

Senate Judiciary Committee

Jennifer Horgan 271-3092

HB 220, amending the title of the chapter relating to child pornography.

Hearing Date: March 28, 2017

Time Opened: 11:20 a.m.

Time Closed: 11:32 a.m.

Members of the Committee Present: Senators Carson, Lasky, French and Gannon

Members of the Committee Absent : Senator Hennessey

Bill Analysis : This bill amends the title of RSA 649-A from "child pornography" to "child sexual abuse images."

Sponsors :

Rep. Cushing

Rep. Pantelakos

Rep. Altschiller

Rep. O'Leary

Rep. Messmer

Rep. S. Harvey

Sen. Fuller Clark

Sen. Lasky

Who supports the bill: Representative Cushing; Senator Lasky; Representative Itse; Representative Altschiller; Representative Cilley; Representative Messner; Amanda Grady Sexton (NH Coalition Against Sexual and Domestic Violence); Elizabeth Sargent (NH Association of Chiefs of Police); Ian Freeman (NH Liberty Party); Robert Reinhard; William Bateson

Who opposes the bill: No one

Summary of testimony presented in support :

Representative Cushing

- The bill changes the title of the Child Pornography law to Child Sexual Abuse Images to accurately reflect what those images are.

Representative Altschiller

- The legal definition of pornography is, material that depicts erotic behavior and is intended to cause sexual excitement.
- Pornographic material is protected expression, but child pornography is illegal under federal and state law.
- This new terminology is a more widely encompassing term that refers to content that depicts sexually explicit activities involving a child.
- These images and videos are most often crafted for the purpose of sharing around the world, further victimizing the child.
- Is aware there is amendment that will be brought forward and supports the language of the bill that passed the House.

Amanda Grady-Sexton (NH Coalition Against Domestic and Sexual Violence) (provided written testimony)

- In 2008, then Attorney General Kelly Ayotte and then Senator Joe Foster authored the Online Child Safety Act and there was an effort to change the title from Child Pornography to Child Sexual Abuse Images.

- The act passed, but there was a drafting error where the actual title of the law was not changed even though the offense was changed.
- The importance of this is to not minimize these heinous acts.
- The term pornography has become mainstream and tends to denote the concept of consent between two adults. It should never be extrapolated and compared to abusing children sexually.
- This change puts NH in line with most states and international bodies.
- As technology changes this language is more consistent and will remain useful as those technological changes occur.
- Senator French asked if this bill changes anything within the actual offense.
 - There is no substantive change to the way law enforcement does their work or the language of the statute.

Representative Cilley (provided written testimony)

- Provided an amendment.
- The amendment is substantively the same bill that she sponsored in the House.
- A Girl Scout doing a Gold Star Award brought this issue forward.
- NH allows women as young as 13 years old to be married.
- Within the past five years, three 15 year olds have been married.
- Studies show that when someone gets married at that age, the impact affects the young woman and that impact redounds for generations.
- That bill passed the House committee, but it was pulled off consent and taken up at the end of a long two days.
- There were objections that there were no exemptions within the language.
- Would prefer it be 18 years or older.
- Has some reason to believe that if this amendment comes in, it would be deemed a separate topic from the bill that was indefinitely postponed.
- Senator Carson stated that she needs to make sure the Committee is able to do this before accepting the amendment. Asked about equal protection under the law and the fact that homosexual couples are statutorily unable to get married until they are 18 years of age or older.
 - That is unconstitutional and it has to be brought into compliance in both statutes. That was the intent. If it does not achieve that suggested that Senator Lasky may be willing to make that correction. This is meant to offer some exemptions that members of the House wanted to see, but also to cut this off for 13, 14, and 15 year olds. These girls cannot enter into any other contract at those ages.

Summary of testimony presented in opposition :
None

Future Action: Pending