

Bill as Introduced

HB 1531-FN - AS INTRODUCED

2012 SESSION

12-2108

04/09

HOUSE BILL ***1531-FN***

AN ACT relative to prosecution for victimless crimes.

SPONSORS: Rep. Lambert, Hills 27; Rep. Warden, Hills 7; Rep. Manuse, Rock 5

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill creates an affirmative defense to any felony or misdemeanor if there was no victim of the crime.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to prosecution for victimless crimes.

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

1 1 New Paragraph; General Requirements of Culpability. Amend RSA 626:2 by inserting after
2 paragraph V the following new paragraph:

3 VI. It shall be an affirmative defense to prosecution for any felony or misdemeanor charged
4 under the laws of this state that there was no victim of the crime. In this paragraph, "victim" means
5 any person who suffers direct or threatened physical, emotional, psychological, or financial harm as
6 a result of the commission or the attempted commission of a crime.

7 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
12-2108
12/09/11

HB 1531-FN - FISCAL NOTE

AN ACT relative to prosecution for victimless crimes.

FISCAL IMPACT:

The Judicial Branch states this bill will have an indeterminable fiscal impact on state expenditures in FY 2012 and each year thereafter. The Judicial Council states this bill may decrease state expenditures by an indeterminable amount in FY 2012 and each year thereafter. The New Hampshire Association of Counties states this bill may decrease county expenditures by an indeterminable amount in FY 2012 and each year thereafter. There is no fiscal impact on local expenditures, or state, county and local revenue.

METHODOLOGY:

The Judicial Branch states this bill adds a new section to RSA 626:2 to provide an affirmative defense to the prosecution of any felony or misdemeanor were there is no victim of the crime. The bill does not add or remove any felony or misdemeanor prosecutions to or from the caseload of the Branch. The Branch states the fiscal impact of this bill on expenditures is indeterminable. Establishing an affirmative defense may result in longer trials where there may be a dispute on whether a particular crime was victimless or not, increasing costs. However, the possibility exists that fewer prosecutions would occur as law enforcement and prosecutors no longer bring charges in so-called victimless crimes.

The Judicial Council states to the extent a felony or misdemeanor is not prosecuted as a result of this bill, there may be a decrease in indigent costs. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor and \$756.24 per felony is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor charge and \$4,100 for a felony charge. The Council also states there may not be additional costs associated with appeals.

The New Hampshire Association of Counties states to the extent less individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have decreased expenditures. The Association is unable to determine the number of individuals

who may not be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Department of Justice states this bill, in effect, would legalize all crimes currently defined by statute that do not impact a victim directly or by threats. The type of crimes would include the majority of violations of the controlled drug act and certain public corruption offenses. The Department states the drug task force would essentially become obsolete and be disbanded because much of the street level drug trafficking offenses investigated by the task force would not involve a victim as defined in this bill. Elimination of the task force would involve the elimination of six federally funded positions as the federal funds would be redirected to other investigative activities. Additionally, there are six general funded positions that spend a portion of their time investigating and prosecuting public corruption crimes that would be refocused on other public integrity matters and economic crimes. Because of the redirection of the federal funds and job responsibilities of the general funded positions, there is no fiscal impact on state expenditures.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1531-FN

BILL TITLE: relative to prosecution for victimless crimes.

DATE: February 9, 2012

LOB ROOM: 204 **Time Public Hearing Called to Order:** 1:20 p.m.

Time Adjourned: 2:40 p.m.

(please circle if present)

Committee Members: Reps. Swinford, Gagne, Welch, Fields, Fesh, Charron, Villeneuve, Antosz, Greazzo, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg.

Bill Sponsors: Rep. Lambert, Hills 27; Rep. Warden, Hills 7; Rep. Manuse, Rock 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Lambert - Sponsor. Recited the Constitution.

Jane Young - Atty. General Office - Opposes - There basically is no such thing as a victimless crime. Unsound public policy. No written testimony.

Chris Casco - NH Department of Safety - Opposes - Recommends ITL.

***Martin Garabedian, NH Fish and Game** - Has testimony.

Bob Constantine - Supports the bill. Doesn't negate existing laws.

***Louis Miller** - Supports. Has written testimony.

Sam Langley - On the fence to this bill.

