

Senate Judiciary Committee

Matthew Schelzi 271-3266

HB 97-FN, establishing an additional penalty for a violation of privacy.

Hearing Date: March 28, 2023

Time Opened: 1:15 p.m.

Time Closed: 1:32 p.m.

Members of the Committee Present: Senators Carson, Whitley and Chandley

Members of the Committee Absent: Senators Abbas and Gannon

Bill Analysis: This bill increases the penalty for certain offenses that constitute a violation of privacy.

Sponsors:

Rep. Rhodes

Rep. B. Boyd

Rep. N. Murphy

Sen. Abbas

Sen. Carson

Sen. D'Allesandro

Sen. Altschiller

Who supports the bill: In total, **53** individuals signed in, in support of HB 97-FN. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Rhodes introduced HB 97-FN. She said the bill was introduced last session as a study committee. She said she wanted the bill to be more than a study committee, so she reached out to stakeholders over the past year and drafted HB 97-FN. She noted that the House Criminal Justice Committee passed the bill with a 20-0 vote and that it was approved by the House through a consent vote. She said HB 97-FN creates an additional penalty for repeated sexual assault. She said victims of sexual assault usually suffer from depression, isolation, and unemployment, and that these crimes can become more dangerous over time. She said that repeated sexual assault can signal lethal intent. She said it is time to amend RSA 644:9 to prevent serial sexual assault.

Pamela Keilig is a public policy specialist at the New Hampshire Coalition against Domestic and Sexual Violence. She said she supports HB 97-FN and that it would

bring the violation of privacy statutes into alignment with similar laws on sexual violence. She said RSA 644:9 is one of several laws addressing crimes relating to sexual violent crimes and abuse. She said that RSA 645:1, which addresses indecent exposure, and RSA 650:2, which covers obscene matter, already have penalties for repeat offenses. She said the proposed penalty in HB 97-FN would make RSA 644:9 consistent with similar statutes. She said sex crimes are committed for personal gratification and arousal. She said they often escalate over time. She explained that the term “violation of privacy” references the act of viewing or videoing someone without their knowledge or consent, such as in their homes or a fitting room. She said violations of privacy can co-occur with sexual stalking and child abuse and be committed with the intent to control a victim. She said these crimes can precede physical violence. She said HB 97-FN would help interrupt cycles of abuse.

Senator Whitley asked Ms. Keilig to explain how HB 97-FN would align RSA 644:9 with other statutes.

Ms. Keilig said that the laws on indecent exposure and obscene matter already have provisions that address repeated offenses. She said the goal of this bill was to address a pattern of criminal behavior.

Senator Whitley asked if the penalty in HB 97-FN was for a second violation of RSA 644:9.

Ms. Keilig said that was correct.

Senator Whitley asked if that was consistent with similar statutes.

Ms. Keilig said the language was identical.

Dr. Scott Hampton is the executive director of Ending the Violence in Dover. He said he has worked with perpetrators of sexual violence for decades. He said he supports HB 97-FN. He said that sexual violence is unique among types of violence because it is context dependent. He said that whether a sexual act is a crime depends on the knowledge and consent of those involved. He said that ambiguity makes prosecuting sex crimes difficult and enables perpetrators to delude themselves into thinking a crime has not occurred. He said pornography is the most common sex education program in the world. He said pornography teaches voyeurism and depicts sexual violence without any of its consequences. He said pornography teaches people that violating a person’s privacy is an acceptable thing to do. He said voyeurism is a gateway offense. He discussed the experience of one of his clients who watched a woman through her window one night, and, after a series of escalating violations of privacy over an extended period of time, broke into her house and raped her. He said 20% of voyeurs commit sexual violence. He said many perpetrators he had worked with had similar stories to the client he discussed and had expressed to Dr. Hampton that they would not have stopped their criminal behavior without a meaningful consequence. He said that many perpetrators did not consider the existing misdemeanor penalty for voyeurism a serious consequence.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

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Date Hearing Report completed: April 3, 2023