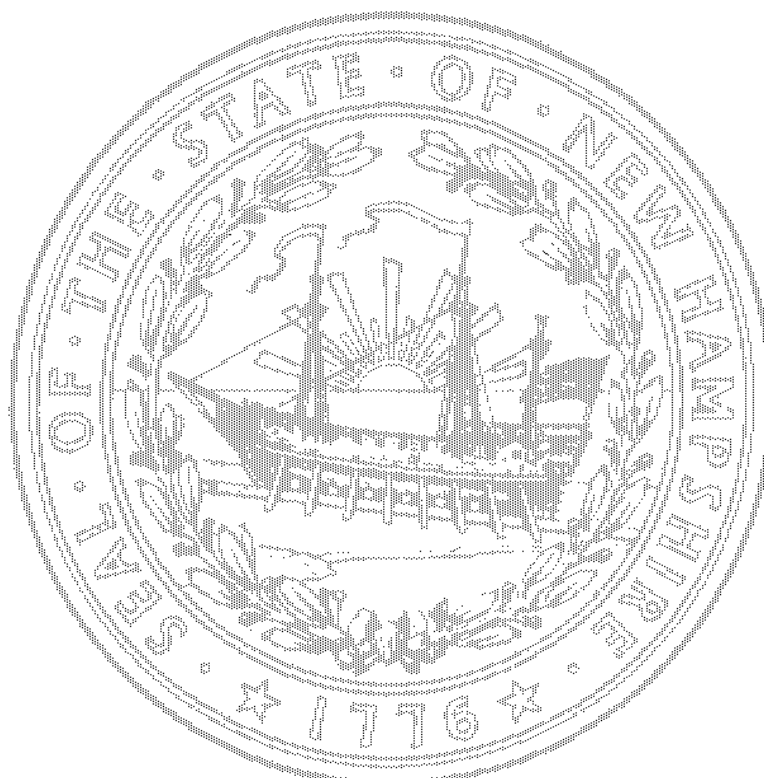


June 4, 2008
No. 22

STATE OF NEW HAMPSHIRE

WEB SITE ADDRESS:
www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

COMMENCEMENT – JUNE 4, 2008 SESSION

SENATE

JOURNAL 22

JUNE 4, 2008

The Senate met at 10:30 p.m.

A quorum was present.

Senator Larsen moved that, without objection, the prayer from our chaplain and the Pledge of Allegiance be waived.

Senator Clegg is excused for the day.

COMMITTEE OF CONFERENCE REPORT

**June 4, 2008
2008-2151-CofC
04/03**

Committee of Conference Report on HB 1640-FN, an act relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 651-B:3, III as inserted by section 3 of the bill by replacing it with the following:

III. Semi-annually, the department shall verify, ***in person***, the address at which the offender resides ***or*** by sending a letter by certified non-forwarding mail to the offender. The address verification shall ~~[be sent to the offender]~~ ***occur*** prior to the offender's birthday and again prior to the offender's 6-month semi-annual registration. The address verification shall remind the offender of the obligation to register in person ~~[on a semi-annual basis]~~. The

offender shall sign the **address verification** [letter] and return it to **the officer, if the address verification was made in person, or to** the department within 10 business days of receipt. ~~[If the offender's mailing address is to a post office box, the department shall deliver by other means as determined by the department a letter to the offender's residence. The offender shall sign and return the letter within 10 business days of receipt.]~~

Amend RSA 651-B:4, IV(b) as inserted by section 4 of the bill by replacing it with the following:

(b) A DNA sample, if such sample has not already been provided.

Amend RSA 651-B:7, VI(a) as inserted by section 4 of the bill by replacing it with the following:

VI.(a) Any individual required to be registered whose name and information is contained on the public list described in paragraph III and who is required to register as a result of any violation or attempted violation of RSA 632-A:3, II in effect prior to January 1, 2007, or RSA 632-A:2, III if the acts constituting the pattern were in violation of RSA 632-A:3, II in effect prior to January 1, 2007, provided that the age difference between the individual required to register and the victim was 4 years or less at the time of the offense and the person has no prior adjudications requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 5 years after the date of release. After review of the application, the court may schedule a hearing. Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.