Norman Tregenza, Representative - Supports bill.

Bill McGonigle - Representing self. - Supports.

Jeremy Olson, N. H. Liberty Alliance - Supports - No written testimony.

Rich Angell - Supports bill. Quoted Constitution, Bill of Rights.

William Kostric - Supports the bill.

HB 1531 -FN Page Two

Claire Ebel - Provided opinion and points of information. Does not support this bill.

Respectfully Submitted:

A handwritten signature in cursive script, reading "Gene P. Charron". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Rep. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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H.B. 1531

1 1:20 Rep Lambert - Sponsor recited the constitution

2 1:40 oppose Jane Young atty General office. There basically is no such thing as a victimless crime, U.S. sound public policy. no testimony written.

3 1:42 opposes Chris Casco - N.H. Dept of safety. opposed recommends ITL

4 1:46 MARTIN GARABEDIAN N.H. Fish & Game has testimony

5 1:50 support BOB CONSTANTINE. supports the bill. Doesn't negate existing laws.

6 2:00 support Louis Miller - support. has written testimony.

7 2:05 Sam Langley - on the fence to this bill.

8 2:07 NORMAN TREGENZA, Representative. supports Bill.

9 support 2:12 Bill McGONIGLE representing self.

10 support 2:40 JEREMY OLSON - N.H. LIBERTY ALLIANCE NO WRITTEN TESTIMONY

HB 1531

2

Support 2:25 RICH ANGELO, support's bill, quoted
11 Constitution, Bill of Rights.

Support 2:30 WILLIAM KOSTRICK, does not support

2:38 Claire Ebel provided opinion and
points of information does not support
this bill.

CLOSED 2:40

~~2:40~~

2/9
1:00
204

HOUSE BILL

1531-FN

AN ACT

relative to prosecution for victimless crimes.

SPONSORS:

Rep. Lambert, Hills 27; Rep. Warden, Hills 7; Rep. Manuse, Rock 5

COMMITTEE:

Criminal Justice and Public Safety

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← "victim" is a person. Person is now a corporation.

↓ Direct or threatened harm. What does this do to the stalking laws, or to harm by intimidation?

① ↓ ~~I do~~

The supporters support decrim. of pot, prostitution, adultery, other drugs, hemp.

Description of victimless crime: - has not harmed a person. However,

② ↓ Laws are passed, to prevent harm - DWI is one example, speeding another.

↓ If DWI is not illegal, the police cannot arrest for it; and

" " " " " the number of victims will dramatically increase. Unintended consequences!

③ ↓ → Corp. as person - history w/ pot. "person" who suffers direct financial harm

It is not ^{only} the infliction of harm. It is the potential to inflict harm that is the source of many laws. Speeding, DWI

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Testimony

Testimony on HB1531, the so-called "victimless crime" bill. Below are more details concerning the points I brought up in my testimony, as promised.

The deputy attorney general testified that HB1531 would affect their ability to prosecute public corruption crimes, since in such cases, there is no clear, identifiable "victim." I would disagree: In such cases, every constituent of a corrupt public official can realistically claim to be the victim of their corruption. The solution is not to throw out this bill, but would be to amend it, adding a clause that would allow private citizens aggrieved by instances of corruption to press charges or bring a private lawsuit against a corrupt official.

Prostitution was brought up as a victimless crime, to which someone responded that legalized prostitution spreads disease and would promote social ills such as human trafficking. In the first case, there is nothing specific to prostitution that causes the spread of venereal diseases: The same problem exists with any kind of promiscuous or irresponsible consensual sexual behavior---behavior that is already legal. As to human trafficking, this bill would certainly not legalize that, for such acts are clearly crimes with identifiable victims.

One representative posed the question of mere attempts to commit crimes with victims, such as hiring a hit man who turns out to be an undercover police officer. Such acts would remain illegal if this bill were to pass; the text of the bill explicitly says that mere attempts at committing victim-ful crimes remain just as illegal as actually succeeding in committing them.

The issue of fish & game laws, where a person catches more fish or hunts more game than legally established limits, can be framed as a form of theft of public property and still be prosecuted as a crime, theft, with a victim.

