

Committee Report

CONSENT CALENDAR

January 16, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety to
which was referred HB 1567-FN,**

**AN ACT relative to the penalties for prostitution and
related offenses. Having considered the same, report
the same with the following resolution: RESOLVED, that
it is INEXPEDIENT TO LEGISLATE.**

Rep. John Burt

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1567-FN
Title:	relative to the penalties for prostitution and related offenses.
Date:	January 16, 2018
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Although well-intentioned, this bill falls short in a few places. First, it was written without input from the people it purports to help, sex workers. Second, it does not solve the problem of stigma, which begets violence or the problem of mistrust between sex workers and police, which enables so much harm. Further, it leaves the most vulnerable street-based worker in arguably a worse position, since most cannot afford the fine and would lose their right to legal counsel. These are just a few of the problems that lead the committee to recommend ITL.

Vote 20-0.

Rep. John Burt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 1567-FN, relative to the penalties for prostitution and related offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. Although well-intentioned, this bill falls short in a few places. First, it was written without input from the people it purports to help, sex workers. Second, it does not solve the problem of stigma, which begets violence or the problem of mistrust between sex workers and police, which enables so much harm. Further, it leaves the most vulnerable street-based worker in arguably a worse position, since most cannot afford the fine and would lose their right to legal counsel. These are just a few of the problems that lead the committee to recommend ITL. **Vote 20-0.**

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Vote 20-0.

Rep. John Burt
FOR THE COMMITTEE

llw

Original: House Clerk
Cc: Committee Bill File

Karwocki, Karen

From: john@burtnh.com
Sent: Tuesday, January 16, 2018 9:45 PM
To: Karwocki, Karen; David Welch
Subject: Majority Blurb HB 1567

Blurb HB 1567

2018 Session

01/16/2018

AN ACT relative to the penalties for prostitution and related offenses.

Rep John Burt for the majority of Criminal Justice and Public Safety:

Although well-intentioned, this bill falls short in a few places. First, it was written without input from the people it purports to help, sex workers. Second, it does not solve the problem of stigma, which begets violence; or the problem of mistrust between sex workers and police, which enables so much harm. Further, it leaves the most vulnerable street-based worker in arguably a worse position, since most cannot afford the fine and would lose their right to legal counsel. These are just a few of the problems that lead the committee to recommend ITL.

Sincerely,
NH Representative
John A. Burt
Goffstown

COMMITTEE REPORT

COMMITTEE: CJ&PS

BILL NUMBER: HB 1567

TITLE: _____

DATE: 1-16-18 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:

I will email

COMMITTEE VOTE: 20-0

RESPECTFULLY SUBMITTED,

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

Rep. *John A. Burt*
For the Committee

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1567-FN

BILL TITLE: relative to the penalties for prostitution and related offenses.

DATE: January 16, 2018

LOB ROOM: 204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Burt

Seconded by Rep. Gagne

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Delmar Burridge, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1437 / 1567

BILL TITLE: relative to tattoos on state law enforcement officers.

DATE:

LOB ROOM: 204

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. BWET Seconded by Rep. BWYME Vote: 20-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____

Rep Delmar Burridge, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2018 10:27:44 AM
Roll Call Committee Registers
Report

2018 SESSION

CRIM&SFTY

Bill #: 1567 Title: TATTOOS

PH Date: ___/___/___ Exec Session Date: ___/___/___

Motion: _____ Amendment #: _____

MEMBER

YEAS

NAYS

20-0

Welch, David A. Chariman	✓	
Sapareto, Frank V. Vice Chairman	✓	
Fields, Dennis H.	✓	
Fesh, Robert M.	✓	
Gagne, Larry G.	✓	
Burt, John A.	✓	
Green, Dennis	✓	
Gargas, Carolyn M.	✓	
Ham, Bonnie D.	✓	
McNally, Jody L.	✓	
Testerman, Dave	✓	
Wallace, Scott	✓	
Chandley, Shannon E.	✓	
Pantelakos, Laura C.	✓	
Berube, Roger R.	✓	
Cushing, Robert Renny	✓	
Rodd, Beth	✓	
Burridge, Delmar D. Clerk	✓	
Murray, Kate	✓	
O'Leary, Richard	✓	
Opderbecke, Linn	✓	
TOTAL VOTE:		

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1567-FN

BILL TITLE: relative to the penalties for prostitution and related offenses.

DATE: January 11, 2018

LOB ROOM: 204

Time Public Hearing Called to Order: 1:46

Time Adjourned:

Committee Members: Reps. Welch, Burrridge, Fields, Gagne, Burt, Green, Gargas, Ham, McNally, Testerman, Wallace, Chandley, Pantelakos, Berube, Cushing, Rodd, Murray, O'Leary and Opderbecke

Bill Sponsors:

Rep. Burrridge

TESTIMONY

Rep Burrridge

*Rep Edwards, Opposes, Consensual a 911 community law

Rep Opderbecke,

Rep Freeman, CoChair, Liberty Part; does not address sex & opposes; end all probably all sex offenders

Connor, 19 years; sex confusion, don't engage in sex. I do other theory, surround sex, NORDI Sex Law, makes it more difficult

Respectfully Submitted,



Delmar Burrridge, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1567-FN

BILL TITLE: relative to the penalties for prostitution and related offenses.

