

Committee Report

REGULAR CALENDAR

March 10, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 123-FN,**

**AN ACT granting immunity from prosecution for
prostitution for reporting a sexual assault. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Nicole Klein-Knight

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 123-FN
Title:	granting immunity from prosecution for prostitution for reporting a sexual assault.
Date:	March 10, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0760h

STATEMENT OF INTENT

This bill as amended seeks to grant immunity from prosecution for prostitution when reporting a sexual assault. It further protects victims when seeking medical assistance and other life-threatening emergency resources. The majority of the committee believes that getting medical or law enforcement assistance for sexual violence should not be contingent upon assisting law enforcement.

Vote 17-4.

Rep. Nicole Klein-Knight
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 123-FN, granting immunity from prosecution for prostitution for reporting a sexual assault.
OUGHT TO PASS WITH AMENDMENT.

Rep. Nicole Klein-Knight for Criminal Justice and Public Safety. HB123 seeks to grant immunity from prosecution for prostitution when reporting a sexual assault. It further protects victims when seeking medical assistance and other life-threatening emergency resources. The majority of the committee believes that getting medical or law enforcement assistance for sexual violence should not be contingent upon assisting law enforcement.

Vote 17-4.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 123

BILL TITLE: Granting immunity from prosecution for position

DATE: 3/10/2021

LOB ROOM: _____

MOTION: (Please check one box)

☒ OTP

☐ ITL

☐ Retain (1st year)

☒ Adoption of

Amendment # 2021 0760 H
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. Welch

Seconded by Rep. Spillane

Vote: 19/2

MOTION: (Please check one box)

☐ OTP

☒ OTP/A

☐ ITL

☐ Retain (1st year)

☐ Adoption of

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☐ 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: Y YES N NO

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

Respectfully submitted: _____

Rep. Jennifer Rhodes, Clerk



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 123 Motion: OTP AM #: 2021 0760 Exec Session Date: 3/10/2021
19/2

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	19		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S. <i>Spillane</i>	3		
Green, Dennis E.	4		
Wallace, Scott	5		
Testerman, Dave	6		
True, Chris	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.		1	
Pantelakes, Laura C. <i>Bixby</i>	11		
O'Hearne, Andrew S.		2	
Bordenet, John	12		
Meuse, David	13		
Newman, Ray E.	14		
Bouldin, Amanda C.	15		
Conley, Casey M.	16		
Klein-Knight, Nicole	17		
Bradley, Amy	18		

OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #:	Motion:	AM #:	Exec Session Date:
TOTAL VOTE:			



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 123 Motion: OTPA AM #: 2021 0760 Exec Session Date: 3/10/2021
17/4

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	17		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S. <i>Spillane</i>	3		
Green, Dennis E.		1	
Wallace, Scott	4		
Testerman, Dave		2	
True, Chris		3	
Pratt, Kevin M.	5		
Marston, Dick		4	
Rhodes, Jennifer M. Clerk	6		
Harriott-Gathright, Linda C.	7		
Pantelakos, Laura C. <i>Bulby</i>	8		
O'Hearne, Andrew S.	9		
Bordenet, John	10		
Meuse, David	11		
Newman, Ray E.	12		
Bouldin, Amanda C.	13		
Conley, Casey M.	14		
Klein-Knight, Nicole	15		
Bradley, Amy	16		



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2021 SESSION

Criminal Justice and Public Safety

Bill #: _____ Motion: _____ AM #: _____ Exec Session Date: _____

TOTAL VOTE:





1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 123 Motion: OTPA AM #: 2021 0760 Exec Session Date: 3/10/2021
17/4

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	11		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S. <i>Spillane</i>	3		
Green, Dennis E.		1	
Wallace, Scott	4		
Testerman, Dave		2	
True, Chris		3	
Pratt, Kevin M.	5		
Marston, Dick		4	
Rhodes, Jennifer M. Clerk	6		
Harriott-Gathright, Linda C.	7		
Pantelakos, Laura C. <i>Bulby</i>	8		
O'Hearne, Andrew S.	9		
Bordenet, John	10		
Meuse, David	11		
Newman, Ray E.	12		
Bouldin, Amanda C.	13		
Conley, Casey M.	14		
Klein-Knight, Nicole	15		
Bradley, Amy	16		

OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM
Roll Call Committee Registers
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 133 Motion: OTP AM #: 2021 0760 Exec Session Date: 3/10/2021
19/2

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	19		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S. <i>spillane</i>	3		
Green, Dennis E.	4		
Wallace, Scott	5		
Testerman, Dave	6		
True, Chris	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.		1	
Pantelakos, Laura C. <i>Bixby</i>	11		
O'Hearne, Andrew S.		2	
Bordenet, John	12		
Meuse, David	13		
Newman, Ray E.	14		
Bouldin, Amanda C.	15		
Conley, Casey M.	16		
Klein-Knight, Nicole	17		
Bradley, Amy	18		

Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 123-FN & HB 546

BILL TITLE: **granting immunity from prosecution for prostitution for reporting a sexual assault.**

DATE: **March 10, 2021**

LOB ROOM: **hybrid** **Time Public Hearing Called to Order:** **2:35 p.m.**

Time Adjourned: **3:15 p.m.**

Committee Members: **Reps. Abbas, Welch, Rhodes, Burt, Hopper, Green, Wallace, Testerman, True, Pratt, Marston, Harriott-Gathright, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley, Klein-Knight and Bradley**

Bill Sponsors:

Rep. Klein-Knight
Rep. Bouchard

Rep. Cushing
Rep. Roy

Rep. Welch

TESTIMONY

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

Rep. Klein-Knight - supports. Introduced bill. Many "sex workers" didn't feel they can report crime due to reasons why they were assaulted and they feel trapped.

Rep. Bouldin - Support. Introduced a person who is with a group and they are doing drugs, one may hesitate to report or call 911. Someone overdoes due to fear.

Joe Hannon - Both. Supports. Both bills are necessary to support those that have been assaulted.

Lyn Schollett - supports HB 123. Nobody should live with a sexual assault because of fear of being the criminal.

Joe Ebert - HB 546. supports idea. Would like a limit or amount to be set.

Harriott-Gathright - Do you have a limit in mind?

A. not necessarily

Katherine Cooper - opposed HB 123. Will invite false claims.

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB123 on 2021- Support: 125 Oppose: 4 Neutral: 0 Total to Testify: 2

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	
Cooper, Katherine	Epping, NH Katherine@NHACDL.org	A Lobbyist	N.H. Association of Criminal Defense Lawyers	Oppose	Yes (3m)	No	1
Schollett, Lyn	Concord, NH lyn@nhcadsv.org	A Lobbyist	New Hampshire Coalition Against Domestic and Sexual Violence	Oppose	Yes (2m)	No	1
Valiquet, Jim	Newbury, NH jimvaliquet@gmail.com	A Member of the Public	Myself	Oppose	No	No	1
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	1
Baird, Cathryn	newport, NH freewillfarm@comcast.net	A Member of the Public	Myself	Support	No	No	1
Peterson, Susan	Newton, NH Susanrp@aol.com	A Member of the Public	Myself	Support	No	No	1
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	1
Keilig, Carolyn	Hopkinton, NH revcehk@gmail.com	A Member of the Public	Myself	Support	No	No	1
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	1
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	1
Hayes, Randy	Canterbury, NH rcomposestr@gmail.com	A Member of the Public	Myself	Support	No	No	1
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	1
Clark, Martha	Canterbury, NH mctraveler1@comcast.net	A Member of the Public	Myself	Support	No	No	1
Merrigan, Susan	Nashua, NH s.e.merrigan@gmail.com	A Member of the Public	Myself	Support	No	No	1
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	1
wilczynski, patricia	concord, NH patricia.wilczynski@gmail.com	A Member of the Public	Myself	Support	No	No	1
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Support	No	No	1
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Support	No	No	1
ingold, Kerry	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Support	No	No	1
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	No	1
ingold, Peter	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Support	No	No	1
Newton, Jay	Gilford, NH Jjnewt@gmail.com	A Member of the Public	Myself	Support	No	No	1