One representative on the committee brought up the issue of this bill potentially legalizing "sodomy." However, this bill would have no such effect. "Sodomy," if by such an archaic word one is referring to consensual sexual behavior such as homosexuality, is already legal in New Hampshire. This state currently has no law against such acts, and has not had any such laws since 1975, when they were repealed. Additionally, the Supreme Court of the United States ruled in *Lawrence v. Texas*, 539 U.S. 558 (2003), that such laws are unconstitutional, so this is a moot point.

On the other hand, if by "sodomy" the representative was referring to non-consensual behavior such as rape or sexual assault, such law would continue to be enforceable, as there is clearly a victim of such acts.

Trespassing would remain a crime too, so long as a victim of such trespass could claim one of "physical, emotional, psychological, or financial harm." Many examples of trespass involve financial harm in the form of property damage. Most other examples of trespass would fall under "emotional" or "psychological harm," as the property may feel that their privacy has been violated by the appearance of the trespasser upon their land.

The speaker from the NHCLU brought up the example of New Hampshire's stalking laws being rendered ineffective by this bill. Again, this is incorrect: Stalking has a clearly identifiable victim, and the bill specifically says "emotional" or "psychological harm" would be sufficient for a victim to bring a case, so this bill would not render our stalking laws ineffective.

She also claimed that this bill would suddenly allow corporations (as legal "persons") to be able to claim "financial harm" against competitors and therefore claim a crime has been committed. This is incorrect: Simply, this bill creates no *new* crimes. It merely allows for defendants accused of violating existing laws to present an affirmative defense that there is no victim. Out-competing a rival business in the free market is not currently a crime, and it wouldn't suddenly become a crime under this bill. This bill creates no new crimes.

Thank you for your time.

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Respectfully submitted,
Jeremy J. Olson
jeremy@jeremyjolson.com

Good afternoon, Ladies and Gentlemen of the Committee. My name is Louis Miller. I am a resident of Rochester, NH.

I'd like to begin by thanking the Honorable Mr. Manuse, Mr. Lambert, and Mr. Warden for their introduction and sponsorship of House Bill 1531, and to the New Hampshire House of Representatives, and Committee for Criminal Justice and Public Safety for the opportunity to speak today in support of this amendment to RSA 262 Chapter 2.

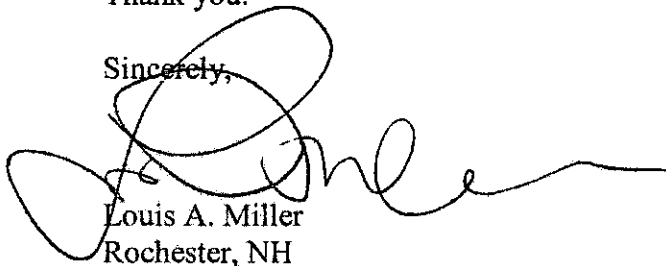
New Hampshire has a proud tradition of respecting individual liberty, and this was the single deciding factor for my family to become residents of this state.

When he wrote 'On Liberty' in 1859, John Stuart Mill understood keenly that the sole motivating principle of a government that respects individual liberty is **"That the only purpose for which power can be rightfully exercised over any member of a civilized community ... is to prevent harm to others,"** and that **"no one should be forcibly prevented from acting in any way he chooses, provided [that] his acts are not invasive of the free acts of others."** This is the selfsame principle of liberty upon which the governments of the United States, and the State of New Hampshire were founded.

It is the infliction of harm upon another person that makes an action wrong, and it should be the sole focus of our government to protect the liberty of the people, and the victims of crime. House Bill 1531 achieves this purpose admirably: If there is no individual victim who can be shown to have suffered demonstrable harm, there is no crime.

Thank you.

Sincerely,



Louis A. Miller
Rochester, NH

Reference: NH HB 1531

I New Paragraph; General Requirements of Culpability. Amend RSA 626:2 by inserting after paragraph V the following new paragraph:

VI. It shall be an affirmative defense to prosecution for any felony or misdemeanor charged under the laws of this state that there was no victim of the crime. In this paragraph, "victim" means any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime.



