

HB 63-FN-A - AS AMENDED BY THE HOUSE

24Feb2021... 0079h

2021 SESSION

21-0002
05/04

HOUSE BILL

63-FN-A

AN ACT relative to the reversal or forgiveness of emergency order violations.

SPONSORS: Rep. Prout, Hills. 37; Rep. Warden, Hills. 15; Rep. T. Lekas, Hills. 37; Rep. Wallace, Rock. 12; Rep. Yokela, Rock. 33; Rep. Belanger, Rock. 9; Rep. Blasek, Hills. 21; Rep. Greene, Hills. 37; Rep. Johnson, Belk. 3; Rep. Testerman, Merr. 2

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides that the state shall not enforce, and shall reverse, any prior finding of violation of the governor's emergency orders regarding the COVID-19 pandemic. The bill also provides for annulment of an arrest or criminal conviction for violation of an emergency order issued in response to COVID-19.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the reversal or forgiveness of emergency order violations.

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

1 1 State of Emergency Due to the Novel Coronavirus (COVID-19); Emergency Order Violations
2 Dismissed. The state shall not enforce and shall reverse any prior violation of the governor's
3 emergency orders regarding the COVID-19 pandemic. Specifically, the state shall:

4 I. Void and if already paid, refund, any fines issued under emergency order #65, any other
5 emergency order, or RSA 21-P:47; and

6 II. Void, or direct the attorney general to request that the court dismiss, any enforcement
7 action related to violation of an emergency order; and

8 III. Restore any suspended or revoked license or permit where the action was related to a
9 violation of the emergency orders; and

10 IV. Seal or expunge any record or written warning for the above acts, and render such
11 findings or actions inadmissible in any subsequent proceeding.

12 2 New Section; Annulment of Criminal Record Based on Violation of Emergency Orders Due to
13 the Novel Coronavirus (COVID-19). Amend RSA 651 by inserting after section 5-b the following new
14 section:

15 651:5-c Annulment of Criminal Record; Violation of COVID-19 Emergency Order. Any person
16 convicted of a criminal offense arising from a violation of an emergency order issued pursuant to
17 executive order 2020-04, declaring a state of emergency due to the novel coronavirus (COVID-19), as
18 extended, may at any time petition the court in which the person was convicted or arrested to annul
19 the arrest record, court record, or both. The person shall be entitled to an annulment of such
20 conviction upon application to the court and shall not be subject to any filing fee. The only permitted
21 basis for denial of an annulment request brought under this section is a written finding by the court
22 that the conviction was not for conduct in violation of an emergency order issued in response to
23 COVID-19. As part of an annulment under this section, the court shall direct the appropriate
24 executive branch agency to expunge any underlying administrative record and reimburse the
25 petitioner for any fine or penalty previously paid. The governor is authorized to draw a warrant for
26 said sum out of any money in the treasury not otherwise appropriated.

27 3 Reimbursement; Source of Funds. To the extent practicable, any reimbursement of civil or
28 criminal penalties paid for violation of an emergency order concerning COVID-19 shall be from the
29 same source of funds into which the fine or penalty was deposited. Where reimbursement is made
30 from the general fund, the governor is authorized to draw a warrant for said sum out of any money
31 in the treasury not otherwise appropriated.

HB 63-FN-A - AS AMENDED BY THE HOUSE

- Page 2 -

1 4 Effective Date. This act shall take effect upon its passage or upon termination of the state of
2 emergency due to Novel Coronavirus (COVID-19) declared in Executive Order 2020-04 as extended,
3 whichever is later.

LBA
21-0002
11/10/20

**HB 63-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the reversal or forgiveness of emergency order violations.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

AGENCIES CONTACTED:

Department of Justice and Judicial Branch