

HB 1176-FN - AS INTRODUCED

2022 SESSION

22-2065

04/11

HOUSE BILL            ***1176-FN***

AN ACT                relative to reducing the penalty for sex work within one's own home.

SPONSORS:            Rep. Abramson, Rock. 37; Rep. Adjutant, Graf. 17

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill establishes a violation-level offense for engaging in sex work in one's own home.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to reducing the penalty for sex work within one's own home.

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

1 1 Short Title. This act shall be known as the "Privacy of Your Own Home Act."

2 2 Intent. The general court hereby finds that:

3 I. Keeping sex work illegal has only contributed to a breakdown in respect for the rule of  
4 law, increasing street prostitution in our cities, contributed to the impoverishment of single mothers  
5 and children, and the violation of our right to privacy in our homes and personal lives.

6 II. Harm reduction countries see 90 percent fewer new cases of HIV among their population  
7 than the United States.

8 III. Keeping sex work a criminal offense has led to a pandemic of rape, sexual assault,  
9 robberies, and violence against sex workers, including women and vulnerable members of the LGBT  
10 community.

11 IV. Researchers at UCLA and Baylor University found that, when the Rhode Island  
12 legislature inadvertently decriminalized indoor prostitution for a number of years, that state saw a  
13 31 percent decline in reported rapes and a similar decline in cases of gonorrhea.

14 V. Researchers at a public research institute in the Netherlands discovered that when major  
15 cities in that country permitted prostitutes to work legally, reports of rape and sexual abuse declined  
16 by as much as 30 to 40 percent in the first two years.

17 VI. The New Hampshire constitution, Article 2-b, right of privacy, states "an individual's  
18 right to live free from governmental intrusion in private or personal information is natural,  
19 essential, and inherent."

20 VII. The penalty of a misdemeanor conviction and jail time for sexual activity among  
21 consenting adults is excessive and works against the safety, public reputation, and good character of  
22 our cities and our communities.

23 3 Prostitution and Related Offenses. Amend RSA 645:2, I to read as follows:

24 I. A person is guilty of a misdemeanor if the person:

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

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

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

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

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**- Page 2 -**

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

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

6           4 New Paragraph; Prostitution and Related Offenses; Violation Offense. Amend RSA 645:2 by  
7 inserting after paragraph II the following new paragraph:

8           II-a.(a) A person is guilty of a violation if the person solicits, agrees to perform, or engages in  
9 sexual contact as defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V, in  
10 return for consideration within the privacy of their own home or a home where they have the legal  
11 right to be, where either a condom is used or the provider has submitted to a test within the prior 12  
12 months for sexually transmitted diseases, including an HIV test.

13           (b) Any person who violates this paragraph shall be subject to a fine of \$10 for a first  
14 offense, and a fine of \$50 for a second or subsequent offense.

15           5 Effective Date. This act shall take effect 60 days after its passage.

**HB 1176-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to reducing the penalty for sex work within one's own home.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

**METHODOLOGY:**

The bill 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 Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable

Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125
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This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. 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. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

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 may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

It is assumed that any fiscal impact would occur after FY 2022.

**AGENCIES CONTACTED:**

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

# CONSENT CALENDAR

January 21, 2022

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety  
to which was referred HB 1176-FN,**

**AN ACT relative to reducing the penalty for sex work  
within one's own home. Having considered the same,  
report the same with the following resolution:**

**RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Linda Harriott-Gathright**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 1176-FN</b>
Title:	<b>relative to reducing the penalty for sex work within one's own home.</b>
Date:	<b>January 21, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### **STATEMENT OF INTENT**

