

HB 1137-FN - AS INTRODUCED

2024 SESSION

24-2787

11/08

HOUSE BILL

***1137-FN***

AN ACT                    relative to trafficking offences and special restitution for human trafficking victims.

SPONSORS:            Rep. Massimilla, Graf. 1; Rep. DiSilvestro, Hills. 17; Rep. Baroody, Hills. 39; Rep. Merchant, Sull. 6; Rep. Rochefort, Graf. 1

COMMITTEE:          Criminal Justice and Public Safety

---

ANALYSIS

This bill mandates special restitution for human trafficking victims and adds actions of sharing digital images to the offense of 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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Four*

AN ACT                    relative to trafficking offences and special restitution for human trafficking victims

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

1            1 New Subparagraph; Sharing Nude or Sexual Images of Trafficked Persons. Amend RSA  
2 633:7, I(a) by inserting after subparagraph (11) the following new subparagraph:

3                    (12) Sharing or threatening to share any digital or other image of a natural person  
4 where the trafficker makes the victim believe that posing for the recording of their image is normal  
5 or that they have no choice but to submit to the recording, A person is trafficked according to this  
6 subparagraph if the person disseminating the image shares or threatens to share such image for  
7 monetary gain or to procure the victim's continued participation, loyalty, silence, embarrassment,  
8 shame, or denial in any matter.

9            2 New Paragraph; Trafficked Persons; Plea to Replaced Charge. Amend RSA 633:7 by inserting  
10 after paragraph I-a the following new paragraph:

11                    I-b. Any defendant originally charged with a violation of RSA 633:7, I(a)(12), who  
12 subsequently enters into a plea bargain whereby the charge is replaced by a charge under RSA 649-  
13 A:3, 649-A:3-a, or 649-A:3-b, restitution shall be determined under RSA 633:10.

14            3 Restitution for Trafficked Persons. Amend RSA 633:10 to read as follows:

15                    633:10 Restitution and Compensation.

16                    I. A person convicted under this section shall be ordered by the court to pay restitution to  
17 the victim. Such restitution may include but not be limited to:

18                    (a) Any economic loss compensable under RSA 651:62, in accordance with the provisions  
19 of RSA 651:61-a through RSA 651:67; and

20                    (b) ***The greater of the gross income or value to the defendant of the victim's***  
21 ***services or labor or*** the value of the victim's labor as guaranteed under the minimum wage law  
22 and overtime provisions of the Fair Labor Standards Act or the state minimum wage law, whichever  
23 is greater.

24                    II. To the extent not included in economic loss that is compensable under paragraph I, the  
25 court may also order a person convicted under this section to pay compensation as follows:

26                    (a) Costs of medical and psychological treatment, including physical and occupational  
27 therapy and rehabilitation ***and costs of devices or equipment related to physical, psychiatric***  
28 ***and psychological care or well-being***, at the court's discretion;

29                    (b) Costs of necessary transportation, temporary housing, and child care, at the court's  
30 discretion;

HB 1137-FN - AS INTRODUCED

- Page 2 -

1 (c) Return of property, cost of damage to property, or full value of property if *lost*,  
2 destroyed, or damaged beyond repair;

3 (d) Expenses incurred by a victim and any household members or other family members  
4 in relocating away from the defendant or his or her associates, including, but not limited to, deposits  
5 for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses,  
6 clothing, and personal items; and

7 (e) Any and all other losses suffered by the victim as a result of an offense under this  
8 section.

9 III. The return of the victim to her or his home country or other absence of the victim from  
10 the jurisdiction shall not relieve the defendant of his or her restitution obligation.

11 IV. Except as otherwise provided in this section, the provisions of RSA 651:61-a through  
12 RSA 651:67 shall govern all restitution and compensation orders.

13 4 Effective Date. This act shall take effect January 1, 2025.

**HB 1137-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                      relative to mandating special restitution for human trafficking victims.

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

| Estimated State Impact - Increase / (Decrease) |                |         |         |         |
|--|----------------|---------|---------|---------|
|  | FY 2024        | FY 2025 | FY 2026 | FY 2027 |
| <b>Revenue</b>                                 | \$0            | \$0     | \$0     | \$0     |
| <i>Revenue Fund</i>                            | None           |         |         |         |
| <b>Expenditures</b>                            | Indeterminable |         |         |         |
| <i>Funding Source</i>                          | General Fund   |         |         |         |
| <b>Appropriations</b>                          | \$0            | \$0     | \$0     | \$0     |
| <i>Funding Source</i>                          | None           |         |         |         |

| Estimated Political Subdivision Impact - Increase / (Decrease) |                |         |         |         |
|--|----------------|---------|---------|---------|
|  | FY 2024        | FY 2025 | FY 2026 | FY 2027 |
| <b>County Revenue</b>  | \$0            | \$0     | \$0     | \$0     |
| <b>County Expenditures</b>                                     | Indeterminable |         |         |         |
| <b>Local Revenue</b>   | \$0            | \$0     | \$0     | \$0     |
| <b>Local Expenditures</b>                                      | Indeterminable |         |         |         |

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: [https://gencourt.state.nh.us/lba/Budget/Fiscal\\_Notes/JudicialCorrectionalCosts.pdf](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

**AGENCIES CONTACTED:**

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