Pugh, Stephen	AMHERST, NH miaferral@comcast.net	A Member of the Public	Myself	Support	No	No	
Sargent, Elizabeth	Concord, NH esargent@sheehan.com	A Lobbyist	NH Association of Chiefs of Police	Oppose	No	No	
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	No	
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	
Stark, Michael	Allenstown, NH mstark@allenstownnh.gov	A Member of the Public	Myself	Support	No	No	
Gordon, Laurie	Weare, NH Lmgord23@gmail.com	A Member of the Public	Myself	Support	No	No	
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	
Raby, John	New London, NH johnraby518@gmail.com	A Member of the Public	Myself	Support	No	No	
Hannon, Joe	Lee, NH joehannon4nh@gmail.com	A Member of the Public	Myself	Support	No	No	
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St Germain, Diane	Bedford, NH diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	No	
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Heath, Ruth	Canterbury, NH ruthmheath@comcast.net	A Member of the Public	Myself	Support	No	No	
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Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	
Blair, David	Dublin, NH orionblair@gmail.com	A Member of the Public	Myself	Support	No	No	
Perez, Erika	Manchester, NH eyzerep@gmail.com	A Member of the Public	Myself	Support	No	No	
Brookmeyer, Janet	Grantham, NH brookmeyermusic@gmail.com	A Member of the Public	Myself	Support	No	No	
Petrucelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Support	No	No	
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	No	
Meyers, Mary	Hancock, NH maryenrica@gmail.com	A Member of the Public	Myself	Support	No	No	

Grossi, Anne	BEDFORD, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	No	
Fenner-Lukaitis, Elizabeth	Warner, NH glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No	
sauve, michael	Loudon, NH michael.s.sauve@gmail.com	A Member of the Public	Myself	Support	No	No	
Bates, David	Warner, NH dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	
Kusch, Dan	Sandwich, NH Dan.kusch@gmail.com	A Member of the Public	Myself	Support	No	No	
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	
Warren, Joan	Warner, NH joanbcwarren@gmail.com	A Member of the Public	Myself	Support	No	No	
Gibbons, Cheryl	Warner, NH cherylsark@gmail.com	A Member of the Public	Myself	Support	No	No	
Ingold, Kristin	Warner, NH ingoldinspirit@gmail.com	A Member of the Public	Myself	Support	No	No	
Hruska, Jeanne	Concord, NH Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Support	No	No	
Kallinich, Kayla	Boston, MA kaylakall47@gmail.com	A Member of the Public	Myself	Support	No	No	
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	
Vaughan, Elizabeth	LITCHFIELD, NH lizfvaughan@hotmail.com	A Member of the Public	Myself	Support	No	No	
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	
Briggs, Ronald	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No	
McWilliams, Rebecca	Concord, NH rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No	
Howland, Curt	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	
Hill, Conor	Ashuelot, NH conorhillnh@gmail.com	A Member of the Public	Myself	Support	No	No	
Medeiros, Izzy	Durham, NH Im1066@wildcats.unh.edu	A Member of the Public	Myself	Support	No	No	
Dooley, Joleen	Bedford, NH Joleen35@hotmail.com	A Member of the Public	Myself	Support	No	No	