Amend the bill by replacing all after section 9 with the following:

10 Offenses Against the Family; Incest. Amend RSA 639:2, I to read as follows:

I. A person is guilty of a class B felony if he **or she** marries or ~~[has sexual~~

~~intercourse]~~ **engages in sexual penetration as defined in RSA 632-A:1, V**, or lives together with, under the representation of being married, a person **18 years or older** whom he **or she** knows to be his **or her** ancestor, descendant, brother, or sister, of the whole or half blood, or an uncle, aunt, nephew, or niece; provided, however, that no person under the age of 18 shall be liable under this section if the other party is at least 3 years older at the time of the act. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

11 License Suspension and Revocation. Amend the section heading of RSA 263:56-a to read as follows:

263:56-a Suspension or Revocation for Default, **Noncompliance**, or Nonpayment of Fine.

12 New Subparagraph; License Suspension and Revocation. Amend RSA 263:56-a, I by inserting after subparagraph (d) the following new subparagraph:

(e) Is a sexual offender as defined in RSA 651-B:1, IV or an offender against children as defined in RSA 651-B:1, VI, and fails to comply with the registration requirements under RSA 651-B, and where the failure to comply persists for more than 30 days, the offender's driver's license or resident or nonresident driving privileges shall be suspended or revoked by the director under this section, provided, that the department shall first attempt to notify the offender in person, or by first class mail, return receipt requested, sent to the offender's last known address, that he or she is in violation of the registration requirements and that his or her driving privileges will be suspended or revoked if he or she fails to comply with the registration requirements within 15 days of the department's attempted notice of noncompliance.

13 New Paragraph; Aggravated Felonious Sexual Assault; Blood Relationships. Amend RSA 632-A:2 by inserting after paragraph III the following new paragraph:

IV. A person is guilty of aggravated felonious sexual assault when such person engages in sexual penetration as defined in RSA 632-A:1, V with another person under 18 years of age whom such person knows to be his or her ancestor, descendant, brother or sister of the whole or half blood, uncle, aunt, nephew, or niece. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

14 Sexual Assault. Amend RSA 632-A:4, I(c) to read as follows:

(c) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is ~~[3]~~ **4** years or less.

15 Effective Date. This act shall take effect January 1, 2009.

The signatures below attest to the authenticity of this Report on HB 1640-FN, an act relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

Conferees on the Part of the Senate
House

Conferees on the Part of the

Sen. Foster, Dist. 13

Rep. Welch, Rock. 8

Sen. Gottesman, Dist. 12

Rep. Dokmo, Hills 6

Sen. Letourneau, Dist. 19

Rep. W. Knowles, Straf. 6

Rep. Shurtleff, Merr. 10

2008-2151-CofC

AMENDED ANALYSIS

This bill:

I. Creates a tier system for classification of sexual offenders and offenders against children and revises the type of information which must be collected, the duration of registration, the verification of sex offender registry information, public access to such information, and penalties for failure to register.

II. Revises the definitions of “sexual contact” and “sexual penetration” for the purposes of sexual assault crimes.

III. Amends the elements of the crime of incest.

IV. Is a request of the study committee formed pursuant to 2006, 327:26 (HB 1692-FN).

Adopted.

RESOLUTION

Senator Foster moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and

that they be passed at the present time; and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

**LATE SESSION
ANNOUNCEMENTS**

President Larsen, (Rule 44).

Senator D'Allesandro, (Rule 44).

Senator Gottesman, (Rule 44).

Senator Estabrook, (Rule 44).

Senator Foster, (Rule 44).

Senator Kenney, (Rule 44).

Senator Larsen moved that, without objection, all Rule 44's are entered into the permanent record.

RESOLUTION

Senator Foster moved that the Senate adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.