

CHAPTER 78  
HB 123-FN - FINAL VERSION

7Apr2021... 0760h

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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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            78:1 Legislative Intent. It is the intent of the general court to encourage a victim of sexual  
2 assault 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.

6            78:2 New Paragraphs; Prostitution and Related Offenses; Immunity From Prosecution. Amend  
7 RSA 645:2 by inserting after paragraph VI the following new paragraphs:

8            VII. As used in this section, "reports being the victim of a sexual assault or other crime"  
9 means reporting the initial crime to law enforcement and does not include further cooperation.

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

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

23           78:3 Effective Date. This act shall take effect January 1, 2022.

Approved: June 18, 2021  
Effective Date: January 01, 2022

