

Amendment to SB 468-FN

1 Amend RSA 651-B:6, V as inserted by section 2 of the bill by replacing it with the following:

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3 V. Any offender who was convicted prior to the establishment of the sex offender registry
4 may petition the court to have his or her name removed from such registry. The petition shall be
5 accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the
6 offender's expense. The court may grant the petition if the offender has not been convicted of any
7 subsequent felony, class A misdemeanor, sexual offense, or offense against a child, has successfully
8 completed any period of supervised release, probation, or parole, and has successfully completed an
9 appropriate sex offender treatment program as determined by the court. Prior to granting any
10 petition to remove an offender from the registry, the court shall provide notice to the county
11 attorney who prosecuted the case, the victim advocate, and the victim or victim's family, and permit
12 those parties to be heard on the petition. Prior to any decision granting the application, the court
13 shall provide the victim with the opportunity to address the court. The victim may appear
14 personally, or by counsel, or may provide a written statement to reasonably express his or her views
15 concerning the offense, the person responsible, and the need for maintaining the registration
16 requirement. The victim shall not be subject to cross-examination. The judge shall consider the
17 statements of the victim pursuant to this section when making a decision regarding the application.
18 The judge shall grant the application, after a hearing, only where, in the opinion of the court, the
19 offender has demonstrated that he or she is not a danger to the public and no longer poses a risk
20 sufficient to justify continued registration. If the court denies the petition, the offender shall not
21 file another petition for 5 years from the date of denial.