Johnson, Sara	Warner, NH nhchicagocubfan@gmail.com	A Member of the Public	Myself	Support	No	No	
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	
Cook, Richard	Warner, NH r_cook@mcttelecom.com	A Member of the Public	Myself	Support	No	No	
Courser, Rebecca	Warner, NH rcourser@hotmail.com	A Member of the Public	Myself	Support	No	No	
Theberge, Timothy	Hancock, NH timtheberge@gmail.com	A Member of the Public	Myself	Support	No	No	
Underwood, Jody	CROYDON, NH jodysun@gmail.com	An Elected Official	Myself	Support	No	No	
Lambert, Georgina	Belmont, NH georginatlambert@gmail.com	A Member of the Public	Myself	Support	No	No	
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	
Richards, Matthew	Manchester, NH mricha711@gmail.com	A Member of the Public	Myself	Support	No	No	
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	
Warner, Amy	Exeter, NH amywarner81@gmail.com	A Member of the Public	Myself	Support	No	No	
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Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	
Kornhauser, Naomi	Durham, NH naomi.kornhauser@comcast.net	A Member of the Public	Myself	Support	No	No	
Keeler, Margaret	New LONDON, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	
West, Christie	Mont Vernon, NH christiemwest@gmail.com	A Member of the Public	Myself	Support	No	No	
Roy, Terry	Deerfield, NH terry.roy@leg.state.nh.us	An Elected Official	Myself	Support	No	No	
Hayward, Marcia	Laconia, NH mjhayward131@gmail.com	A Member of the Public	Myself	Support	No	No	
McManus, Wendy	ATKINSON, NH wendyzez@gmail.com	A Member of the Public	Myself	Support	No	No	
Durling, Susan	Hillsborough, NH suedurling603@gmail.com	A Member of the Public	Myself	Support	No	No	
Lamphier, Regan	Nashua, NH ReganBurkeLamphier@gmail.com	A Member of the Public	Myself	Support	No	No	
Kelly, Fran	Amherst, NH Fr.kelly01@gmail.com	A Member of the Public	Myself	Support	No	No	
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	
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Weber, Frank	NH, NH frank@frajilfarms.com	A Member of the Public	Myself	Support	No	No	

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Green, Debra	Greenville, NH laffalot37@gmail.com	A Member of the Public	Myself	Support	No	No	
Mayne, Kenneth	Greenville, NH kbmayne@gmail.com	A Member of the Public	Myself	Support	No	No	
Brown, Morgan	Mont Vernon, NH mmbrown1998@gmail.com	A Member of the Public	Myself	Support	No	No	
Cutshall, Catherine	Bedford, NH vivadofamily@aol.com	A Member of the Public	Myself	Support	No	No	
van der Bijl, Dana	Deerfield, NH dana@vanderb.com	A Member of the Public	Myself	Support	No	No	
Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Support	No	No	
Brown, Howard	Mont Vernon, NH hobro39@gmail.com	A Member of the Public	Myself	Support	No	No	
Brown, William	Mont Vernon, NH brownwd95@gmail.com	A Member of the Public	Myself	Support	No	No	
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	No	
Smiley, Seth	Amherst, NH mrsethsmiley@yahoo.com	A Member of the Public	Myself	Support	No	No	
Donovan, Julie	BEDFORD, NH julie.donovan@juno.com	A Member of the Public	Myself	Support	No	No	
Ehlers, Eileen	Hooksett, NH Eileensdesk@aol.com	A Member of the Public	Myself	Support	No	No	
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Support	No	No	
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Support	No	No	
Robertson, Doreen	Bennington, NH valleylib@gmail.com	A Member of the Public	Myself	Support	No	No	
Rhoades, Charles	DOVER, NH chuckrhoades@comcast.net	A Member of the Public	Myself	Support	No	No	
Arabas, Jill	Hollis, NH Jaarabas@yahoo.com	A Member of the Public	Myself	Support	No	No	
Goldwater, Catherine	Milford, NH cathy.goldwater@gmail.com	A Member of the Public	Myself	Support	No	No	
Perry, Brenda	Amherst, NH Bmperry65@msn.com	A Member of the Public	Myself	Support	No	No	
bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Support	No	No	
Elliott, Judith	Canterbury, NH jelliottnh@gmail.com	A Member of the Public	Myself	Support	No	No	
Pawlik, Darlene	Raymond, NH gracefiles@comcast.net	A Member of the Public	Myself	Support	No	No	
Austin, Suzanne	Brentwood, NH suzanne321@comcast.net	A Member of the Public	Myself	Support	No	No	
Pawley, Katherine	Bedford, NH kbpawley@gmail.com	A Member of the Public	Myself	Support	No	No	
Alexander, Christine	Cornish, NH calex8@gmail.com	A Member of the Public	Myself	Support	No	No	

Testimony

Archived: Friday, March 12, 2021 3:43:27 PM
From: [Pamela Keilig](#)
Sent: Wednesday, March 10, 2021 1:06:13 PM
To: [~House Criminal Justice and Public Safety](#)
Cc: [Karen Karwocki](#)
Subject: NHCADSV Testimony for HB123
Importance: Normal
Attachments:
HB123_NHCADSV Testimony_03-10-2021.pdf ;

Good Afternoon Members of the Criminal Justice & Public Safety Committee,

I would like to submit the attached testimony on behalf of the Coalition's Executive Director, Lyn Schollett who intends to speak on HB123, granting immunity from prosecution for prostitution for reporting sexual assault, during this afternoon's hearing.