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department
Testimony in Opposition of House Bill 1531
An Act relative to prosecution for victimless crimes
House Criminal Justice and Public Safety Committee**

February 9, 2012

Madam Chairperson and members of the House Criminal Justice and Public Safety Committee, for the record my name is Martin Garabedian and I am the Chief of Law Enforcement for the New Hampshire Fish and Game Department. The New Hampshire Fish and Game Department and the Fish and Game Commission voted to **Oppose House Bill 1531**.

Many of the regulations that are required to further the state's interest in preserving species of fish and game are for all current and future generations to enjoy. A law permitting an affirmative defense to prosecution for any felony or misdemeanor where there was no victim of the crime is of great concern regarding the illegal take of wildlife. The taking of a moose or deer during the closed season, illegal night hunting and the possession of a silencer for the taking of wildlife are some of the misdemeanor offenses our Conservation Officer enforce during their normal duties. If this bill would go into effect, it appears where the victim of the crime is the State of New Hampshire we would be unable to prosecute someone who has in some instances illegally taken wildlife. This would seriously compromise, if not completely undermine, the state's ability to accomplish its objective. Without the ability to prosecute wildlife-related misdemeanor offenses, ultimately some of our wildlife species could be in jeopardy from the wanton take of them.

In addition, the prosecution of some of our more serious littering and trespass offenses would be curtailed as a result of passage of this bill. Also, aggravated driving or hunting while intoxicated could not be prosecuted because there was no victim of the crime. The legitimacy and importance of this state interest are reflected in a number of provisions embodied in the New Hampshire Constitution. Past cases have described the state interest in preserving and managing its natural resources, including its wildlife, as great and compelling and have stressed that the state has an obligation to exercise supervision over such resources for the benefit of the public.

Madam Chairperson and members of the House Criminal Justice and Public Safety Committee I would respectfully urge you to vote in **opposition** of HB 1531 for the reasons stated above.

Colonel Martin S Garabedian

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629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

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REGION 3
225 Main Street
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REGION 4
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(603) 352-9669
FAX (603) 352-8798
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**LEGISLATIVE POSITION
NH DEPARTMENT OF SAFETY**

LSR 2108.0 Relative To Prosecution For Victimless Crime

HB 1531

POSITION: Opposed

This bill makes it an affirmative defense to a misdemeanor or felony crime if there was no victim of the crime. The definition of "victim" is a person who suffers direct or threatened physical, emotional, psychological or financial harm. Consequently, if there is no victim to a crime, it may not be realistically prosecuted.

The practical consequence of this bill will be to eviscerate much of the criminal and motor vehicle code. Any misdemeanor or felony drug offense will no longer be a convictable crime because anyone charged will have this defense available. Moreover, any felony or misdemeanor driving offense, unless there is an accident or property damage, will not be prosecutable. For example, a person who has been stopped for driving while intoxicated will not be prosecuted, if there is no crash or property damaged, despite the fact that such conduct creates a serious hazard to public safety.

Although law enforcement will be able to focus more attention on those crimes where there is a "victim," that should not mean that victimless crimes are no less important.

It may be said that truly, there is no such thing as a "victimless" crime. Either an individual or society as a whole is harmed when a crime is committed. If this bill passes, drug dealing would be considered a victimless crime because there would be no direct or threatened physical, emotional or psychological harm to a specific person. Yet much of the street crime that occurs in society and much of the medical costs and lost productivity is caused by the work of drug dealers. Prostitution would be considered a victimless crime, yet wherever prostitution flourishes, the rate of sexually transmitted diseases increase and the ready availability of "sex for sale" destroys homes, marriages and can lead to the enslavement of young women and gay youth. Possession of child pornography would be considered a victimless crime unless the person in possession of the pornography could be proven to be the individual who had abused the specific child depicted in the photographs or videotape, yet the purchasers and collectors of the images are the ones who fuel the industry. Illegal gambling would be a victimless crime, yet unregulated gambling destroys homes, families and personal fortunes by promoting gambling addiction. These are a just a few examples and there are no doubt many more, so the unintended consequences if this bill passes will be far more than we can imagine at this point.

Such an affirmative defense will create an extreme threat to public safety. It will encourage criminal conduct and make New Hampshire a safe haven for drug traffickers and other criminals. As a result, the quality of life in this State will decrease dramatically and our citizens will be placed at risk for more harm.