DATE:

1:46 PM

ROOM: 204

Time Public Hearing Called to Order: 1-11-2010

Time Adjourned: _____

(please circle if present)

Committee Members: Reps. Welch, Sapareto, Fields, Fesh, Gagne, Burt, Green, Gargas, Ham, McNally, Testerman, Wallace, Chandley, Pantelakos, Berube, Cushing, Rodd, Murray, O'Leary, Opderbecke and Burrige

Bill Sponsors:
Rep. Burrige

TESTIMONY

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

REP Burrige

REP EDWARDS* opposes consensual a 911 imminent law

REP Opderbecke -

Freeman - Co Chair bipartisan Party
→ does not address sex

opposes

and all probably all sex offenders

Connor 19 years - sex worker don't judge
in Sup. I do other things.
Survival Sup Noepi Sex Law
- makes it more difficult

Testimony

Edwards 1/11/2018

Problems with HB 1567

- Written without input from the group which the bill is supposedly trying to help: sex workers
- The most vulnerable sex workers, those engaged in survival sex, can't afford a \$100 fine
- Making it a violation instead of a misdemeanor means indigent sex workers no longer have the right to a public defender
- Does not solve the problem that sex workers are afraid to go to the police to report crimes
- Perpetuates the stigma which is the cause of violence
- Sex workers don't want their clients shamed and arrested, because that takes away their source of income. If you don't want people working in the sex industry, you can't help them by reducing their options, only by giving them better options.

The sex-purchase ban has created a "buyer's market," one social-service provider told Amnesty, where sex workers have lost negotiating power and are more subject to customer demands. To avoid police detection, sex workers reported, they increasingly rely on customers to provide a place to work. "Some customers can hurt you at their apartments," Tina, a Nigerian street-based sex worker, told Amnesty. "We have to obey [the customer's] rules because we are in their house. We can't bring them to ours."

Grant, M. G. (2016, May 26). Amnesty International Calls for an End to the 'Nordic Model' of Criminalizing Sex Workers. *The Nation*. Retrieved from <https://www.thenation.com/article/amnesty-international-calls-for-an-end-to-the-nordic-model-of-criminalizing-sex-workers/>

Fiscal Note

LBAO
18-2187
11/6/17

HB 1567-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the penalties for prostitution and related offenses.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2019	FY 2020	FY 2021	FY 2022
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable.
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill contains penalties 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
Violation Level Offense	\$49	\$49
Class B Misdemeanor	\$50	\$51
Class A Misdemeanor	\$72	\$73
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.		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$85 to \$110	\$85 to \$110

The Judicial Council assumes this bill could reduce the number of misdemeanor criminal

offenses, but not significantly. On average, the Public Defender Program handles 36 prostitution cases each year. The Council assumes this bill could decrease expenditures for the defense of the indigent accused by an indeterminable amount.

The Department of Justice is generally not involved with the prosecution of prostitution cases, which are typically handled by local or county prosecutors. Appeals from any convictions from such offenses would be handled by the Criminal Justice Bureau and could be handled within the Department's current budget.

The Department of Corrections states there would be no fiscal impact to the Department since individuals charged with prostitution would be subject to incarceration in county correctional facilities and not the State prisons.

AGENCIES CONTACTED:

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

Bill as
Introduced

HB 1567-FN - AS INTRODUCED

2018 SESSION

18-2187
04/10

HOUSE BILL

1567-FN

AN ACT

relative to the penalties for prostitution and related offenses.

SPONSORS:

Rep. Burridge, Ches. 16

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill changes the penalty for certain prostitution-related offenses to a violation, and establishes a criminal penalty for any person who pays, agrees to pay, or offers to pay another to engage in sexual contact.

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 Eighteen

AN ACT relative to the penalties for prostitution and related offenses.

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

1 1 Prostitution and Related Offenses. Amend RSA 645:2, I to read as follows:

2 I. A person is guilty of a ~~[misdemeanor]~~ **violation and shall be fined \$100** if the person:

3 (a) Solicits, agrees to perform, or engages in sexual contact as defined in RSA 632-A:1,
4 IV or sexual penetration as defined in RSA 632-A:1, V, in return for consideration; or

5 (b) Induces or otherwise purposely causes another to violate subparagraph (a); or

6 (c) Transports another into or within this state with the purpose of promoting or
7 facilitating such other in engaging in conduct in violation of subparagraph (a); or

8 (d) Not being a legal dependent incapable of self support, knowingly is supported in
9 whole or in part by the proceeds of violation of subparagraph (a); or

10 (e) Knowingly permits a place under such person's control to be used for violation of
11 subparagraph (a); ~~or~~

12 ~~(f) Pays, agrees to pay, or offers to pay another person to engage in sexual contact as~~
13 ~~defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V, with the payor or~~
14 ~~with another person].~~

15 2 New Paragraph; Prostitution and Related Offenses. Amend RSA 645:2 by inserting after
16 paragraph I the following new paragraph:

17 I-a. A person is guilty of a class B misdemeanor if such person pays, agrees to pay, or offers
18 to pay another person to engage in sexual contact as defined in RSA 632-A:1, IV or sexual
19 penetration as defined in RSA 632-A:1, V, with the payor or with another person. For a second or
20 subsequent offense under this paragraph, the person shall be guilty of a class B misdemeanor and
21 the court may order public reprimand or shaming of the payor.

22 3 Effective Date. This act shall take effect January 1, 2019.