This bill seeks to reduce the penalty for prostitution/sex work and related offenses when such activities take place within the “privacy of one’s own home.” The bill seeks to decriminalize prostitution and claims to be a means of harm reduction amongst consenting adults, for the betterment of impoverished single mothers and children. The committee heard the testimony of several women who had been trafficked as young as the age of 11 years old and above, as well as NH Coalition Against Domestic and Sexual Violence (NHCADSV). Each one felt that this bill would bring about unintended consequences by taking the eyes off those who are trafficked vs. willing participants. They were solely against legalizing sex work in any form. According to authors and researchers Pollack, Weiss and Mathieu, legalized prostitution will inadvertently force sex work further into the shadows and expose children to exploitation. In fact, “One of the most concerning side effects of the legalization of prostitution, is the potential for human trafficking crimes to become easier for perpetrators to commit against children.” No child should be subject to sex work life in their home or anywhere. Some would say we are the product of teachings of our environment. We urge you to prevent the influx of human trafficking into New Hampshire communities, protect our children and trafficked community by opposing this bill.

Vote 20-0.

Rep. Linda Harriott-Gathright  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Criminal Justice and Public Safety

**HB 1176-FN**, relative to reducing the penalty for sex work within one's own home. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This bill seeks to reduce the penalty for prostitution/sex work and related offenses when such activities take place within the “privacy of one’s own home.” The bill seeks to decriminalize prostitution and claims to be a means of harm reduction amongst consenting adults, for the betterment of impoverished single mothers and children. The committee heard the testimony of several women who had been trafficked as young as the age of 11 years old and above, as well as NH Coalition Against Domestic and Sexual Violence (NHCADSV). Each one felt that this bill would bring about unintended consequences by taking the eyes off those who are trafficked vs. willing participants. They were solely against legalizing sex work in any form. According to authors and researchers Pollack, Weiss and Mathieu, legalized prostitution will inadvertently force sex work further into the shadows and expose children to exploitation. In fact, “One of the most concerning side effects of the legalization of prostitution, is the potential for human trafficking crimes to become easier for perpetrators to commit against children.” No child should be subject to sex work life in their home or anywhere. Some would say we are the product of teachings of our environment. We urge you to prevent the influx of human trafficking into New Hampshire communities, protect our children and trafficked community by opposing this bill. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File





# House Remote Testify

## Criminal Justice and Public Safety Committee Testify List for Bill HB1176 on 2022-01-21

Support: 8 Oppose: 9 Neutral: 0 Total to Testify: 0

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>	<u>Signed Up</u>
Marino, Jasmine	Nashua, NH jasminemarino13@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/14/2022 11:47 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	1/16/2022 6:09 PM
Gould, Rep. Linda	Bedford, NH lgouldr@myfairpoint.net	An Elected Official	Myself	Oppose	No	No	1/17/2022 11:36 AM
Perla, Cindi	Brookline, NH ccindi25@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 3:59 PM
Johnson, Elisa	Hudson, NH elisa@nhafc.org	A Member of the Public	Myself and New Hampshire Traffick-Free Coalition	Oppose	No	No	1/17/2022 4:55 PM
Scaer, Beth	Nashua, NH bscaer@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 12:34 AM
Johnson, Soren	Hudson, NH rhett@move603.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:14 AM
Plourde, Donna	NASHUA, NH dvplourde@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:47 AM
Lytte, Georgeann	Merrimack, NH georgeannlytte@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:02 AM
Reed, Sarah	Concord, NH stubbs.saraha@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:57 AM
Reed, William	Concord, NH willie.b.reed@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:57 AM
Melillo, Abby	Raymond, NH Melillo.abby@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:10 AM
Wilson, Charles	Raymond, NH Cwilson15pt@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 12:15 PM

