

HB 447 – AS INTRODUCED

2013 SESSION

13-0668
04/01

HOUSE BILL **447**

AN ACT relative to annulment of criminal records.

SPONSORS: Rep. Hikel, Hills 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires the sentencing court to annul the criminal record of a person convicted of certain offenses without petition or hearing.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to annulment of criminal records.

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

1 1 Annulment. Amend RSA 651:5, I-III to read as follows:

2 I. Except as provided in paragraphs V-VIII, the record of arrest, conviction, and sentence of
3 any person may be annulled by the sentencing court at any time in response to a petition for
4 annulment which is timely brought in accordance with the provisions of this section if in the opinion
5 of the court, the annulment will assist in the petitioner’s rehabilitation and will be consistent with
6 the public welfare. The court may grant or deny an annulment without a hearing, unless a hearing
7 is requested by the petitioner.

8 II. Any person whose arrest has resulted in a finding of not guilty, or whose case was
9 dismissed or not prosecuted, may petition for annulment of the arrest record or court record, or both,
10 at any time in accordance with the provisions of this section.

11 III. Except as provided in RSA 265-A:21 or in paragraphs V and VI, any person convicted of
12 an offense may petition for annulment of the record of arrest, conviction, and sentence when the
13 petitioner has completed all the terms and conditions of the sentence and has thereafter been
14 convicted of no other crime, except a motor vehicle offense classified as a violation other than driving
15 while intoxicated under RSA 265-A:2, I, RSA 265:82, or RSA 265:82-a for a period of time as follows:

16 ~~[(a) For a violation, one year, unless the underlying conviction was for an offense~~
17 ~~specified under RSA 259:39.~~

18 ~~(b) For a class B misdemeanor except as provided in subparagraph (f), 3 years.~~

19 ~~(c) For a class A misdemeanor except as provided in subparagraph (f), 3 years.~~

20 ~~(d) For a class B felony except as provided in subparagraph (g), 5 years.~~

21 ~~(e)~~ **(a)** For a class A felony, 10 years.

22 ~~[(f)]~~ **(b)** For sexual assault under RSA 632-A:4, 10 years.

23 ~~[(g)]~~ **(c)** For felony indecent exposure [or] **and** lewdness under RSA 645:1, II, 10 years.

24 ***III-a. Except as provided in RSA 265-A:21 or in paragraphs V and VI, the record of***
25 ***arrest, conviction, and sentence of any person convicted of an offense under this paragraph***
26 ***shall be annulled by the sentencing court without petition by the person convicted of the***
27 ***offense or a hearing when the person convicted of the offense has completed all the terms***
28 ***and conditions of the sentence and has thereafter been convicted of no other crime, except a***
29 ***motor vehicle offense classified as a violation other than driving while intoxicated under***
30 ***RSA 265-A:2, I, RSA 265:82, or RSA 265:82-a for a period of time as follows:***

31 ***(a) For a violation, one year, unless the underlying conviction was for an offense***

1 *specified under RSA 259:39.*

2 *(b) For a class B misdemeanor, except sexual assault pursuant to RSA 632-A:4, 3*
3 *years.*

4 *(c) For a class A misdemeanor, except sexual assault pursuant to RSA 632-A:4, 3*
5 *years.*

6 *(d) For a class B felony, except felony indecent exposure and lewdness pursuant*
7 *to RSA 645:1, II, 5 years.*

8 2 Effective Date. This act shall take effect 60 days after its passage.