

CHAPTER 63
HB 405 - FINAL VERSION

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 struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 63:1 Statement of Findings and Purpose. The general court finds that:

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

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

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

14 63:2 New Section; Commission to Study Human Trafficking Within Illicit Massage Businesses.
15 Amend RSA 633 by inserting after section 11 the following new section:

16 633:12 Commission to Study Human Trafficking Within Illicit Massage Businesses; Established.
17 There is hereby established a commission to study human trafficking within illicit massage businesses.

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

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

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

23 (c) The attorney general, or designee.

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

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

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

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

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

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

CHAPTER 63
HB 405 - FINAL VERSION
- Page 2 -

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

3 III. The commission shall study:

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

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

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

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

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

12 (f) Enhancing penalties for violation of RSA 633:7 relative to trafficking in persons and RSA
13 645:2 relative to prostitution and related offenses.

14 (g) Consumer protection and labor violations.

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

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

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

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

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

28 VII. The commission shall submit an interim report of its findings and any recommendations for
29 proposed legislation to the president of the senate, the speaker of the house of representatives, the
30 senate clerk, the house clerk, the governor, and the state library on or before November 1, 2025. The
31 commission shall submit a final report of its findings and any recommendations for proposed legislation to
32 the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk,
33 the governor, and the state library on or before November 1, 2026.

34 63:3 New Paragraphs; Prostitution and Related Offenses. Amend RSA 645:2 by inserting after
35 paragraph II the following new paragraphs:

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

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

CHAPTER 63
HB 405 - FINAL VERSION
- Page 3 -

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

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

3 63:4 Prostitution and Related Offenses. Amend RSA 645:2, VI to read as follows:

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

6 63:5 Prostitution and Related Offenses. Amend the introductory paragraph of RSA 645:2, II to read
7 as follows:

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

10 63:6 Repeal. RSA 645:2, I(e), relative to a misdemeanor offense for knowingly permitting a place
11 under control to be used for certain offenses, is repealed.

12 63:7 Prospective Repeal. RSA 633:12, relative to the commission to study human trafficking within
13 illicit massage businesses, is repealed.

14 63:8 Effective Date.

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

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

Approved: June 02, 2025

Effective Date:

I. Section 7 effective November 1, 2026

II. Remainder effective June 2, 2025

CHAPTER 63
HB 405 - FINAL VERSION