

HB 1127 - AS INTRODUCED

2022 SESSION

22-2673

05/08

HOUSE BILL **1127**

AN ACT relative to posthumous exonerations and annulments.

SPONSORS: Rep. Cushing, Rock. 21

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides that the legislature may grant a posthumous exoneration and annulment in a case where, over time, the manifest injustice of the law or policy for which the person was convicted becomes evident. The bill grants a posthumous exoneration and annulment of the convictions of Willard Uphaus and Eunice "Goody" Cole.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to posthumous exonerations and annulments.

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

1 1 New Section; Posthumous Exoneration and Annulment. Amend RSA 651 by inserting after
2 section 5-b the following new section:

3 651:5-c Posthumous Exoneration and Annulment. The legislature recognizes that on occasion
4 mistakes may be made in the criminal justice process that do not become evident until after the
5 person who was the subject of the mistakes is deceased, or with the passage of time the manifest
6 injustice of a law or policy for which someone was arrested and prosecuted and punished becomes
7 apparent after the person is deceased. In cases where the judgment of history is that an individual
8 now deceased suffered an unjust criminal prosecution, it is within the power of the legislature to
9 acknowledge the injustice and posthumously exonerate and annul the arrests and convictions of the
10 individual to correct the historic record. Such legislative action to posthumously remedy manifest
11 historic injustice shall not entitle the heirs or the estate of the person who suffered the injustice to
12 recover damages from the state.

13 2 Posthumous Exoneration and Annulment of Conviction of Willard Uphaus. Pursuant to RSA
14 651:5-c, as inserted by section 1 of this act, the legislature finds the conviction and imprisonment of
15 Willard Uphaus in connection with the provisions of the New Hampshire subversive activities act
16 was a manifest injustice and by this act corrects that historical error and exonerates Willard Uphaus
17 and annuls his conviction.

18 3 Posthumous Exoneration and Annulment of Arrests and Flogging and Imprisonment of Eunice
19 "Goody" Cole. Pursuant to RSA 651:5-c, as inserted by section 1 of this act, the legislature finds the
20 arrests, convictions, floggings and imprisonment of Eunice "Goody" Cole for witchcraft and
21 familiarity with the devil was a manifest injustice, and by this act corrects that historical error and
22 exonerates Eunice "Goody" Cole and annuls her convictions.

23 4 Effective Date. This act shall take effect 60 days after its passage.