Dix, Jennifer	Spofford, NH jdix@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 8:19 PM
Macias, Caitlen	Boca Raton, FL caitlen@worldwithoutexploitation.org	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:07 PM
Frost, Sherry	Dover, NH s.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/19/2022 9:08 AM
Brough, J	New Hampton, NH mmiw@live.com	A Member of the Public	Myself	Support	No	No	1/19/2022 7:24 PM
O'Brien, Malissa	Manchester, NH malissacarter77@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 8:35 PM
LeBaron, Mary	BROOKLINE, NH Melebaron@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 8:12 AM
Barton, Marjorie	Laconia, NH mbarton@metrocast.net	A Member of the Public	Myself	Oppose	No	No	1/20/2022 11:37 AM
FOGG, KAREN	BELMONT, NH klfogg@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 1:11 PM
Carter, Kathleen	Meredith, NH kcarter52@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 2:15 PM
Walczyk, Alexander	Hooksett, NH awalczyk@comcast.net	A Member of the Public	Myself	Support	No	No	1/20/2022 2:21 PM
graustein, alan	sanbornton, NH alangraustein@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 3:50 PM
Graustein, Joan	Sanbornton, NH joangraustein@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 3:52 PM
Baiocchetti, Vinnie	Gilmanton Iron Works, NH vbaiocchetti@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 6:16 PM
Pawlik, Darlene	Raymond, NH gracefiles@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/20/2022 7:37 PM
Marino, Jasmine Grace	Nashua, NH jasminemarino13@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 8:01 PM
Davis, Nancy	Merrimack, NH nancyhdavis45@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 9:13 PM
Davis, Keith	Merrimack, NH Keith.davis@juno.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 9:14 PM
Davis, Helena	Goffstown, NH hc.davis@aol.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 10:47 PM

McCarthy, Judith	Litchfield, NH jesuslovesjudy1@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 11:12 PM
Martin, Andrea	Sandwich, NH andi_t_martin@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/21/2022 12:17 AM
Chase, Mark	Center Harbor, NH mchase@centerharbornh.org	A Member of the Public	Myself	Oppose	No	No	1/21/2022 8:03 AM
Mezzetti, Jamie	CONCORD, NH mezzettijamie@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2022 8:17 AM
Laurent, Tara	Nottingham, NH tlaurent@greenlandpd.us	A Member of the Public	NH Assoc of Chiefs of Police & Greenland Police Dept	Oppose	No	No	1/21/2022 8:30 AM
Dunn, Robert	Manchester, NH rdunn@rcbm.org	A Lobbyist	Roman Catholic Bishop of Manchester	Oppose	No	No	1/21/2022 9:04 AM
Lewandoski, Mark	Belmont, NH policechief@belmontnh.org	A Member of the Public	Myself	Oppose	No	No	1/21/2022 9:39 AM
Lord, Brian	Deering, NH blord@antrimpolice.com	A Member of the Public	Myself	Oppose	No	No	1/21/2022 9:58 AM
Reams, Mark	Amherst, NH mreams@amherstnh.gov	A Member of the Public	Myself	Oppose	No	No	1/21/2022 10:01 AM
Marquis, Eric	Weare, NH hnk@gsinet.net	A Member of the Public	Myself	Oppose	No	No	1/21/2022 11:40 AM
Cormier, Jennifer	Dunbarton, NH nhgencourt@jcsmotif.com	A Member of the Public	Myself	Oppose	No	No	1/21/2022 11:50 AM
Cormier, Maurice	Dunbarton, NH pastor.moe@loudoncongregational.org	A Member of the Public	Loudon Congregational Church, Loudon, NH	Oppose	No	No	1/21/2022 12:17 PM
Rigazio, Sandra	Goffstown, NH Newbeginning2@hushmail.com	A Member of the Public	Myself	Oppose	No	No	1/21/2022 12:42 PM
Shagoury, Andrew	CENTER TUFTONBORO, NH a.shagoury@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	1/21/2022 1:05 PM
Wood, Zephan	Pembroke, NH zephanw@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2022 1:15 PM
Marcoux, Sarah	Northfield, NH marcouxhouse@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/21/2022 1:26 PM
Reckard, Bonnie	Dunbarton, NH bcreckard@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/21/2022 3:07 PM
Chester, Russan	bedford, NH nassur34@protonmail.com	A Member of the Public	Myself	Support	No	No	1/21/2022 4:12 PM

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1176-FN

**BILL TITLE:** relative to reducing the penalty for sex work within one's own home.

**DATE:** January 21, 2022

**LOB ROOM:** 204 **Time Public Hearing Called to Order:** 12:03 p.m.

**Time Adjourned:** 12:52 p.m.

**Committee Members:** Reps. Abbas, Roy, Wallace, Welch, Burt, Green, Testerman, Pratt, Marston, Harriott-Gathright, Bordenet, R. Newman, Amanda Bouldin, Conley and Bradley, and Klein-Knight

**Bill Sponsors:**

Rep. Abramson

Rep. Adjutant

TESTIMONY

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

Reps. Ring, Schultz, Lang, Rhodes and Perez attended as replacements for absent members.

