

Amendment to SB 311-FN

1 Amend the bill by replacing section 2 with the following:

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3 2 New Paragraphs; Annulment of Criminal Records. Amend RSA 651:5 by inserting after
4 paragraph III the following new paragraphs:

5 III-a. A person who was less than 25 years of age at the time of the commission of any drug-
6 related crime for which he or she was convicted may petition for annulment of the record of arrest,
7 conviction, and sentence pursuant to this section or when the person reaches 23 years of age,
8 whichever is earlier. This paragraph shall not apply to the conviction for an offense listed in
9 paragraph V.

10 III-b. Without relieving any requirement to pay restitution, no period of time in paragraph
11 III shall be extended because of unmet restitution payments if a petitioner demonstrates that he or
12 she is indigent. The court shall keep the petitioner's docket open for purposes of restitution
13 payments.
14

15 Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4
16 to read as 5-6, respectively:
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18 3 New Subparagraph; Annulment of Criminal Records. Amend RSA 651:5, XIII by inserting
19 after subparagraph (h) the following new subparagraph:

20 (i) Felonious domestic violence under RSA 631:2-b.

21 4 Annulment of Criminal Records. Amend RSA 651:5, III(c)-(i) to read as follows:

22 (c) For a class A misdemeanor except as provided in subparagraphs (f) [~~and~~], (i), **(j)**,
23 **and (k)**, 3 years.

24 (d) For a class B felony except as provided in subparagraphs (g) [~~and (i)~~], **(h)**, **(j)**, **and**
25 **(k)**, 5 years.

26 (e) For a class A felony, except as provided in [~~subparagraph (i)~~] **subparagraphs (j)**
27 **and (k)**, 10 years.

28 (f) For sexual assault under RSA 632-A:4, 10 years.

29 (g) For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

30 (h)**(1)** [~~For any misdemeanor where the victim was, at the time of the offense, a family~~
31 ~~or household member or intimate partner as those terms are defined in RSA 173-B:1, 3 years.] **For**
32 **any misdemeanor not charged as a domestic violence crime where the victim and**~~

1 *defendant were intimate partners or family or household members, as those terms are*
2 *defined in RSA 631:2-b, III, 3 years.*

3 *(2) For any second degree assault pursuant to RSA 631:2 where the victim*
4 *and defendant were intimate partners or family or household members, as those terms are*
5 *defined in RSA 631:2-b, III, 10 years.*

6 *(i) For any domestic violence misdemeanor under RSA 631:2-b, 10 years.*

7 *(j) For a class A misdemeanor or felony offense under RSA 318-B:26, II, 2 years.*

8 *(k) For any first-time class A misdemeanor or any felony offense under RSA 318-*
9 *B:26, II, upon completion of the terms and conditions of the sentence.*

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AMENDED ANALYSIS

This bill provides for annulment of a criminal record without payment of a fee in certain cases, specifies the waiting period for annulment in cases involving domestic violence offenses, certain first-time offenses, or the defendant was under 20 years of age at the time of a drug-related offense. The bill also reduces the waiting period for annulment of a conviction for driving or operating under the influence of a controlled drug or intoxicating liquor.