The Coalition is aligned with the spirit of the bill, but would ask the committee to consider an amendment which would ensure that victims of sexual assault are not forced to cooperate or assist law enforcement in order to receive essential medical care and treatment after a sexual assault. This recommendation is outlined in Ms. Schollett's testimony, and we do not support this bill without these changes.

Thank you so much for the opportunity to provide testimony on this important issue, and we look forward to answering any questions you might have.

Pamela



Pamela Keilig *she/her*

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Archived: Friday, March 12, 2021 3:44:58 PM
From: [Lucinda Hope](#)
Sent: Tuesday, March 9, 2021 12:06:04 PM
To: [~House Criminal Justice and Public Safety](#)
Subject: Constituent in SUPPORT of HB123
Importance: Normal

Members of the House Criminal Justice and Public Safety Committee —

In a legal case of sexual abuse, the goal is to prosecute the person who committed the crime.

It is hoped that the victim will report the crime, even if the victim is a prostitute.

Therefore, to accomplish the goal of prosecuting the offender, immunity must be given to the victim.

Please pass this bill.

Sincerely,

Lucinda Hope

Bill as
Introduced

HB 123-FN - AS INTRODUCED

2021 SESSION

21-0093

04/05

HOUSE BILL

123-FN

AN ACT granting immunity from prosecution for prostitution for reporting a sexual assault.

SPONSORS: Rep. Klein-Knight, Hills. 11; Rep. Cushing, Rock. 21; Rep. Welch, Rock. 13; Rep. Bouchard, Hills. 11; Rep. Roy, Rock. 32

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides immunity from prosecution for prostitution for a person reporting to law enforcement that such person or another person is the victim of a sexual assault.

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 Twenty One

AN ACT granting immunity from prosecution for prostitution for reporting a sexual assault.

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

1 1 Legislative Intent. It is the intent of the general court to encourage a victim of sexual assault
2 as defined in RSA 632-A:2, 632-A:3, or 632-A:4 to report such crimes to law enforcement by
3 establishing a state policy of protecting the victim from arrest, prosecution, and conviction for
4 prostitution if they report such a crime. The immunity from arrest, prosecution, or conviction shall
5 extend to cases in which a victim has come forward to law enforcement and cooperated in an
6 investigation.

7 2 New Paragraphs; Prostitution and Related Offenses; Immunity From Prosecution. Amend
8 RSA 645:2 by inserting after paragraph VI the following new paragraphs:

9 VII. As used in this section, "reports being the victim of a sexual assault or other crime"
10 means reporting the initial crime to law enforcement and assisting law enforcement to identify the
11 alleged perpetrator. It does not include further cooperation in prosecution.

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

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

25 3 Effective Date. This act shall take effect January 1, 2022.

HB 123-FN- FISCAL NOTE
AS INTRODUCED

AN ACT granting immunity from prosecution for prostitution for reporting a sexual assault.

FISCAL IMPACT: ☒ **State** ☐ **County** ☐ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill provides immunity from prosecution for prostitution for a person reporting to law enforcement that such person is the victim of a sexual assault. 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 fewer 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 2021	FY 2022
Violation Level Offense	\$53	\$53
Class B Misdemeanor	\$55	\$55
Class A Misdemeanor	\$78	\$78
Simple Criminal Case	\$309	\$309
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 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.		

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

The Judicial Council indicates, under the current law, prostitution is charged as a misdemeanor unless there are aggravating factors, in which case it is charged as a class B felony. The Council states it is unclear how many future prosecution charges would not be brought as a result of this legislation. Historically, the Public Defender program has been appointed to less than 30 prostitution cases per year. The Council assumes, due to the small number of prosecution cases, that any reduction due to this legislation would have a meaningful impact on indigent defense expenditures.

The New Hampshire Association of Counties indicates this bill would result in no discernable costs to the counties.

AGENCIES CONTACTED:

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