

HB 647-FN - AS INTRODUCED

2015 SESSION

15-0609
04/09

HOUSE BILL

647-FN

AN ACT exempting convictions for simple assault from an extended term of imprisonment and relative to annulments of certain criminal convictions.

SPONSORS: Rep. Parison, Hills 25; Rep. Coffey, Hills 25; Rep. Pantelakos, Rock 25;
Sen. Avar, Dist 12

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill exempts a conviction for simple assault from the extended term of imprisonment law and allows a person convicted of certain first offenses where the person has no other criminal convictions to petition for annulment of his or her criminal record. The bill also allows a person to petition for annulment if the person's conviction was subsequently vacated.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT exempting convictions for simple assault from an extended term of imprisonment
and relative to annulments of certain criminal convictions.

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

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

2 V. No petition shall be brought and no annulment granted in the case of any violent crime, of
3 felony obstruction of justice crimes, or of any offense for which the petitioner was sentenced to an
4 extended term of imprisonment under RSA 651:6 ***except where the defendant was convicted of***
5 ***first offense simple assault under RSA 631:2-a, first offense misdemeanor reckless conduct***
6 ***under RSA 631:3, or first offense misdemeanor criminal threatening under RSA 631:4 and***
7 ***where the defendant had no other felony or misdemeanor convictions.***

8 2 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(g) to read as follows:

9 (g) Has knowingly committed or attempted to commit any of the crimes defined in
10 RSA 631, ***except RSA 631:2-a***, where he or she knows the victim was, at the time of the commission
11 of the crime, a law enforcement officer, a paid firefighter, volunteer firefighter, on-call firefighter, or
12 licensed emergency medical care provider as defined in RSA 153-A:2, V acting in the line of duty;

13 3 Annulment of Criminal Records. Amend RSA 651:5, II to read as follows:

14 II. Any person whose arrest has resulted in a finding of not guilty, or whose case was
15 dismissed or not prosecuted, may petition for annulment of the arrest record or court record, or both,
16 at any time in accordance with the provisions of this section. ***Any person who was convicted of a***
17 ***criminal offense whose conviction was subsequently vacated by a court may petition for***
18 ***annulment of the arrest record or court record, or both, in accordance with the provisions***
19 ***of this section.***

20 4 Effective Date. This act shall take effect January 1, 2016.

LBAO
15-0609
Revised 01/26/15

HB 647-FN - FISCAL NOTE

AN ACT exempting convictions for simple assault from an extended term of imprisonment
and relative to annulments of certain criminal convictions.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the Judicial Branch, who was contacted on 01/07/15. When completed, the fiscal note will be forwarded to the House Clerk's Office.