Rep. **Abramson** introduced the bill, supports.

\*Jeanne **Pride**, Swanzey, NH, representing self, opposes the bill.

Darlene **Pawlik**, Raymond, NH, representing self, strongly opposes the bill.

Tricia **Grant**, Lisbon, ME, representing self, opposes the bill.

Marissa **Foluanz**, representing NH Traffic-Free Coalition (NHTFC), opposes the bill.

\*Pamela **Keilig**, representing NH Coalition Against Domestic and Sexual Violence, strongly opposes the bill and submitted written testimony.

\*Janet **Carrol**, representing NH Coalition Against Domestic and Sexual Violence, strongly opposes the bill and submitted written testimony.

Deputy Sheriff Charles **Pendlebury**, representing Merrimack County Sheriff's Office (MCSO), opposes the bill.

Michael **Shively**, Wakefield, MA, representing National Center on Sexual Exploitation (NCSE), opposes the bill.

Caitlen **Macias**, Boca Raton, FL, representing World Without Exploitation, opposes the bill and submitted written testimony.

Respectfully submitted,

Rep. Scott Wallace  
Clerk

**Archived:** Thursday, March 10, 2022 2:26:58 PM  
**From:** Cindi  
**Sent:** Thursday, January 20, 2022 9:28:54 PM  
**To:** ~House Criminal Justice and Public Safety  
**Subject:** Re: HB1176 (Rep. Abramson) - Opposed  
**Importance:** Normal

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To: Representative Daryl Abbas, Chair  
Criminal Justice and Public Safety Committee

Dear Members of the Criminal Justice and Public Safety Committee,

I am writing to you regarding HB1176 as a constituent, a Registered Nurse and a Community Outreach Worker who serves victims of sex trafficking, prostitution, pornography and various forms of internet exploitation.

HB1176 seeks to reduce the penalty for prostitution and related offenses when such activities take place within the "privacy of one's own home." The motion seeks to decriminalize prostitution and claims to be a means of "harm reduction" amongst "consenting adults" for the betterment of "impoverished single mothers and children."

I am opposed to HB1176 and asking the committee to please consider the following legal commentary taken from "Might decriminalized sex work have unintended consequences on children?" (New York Law Journal. January 4th, 2022.  
<https://repository.yu.edu/handle/20.500.12202/7888>)

According to authors Pollack, Weiss and Mathieu, legalized prostitution will inadvertently force sex work further into the shadows and expose children to exploitation. In fact, "One of the most concerning side effects of the legalization of prostitution, is the potential for human trafficking crimes to become easier for perpetrators to commit against children."

Research has shown that countries with legalized prostitution are directly associated with higher human trafficking inflows. (London School of Economics and Political Science, 2012) Pollack, Weiss and Mathieu assert that "legalization escalates the flow of children trafficked and imparts a legitimate cover for criminal syndicates, while simultaneously decreasing surveillance by law enforcement."

Finally, the authors note that "systemic progress can(not) be made towards curing the issue of decriminalizing sex work without discussing the inextricably interwoven world of human trafficking and the unintended consequences this may have on our children."

Committee members, I urge you prevent the influx of human trafficking into our communities, protect our children and oppose HB1176 today.

