

Revised Statutes Annotated of the State of New Hampshire
Title LXII. Criminal Code (Ch. 625 to 651-F)
Chapter 651-B. Registration of Criminal Offenders

N.H. Rev. Stat. T. LXII, Ch. 651-B, Refs & Annos
Currentness

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N.H. Rev. Stat. T. LXII, Ch. 651-B, Refs & Annos, NH ST T. LXII, Ch. 651-B, Refs & Annos
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Title LXII. Criminal Code (Ch. 625 to 651-F) (Refs & Annos)
Chapter 651-B. Registration of Criminal Offenders (Refs & Annos)

N.H. Rev. Stat. § 651-B:1

651-B:1 Definitions.

Currentness

In this chapter:

I. “Department” means the department of safety.

II. “Division” means the division of state police, department of safety.

III. “Local law enforcement agency” means the chief of police in the city or town where the person resides or is temporarily domiciled, or, if the municipality has no police chief or if the person resides in an unincorporated place, the division.

IV. “Sexual offender” means a person who is required to register for any sexual offense.

V. “Sexual offense” means the following offenses, including an accomplice to, or an attempt, conspiracy, or solicitation to commit, any of the following offenses, where the victim was 18 years of age or older at the time of the offense:

(a) Capital murder, RSA 630:1, I(e); first degree murder, RSA 630:1-a, I(b)(1); aggravated felonious sexual assault, RSA 632-A:2; felonious sexual assault, 632-A:3; sexual assault, 632-A:4, I(a) or RSA 632-A:4, III; violation of privacy, RSA 644:9, I(a) or RSA 644:9, III-a; or a second or subsequent offense within a 5-year period for indecent exposure and lewdness, RSA 645:1, I.

(b) A law of another state, country, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a). For purposes of this section, the term “country” refers to Canada, Great Britain, Australia, and New Zealand, as well as any other country that the United States State Department has determined has an independent judiciary that generally enforces the right to a fair trial.

(c) Any offense for which the offender is required to register pursuant to the law in the jurisdiction where the conviction occurred.

(d) Any other criminal offense which is not specifically listed in subparagraph (a) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history

and any other relevant information. If the court determines that the offender should be required to register, the court shall determine whether the offender should be required to register pursuant to the requirements of a tier I, tier II, or tier III offender. In determining in which tier the offender should register, the court shall consider the nature of other offenses that are currently listed in each tier; the extent to which public safety would be furthered; whether the victim was a minor when the offense occurred; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

VI. “Offender against children” means a person who is required to register for an offense against a child.

VII. “Offense against a child” means the following offenses, including an accomplice to, or an attempt, conspiracy, or solicitation to commit, any of the following offenses:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense: capital murder, RSA 630:1, I(e); first degree murder, RSA 630:1-a, 1(b)(1); aggravated felonious sexual assault, RSA 632-A:2; felonious sexual assault, RSA 632-A:3; sexual assault, RSA 632-A:4, I(a) or RSA 632-A:4, III; kidnapping, RSA 633:1; criminal restraint, RSA 633:2; false imprisonment, RSA 633:3; incest, RSA 639:2; violation of privacy, RSA 644:9, I(a) or RSA 644:9, III-a; a second or subsequent offense within a 5-year period for indecent exposure and lewdness, RSA 645:1, I; indecent exposure and lewdness, RSA 645:1, II and RSA 645:1, III; or prostitution, RSA 645:2.

(b) Intentional contribution to the delinquency of a minor, RSA 169-B:41, II; sexual assault, RSA 632-A:4, I(b) if the actor was 18 years of age or older at the time of the offense; endangering the welfare of a child, RSA 639:3, III; possession of child sexual abuse images, RSA 649-A:3; distribution of child sexual abuse images, RSA 649-A:3-a; manufacture of child sexual abuse images, RSA 649-A:3-b; computer pornography, RSA 649-B:3; certain uses of computer services prohibited, RSA 649-B:4; or obscene matters, RSA 650:2, II.

(c) A law of another state, country, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a) or (b). For purposes of this section, the term “country” refers to Canada, Great Britain, Australia, and New Zealand, as well as any other country that the United States State Department has determined has an independent judiciary that generally enforces the right to a fair trial.

(d) Any offense involving a victim under the age of 18 for which the offender is required to register pursuant to the law in the jurisdiction where the conviction occurred.

