

Amendment to SB 468-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6, III(a)(1)
4 to read as follows:

5 (1) ***Except as provided in paragraph V***, all tier III offenders shall remain on the public
6 list contained in RSA 651-B:7 for life.

7 2 New Paragraph; Registration of Criminal Offenders; Duration of Registration. Amend RSA
8 651-B:6 by inserting after paragraph IV the following new paragraph:

9 V.(a) Any tier II or tier III offender who was convicted prior to the establishment of the sex
10 offender registry may petition the court to be relieved from the registration requirements under this
11 chapter. The petition shall include the petitioner's current address and information about each
12 conviction for which he or she is required to register, including the nature of the offense, the
13 sentence imposed, and the court and the jurisdiction in which the petitioner was convicted. The
14 petition shall be accompanied by a certified copy of the petitioner's criminal history record from
15 each jurisdiction in which he or she is required to register. The petition shall not be filed prior to
16 the completion of all the terms and conditions of the sentence, including any period of supervised
17 release. The petition shall also be accompanied by a risk assessment prepared by a qualified
18 psychiatrist or psychologist at the offender's expense, which indicates that the petitioner is not a
19 danger to the public and no longer poses a risk sufficient to justify continued registration. The
20 petition shall be filed in the county where the most recent predicate conviction occurred, except if
21 the most recent predicate conviction occurred in another state or jurisdiction, the petition shall be
22 filed in the county where the petitioner resides. Such petition shall not be filed as or addressed as
23 part of a criminal case.

24 (b) Prior to granting any petition to relieve an offender from the registration
25 requirements under this chapter, the court shall hold a hearing on the petition. The court shall
26 provide notice of the hearing at least 60 days prior to the hearing to the county attorney, the
27 department of safety sex offender unit, and the department of corrections. The county attorney
28 shall use reasonable efforts to notify the victim or victim's family. The court shall permit those
29 parties to be heard on the petition. The victim may appear personally, or through a representative,
30 or may provide a written statement expressing his or her views concerning the offense, the person
31 responsible, and the need for maintaining the registration requirement. The judge shall consider
32 the statements of the victim when making a decision regarding the petition.

Amendment to SB 468-FN
- Page 2 -

1 (c) The court may grant the petition if the offender has not been convicted of any
2 subsequent offense requiring registration, has successfully completed any period of supervised
3 release, probation, or parole, has successfully completed an appropriate sex offender treatment
4 program as determined by the court, and has demonstrated that he or she is no longer a danger to
5 the public and no longer poses a risk sufficient to justify continued registration. If the court denies
6 the petition, the offender shall not file another petition for 5 years from the date of denial.

7 3 Registration of Criminal Offenders; Hearing. Amend RSA 651-B:10, I to read as follows:

8 I. Any offender required to register for an offense committed in another state, country,
9 territory, or tribal territory, or under federal law that is determined to be a reasonably equivalent
10 offense to an offense listed *in* RSA 651-B:1, V(a) or RSA 651-B:1, VII(a) or (b) may appeal that
11 determination to the commissioner. The offender shall, within 10 days of notification, request a
12 hearing on the matter before the commissioner. If such a request is made, the commissioner shall
13 promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. [~~The~~
14 ~~offender~~] ***Either party*** shall have the right to appeal the commissioner's decision in superior court.

15 4 Effective Date. This act shall take effect upon its passage.