Sincerely,  
Cindi Perla



Testimony of Pamela Keilig  
NH Coalition Against Domestic and Sexual Violence  
House Criminal Justice & Public Safety Committee  
January 21, 2022; 12:00pm

**HB1176, relative to reducing the penalty for sex work within one's own home**

My name is Pamela Keilig, and I am the Public Policy Specialist at the NH Coalition Against Domestic and Sexual Violence. The Coalition is an umbrella organization for 12 community-based crisis centers who each year provide free and confidential services to nearly 15,000 survivors of sexual and domestic violence. **The Coalition strongly opposes HB1176.** Our colleagues from the statewide Sexual Assault Nurse Examiner Program Director shared some serious concerns regarding the extremely harmful impact that this legislation would have on victims of sexual assault and human trafficking in New Hampshire.

**There are three main areas that we hope to address in our testimony:**

1. Clarification on what the general court finds in this legislation;
2. Impact that this legislation will have on victims of sexual assault and human trafficking based on the experiences they have now; and
3. Illumination of the comprehensive healthcare needs victims of sexual assault and human trafficking have as it relates to the risk and prevention of sexually transmitted infections (STIs), including HIV

**Clarification on what the general court finds in this legislation**

There are many concerns with the findings of the general court listed in this of legislation. I would just like to briefly review some of my concerns with what is cited here. First, with regard to number four, which references researchers at UCLA and Baylor University who discover a reduction in rape and STIs during a time when indoor prostitution was inadvertently decriminalized in Rhode Island; I have included the full article for your reference. It is important to note that this paper has not been peer-reviewed but rather circulated for discussion and comment purposes. In addition, the authors clearly state, "we are not claiming to have identified the causal channels which link decriminalization" to the reductions they discuss.

Second, I'd like to address the suggestion that the criminal offense of sex work is leading to the pandemic of sexual violence. Sexual violence, including human trafficking, occurs across all socio-economic populations regardless of an individual's choice of employment. It is the forced, manipulated, or coerced sexual activity in which the perpetrator uses sex to inflict humiliation, exert power and control, or use the victim to attain sexual gratification without regard for the victim's consent. **The responsibility for sexual violence lies squarely at the feet of the offenders, who are rarely, if ever, held accountable.**



We will not end sexual violence if we stop holding sexual offenders accountable for their crimes. To assert anything otherwise is just not data-driven or based in reality and it further minimizes the very real abusive and traumatizing experiences that victims of human trafficking and sexual assault face.

### The impact of this legislation on victims of sexual assault and human trafficking based on the experiences they have now

Members of the Human Trafficking task force are here today to address the significant concerns that arise from this legislation, but we would like to highlight a few things from the perspective of our Sexual Assault Nurse Examiners (SANEs) who frequently provide victims of sexual assault and human trafficking with treatment and care.

- Sexual assault, including human trafficking, is already severely underreported, and there is significant bias and victim blaming when an adult sex worker reports sexual assault,<sup>i</sup> which contributes to no reporting or under-reporting of this crime when it does occur.
- When victims feel it is unsafe to report, not only are offenders not held accountable, but the victims themselves do not get the access to treatment and resources that they need. **This bill will actually place victims at more risk because it will reduce their access to critical protections and support.**
- Many victims of human trafficking are not identified at all due to the lack of education and understanding about the differences between trafficking and prostitution. **This legislation will assist in making it more difficult to identify victims of trafficking.**
- SANEs routinely care for children and adults who are forced or coerced into providing sex, whether it be for money, food, shelter or something else. **This legislation increases the likelihood that those individuals will be harder to find, identify and properly cared for.**

### Illumination of the comprehensive healthcare needs for victims of sexual assault and human trafficking as it relates to the risk and prevention of STIs, including HIV

Victims of violence and victims of human trafficking present for healthcare in similar ways, but victims of human trafficking are more likely to be isolated, abuse drugs and have infectious diseases, malnutrition, and complications from poor medical care.<sup>ii iii</sup> Victims of human trafficking have some of the most profound medical and psychological health problems including sexually transmitted infections, genital mutilation, urinary difficulties, pregnancy resulting from rape, broken bones, burns, concussions, dental problems, and infections in addition to post-traumatic stress disorder, anxiety, and depression.<sup>iv v vi</sup>

Victims of human trafficking need timely access to healthcare and treatment that is comprehensive and reflective of their experiences and the exploitation they face. Providing this essential care would be nearly impossible under this new legislation, which will only increase the barriers that victims face to accessing the care and support they so critically need. It is in the best interest of the state and its citizens to implement public policy that serves to improve the circumstances of sexual assault and human trafficking victims in New Hampshire. We should be putting forth every effort to address the root causes of violence, not create further opportunities for abuse and exploitation.

