

Bill as Introduced

HB 165 - AS INTRODUCED

2013 SESSION

13-0655
04/10

HOUSE BILL

165

AN ACT

establishing a committee to study the use of the sex offender registry.

SPONSORS:

Rep. Robertson, Ches 6

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill establishes a committee to study the use of the sex offender registry.

Explanation:

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a committee to study the use of the sex offender registry.

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

1 1 Committee Established. There is established a committee to study the use of the sex offender
2 registry.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

7 (b) Two members of the senate, appointed by the president of the senate.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall:

11 I. Study the use of the sex offender registry as established under RSA 651-B and evaluate
12 whether any changes to the law governing the registry should be made.

13 II. Determine whether certain offenders should be permitted to petition the court to be
14 removed from the registry after a period of time.

15 III. Study any other issue deemed relevant to the committee's objective.

16 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
17 among the members. The first meeting of the committee shall be called by the first-named house
18 member. The first meeting of the committee shall be held within 45 days of the effective date of this
19 section. Three members of the committee shall constitute a quorum.

20 5 Report. The committee shall report its findings and any recommendations for proposed
21 legislation to the speaker of the house of representatives, the president of the senate, the house
22 clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

23 6 Effective Date. This act shall take effect upon its passage.

Amendments



Sen. Carson, Dist. 14
April 10, 2013
2013-1243s
04/10

Amendment to HB 165

1 Amend the bill by replacing paragraph I of section 2 with the following:

2

3 I. The committee shall consist of 5 members of the house of representatives, appointed by
4 the speaker of the house of representatives.

5

6 Amend the bill by replacing sections 4-5 with the following:

7

8 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
9 among the members. The first meeting of the committee shall be called by the first-named member.
10 The first meeting of the committee shall be held within 45 days of the effective date of this section.
11 Three members of the committee shall constitute a quorum.

12 5 Report. The committee shall report its findings and any recommendations for proposed
13 legislation to the speaker of the house of representatives, the house clerk, the governor, and the state
14 library on or before November 1, 2013.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

Senator Sharon Carson Chairman
 Senator Bette Lasky V Chairman
 Senator David Boutin
 Senator Sam Cataldo
 Senator Donna Soucy

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 26, 2013

HEARINGS

Tuesday

4/9/2013

JUDICIARY

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	HB648-FN	permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment.
9:20 AM	HB426	relative to payment of costs and fees in guardianship cases.
9:40 AM	HB167	relative to notice and information provided to the victim of a person seeking parole or the victim's next of kin.
10:00 AM	HB165	establishing a committee to study the use of the sex offender registry.
10:20 AM	HB442	prohibiting residency restrictions for registered sex offenders and offenders against children.

Sponsors:

HB648-FN

Rep. Gary Richardson

Rep. Mary Jane Wallner

Rep. Mary Beth Walz

HB426

Rep. Lucy Weber

Rep. Janet Wall

HB167

Rep. Robert Cushing

Rep. Shannon Chandley

HB165

Rep. Timothy Robertson

HB442

Rep. Timothy Robertson

Susan Duncan 271-3076

Sen. Sharon Carson

Chairman

SENATE JUDICIARY COMMITTEE

Susan Duncan, Senior Legislative Aide

HB 165 – establishing a committee to study the use of the sex offender registry.

Hearing Date: April 9, 2013

Time Opened: 10:00 a.m.

Time Closed: 10:21 a.m.

Members of the Committee Present: Senators, Lasky, Soucy and Cataldo

Members of the Committee Absent: Senators Carson and Boutin

Bill Analysis: This bill establishes a committee to study the use of the sex offender registry.

Sponsors: Representative Robertson

Who supports the bill: Representative Robertson; Representative Robert “Renny” Cushing; Chris Dornin; Jill Rockey, NH Coalition Against Domestic and Sexual Abuse (NHCADSV) and the Crisis Center of Central NH; Sgt. Cheryl Nedeau, Department of Safety, NH State Police

Who opposes the bill: No one

Summary of testimony presented in support:

Representative Robertson

Explained that filing this bill resulted from years of listening to people on this list (the sex offenders list) and told of someone at aged 20 or 21 who met someone underage He said that several of these individuals have come to the committee twenty years later and have never re-offended, but must remain on the list. He said that he wants a committee to look at this. He said that the only way to get off the list is to have the Governor pardon them. He told of a former mayor who called him about the bill and told him of an employee of his town who had sexual relations with his 15 year old girlfriend – how he was convicted and served time. The young man married the lady and they have a child – but he’s still on the list. He said that it seems like this is over-punishment. He would like to find out if there’s a way to make this a fairer system.

