

SB 244 – AS AMENDED BY THE SENATE

03/27/14 1114s

2014 SESSION

14-2665
04/10

SENATE BILL **244**

AN ACT establishing a procedure for the annulment of a mental health record and
 establishing a commission to study mental health and firearms.

SPONSORS: Sen. Watters, Dist 4; Rep. Goley, Hills 8

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill establishes a procedure to annul a mental health record and to have such record removed from the National Instant Criminal Background Check System, and establishes a commission to study firearms and mental health.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

V. The evaluation reports, recommendations, medical and mental health records, and all other court documents and records related to any petition filed pursuant to this section shall be kept separately from the public court file and shall be confidential. The hearing shall be in closed court, unless the petitioner requests otherwise, and shall be recorded.

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1 VI. Any party who is aggrieved by any ruling of the court may appeal de novo to the superior
2 court and thereafter to the supreme court on issues of law.

3 VII. After an order granting an annulment pursuant to this section has become final, the
4 court shall, as soon as is practicable, but in no case later than 10 business days thereafter, forward a
5 copy of the order to the department of safety and seal any files or records created as a result of this
6 section. Such files or records shall not be reopened unless the petitioner becomes subject to this
7 chapter again within 3 years. The department of safety shall seek removal of all the information
8 stored with the NICS Index about the petitioner, as soon as practicable, but in no case later than 15
9 business days after receipt of the order. The department of safety shall dispose of all confidential
10 information pursuant to RSA 159-D:2.

11 VIII. Upon entry of an order of annulment of a mental health record:

12 (a) The person whose record is annulled shall be treated in all respects as if he or she
13 had never been involuntarily treated, committed, or found not competent, or had a guardian
14 appointed on his or her behalf.

15 (b) The court records, medical records, and mental health records relating to annulment
16 shall be sealed and available only to the person whose record was annulled, to his or her attorney,
17 and to a subsequent court presiding over a subsequent petition under this section, or as otherwise
18 required by law.

19 (c) In any application for employment, license, or other civil right or privilege, or in any
20 appearance as a witness in any proceeding or hearing, a person may be questioned about a previous
21 mental health record only in terms such as “Have you ever been involuntarily treated, committed, or
22 found not competent, or had a guardian appointed on your behalf for any reason that has not been
23 annulled by a court?”

24 4 Effective Date.

25 II. The remainder of this act shall take effect upon its passage.