(e) Any other criminal offense which is not specifically listed in subparagraph (a) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender is required to register, the court may consider the offender's prior criminal history and any other relevant information. If the court determines that the offender is required to register, the court shall determine if the offender shall register as a tier I, tier II, or tier III offender. In determining the tier in which the offender is to be registered, the court shall consider the nature of other offenses that are currently listed in each tier, the extent to which public safety would be furthered, whether the victim was a minor when the offense occurred, and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the findings.

The defendant shall have the opportunity to be heard prior to the imposition of the registration requirement, and the court shall state on the record the reasons for its findings and the reasons for requiring registration.

VIII. “Tier I offender” means a sexual offender or offender against children who is required to register pursuant to RSA 651-B:1, V(d) or RSA 651-B:1, VII(e), or is required to register as a result of any of the following offenses:

(a) RSA 632-A:4, I(a); RSA 632-A:4, I(b); RSA 632-A:4, III; RSA 644:9, I(a); RSA 644:9, III-a; or a second or subsequent offense within a 5-year period for indecent exposure and lewdness, RSA 645:1, I.

(b) A law of another state, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a).

(c) Any out-of-state offense for which the offender is required to register in the state where the conviction occurred and the division determines the offender is a tier I offender.

(d) Any offense not listed in subparagraph (a) where the court determined the offender is a tier I offender and required the offender to register.

IX. “Tier II offender” means a sexual offender or offender against children who is required to register pursuant to RSA 651-B:1, V(d) or RSA 651-B:1, VII(e), or is required to register as a result of any of the following offenses:

(a) RSA 169-B:41, II; RSA 632-A:3, I; RSA 632-A:3, II; RSA 632-A:3, IV if the victim was 13 years of age or older but less than 18 years of age; RSA 633:2; RSA 633:3; RSA 633:7; RSA 639:3, III; RSA 645:1, II; RSA 645:1, III; RSA 645:2; RSA 649-A:3; RSA 649-A:3-a; RSA 649-A:3-b; RSA 649-B:3; RSA 649-B:4; RSA 650:2, II; or RSA 644:8-g.

(b) A law of another state, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a).

(c) Any out-of-state offense for which the offender is required to register in the state where the conviction occurred and the division determines the offender is a tier II offender.

(d) The offender is required to register as a result of more than one sexual offense or offense against a child.

(e) Any offense not listed in subparagraph (a) where the court determined the offender is a tier II offender and required the offender to register.

X. “Tier III offender” means a sexual offender or offender against children who is required to register pursuant to RSA 651-B:1, V(d) or RSA 651-B:1, VII(e), or is required to register as a result of any of the following:

(a) RSA 630:1, I(e), RSA 630:1-a, I(b)(1), RSA 632-A:2, RSA 632-A:3, III, RSA 632-A:3, IV if the victim was under the age of 13, RSA 633:1; or RSA 639:2.

(b) Any sexual offense or offense against a child if the offender was sentenced to an extended term of imprisonment pursuant to RSA 651:6.

(c) Any person civilly committed as a sexually violent predator pursuant to RSA 135-E.

(d) A law of another state, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a).

(e) Any out-of-state offense for which the offender is required to register in the state where the conviction occurred, and the division determines the offender is a tier III offender.

(f) The offender is required to register as a result of more than 2 sexual offenses or offenses against a child.

(g) Any offense not listed in subparagraph (a) where the court determined the offender is a tier III offender and required the offender to register.

XI. (a) “Required to register” means that a sexual offender or offender against children was charged with an offense or an attempt, conspiracy, solicitation, or as an accomplice to commit a sexual offense or offense against a child that resulted in one of the following outcomes:

(1) Conviction.

(2) A finding of not guilty by reason of insanity.

(3) An adjudication as a juvenile delinquent and the court at the time of the dispositional hearing finds, pursuant to RSA 169-B:19, that the juvenile is required to register.

(4) An adjudication of juvenile delinquency or its equivalent in another state or territory of the United States if the juvenile is required to register under the laws of that jurisdiction.

(5) An order committing the person as a sexually violent predator pursuant to RSA 135-E.

(b) A juvenile certified to stand trial as an adult, who is convicted, found not guilty by reason of insanity, or committed as a sexually violent predator, shall be treated as an adult for all purposes under this chapter.