The NH Department of Safety opposes this bill for the reasons stated and because it seriously compromises public safety.

HB1531 – 2012

Relative to prosecution for victimless crimes.

February 9th, 2012

Written testimony of:

Bill McGonigle
251 Croydon Turnpike
Plainfield
603.448.1668
bill@mcgonigle.us

Good afternoon, Madam Chair, members of the Committee:

I'm Bill McGonigle of Plainfield, and I am here today to testify in favor of HB1531.

I'm sure you'll hear many important points today – about how Government is instituted to protect us from each other, that Just Government arises from the consent of the governed, and how the natural right of defense enables a Just Government to provide for the mutual defense. Our Constitution has specific requirements for just incarceration, namely to reform.

These are all good points, and true, however, I wish to add a slightly different perspective, from perhaps a more pragmatic angle. I will focus on that point and try to be brief.

I would like to bring to the Committee's attention the incarceration rate in New Hampshire and illustrate how it compares to some other States and Countries around the world.

According to the standard measure, New Hampshire imprisons 220 individuals per 100,000 residents. That number in isolation has little meaning.

For comparison, Massachusetts has an incarceration rate of 218 per 100,000 – pretty similar. Yet, who would suggest that the level of crime in Massachusetts is similar to that in New Hampshire?

Further down the list we'll find Minnesota at 179 and Maine at 151, but not before we pass the narco states of Mexico and Columbia, and Saudi Arabia and Turkey. To be fair, in Saudi Arabia, one might think the execution rates might keep the incarceration rate down, but Turkey hasn't executed anybody since 1984.

Next we find Australia at 133, then Canada at 117, but not before passing the repressive regime of

China at 122. France at 109 marks half the incarceration rate of New Hampshire. At this point we should stop to ask if New Hampshire is a place with twice the criminal activity of France. Below the half-way point we find Italy, Austria, Germany, Ireland, Switzerland, and Norway, then Finland below the 1/3 mark. All of these countries have abolished capital punishment.

So, what's going on here? To be sure, New Hampshire isn't the worst offender among the United States, and the US rate at the Federal level is much worse. But there's clearly a problem here - New Hampshiremen aren't somehow more evil than their European counterparts, and these European States aren't suffering from rampant crime waves that we're somehow avoiding with our overflowing prisons (as an aide: this is something to consider in light of County-level controversies about having to build new, larger prisons).

But perhaps incarceration rates correlate with reduced crime, so the State has a vested interest in such high levels? Again, this can be shown to be untrue by way of comparison. For example, when comparing crime rates between New Hampshire and Switzerland, major crime indicators are very close in scale (I have a data table in my written testimony with some figures for comparison). The similarity of the crime numbers between New Hampshire and Switzerland is likely more illustrative of a universal aspect of human nature than an effect of particular legal systems.

Because other Western countries prosecute victimless crimes less, they don't have staggeringly different crime levels than New Hampshire, and the magnitude of the incarceration rate is shown here to not significantly reduce crime, we must consider the effectiveness of our incarceration rates, and the prosecution of, and imprisonment for, victimless crimes.

Now, it's possible that the Legislature could spend the next twenty years going through the State's Statutes with a fine-toothed comb to find all of the offending Statutes, and that's probably a good idea anyway. Whether that kind of long-term project can actually be accomplished in a political environment where control of the Legislature tends to flip every four years and the parties tend to abandon the projects of the other guys - I'd like to think it could happen but I'm not really sure.

But in the meantime, this Legislature has the responsibility to ensure that injustice is not being brought upon the People of New Hampshire. With our existing Statutes, over that same 20-year period it's very likely that the State will imprison hundreds if not thousands of individuals for committing so-called 'crimes' that have no victim, and it won't reduce crime rates or protect other people. HB 1531 offers a way out of this bind by allowing defendants to offer, as a defense, that the alleged crime had no victim.