## Conclusion

In conclusion, the realities of sexual assault and human trafficking in New Hampshire have far-reaching consequences for the victims and the communities in which they live. Victims often experience a lifetime of trauma, including both acute and chronic physical and mental health consequences. **The Coalition and SANE Program believes this legislation will only cause greater difficulty in the identification of victims and further harm by limiting healthcare's ability to provide support and critical treatment.**

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<sup>i</sup> Sprankle, E., Bloomquist, K., Butcher, C. et al. The Role of Sex Work Stigma in Victim Blaming and Empathy of Sexual Assault Survivors. *Sex Res Soc Policy* 15, 242–248 (2018). <https://doi.org/10.1007/s13178-017-0282-0>

<sup>ii</sup> National Human Trafficking Resource Center. National human trafficking resource center (NHTRC) annual report 2015. <https://humantraffickinghotline.org/resources/2015-nhtrc-annual-report>. Published February 2016.

<sup>iii</sup> Peters K. (2013). The growing business of human trafficking and the power of emergency nurses to stop it. *Journal of Emergency Nursing*, 39(3), 280-288.

<sup>iv</sup> McClain, N.M., & Garrity, S.E. (2011). Sex trafficking and the exploitation of adolescents. *JOGNN*, 40(2),243-252.

<sup>v</sup> PhuongThao D. Le, Nessa Ryan, Yael Rosenstock & Emily Goldmann (2018) Health Issues Associated with Commercial Sexual Exploitation and Sex Trafficking of Children in the United States: A Systematic Review, *Behavioral Medicine*, 44:3, 219-233, DOI: 10.1080/08964289.2018.1432554

<sup>vi</sup> Yeon Jung Yu, Sean Bruna, Christopher McCarty. (2021) HIV Risk among trafficked women: a systematic review of the global literature. *AIDS Care* 33:8, pages 1068-1078.