Senator Lasky asked if there hasn’t been a study before. **Representative Robertson** responded that he is not aware of one. **Senator Lasky** asked if the

House would have a problem if the number of Senators were reduced.

Representative Robertson responded that this would not be a problem – and that perhaps a psychiatrist or lawyers should be included.

Jill Rockey

Testified in support on behalf of Amanda Grady Sexton who was unable to be present today.

She indicated that the study is focused on the offenders and it should be focused on the victims. She explained that registration is not required for folks who are 16 years old and noted the four year age differential that is required in statute. She agreed that the instances given were not the people that the Coalition considers should be kept on the list. She agreed that there are definitely people who can be reviewed. She noted that the folks most likely to re-offend are pre-pubescent males and offenders against adult women. She said that they do evaluate offenders.

In response to an inquiry from Senator Cataldo, Ms. Rockey explained that she retired last year from the State Police and that the Department of Safety would like to be included in the discussion / study.

Chris Dornin

Testified on behalf of *Citizens for Criminal Justice Reform* – a group that works for smarter laws. He said that the bill is similar to SB 277 last year that sailed through the Senate but died in the House Criminal Justice Committee. He noted that a study was enacted in 2006 to look at the registry and all of its aspects, but the chairwoman limited the scope of the study to compliance with the Adam Walsh Act. He noted that some states have chosen to forego compliance with Adam Walsh and the attached federal funding rather than listing teens on the internet. He contended that with too many names on the list, then the truly dangerous people are hidden and that 95% of all sexual offense crimes are committed by people who are not on the registry. He noted that being on the registry does tremendous damage to the individuals – damage such as homelessness, being unable to obtain employment and housing.

Summary of testimony presented in opposition: None

Fiscal Note: None

Future Action: The Committee took the legislation under advisement.

sfd

Date hearing report completed: April 10, 2013

[file: HB 165 report]

Speakers

Testimony



State of New Hampshire

DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 33 HAZEN DR.
CONCORD, N.H. 03305
603/271-2559

JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

EARL M. SWEENEY
ASSISTANT COMMISSIONER

NH DEPARTMENT OF SAFETY

LEGISLATIVE POSITION PAPER

HB 165 SB ___ AS INTRODUCED () AMENDMENT NO. ___

This bill calls for the establishment of a study committee to study the Sex Offender Registry and evaluate whether any changes should be made to it, or whether certain offenders should be allowed to petition the court to have their names removed after a period of time.

The Department has no objection to the bill, but at some point we would like to see the law on sex offenders stabilize and remain unchanged for a few years. Ever since the first sex offender registry law was passed the State Police has been responsible for maintaining the registry and ensuring that people who are required to do so register, reregister when required, and are appropriately classified. Never during all this time have we been given an appropriation or any personnel to do this job, and as a result all the resources we devote to it take away from our other statutory responsibilities. This was a case of "pass a law, don't fund it, and the problem is solved".

It seems that every couple of years if not every year, a couple of changes are made to this law, and every time this happens the small staff that handles the registry have to go back manually through all the hundreds of names, research not just what they were convicted of but the actual circumstances of the conviction, and be sure it does not require a change to their classification. If the conviction occurred in another state, it is often difficult if not impossible to get out-of-state courts and law enforcement agencies who are themselves often strapped for time and personnel, to get us the information we need to comply with our laws.

We also note that there is no provision in the bill for any input from the Department of Safety, who is tasked with managing the sex offender registry.

In summary, we have no opposition to the bill, but given the current economic climate and lack of resources, it will be important to remember that any recommendations for significant changes will come at a cost, and that cost will either be the need for additional resources in the sex offender unit or backlogs in managing the system if the result requires once again re-analyzing the status of the hundreds of names on the list.

