy a*
31 *fine of \$50 for each conviction recorded as "sexual assault-domestic violence" under this*
32 *paragraph. The court shall not reduce or suspend any sentence or the payment of any fine*
33 *imposed under this paragraph and no fine imposed under this paragraph shall be subject*
34 *to an additional penalty assessment. If the court determines that the defendant is unable*
35 *to pay the fine on the date imposed, the court may defer payment or order periodic*
36 *payments thereof. The clerk shall forward all fines collected under this paragraph to the*
37 *department of health and human services for the purposes of RSA 173-B:15. The*

1 *provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this*
2 *paragraph.*

3 11 Interference With Freedom; Kidnapping. Amend RSA 633:1, III to read as follows:

4 III.(a) Upon proof that the victim and defendant were intimate partners or family or
5 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
6 shall be recorded as [~~"Kidnapping--Domestic Violence."~~] **"kidnapping-domestic violence."**

7 (b) *In addition to any other penalty authorized by law, the court shall levy a*
8 *fine of \$50 for each conviction recorded as "kidnapping-domestic violence" under this*
9 *paragraph. The court shall not reduce or suspend any sentence or the payment of any fine*
10 *imposed under this paragraph and no fine imposed under this paragraph shall be subject*
11 *to an additional penalty assessment. If the court determines that the defendant is unable*
12 *to pay the fine on the date imposed, the court may defer payment or order periodic*
13 *payments thereof. The clerk shall forward all fines collected under this paragraph to the*
14 *department of health and human services for the purposes of RSA 173-B:15. The*
15 *provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this*
16 *paragraph.*

17 12 Interference With Freedom; Stalking. Amend RSA 633:3-a, VIII to read as follows:

18 VIII.(a) Upon proof that the victim and defendant were intimate partners or family or
19 household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section
20 shall be recorded as [~~"Stalking--Domestic Violence."~~] **"stalking-domestic violence."**

21 (b) *In addition to any other penalty authorized by law, the court shall levy a*
22 *fine of \$50 for each conviction recorded as "stalking-domestic violence" under this*
23 *paragraph. The court shall not reduce or suspend any sentence or the payment of any fine*
24 *imposed under this paragraph and no fine imposed under this paragraph shall be subject*
25 *to an additional penalty assessment. If the court determines that the defendant is unable*
26 *to pay the fine on the date imposed, the court may defer payment or order periodic*
27 *payments thereof. The clerk shall forward all fines collected under this paragraph to the*
28 *department of health and human services for the purposes of RSA 173-B:15. The*
29 *provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this*
30 *paragraph.*

31 13 Effective Date. This act shall take effect January 1, 2018.

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AMENDED ANALYSIS

This bill prohibits the assertion of certain defenses in a prosecution for prostitution or human trafficking. The bill also adds a fine to certain criminal offenses involving domestic violence.