

CHAPTER 123
HB 450-FN – FINAL VERSION

05/02/13 1297s

2013 SESSION

13-0688
04/01

HOUSE BILL ***450-FN***

AN ACT relative to the annulment of criminal records.

SPONSORS: Rep. Winters, Hills 18

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill requires that records of annulled arrests, convictions, and sentences be sealed and requires the state police criminal records unit to remove an annulled criminal record upon payment of the required fee.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the annulment of criminal records.

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

1 123:1 Annulment of Criminal Records. Amend RSA 651:5, X(c)-(d) to read as follows:

2 (c) The court records relating to an annulled arrest, conviction, or sentence shall ~~remain~~
3 ~~public documents. However, the court shall clearly identify on the file and in the electronic record~~
4 ~~that the arrest or conviction and sentence have been annulled]~~ ***be sealed and available only to***
5 ***the person whose record was annulled, his or her attorney, a court for sentencing pursuant***
6 ***to subparagraph (a), law enforcement personnel for legitimate law enforcement purposes,***
7 ***or as otherwise provided in this section.***

8 (d) ~~[The state police criminal records unit shall add an entry to the subject's record of~~
9 ~~arrest, conviction, or sentence in the criminal history database stating that the record has been~~
10 ~~annulled]~~ ***Upon payment of a fee not to exceed \$100 to the state police, the state police***
11 ***criminal records unit shall remove the annulled criminal record and inform all***
12 ***appropriate state and federal agencies of the annulment.***

13 123:2 Applicability. The provisions of this act shall apply to any criminal record annulled
14 between January 1, 2013 and the effective date of this act.

15 123:3 Effective Date. This act shall take effect 60 days after its passage.

16

17 Approved: June 25, 2013

18 Effective Date: August 24, 2013