APPROVED:

Earl M. Sweeney

Assistant Commissioner

CITIZENS FOR CRIMINAL JUSTICE REFORM

Testimony on HB 165 to study the sex offender public registry

By Chris Dornin, founder, CCJR

The name of the sex offender registry has changed over the years. The Jacob Wetterling Act, Jessica's Law, Megan's Law, the Adam Walsh Act. We are starting to see that these laws to honor murdered children may paradoxically endanger the public. They are also unconstitutional if applied to anyone who did their crime before the shaming roster went public.

Two years ago the Maine Supreme Court ruled that the state's public sex offender registry was an illegal retroactive punishment for many of its registrants. The Ohio Supreme Court issued a similar decision two years ago in the landmark Williams versus Ohio case.

The rape crisis centers in Cleveland and Texas intervened in support of the Ohio sex offender plaintiffs. The lawyer for these victim advocates, Margie Slagle, argued that Ohio's version of the Adam Walsh Act, passed in June 2007, is dangerous to the public because it

“...fundamentally transformed classification, registration, and community notification requirements under Ohio's sex offender laws. In particular, the pre-AWA law classified adult sex offenders based on the individual's likelihood of committing future offenses and the offender's risk to the community. The AWA abandons risk based classifications for offense based classifications.

“While protecting Ohioans from sex offenders is a compelling interest- and indeed, is the core mission of each of the amici- none of the changes implemented as part of Ohio's AWA has been proven to achieve that goal. Research shows that the law's more burdensome requirements on law enforcement, the public, and sex offenders can cause *higher* levels of recidivism and thus pose *increased* danger to the community. More onerous sex offender registration and community notification laws threaten to harm the very people they are intended to protect and to undermine the goals of community safety and treatment of offenders.

“These laws perpetuate myths and create a false sense of security. Research demonstrates that victimization can be reduced when sex offenders successfully reenter the community. These changes also put law enforcement agencies, already in budgetary crises, in the position of spending precious dollars on monitoring low risk individuals with a limited impact on public safety. Thus, any argument that Ohio's AWA is simply a remedial law designed to protect children and the public from sexual abuse and sex crimes is seriously flawed. Ohio's AWA is not based on empirical evidence or proven research, but on fear and misinformation.”

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: April 18, 2013

THE COMMITTEE ON Judiciary

to which was referred House Bill 165

AN ACT establishing a committee to study the use of the sex
 offender registry.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5 - 0

CONSENT CALENDAR VOTE: 5 - 0

Senator Donna M. Soucy for the Committee

This legislation sought to establish another study committee to look into the sex offender registry. The stakeholders already meet on a regular basis and bring needed legislation forward. Therefore establishing another study committee at this time is not necessary.

Susan Duncan 271-3076

New Hampshire General Court - Bill Status System

Docket of HB165

Docket Abbreviations

Bill Title: establishing a committee to study the use of the sex offender registry.*Official Docket of HB165:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Criminal Justice and Public Safety; HJ 12 , PG.184
1/9/2013	H	Public Hearing: 1/15/2013 10:30 AM LOB 204
1/16/2013	H	Executive Session: 1/23/2013 10:00 AM LOB 204
1/24/2013	H	Committee Report: Ought to Pass for Jan 30 (Vote 17-0; CC); HC 10 , PG.127-128
1/30/2013	H	Ought to Pass: MA VV; HJ 14 , PG.237
2/14/2013	S	Introduced and Referred to Judiciary
3/26/2013	S	Hearing: 4/9/13, Room 100, SH, 10:00 a.m.; SC14
4/23/2013	S	Committee Report: Inexpedient to Legislate, 5/2/13; Vote 5-0; CC; SC18
5/2/2013	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===;

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 12435 - AMENDMENT # _____
 - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

6/7/2013

By:

Susan J. Dulcan
COMMITTEE AIDE

HB 165, establishing a committee to study the use of the sex offender registry. **OUGHT TO PASS.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety: This bill establishes a committee to study the use of the sex-offender registry. Over the past several years this committee has heard concerns about and problems with the sex offender registry. This committee will evaluate whether any changes should be made to the law. The bill was supported by the Crisis Center of New Hampshire, the Coalition Against Domestic and Sexual Violence and criminal defense lawyers. Vote 17-0.