

CHAPTER 135
HB 255-FN – FINAL VERSION

11Mar2015... 0161h

2015 SESSION

15-0328
04/09

HOUSE BILL ***255-FN***

AN ACT relative to petitioning for annulment of a class B misdemeanor offense.

SPONSORS: Rep. Harvey, Hills 29; Rep. Welch, Rock 13; Rep. Cushing, Rock 21; Rep. Berch,
Ches 1; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Sen. Fuller Clark, Dist 21;
Sen. Soucy, Dist 18

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill reduces the waiting period for petitioning for annulment of a class B misdemeanor offense. The bill also establishes a 3-year waiting period for petitioning for annulment of an offense involving a family or household member or intimate partner.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to petitioning for annulment of a class B misdemeanor offense.

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

1 135:1 Annulment of Criminal Records. Amend RSA 651:5, III to read as follows:

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

7 (a) For a violation, one year, unless the underlying conviction was for an offense
8 specified under RSA 259:39.

9 (b) For a class B misdemeanor except as provided in [~~subparagraph (f), 3 years~~]
10 ***subparagraphs (f) and (h), 2 years.***

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

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

13 (e) For a class A felony, 10 years.

14 (f) For sexual assault under RSA 632-A:4, 10 years.

15 (g) For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

16 ***(h) For any misdemeanor where the victim was, at the time of the offense, a***
17 ***family or household member or intimate partner as those terms are defined in RSA 173-B:1,***
18 ***3 years.***

19 135:2 Effective Date. This act shall take effect January 1, 2016.

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21 Approved: June 12, 2015

22 Effective Date: January 1, 2016