XII. “SOR system” means the division of state police sex offender registry system.

XIII. Notwithstanding RSA 21:6-a, “residence” means a place where a person is living or temporarily staying for more than a total of 5 days during a one-month period, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

Credits

Source. 1996, 293:1. 1999, 177:3; 321:2. 2003, 316:8. 2004, 69:1. 2005, 214:1-3; 290:2. 2006, 162:4; 327:1-4. 2008, 323:9; 334:1. 2009, 306:1-4. 2010, 78:1-6, eff. Jan. 1, 2011. 2016, 215:2, eff. Jan. 1, 2017; 321:2, eff. Jan. 1, 2017 at 12:01 a.m.

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N.H. Rev. Stat. § 651-B:1, NH ST § 651-B:1

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N.H. Rev. Stat. § 651-B:2

651-B:2 Registration.

Currentness

I. Every sexual offender or offender against children shall be registered with the department of safety, division of state police, as provided in this chapter.

II. Upon receipt of information pursuant to RSA 106-B:14 concerning the disposition of any charges against any sex offender or offender against children, the division shall register such person and shall include the relevant information in the SOR system.

III. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the division shall register such person and shall include the relevant information in the SOR system.

IV. The information that a person is required to register on the public list as a sexual offender or offender against children, including his or her qualifying offense or offenses, shall be available to law enforcement through the offender's criminal record and motor vehicle record. If an offender's obligation to register terminates for any reason, the department shall notify the division of motor vehicles of the change and the offender's motor vehicle record shall no longer reflect that the person is required to register as a sexual offender or offender against children.

Credits

Source. 1996, 293:1. 2006, 327:5. 2008, 334:2, eff. Jan. 1, 2009.

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N.H. Rev. Stat. § 651-B:3

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

Currentness

I. (a) When a person is convicted of a sexual offense or offense against a child that results in the person being required to register, the court shall notify the offender in writing and advise the offender of his or her duty to report under this chapter. The offender shall acknowledge in writing that he or she has received such notice. The court shall forward a copy of the notice to the division along with a copy of each offense for which he or she was convicted, including a copy of any indictment, complaint, juvenile petition, mittimus, or other court orders. The division shall enter such information into the SOR system.

(b) Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, release into the community after involuntary commitment, release from a juvenile detention facility, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency in the city or town where the offender expects to reside. The local law enforcement agency in the city or town where the offender expects to reside may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address at which the offender expects to reside. If such notification occurs, the local law enforcement agency shall also notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of any changes to the offender's information made pursuant to RSA 651-B:5. The division shall enter the information concerning the offender's release and notification in the SOR system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency. The local law enforcement agency in the city or town where the offender expects to reside may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address at which the offender expects to reside. The department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. Service by the department is not required if the offender has already registered with the local law enforcement agency in which the offender resides or is located as required by this chapter. At the time of the initial registration, the offender shall acknowledge in writing that the offender has received notice of the duty to report. The division shall enter the information concerning the offender's location in New Hampshire and notification in the SOR system. This paragraph shall not apply to a sexual offender or offender against children who has moved to New Hampshire and has registered with a local law enforcement agency.

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 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. The offender shall sign the address verification and return it to the officer, if the address verification was made in person, or to the department within 10 business days of receipt.

IV. In the discretion of the local law enforcement agency or the department, such agency or the department may affirmatively verify the address of any offender within that agency's jurisdiction through in-person contact at the home or residence of the offender.

Credits

Source. 1996, 293:1. 2005, 214:4. 2006, 162:2; 327:6. 2007, 319:2. 2008, 323:11, eff. Jan. 1, 2009 at 12:01 a.m.; 334:3, eff. Jan. 1, 2009.

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N.H. Rev. Stat. § 651-B:4

651-B:4 Duty to Report.

Currentness

I. Any sexual offender or offender against children residing in this state shall report in person to the local law enforcement agency. The offender shall report in person as set forth in this section within 5 business days after the person's release, or within 5 business days after the person's date of establishment of residence, employment, or schooling in New Hampshire. If an offender has more than one residence, the offender shall report in person to the local law enforcement agency having jurisdiction over his or her primary residence and report the addresses of all his or her residences, including those outside of New Hampshire. The division shall notify the local law enforcement agencies having jurisdiction over the offender's other residences of the offender's address in their jurisdiction. Thereafter, the offender shall report as follows:

(a) Every tier III offender shall report in person quarterly, within 5 business days after each anniversary of the offender's date of birth and every 3 months thereafter.

(b) Every tier I and tier II offender shall report in person semi-annually, within 5 business days after each anniversary of the offender's date of birth and every 6 months thereafter.

II. Any nonresident offender shall report in person to the local law enforcement agency having jurisdiction over the place of employment or school. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment in this state, the offender shall register in person with the department in Concord.

