

Senate Judiciary Committee

Jennifer Horgan 271-3092

SB 69, requiring registered sex offenders to report online identifiers.

Hearing Date: January 26, 2017

Time Opened: 12:18 p.m.

Time Closed: 12:34 p.m.

Members of the Committee Present: Senators Carson, Lasky, French, Gannon and Hennessey

Members of the Committee Absent : None

Bill Analysis : This bill amends the definition of "online identifier" for the purpose of registration of criminal offenders.

This bill is a request of the department of safety.

Sponsors :

Sen. D'Allesandro
Rep. Goley

Sen. Bradley
Rep. Heath

Sen. Soucy

Who supports the bill: Senator D'Allesandro; Senator Soucy; Marta Modigliani, Department of Safety; Matthew Broadhead, Department of Justice; Gilles Bissionnette, American Civil Liberties Union

Who opposes the bill: Chris Dornin, Citizens for Criminal Justice Reform

Summary of testimony presented in support :

Senator D'Allesandro

- Having an amendment drafted that is a result of a compromise between the American Civil Liberties Union and the Department of Safety to clarify a court decision.
- The world is very different today and a sexual predator may be on the Internet, under a false identity, trying to lure out family members.
- NH passed a law in 1996 requiring sex offenders to register with state and local police.
- In 2009, they were further required to register their online identifiers.
- The NH Superior Court struck down some of the language in the Online Identifier Law. That ruling has now been used multiple times in the lower courts.
- The Department of Safety requested this bill to cure any constitutional problems with the statute.
- The Department of Safety and the Attorney General's Office have come up with several tweaks for the bill.

Marta Modigliani (Department of Safety) (provided written testimony) and **Matthew Broadhead** (Department of Justice)

- The Superior Court had struck down the pre-registration requirement of the online identifiers.

- RSA 651-B:4-a has been subject to a number of legal challenges in federal and state court.
- The amendment does accurately reflect the decision in *State v. Bonacorsi* by removing the alleged constitutional infirmities and helps to immunize the state against further litigation.
- The bill includes: clearer guidance for state and local police, clarifies the alleged vague and overly broad language, and removes the troublesome pre-registration requirement.
- Senator Lasky asked if online identifies include names and passwords.
 - Just a screen name or user name
- Senator Lasky asked why passwords are not included.
 - Passwords have been struck down in a couple of court decisions.
- Senator French asked if this includes chat rooms.
 - Yes.
- Senator Gannon asked if they are acting as an agent of the state when providing this information, which could result in a fruit of the poisonous tree situation.
 - No, as these are offenders are only giving their own information and not reporting on others.

Giles Bissionette (America Civil Liberties Union) (provided written testimony)

- Not the ACLU's favorite statute, but supports this as an accurate reaction to the court decision in narrowing the statute in some important ways.
- This was a great opportunity to collaborate with the Attorney General's Office and the Department of Safety
- The key part of the Case is on pages 23-25.

Summary of testimony presented in opposition :

Chris Dornin (Citizens for Criminal Justice Reform) (provided written testimony)

- If this is good enough for the ACLU, it is good enough for CCJR.
- Opposes sex offenders having any registration requirements.
- Senator Carson asked if this is going to protect the rights of those who have to register.
 - Better than the current law does.

Future Action: Pending