

# Court Service Center

## New Hampshire Trial Courts

### ANNULMENT OF CRIMINAL RECORDS

#### General information:

- You may petition the court to annul a criminal charge or conviction. Generally speaking, you may file a petition for violation level offenses one year after the terms of your sentence have been completed, two years for class B misdemeanors, and three years for class A misdemeanors and any misdemeanor where the victim was at the time of the offense either a family or household member, or currently or formerly involved in a romantic relationship with you. If a charge was dismissed, Nol Prossed or resulted in a not guilty finding, you may petition the court immediately.
- Refer to RSA 651:5 and Rule 31 of the NH Rules of Criminal Procedure for more information regarding eligibility, timeframes, and the annulment process.
- You must file a separate petition for each charge you want annulled. Multiple charges/cases cannot be entered on one form.

#### Forms lists below are needed to start this action:

- Petition to Annul Record (NHJB-2317-DS)

#### Other items that may be needed:

- Photo identification is required if you want court staff take your oath on the petition.
- You may request a computer case summary from the court to assist in filling out the petition.

#### Information needed to fill out the petition:

- Your name, address, phone number and DOB.
- Case number, offense, offense date, RSA violated, date of conviction, date sentence completed, and disposition/description of sentence.

#### How much will this cost?

- Filing fee of **\$125.00**. This covers multiple cases if the petitions are filed at the same time.
- The Department of Corrections will also charge **\$100.00** to perform a criminal investigation. This fee is paid directly to them, not the court. They will notify you by letter when it is due.
- The Department of Safety will also charge a fee of **\$100.00** to research and correct the criminal history if the Petition to Annul is granted. This fee is paid directly to them, not the court. The Department of Safety can be contacted at 603-223-3867.

#### What happens next?

- Your petition is mailed to the Department of Corrections (DOC) and other law enforcement agencies who review it and make a recommendation to the Court.
- The DOC will contact you to fill out a questionnaire. The Court will not take action on the petition until the DOC files their report, so a prompt response expedites the whole process.
- In most cases, you will be notified by mail of the Court's decision. In some instances, a hearing may be scheduled prior to making a decision.
- The annulment process is lengthy; do not expect an immediate answer. It can take several months for the Court to grant or deny your petition. Plan ahead if this affects a job opportunity.

**Forms and Instructions are available at any NH District or Superior Court**

**Additional information can be found at:**

<http://www.courts.state.nh.us/>