III. Each time a sexual offender or offender against children is required to report, the offender shall provide the following information:

(a) Name and any aliases.

(b) Address of any permanent residence and address of any current temporary residence, within the state or out-of-state, and mailing address. A post office box shall not be provided in lieu of a physical residential address. If the offender cannot provide a definite address, he or she shall provide information about all places where he or she habitually lives.

(c) Name, address, and date of any employment or schooling. For purposes of this section, the term "employment" includes volunteer work or work without remuneration. If the offender does not have a fixed place of work, he or she shall provide information about all places he or she generally works, and any regular routes of travel.

(d) Any professional licenses or certifications that authorize the offender to engage in an occupation or carry out a trade or business.

(e) Make, model, color, and license plate or registration number and state of registration of any vehicle, watercraft, or aircraft owned or regularly operated by the offender, and the place or places where such vehicles, watercraft, or aircraft are regularly kept.

(f) Date of birth, including any alias date of birth used by the offender.

(g) Social security number.

(h) Physical description to include identifying marks such as scars and tattoos.

(i) Telephone numbers for both fixed location and cell phones.

(j) Passport, travel, and immigration documents.

(k) The name, address, and phone number of any landlord, if the offender resides in rental property.

IV. In addition to the information required pursuant to paragraph III, the department, at the time of the offender's registration, may require the offender to submit the following:

(a) A photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.

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

(c) A set of major case prints, including fingerprints and palm prints of the offender.

(d) A photocopy of a valid driver's license or identification card issued to the offender. The consent of the registrant shall not be necessary to obtain this information. Such information may be used in the performance of any valid law enforcement function.

V. At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections, the superintendent of each county department of corrections, and the commissioner of the department of health and human services shall forward to the division a statement identifying every sexual offender and offender against children who is confined in a facility under its control and who is eligible for any unsupervised work detail, release into the community following secure psychiatric care, or other assignment which may bring the offender into contact with members of the public. These statements

shall include the information required in paragraph III and may include the information set forth in paragraph IV. In no event shall the statements include the identity of any victim.

VI. In addition to the requirements imposed under this section, the following provisions shall apply to any sexual offender or offender against children who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b):

(a) Every 90 days after the date of the offender's initial release or commencement of parole, the department shall mail a nonforwardable verification form to the offender's last reported address.

(b) The offender shall mail the verification form to the department within 10 days after receipt of the form.

(c) The verification form shall be signed by the offender, and state that the offender still resides at the address last reported to the local law enforcement agency.

Credits

Source. 1996, 293:1. 2000, 177:1. 2001, 233:1. 2002, 241:32. 2003, 316:1. 2005, 214:5. 2006, 327:7. 2008, 334:4. 2009, 306:5. 2010, 78:7, eff. Jan. 1, 2011.

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N.H. Rev. Stat. § 651-B:4-a

651-B:4-a Registration of Online Identifiers.

Currentness

In addition to any other information a person who is required to register is required to provide pursuant to RSA 651-B:4, such person shall report, within 5 business days after the first use, any online identifier he or she uses or has used. For purposes of this section, “online identifier” shall mean and include all of the following: electronic mail addresses, instant message screen names, user profile names on social media websites, and user profile names for Internet websites, gaming or mobile applications that have a primary purpose of engaging in two-way, person-to-person communication over the Internet with persons other than the issuer of the user name. Such person shall report any changes to an existing online identifier or the creation of a new online identifier, to their law enforcement agency within 5 business days after using the online identifier.

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Source. 2008, 323:6, eff. Jan. 1, 2009 at 12:01 a.m. 2017, 36:1, eff. July 8, 2017.

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N.H. Rev. Stat. § 651-B:5

651-B:5 Change of Registration Information; Duty to Inform.

Currentness

I. When there is a change to any of the information that a sexual offender or offender against children is required to report pursuant to this chapter, the offender shall give written notification of the new information to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 5 business days of such change of information. In addition, any time a sex offender or offender against children changes residence, employment, or schooling, the offender shall report in person to the local law enforcement agency having jurisdiction over the offender's previous place of residence, place of employment, or school within 5 business days. The local law enforcement agency receiving notice of the change of registration information shall forward a copy to the division within 5 days after receipt. The division shall notify the local law enforcement agency at the new place of residence, place of employment, or school, or the appropriate out-of-state law enforcement agency if the new place of residence, place of employment, or school is outside New Hampshire. The division shall include any new information in the SOR system.

