CHAPTER 29
HB 1003-FN - FINAL VERSION

1Feb2024... 0205h
05/02/2024 1537s

2024 SESSION

24-2002
09/10

HOUSE BILL ***1003-FN***

AN ACT relative to name changes for inmates, parolees, and convicted violent felons.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. Cushman, Hills. 28; Rep. Janvrin, Rock. 40; Rep. B. Boyd, Hills. 12; Rep. Ball, Rock. 25; Rep. D. Mannion, Rock. 25; Rep. Love, Rock. 13; Rep. Colcombe, Hills. 30; Rep. Mazur, Hills. 44; Rep. Phillips, Rock. 7; Sen. Ricciardi, Dist 9; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill increases the individuals who are subject to notice requirements and a showing of a compelling reason before he or she will be permitted to change his or her name to include those convicted of certain violent felonies or crimes against children. This bill also requires that notice be provided to the initial prosecuting jurisdiction of both the petition and the probate court's order. The bill further provides a process for providing notice to and receiving input from victims or their representatives.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to name changes for inmates, parolees, and convicted violent felons.

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

29:1 Probate Court; Change of Name. Amend RSA 547:3-i, II to read as follows:

II. Before the probate court may grant a change of name for a person who is incarcerated, or on probation or parole, or for a person who is required, pursuant to RSA 651-B, to register as a sexual offender or an offender against children and who is no longer subject to supervision by the department of corrections, ***or for a person convicted of a violent felony or a crime against a child,*** the petitioner shall make a compelling showing that a name change is necessary. For a person who is incarcerated, or on probation or parole, the petitioner shall serve a copy of the petition, pursuant to RSA 547:29, on the department of corrections ***and to the initial prosecuting jurisdiction***. For a person who is required to register as a sexual offender or an offender against children and who is no longer subject to supervision by the department of corrections, the petitioner shall serve a copy of the petition, pursuant to RSA 547:29, on the department of safety ***and to the initial prosecuting jurisdiction. As used in this section, a "crime against a child" means an offense against a child, as defined by RSA 651-B:1, VII. As used in this section, a "violent felony" means any of the following offenses: capital murder pursuant to RSA 630:1, first degree murder pursuant to RSA 630:1-a, second degree murder pursuant to RSA 630:1-b, manslaughter pursuant to RSA 630:2, class A felony negligent homicide pursuant to RSA 630:3, first degree assault pursuant to RSA 631:1, second degree assault pursuant to RSA 631:2, aggravated felonious sexual assault or felonious sexual assault pursuant to RSA 632-A, kidnapping or criminal restraint pursuant to RSA 633, class A felony arson pursuant to RSA 634:1, robbery pursuant to RSA 636, or trafficking in persons pursuant to RSA 633:7. For a person who was convicted of a violent felony or a crime against a child, the petitioner shall serve a copy of the petition, pursuant to RSA 547:29, on the initial prosecuting jurisdiction***. Upon ruling on the petition, the probate court shall issue a copy of its order to the department of corrections***, the department of safety, and the initial prosecuting jurisdiction*** or, if the petitioner is no longer subject to the supervision of the department of corrections, to the department of safety ***and to the initial prosecuting jurisdiction***.

29:2 New Paragraph; Probate Court; Change of Name. Amend RSA 547:3-i by inserting after paragraph II the following new paragraph:

III. Before the probate court may grant a change of name pursuant to paragraph II, the initial prosecuting jurisdiction shall make a reasonable effort to provide notice to the victim of the offense, or the victim's next of kin if the victim has died. The victim or victim's next of kin may appear personally to address the judge, or by counsel, or may provide a written statement to reasonably express his or her views concerning the offense, the person responsible, and the need for denying a name change. The

judge may consider the statements of the victim or next of kin made pursuant to this section when making a decision to grant a name change.

29:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 31, 2024
Effective Date: July 30, 2024