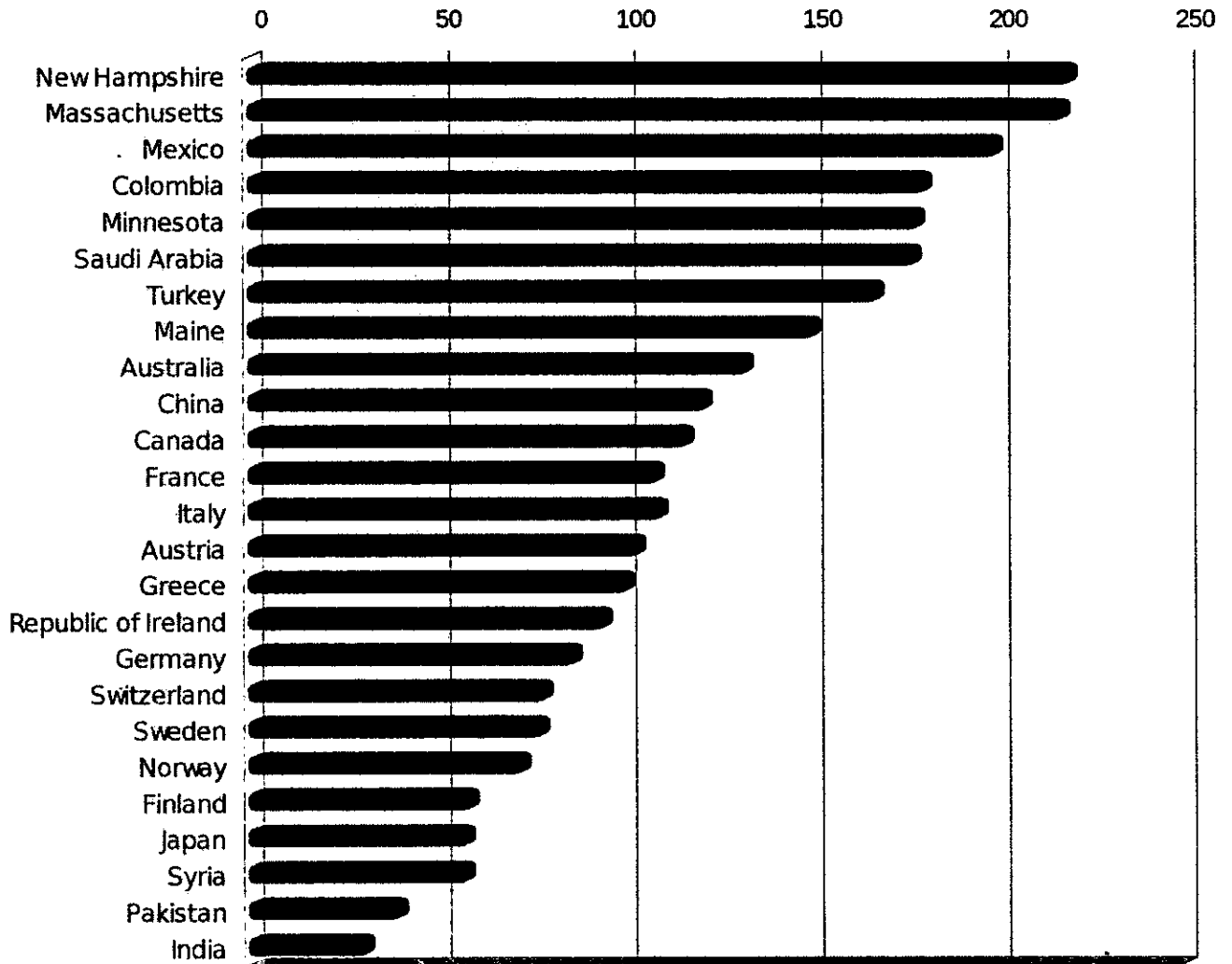
Besides saving the taxpayers a tremendous amount of money by not prosecuting and incarcerating all these individuals unnecessarily, it would start us down the path of bringing New Hampshire in line with more appropriate crime-control measures, as established empirically by the example of the entirety of the rest of the Western World.

HB1531 doesn't instantly solve all of our problems - and I like to think it would be a stop-gap measure until our Statutes can be straightened out - but it does give the People of New Hampshire a realistic chance at a fair shake at Justice in our State, and as I hope I've shown here today, it does so without the risk of increased levels of crime.

Thank you for your time, and I'd be happy to answer any questions the Committee might have.

