

HB 63-FN-A - AS INTRODUCED

2021 SESSION

21-0002

05/04

HOUSE BILL

63-FN-A

AN ACT relative to the reversal or forgiveness of emergency order violations.

SPONSORS: Rep. Prout, Hills. 37; Rep. Warden, Hills. 15; Rep. T. Lekas, Hills. 37; Rep. Wallace, Rock. 12; Rep. Yokela, Rock. 33; Rep. Belanger, Rock. 9; Rep. Blasek, Hills. 21; Rep. Greene, Hills. 37; Rep. Johnson, Belk. 3; Rep. Testerman, Merr. 2

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides that the state shall not enforce, and shall reverse, any prior finding of violation of the governor's emergency orders regarding the COVID-19 pandemic. The bill also provides for annulment of an arrest or criminal conviction for violation of an emergency order issued in response to COVID-19.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the reversal or forgiveness of emergency order violations.

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

1 1 State of Emergency Due to the Novel Coronavirus (COVID-19); Emergency Order Violations
2 Dismissed. The state shall not enforce and shall reverse any prior violation of the governor's
3 emergency orders regarding the COVID-19 pandemic. Specifically, the state shall:

4 I. Void and refund if already paid any fines issued under emergency order #65, any other
5 emergency order, or RSA 21-P:47, or pursuant to the terms of a settlement agreement related to the
6 COVID-19 emergency orders; and

7 II. Void or direct the attorney general to request the court to void any enforcement action
8 and cease enforcement, as well as release all parties from any restrictions in a settlement agreement
9 related to the emergency orders; and

10 III. Restore any suspended or revoked license or permit where the action was related to a
11 violation of the emergency orders; and

12 IV. Seal or expunge any record or written warning for the above acts, and render such
13 findings or actions inadmissible in any subsequent proceeding.

14 2 New Section; Annulment of Criminal Record Based on Violation of Emergency Orders Due to
15 the Novel Coronavirus (COVID-19). Amend RSA 651 by inserting after section 5-b the following new
16 section:

17 651:5-c Annulment of Criminal Record; Violation of COVID-19 Emergency Order. Any person
18 convicted of a criminal offense arising from a violation of an emergency order issued pursuant to
19 executive order 2020-04, declaring a state of emergency due to the novel coronavirus (COVID-19), as
20 extended, may at any time petition the court in which the person was convicted or arrested to annul
21 the arrest record, court record, or both. The person shall be entitled to an annulment of such
22 conviction upon application to the court and shall not be subject to any filing fee. The only permitted
23 basis for denial of an annulment request brought under this section is a written finding by the court
24 that the conviction was not for conduct in violation of an emergency order issued in response to
25 COVID-19. As part of an annulment under this section, the court shall direct the appropriate
26 executive branch agency to expunge any underlying administrative record and reimburse the
27 petitioner for any fine or penalty previously paid. The governor is authorized to draw a warrant for
28 said sum out of any money in the treasury not otherwise appropriated.

29 3 Reimbursement; Source of Funds. To the extent practicable, any reimbursement of civil or
30 criminal penalties paid for violation of an emergency order concerning COVID-19 shall be from the
31 same source of funds into which the fine or penalty was deposited. Where reimbursement is made

HB 63-FN-A - AS INTRODUCED

- Page 2 -

- 1 from the general fund, the governor is authorized to draw a warrant for said sum out of any money
- 2 in the treasury not otherwise appropriated.
- 3 4 Effective Date. This act shall take effect upon its passage.

LBA
21-0002
11/10/20

**HB 63-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the reversal or forgiveness of emergency order violations.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

AGENCIES CONTACTED:

Department of Justice and Judicial Branch