

HB 618 – AS INTRODUCED

2013 SESSION

13-0769  
04/01

HOUSE BILL           **618**

AN ACT               relative to disclosure of annulled criminal records.

SPONSORS:          Rep. Hoell, Merr 23

COMMITTEE:       Criminal Justice and Public Safety

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ANALYSIS

This bill makes changes to the statute on annulment of criminal records.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 disclosure of annulled criminal records.

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

1           1 Annulment of Criminal Records. Amend RSA 651:5, X to read as follows:

2           X. Upon entry of an order of annulment:

3                   (a) The person whose record is annulled shall be treated in all respects as if he or she  
4 had never been arrested, convicted or sentenced, except that, upon conviction of any crime committed  
5 after the order of annulment has been entered, the prior conviction may be considered by the court in  
6 determining the sentence to be imposed, and may be counted toward habitual offender status under  
7 RSA 259:39.

8                   (b) The court shall issue the person a certificate stating that such person's behavior after  
9 the conviction has warranted the issuance of the order, and that its effect is to annul ***the record of***  
10 the arrest, conviction, and sentence, and shall notify the state police criminal records unit, the  
11 prosecuting agency, and the arresting agency.

12                   (c) ~~[The court records relating to an annulled arrest, conviction, or sentence shall remain~~  
13 ~~public documents. However, the court shall clearly identify on the file and in the electronic record~~  
14 ~~that the arrest or conviction and sentence have been annulled.~~

15                   (d) ~~The state police criminal records unit shall add an entry to the subject's record of~~  
16 ~~arrest, conviction, or sentence in the criminal history database stating that the record has been~~  
17 ~~annulled.~~

18                   (e) ~~The arresting agency and the prosecuting agency shall clearly identify in their~~  
19 ~~respective files and in their respective electronic records that the arrest or conviction and sentence~~  
20 ~~have been annulled.~~

21                   (f) In any application for employment, license or other civil right or privilege, or in any  
22 appearance as a witness in any proceeding or hearing, a person may be questioned about a previous  
23 criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that  
24 has not been annulled by a court?"

25           2 Effective Date. This act shall take effect 60 days after its passage.