

HB 196-FN - AS AMENDED BY THE HOUSE

20Feb2025... 0192h

2025 SESSION

25-0169

09/05

HOUSE BILL

196-FN

AN ACT

relative to annulling certain cannabis possession offenses.

SPONSORS:

Rep. Wheeler, Hills. 33; Rep. H. Howard, Straf. 4; Rep. W. Thomas, Hills. 12; Rep. Tom Mannion, Hills. 1; Rep. Read, Rock. 10

COMMITTEE:

Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill requires the annulment of misdemeanor or violation-level offenses for possession of cannabis prior to January 1, 2025 upon petition.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to annulling certain cannabis possession offenses.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Criminal Code; Sentences; General Provisions; Cannabis Convictions and
2 Sentences. Amend RSA 651 by inserting after section 5-b the following new section:

3 651:5-c Annulment of Certain Arrests and Convictions for Cannabis Possession.

4 I. Convictions and arrests for misdemeanor or violation-level offenses for possession of
5 cannabis prior to January 1, 2025 shall be annulled by the department of safety and the courts upon
6 petition by a person who has been convicted of such an offense.

7 II. Any person who believes that he or she is eligible for annulment pursuant to this section
8 may request that the department of safety examine his or her arrest or conviction to determine
9 whether it should be annulled. Should the department of safety fail to annul a qualified record, any
10 person so aggrieved may petition the court without fee for further review of eligibility.

11 III. Eligible annulments of convictions and violations pursuant to this section shall be
12 granted notwithstanding the existence of outstanding court-imposed or court-related fees, fines,
13 costs, assessments, or charges. Annulments shall not be granted until any sentence of incarceration
14 or probation has been completed except for financial obligations.

15 IV. By January 16, 2026, and every year thereafter, the department of safety shall publish a
16 report on its website on the number of qualified records removed from its records pursuant to this
17 section. The department of safety shall deliver a copy of the reports to the chairs of the New
18 Hampshire house of representatives criminal justice and public safety committee and the New
19 Hampshire senate judiciary committee.

20 2 Effective Date. This act shall take effect upon its passage.

HB 196-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0192h)

AN ACT relative to annulling certain cannabis possession offenses.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund and Highway Fund, Turnpike Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill requires the annulment of misdemeanor or violation-level offenses for possession of cannabis prior to January 1, 2025 upon petition.

The Department of Safety indicates the fiscal impact of this bill is indeterminable, but anticipates the financial impact will be significant. The Department assumes the bill will require a significant amount of research and preparation for Department of Safety prosecutors, Troopers and additional staff to determine if it is appropriate to annul or re-sentence previously prosecuted offenses. The total hours the Department's employees would spend on the additional hearings is impossible to predict. Additionally, the Department states the programming that will be needed to “automatically” annul records once received by the criminal records unit is also unknown. Removing qualified convictions from one’s record will likely cause a need for additional staff. Department staff may also need to attend court hearings for records that are not annulled by the Department. In addition, there would be staff and initial IT costs related to the required annual report of the number of annulments to be posted on the Department's website and delivered to members of the legislature.

The Department of Corrections states it cannot predict the number of individuals that would be affected by this bill. The Department estimates it would take an average of thirty minutes per annulment investigation, which vary by case. The hourly wage for staff completing these

investigations, (Corrections Protective Service - Group Schedule 33C, Band 5, step 6), is \$48.98 per hour plus a per hour benefit cost of \$22.38 for a total of \$71.36 per hour. Staff would likely have to conduct the investigations on overtime which would increase the rate to \$101.30 (\$73.47 with benefits of \$27.83).

The Judicial Branch states it is not possible to estimate how this change in law would impact the number of filings in the courts. The Branch expects there would be an increase in petitioners for the proposed relief, and therefore an increase in court hearings. The Branch suggests adjustment of the effective date may help the court system to manage costs by including any changes to forms and training to staff in planned updates and trainings.

It is assumed that any fiscal impact would occur after FY 2025.

AGENCIES CONTACTED:

Departments of Safety, Corrections and Judicial Branch