

## **New Hampshire Superior Court** **Petition for Termination of RSA 651-B Registration Requirements**

RSA 651-B:6,V sets forth the requirements for a petition to terminate registration of a Tier II or Tier III lifetime offender who was convicted prior to the establishment of the sex offender registry.

### **How to file a petition**

Jurisdiction – A petition shall be filed in the county of the most recent conviction that required registration. If the petitioner is registering as a result of an out-of state or federal conviction, the petition shall be filed in the county where the petitioner resides.

Required information – The petition shall include:

- Petitioner’s name, date of birth and current address
- Law enforcement agency with whom the petitioner is currently registered
- Information about the conviction(s) that require the petitioner to register, including
  - Nature of the offense
  - Charge(s)
  - Date of conviction
  - Sentence imposed
  - Court and state of conviction
- A certified copy of the petitioner’s criminal history
- A risk assessment prepared by a qualified psychiatrist or psychologist at the petitioner’s expense, and indicate that the petitioner
  - Is not a danger to the public, AND
  - No longer poses a risk sufficient to justify continued registration.

Filing fee – the petition is a civil action, and shall be accompanied by the civil filing fee.

### Service

- Petitioner is not required to provide formal service on any parties. Petitioner shall file a “courtesy copy” of the petition with the county attorney, the department of safety sex offender unit and the department of corrections.

### **When to file a petition**

#### Original petition

- The petition shall not be filed prior to:
  - The completion of all of the terms and conditions of the sentence, including any period of supervised release/probation/parole.

#### Subsequent petition

- If a petition has been previously filed and denied, the petitioner may not file another petition in any New Hampshire Superior Court for 5 years from the date of the denial by the court.

## Hearing on the petition

### Schedule

- A hearing on the merits of the petition shall be scheduled no sooner than 60 days from the filing of the petition.
- The Court shall provide notice of the hearing at least 60 days prior to the hearing to:
  - The county attorney
  - The department of safety sex offender unit
  - The department of corrections

### Order

- The court may grant the petition if the petitioner has:
  - Not been convicted of any subsequent registerable offense
  - Successfully completed any supervised release/probation/parole
  - Successfully completed a sex offender treatment program as determined by the court
  - Demonstrated that he/she is no longer a danger to the public
  - Demonstrated that he/she no longer poses a risk sufficient to justify continued registration.
- The court shall send a copy of the final order granting or denying the petition to:
  - The county attorney
  - The department of safety sex offender unit
  - The department of corrections