

CHAPTER 91
HB 220 - FINAL VERSION

20Apr2017... 1532-EBA

2017 SESSION

17-0287
04/01

HOUSE BILL **220**

AN ACT amending the title of the chapter relating to child pornography.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Pantelakos, Rock. 25; Rep. Altschiller, Rock. 19;
Rep. O'Leary, Hills. 13; Rep. Messmer, Rock. 24; Rep. S. Harvey, Hills. 29; Sen.
Fuller Clark, Dist 21; Sen. Lasky, Dist 13

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the title of RSA 649-A from "child pornography" to "child sexual abuse images."

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT amending the title of the chapter relating to child pornography.

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

1 91:1 Child Pornography; Chapter Title Amended. Amend the chapter title in RSA 649-A to read
2 as follows:

CHAPTER 649-A

~~[CHILD PORNOGRAPHY]~~ **CHILD SEXUAL ABUSE IMAGES**

5 91:2 Armed Career Criminal. Amend RSA 159:3-a, I to read as follows:

6 I. No person who has been convicted of any combination of 3 or more felonies in this state or
7 any other state under homicide, assault, sexual assault, arson, burglary, robbery, extortion, child
8 ~~[pornography]~~ **sexual abuse images**, or controlled drug laws, shall own or have in his **or her**
9 possession or under his **or her** control, a pistol, revolver, rifle, shotgun, or any other firearm.

10 91:3 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of
11 Registration and Withholding of State Funds. Amend the introductory paragraph in RSA 170-E:7,
12 III to read as follows:

13 III. The department shall make a determination regarding the individual's eligibility for
14 employment no later than 45 days from submission of all required information as described in
15 paragraphs I and I-a. If any individual whose name has been submitted for a check under this
16 section is registered or required to be registered on a state sex offender registry or repository, or the
17 National Sex Offender Registry, or has been convicted of a felony consisting of murder, child abuse
18 or neglect, ~~[a crime against a child including child pornography]~~ **an offense involving child**
19 **sexual abuse images**, ~~[and]~~ trafficking, spousal abuse, a crime involving rape or sexual assault,
20 kidnapping, arson, physical assault or battery, or a drug-related offense committed during the
21 previous 5 years, or any other violent or sexually-related misdemeanor against a child, including
22 child abuse, child endangerment, sexual assault, or a misdemeanor involving child ~~[pornography]~~
23 **sexual abuse images**, or of a crime which shows that the person might be reasonably expected to
24 pose a threat to a child, such as a violent crime or a sexually-related crime against an adult, the
25 department shall:

26 91:4 Residential Care and Child-Placing Agency Licensing; State Registry and Criminal
27 Records Check for Child Care Institutions and Child Care Agencies. Amend the introductory
28 paragraph in RSA 170-E:29-a, V to read as follows:

29 V. The department shall make a determination regarding the individual's eligibility for
30 employment no later than 45 days from submission of all required information as described in

CHAPTER 91
HB 220 - FINAL VERSION
- Page 2 -

paragraphs I and I-a. If any person whose name has been submitted for a check under this section is registered or required to be registered on a state sex offender registry or repository, or the National Sex Offender Registry, or has been convicted of a felony consisting of murder, child abuse or neglect, ~~[a crime against children including]~~ ***an offense involving*** child ~~[pornography]~~ ***sexual abuse images***, ~~[and]~~ trafficking, spousal abuse, a crime involving rape or sexual assault, kidnapping, arson, physical assault or battery, or a drug-related offense committed during the previous 5 years, or any other violent or sexually related misdemeanor or against a child, including child abuse, child endangerment, sexual assault, or a misdemeanor involving child ~~[pornography]~~ ***sexual abuse images***, or of a crime which shows that the person might be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related crime against an adult, the department shall:

91:5 School Boards; Transportation, and Instruction of Pupils; Revocation of Certification; Termination of Employment. Amend RSA 189:14-c and 189:14-d to read as follows:

189:14-c Revocation of Certification. Any teacher certified in this state who has been convicted of any felony involving child ~~[pornography]~~ ***sexual abuse images*** or of a felonious physical assault on a minor or of any sexual assault, shall have such teacher certification revoked by the New Hampshire state board of education.

189:14-d Termination of Employment. Employees of a school administrative unit or school district in this state who have been convicted of homicide, ***an offense involving*** child ~~[pornography]~~ ***sexual abuse images***, aggravated felonious sexual assault, felonious sexual assault, or kidnapping, in this state or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall have their employment terminated by the school administrative unit or school district after it receives notice of the conviction.

91:6 Wiretapping and Eavesdropping; Authorization for Interception of Telecommunications or Oral Communications. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Telecommunications or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of telecommunications or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of telecommunications or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, ~~[child pornography]~~ ***child sexual abuse images*** under RSA 649-A, computer pornography and child exploitation under RSA 649-B, criminal conduct in violation of the securities law, as

CHAPTER 91
HB 220 - FINAL VERSION
- Page 3 -

1 defined in RSA 421-B:5-501, RSA 421-B:5-502, RSA 421-B:5-502-A, RSA 421-B:5-505, RSA 421-B:5-
2 506, and RSA 421-B:5-508, criminal conduct in violation of the security takeover disclosure laws, as
3 defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1,
4 arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3,
5 tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual
6 assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as
7 defined in RSA 642:6, bail jumping as defined in RSA 642:8, insurance fraud as defined in RSA
8 638:20, dealing in narcotic drugs, marijuana, or other dangerous drugs, hazardous waste violations
9 under RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses.

10 91:7 Sexual Assault and Related Offenses; Prohibition From Child Care Service of Persons
11 Convicted of Certain Offenses. Amend RSA 632-A:10, I to read as follows:

12 I. A person is guilty of a class A felony if, having been convicted in this or any other
13 jurisdiction of any felonious offense involving child ~~[pornography]~~ **sexual abuse images**, or of a
14 felonious physical assault on a minor, or of any sexual assault, he **or she** knowingly undertakes
15 employment or volunteer service involving the care, instruction or guidance of minor children,
16 including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a
17 day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or
18 worker of any type, a guidance counselor, or a school administrator of any type.

19 91:8 Annulment of Criminal Records. Amend RSA 651:5, XIII(h) to read as follows:

20 (h) Any felonious ~~[child pornography]~~ offense **involving child sexual abuse images**
21 under RSA 649-A.

91:9 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 07, 2017

Effective Date: August 06, 2017