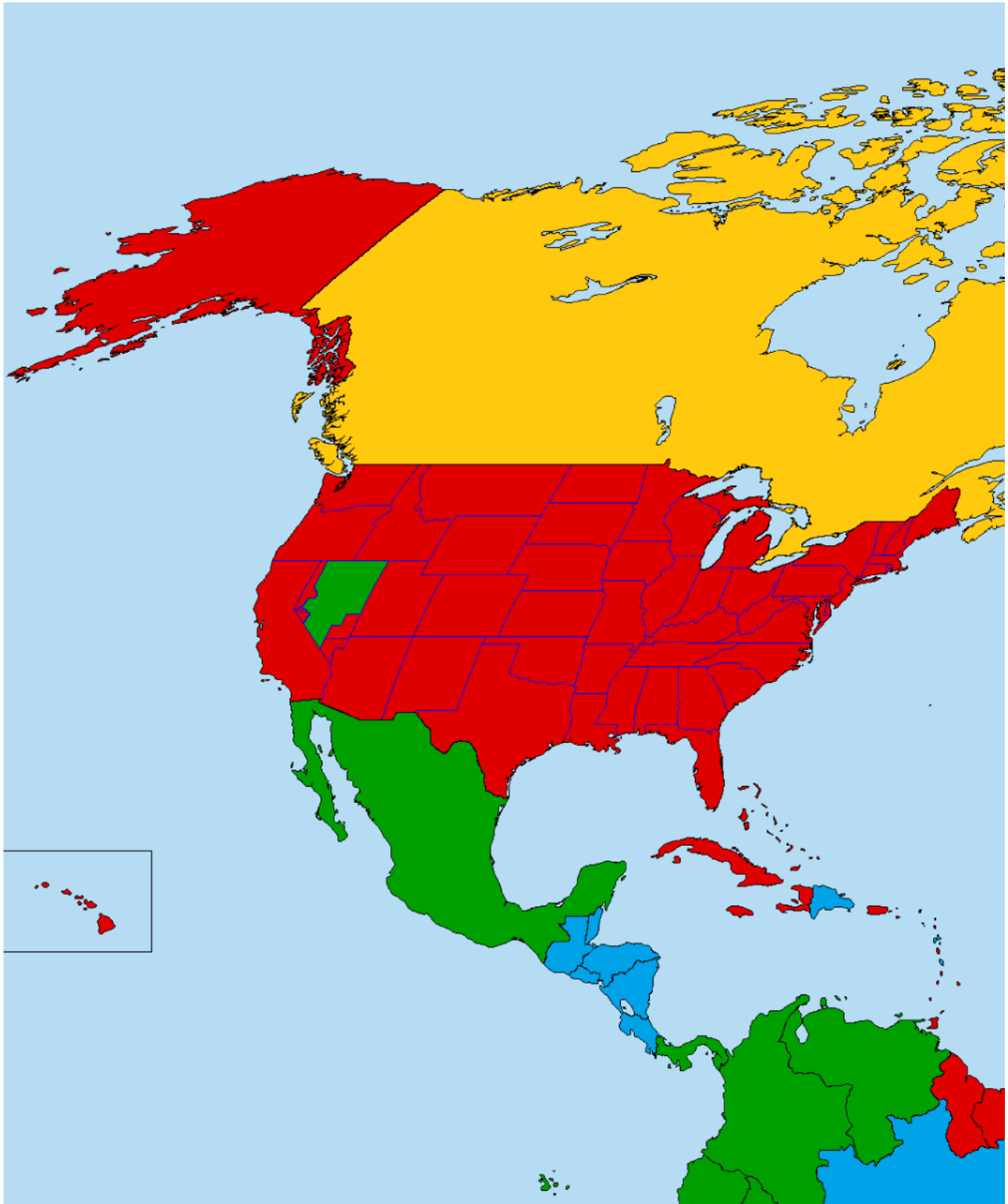
**Archived:** Thursday, March 10, 2022 2:26:54 PM  
**From:** Max Abramson  
**Sent:** Friday, January 21, 2022 2:24:09 PM  
**To:** ~House Criminal Justice and Public Safety  
**Subject:** HB1176, status of sex laws by country  
**Importance:** Normal

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Contrary to testimony by those who advocated for arresting women today, nearly every western country has made sex work legal, regulated, tolerated, or effectively decriminalized. For the most part, only the U.S., most African countries, the Middle East, and Russia continue to arrest women to deal with prostitution. Those countries where the activity remains illegal are where women must get pimps and where teenagers are swallowed up into the illegal, black market traffic.

It should be no surprise that the countries with the worst problems of human trafficking are also the ones that continue arresting women. When drugs and prostitution are made illegal, the people and supply are handed over to organized crime, street gangs, drug cartels, and drug dealers.  
<https://www.rferl.org/a/the-worst-countries-for-human-trafficking/29327857.html>

Notice that there is virtually no human trafficking, pimping, and rape with tobacco, vaping, pornography, beer, wine, and other activities that are mostly legal in the United States.





Rep. Max Abramson

Free Chad Evans. There is justice in Heaven, and there is justice in Hell. Both are therefore a law abider's utopia's compared to this monstrosity that our taxpayers are compelled to prop up.

"The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling." --Thomas Sowell

"It is better to take refuge in the Lord than to trust in man." --Psalms 118:8

January 20, 2022

To: Representative Daryl Abbas, Chair  
Criminal Justice and Public Safety Committee  
Re: HB1176 (Rep. Abramson) - Opposed

Dear Members of the Criminal Justice and Public Safety Committee,

I am writing to you regarding HB1176 as a constituent, Survivor of the Commercial Sex Trade and the Director of an Outreach organization who serves victims/survivors of sex trafficking, prostitution, and pornography.

