

HB 201-FN - AS INTRODUCED

2019 SESSION

19-0201
04/08HOUSE BILL **201-FN**

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

SPONSORS: Rep. Massimilla, Graf. 1; Rep. Mangipudi, Hills. 35; Rep. T. Smith, Hills. 17; Rep. Ebel, Merr. 5; Rep. Katsakiores, Rock. 6; Rep. Klee, Hills. 30; Rep. Hennessey, Graf. 1

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 struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0201
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

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

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

2 Effective Date. This act shall take effect January 1, 2020.

LBAO
19-0201
12/18/18**HB 201-FN- FISCAL NOTE**
AS INTRODUCED

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

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General [] Education [] Highway [] Other			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill would change the classification of an offense for trafficking in persons under RSA 633:7, III-a from a class B to a class A felony. The Judicial Branch indicates felonies in the superior court are classified as either complex criminal cases or routine criminal cases. The last New Hampshire Judicial Needs Assessment completed in 2005 did not account for the offense of trafficking in persons because the offense of trafficking in persons was enacted in 2009 and the specific offense in RSA 633:7, III-a was enacted in 2016. The Branch states it is the offense itself, and not the felony (A vs. B) which determines fiscal impact. The Branch has provided estimated average cost information for both classifications:

Judicial Branch	FY 2020	FY 2021
Routine Criminal Felony Case	\$481	\$486
Complex Criminal Case	\$933	\$939
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 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.		

The Judicial Council states there may be additional costs to the indigent defense delivery system for any higher level felony cases that need to be handled by either contract attorneys or assigned counsel, the potential costs are too speculative and small to reliably estimate.

The Department of Corrections states it currently has 8 individuals incarcerated under RSA 633:7, III-a. It is unclear if additional people would be incarcerated with the proposed enhanced penalty. The cost information provided by the Department is as follows:

Department of Corrections	FY 2020	FY 2021
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571

The potential impact on county expenditures is unknown, however the New Hampshire Association of Counties has provided the following cost information:

NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

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.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Corrections and Justice