

HB 1218-FN - AS INTRODUCED

2018 SESSION

18-2249

04/03

HOUSE BILL ***1218-FN***

AN ACT increasing penalties for buyers under the law regarding trafficking in persons.

SPONSORS: Rep. Massimilla, Graf. 1; Rep. Mangipudi, Hills. 35; Rep. Irwin, Sull. 6; Rep. Boutin, Graf. 2; Rep. Katsakiores, Rock. 6; Rep. Cordelli, Carr. 4; Rep. Theberge, Coos 3; Rep. Ebel, Merr. 5; Rep. T. Smith, Hills. 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill changes the penalty for a person who pays to engage in sexual contact with another person under the age of 18 who is a victim of human trafficking.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 increasing penalties for buyers under the law regarding trafficking in persons.

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

1 1 Interference With Freedom; Trafficking in Persons. Amend RSA 633:7, III-a to read as
2 follows:

3 III-a. A person is guilty of a [~~class B~~] **class A** felony if the person pays, agrees to pay, or
4 offers to pay to engage in sexual contact, as defined in RSA 632-A:1 or sexual penetration, as
5 defined in RSA 632-A:1, V with a person under the age of 18, or to observe a sexually explicit
6 performance involving a person under the age of 18. The payment or offer or agreement to pay may
7 be made to the person under the age of 18 or a third party. Neither the actor's lack of knowledge of
8 the other person's age nor consent of the other person shall constitute a defense to a charge under
9 this paragraph.

10 2 Effective Date. This act shall take effect January 1, 2019.

**HB 1218-FN- FISCAL NOTE
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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
Funding Source:	<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 increases the penalty from a class B felony to a class A felony in RSA 633:7, III-a concerning the trafficking in persons. The New Hampshire Association of Counties indicates there could be an indeterminable increase in prosecution and incarceration costs associated with this change.

The Judicial Branch states felonies in superior court are classified as either routine criminal cases or complex criminal cases and it is the offense itself, and not the classification of felony A or B, that determines the fiscal impact. The most recent Judicial Needs Assessment from 2005 does not account for the offense of trafficking in persons because the offense in RSA 633:7 was not enacted until 2016. The Branch indicated the change from a class B to a class A felony would not impact the calculation for the cost of such cases.

The Department of Corrections is not able to determine the fiscal impact of this bill since it does not have information on the number of individuals who would be subject to the bill. The Department states the average cost of incarcerating an individual in the general population for the fiscal year ending June 30, 2017 was \$36,960. The average cost to supervise an individual by the Department's Division of Field Services was \$557.

The Department of Justice would not be involved in such cases as such cases are typically

prosecuted by county prosecutors. The Department assumes appeals from convictions from such offenses would be handled by the Criminal Justice Bureau and could be done within the existing budget.

The Judicial Counsel assumes the bill would not lead to additional charges, but would increase the potential penalties facing the accused. More serious penalties could require additional attorney time, but would not impact caseloads; therefore the Council states the bill is not likely to impact expenditures for defense of the indigent.

AGENCIES CONTACTED:

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