

Amendment to SB 556-FN

1 Amend RSA 597:2, III(a) and the introductory paragraph of RSA 597:2, III(b) as inserted by section
2 2 of the bill by replacing them with the following:

3
4 III.(a) The court shall order the pre-arraignment or pretrial release of the person on his or
5 her personal recognizance, or upon execution of an unsecured appearance bond in an amount
6 specified by the court, or cash or corporate surety bail, subject to the condition that the person not
7 commit a crime during the period of his or her release, and subject to such further condition or
8 combination of conditions that the court may require unless the court determines by a
9 preponderance of the evidence that such release will not reasonably assure the appearance of the
10 person as required. A person who the court determines to be a danger to the safety of that person
11 or the public shall be governed by the provisions of paragraph IV, except that such dangerousness
12 determination shall not be based solely on evidence of drug or alcohol addiction or homelessness.

13 (b) In determining the amount of the unsecured appearance bond or cash or corporate
14 surety bail under subparagraph II(a), if any, the court:

15
16 Amend RSA 597:2, IX as inserted by section 2 of the bill by replacing it with the following:

17
18 IX. Upon the appearance of a person charged with a class A or class B misdemeanor, the
19 court shall issue an order that, pending arraignment, the person be released on his or her personal
20 recognizance, unless the court determines pursuant to paragraph IV that such release will
21 endanger the safety of the person or the public. The court shall appoint an attorney to represent
22 any indigent person charged with a class B misdemeanor denied release for the purpose of
23 representing such person at any detention hearing.

24
25 Amend the bill by replacing section 6 with the following:

26
27 6 Annulment of Criminal Records. Amend RSA 651:5, III(a) and (b) to read as follows:

28 (a)(1) For a violation *with a conviction date prior to January 1, 2019 or a*
29 *violation with a conviction date on or after January 1, 2019 that was not the highest*
30 *offense of conviction*, one year, unless the underlying conviction was for an offense specified
31 under RSA 259:39.

32 (2) *For a violation with a conviction date on or after January 1, 2019 where*

1 *the violation was the highest offense of conviction, unless the underlying conviction was*
2 *for an offense specified under RSA 259:39, or another violation for which there is an*
3 *enhanced penalty for a subsequent conviction, after the person has completed all the*
4 *terms and conditions of the sentence. If the court determines the conviction is eligible for*
5 *annulment, the court shall submit a notice of its determination to the person convicted of*
6 *the offense and to the prosecutor. The prosecutor shall have 20 days from the date of*
7 *receipt of the notice to object to the annulment on the ground that the offense is not*
8 *eligible for annulment or that the person has not completed all the terms and conditions*
9 *of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's*
10 *objection, the court shall annul the conviction.*

11 (b)(1) For a class B misdemeanor *with a conviction date prior to January 1, 2019*
12 *or a class B misdemeanor with a conviction date on or after January 1, 2019 that was not*
13 *the highest offense of conviction, except as provided in subparagraphs (f) and (h), 2 years.*

14 (2) *For a class B misdemeanor with a conviction date on or after January 1,*
15 *2019 where the class B misdemeanor was the highest offense of conviction, except as*
16 *provided in subparagraphs (f) and (h), 2 years after the person has completed all the*
17 *terms and conditions of the sentence. If the court determines that a class B misdemeanor*
18 *is eligible for annulment after 2 years, the court shall submit a notice of its determination*
19 *to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20*
20 *days from the date of receipt of the notice to object to the annulment on the ground that*
21 *the offense is not eligible for annulment or that the person has not completed all the terms*
22 *and conditions of the sentence. If the prosecutor fails to timely object or the court denies*
23 *the prosecutor's objection, the court shall annul the conviction.*

24
25 Amend the bill by inserting after section 8 the following and renumbering the original section 9 to
26 read as 11:

27
28 9 Annulment of Criminal Records. Amend RSA 651:5, III(d)-(e) to read as follows:

29 (d) For a class B felony except as provided in ~~[subparagraph]~~ **subparagraphs (g) and**
30 **(i), 5 years.**

31 (e) For a class A felony, **except as provided in subparagraph (i), 10 years.**

32 10 Annulment of Criminal Records. Amend RSA 651:5, III(i) to read as follows:

33 (i) For a class A misdemeanor **or felony offense** under RSA 318-B:26, II~~[(d) or (e)]~~, 2
34 years.