Incarceration Rates

Prisoners per 100,000 of Population



Incarceration Rates (per 100,000)

New Hampshire	220
Massachusetts	218
Mexico	200
Colombia	181
Minnesota	179
Saudi Arabia	178
Turkey	168
Maine	151
Australia	133
China	122
Canada	117
France	109
Italy	110
Austria	104
Greece	101
Republic of Ireland	95
Germany	87
Switzerland	79
Sweden	78
Norway	73
Finland	59
Japan	58
Syria	58
Pakistan	40
India	31

Crime Rates (per 100,000)

	Murder	Rape	Assault	Robbery	Burglary
New Hampshire	1.00	31.3	100.4	34.3	413.3
Switzerland	0.65	6.94	127.79	36.46	641.64

Sources:

http://en.wikipedia.org/wiki/List_of_countries_by_incarceration_rate

<http://www.disastercenter.com/crime/nhcrime.htm>

http://www.bfs.admin.ch/bfs/portal/fr/index/themen/19/03/02/key/02/straftaten_im_einzeln.html

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1531-FN

BILL TITLE: relative to prosecution for victimless crimes.

DATE: February 21, 2012

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Kenneth Kreis

Seconded by Rep. Laura Pantelakos

Vote: 14-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.


Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-2

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Gene Charron, Clerk

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DATE:

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. *Pantstakos - Kreis*

Seconded by Rep. *Pantstakos*

Vote: (Please attach record of roll call vote.)

14-2

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

consent

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene Charron, Clerk

Gene P. Charron

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 1531-FN Title: Relative to prosecution for victimless crimes.

PH Date: 02/09/12

Exec Session Date: 2+21/12.

Motion: 172

Amendment #: _____

MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman	✓	
Gagne, Larry G, V Chairman	✓	
Welch, David A	✓	
Fields, Dennis H	✓	
Fesh, Robert M	✓	
Charron, Gene P, Clerk	✓	
Villeneuve, Moe	✓	
Antosz, Jason P	✓	✓
Greazzo, Phil J	✓	
Kreis, Kenneth	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J		✓
Warden, Mark		
Pantelakos, Laura C	✓	
Berube, Roger R	✓	
Shurtleff, Stephen J	✓	
Ginsburg, Philip E	✓	
	14	2

Committee Report

CONSENT CALENDAR

March 7, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1531-FN,

AN ACT relative to prosecution for victimless crimes.

Having considered the same, report the same with the following Resolution: **RESOLVED**, That it is **INEXPEDIENT TO LEGISLATE**.

Rep. Kenneth Kreis

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB1531-FN
Title:	relative to prosecution for victimless crimes.
Date:	February 22, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill creates an affirmative defense to any felons or misdemeanors if there was no victim of the crime. The committee has no definition of "victimless" crime and became too broad in incorporating corporations as "persons".

Vote 14-2.

Rep. Kenneth Kreis
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB1531-FN, relative to prosecution for victimless crimes. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for CRIMINAL JUSTICE AND PUBLIC SAFETY. This bill creates an affirmative defense to any felons or misdemeanors if there was no victim of the crime. The committee has no definition of "victimless" crime and became too broad in incorporating corporations as "persons". **Vote 14-2.**

Original: House Clerk

Cc: Committee Bill File

HB 1531-FN relative to prosecution for victimless crimes.

This bill creates an affirmative defense to any felons or misdemeanors if there was no victim of the crime. The committee has no definition of "victimless" crime and became too broad in incorporating corporations as "persons".

Rep. Kenneth Kreis
For the Committee
14-2 ITL CC

Rep. Claire Swenford

COMMITTEE REPORT

COMMITTEE: Criminal Justice & Public Safety

BILL NUMBER: HB 1531-FN

TITLE: Relative to prosecution for victimless crimes.

DATE: 2-27-12 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This bill creates an AFFIRMATIVE DEFENSE to any Felony OR MIS DEAMEROR if there was NO VICTIM OF THE CRIME. The Committee has NO DEFINITION OF "VICTIMLESS" CRIME AND becomes too BROAD in incorporating corporations AS "PERSONS."

Rep. Elaine Swenson

COMMITTEE VOTE: 14-2

RESPECTFULLY SUBMITTED

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. [Signature]
For the Committee