HB1176 seeks to reduce the penalty for prostitution and related offenses when such activities take place within the "privacy of one's own home." The motion seeks to decriminalize prostitution and claims to be a means of "harm reduction" amongst "consenting adults" for the betterment of "impoverished single mothers and children."

I am opposed to HB1176 and asking the committee to hear where I am coming from as well as many other survivors of trafficking and prostitution. Before you come to a final vote, I need you to understand that prostitution has everything to do with trafficking.

Sex trafficking exists because there is a demand for commercial sex. When that demand is normalized through policies, or in this case abolishing or loosening policies, it outpaces the supply. Loosening policy- specifically making pimps, sex buyers and brothel owners legal, simply creates easier onramps into the sex trade for those already marginalized among us. You can be sure it will not be wealthy upper middleclass white women flocking to the sex trade for chances to feel empowered. It will be women and girls of color, impoverished people, indigenous people, and trans women who enter the sex trade.

Prostitution didn't help me overcome economic and social inequities. Those inequalities just forced me to choose the sex trade out of a set of other bad options. Regardless if I was trafficked or entered the sex trade by "choice," the system of prostitution caused me long-term, deep soul damage and as the victims of the very violence you are considering giving a free pass to, I hope you will hear my voice.

Sincerely,  
Jasmine Grace Marino

**Archived:** Thursday, March 10, 2022 2:26:58 PM  
**From:** Beth Scaer  
**Sent:** Friday, January 21, 2022 12:16:41 AM  
**To:** ~House Criminal Justice and Public Safety  
**Subject:** Vote ITL on HB1176  
**Importance:** Normal

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Dear Committee Members,

I am writing to ask you to vote ITL on HB1176, "Relative to reducing the penalty for sex work within one's own home."

Under this bill, allowing prostitution to occur in one's home would have no penalty. So this bill would decriminalize running a brothel.

Allowing brothels to operate without impunity will hide abuse behind closed doors. Women who are being sexually trafficked would be more vulnerable than ever. Criminals would find this a lucrative business and the brothels would multiply. Police would have no cause to investigate them.

Contrary to the bill sponsors' stated intent, this bill would make the women of New Hampshire more vulnerable to criminal exploitation, most especially women who are in desperate circumstances such as those who are drug-addicted, undocumented immigrants, and long-time victims of sexual and physical abuse.

Please protect vulnerable women by voting ITL on HB1176.

Beth Scaer  
111 East Hobart St  
Nashua  
603-888-5487

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

**EXECUTIVE SESSION on HB 1176-FN**

**BILL TITLE:** relative to reducing the penalty for sex work within one's own home.

**DATE:** January 21, 2022

**LOB ROOM:** 202-204

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Harriott-Gathright    Seconded by Rep. Klein-Knight    Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:**            Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk

OFFICE OF THE HOUSE CLERK



1/10/2022 8:56:51 AM  
Roll Call Committee Registers  
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB1176 Motion: FTL AM #: \_\_\_\_\_ Exec Session Date: 1-21-22

TOTAL VOTE: \_\_\_\_\_

	20		0		1
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OFFICE OF THE HOUSE CLERK



1/10/2022 8:56:51 AM  
 Roll Call Committee Registers  
 Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: 1176 Motion: FTL AM #: \_\_\_\_\_ Exec Session Date: 1-2

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	20		
Roy, Terry Vice Chairman			1
Welch, David A.	1		
Burt, John A.	2		
<del>Hopper, Gary S.</del> R HODGES	3		
Green, Dennis E.	4		
Wallace, Scott Clerk	5		
Testerman, Dave	6		
True, Chris LAMB	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Harriott-Gathright, Linda C.	10		
<del>Pantelakos, Laura C.</del> SCHULTZ	11		
O'Hearne, Andrew S. RUM	12		
Bordenet, John	13		
<del>Meuse, David</del> PEREZ	14		
Newman, Ray E.	15		
Bouldin, Amanda C.	16		
Conley, Casey M.	17		
Klein-Knight, Nicole	18		
Bradley, Amy	19		