

Amendment to HB 399-FN

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

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3 1 New Section; Annulment of Arrests and Convictions for Marijuana Possession. Amend RSA
4 651 by inserting after section 5-a the following new section:

5 651:5-b Annulment of Arrests and Convictions for Marijuana Possession. Any person who was
6 arrested or convicted for knowingly or purposely obtaining, purchasing, transporting, or possessing,
7 actually or constructively, or having under his or her control, 3/4 of an ounce of marijuana or less
8 where the offense occurred before September 16, 2017 may, at any time, petition the court in which
9 the person was convicted or arrested to annul the arrest record, court record, or both. The petition
10 shall state that the amount of marijuana was 3/4 of an ounce or less. The petitioner shall furnish a
11 copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may
12 object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor
13 does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor
14 timely objects, the court shall hold a hearing. In a hearing on the petition for annulment, the
15 prosecutor shall be required to prove beyond a reasonable doubt that the petitioner knowingly or
16 purposely obtained, purchased, transported, or possessed, actually or constructively, or had under
17 his or her control, marijuana in an amount exceeding 3/4 of an ounce. At the close of the hearing,
18 the court shall grant the petition unless the prosecutor has proven that the amount of marijuana
19 exceeded 3/4 of an ounce. If the petition is granted, and an order of annulment is entered, the
20 provisions of RSA 651:5, X-XI shall apply to the petitioner.