II. Upon receipt of notice that an offender has changed residence, employment, or schooling to a place outside New Hampshire, the division shall notify the appropriate out-of-state law enforcement agency of that information. Within 10 business days after reporting the change of residence, employment, or schooling to the New Hampshire law enforcement agency, the offender shall report to the appropriate out-of-state law enforcement agency having jurisdiction over the new place of residence, place of employment, or school. If the offender fails to report to the appropriate out-of-state law enforcement agency the division shall maintain the offender's information in the SOR system.

III. The local law enforcement agency in the city or town where the offender resides may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of a new place of residence, a change of name, or a change of an alias, of a person required to be registered under this chapter.

Credits

Source. 1996, 293:1. 1999, 160:2. 2001, 233:2. 2002, 241:4. 2006, 327:8. 2007, 319:3. 2008, 334:4, eff. Jan. 1, 2009.

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N.H. Rev. Stat. § 651-B:6

651-B:6 Duration of Registration.

Currentness

I. All tier II or tier III offenders shall be registered for life.

II. All tier I offenders shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register.

III. (a)(1) Except as provided in paragraph V, all tier III offenders shall remain on the public list contained in RSA 651-B:7 for life.

(2) A tier II offender may petition the superior court to have his or her name and information removed from the public list. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 15 years after the date of release. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition if the offender has not been convicted of any felony, class A misdemeanor, sex offense, or offense against a child, has successfully completed any periods of supervised release, probation, or parole, and has successfully completed an appropriate sex offender treatment program as determined by the court. If the court denies the petition, the offender shall not file another petition for 5 years from the date of denial.

(3) A tier I offender may petition the superior court to have his or her name and other information removed from the public list. The petition 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. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition if the offender has not been convicted of any felony, class A misdemeanor, sexual offense, or offense against a child, has successfully completed any periods of supervised release, probation, or parole, and has successfully completed an appropriate sex offender treatment program as determined by the court.

(b) 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. Prior to any decision granting the application, the court shall provide the victim with the opportunity to address the court. The victim may appear personally, or by counsel, or may provide a written statement to reasonably express his or her views concerning the offense, the person responsible, and the need for maintaining the registration requirement. The judge shall consider the statements of the victim pursuant to this section when making a decision regarding the application. The judge shall grant the application, after a hearing, only where, in the opinion of the court, removal from the registration requirements will assist the individual in the individual's rehabilitation and will be consistent with the public welfare.

IV. Registration of any juvenile required to register pursuant to RSA 651-B:1, XI(a)(3) or (4) shall end when the juvenile turns 18 years of age unless the court which adjudicated the juvenile as a delinquent retains jurisdiction over the juvenile pursuant to RSA 169-B:4, V, in which case registration of the juvenile shall end when the court terminates jurisdiction over the juvenile's case. When the registration of a juvenile terminates, the department shall remove information relating to the juvenile from the SOR system and records of the juvenile's registration shall be handled in accordance with RSA 169-B:35 and RSA 169-B:36.

V. (a) Any tier II or tier III offender who was convicted prior to the establishment of the sex offender registry may petition the court to be relieved from the registration requirements under this chapter. The petition shall include the petitioner's current address and information about each conviction for which he or she is required to register, including the nature of the offense, the sentence imposed, and the court and the jurisdiction in which the petitioner was convicted. The petition shall be accompanied by a certified copy of the petitioner's criminal history record from each jurisdiction in which he or she is required to register. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence, including any period of supervised release. The petition shall also be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense, which indicates that the petitioner is not a danger to the public and no longer poses a risk sufficient to justify continued registration. The petition shall be filed in the county where the most recent predicate conviction occurred, except if the most recent predicate conviction occurred in another state or jurisdiction, the petition shall be filed in the county where the petitioner resides. Such petition shall not be filed as or addressed as part of a criminal case.

(b) Prior to granting any petition to relieve an offender from the registration requirements under this chapter, the court shall hold a hearing on 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, and the department of corrections. The county attorney shall use reasonable efforts to notify the victim or victim's family. The court shall permit those parties to be heard on the petition. The victim may appear personally, or through a representative, or may provide a written statement expressing his or her views concerning the offense, the person responsible, and the need for maintaining the registration requirement. The judge shall consider the statements of the victim when making a decision regarding the petition.

(c) The court may grant the petition if the offender has not been convicted of any subsequent offense requiring registration, has successfully completed any period of supervised release, probation, or parole, has successfully completed an appropriate sex offender treatment program as determined by the court, and has demonstrated that he or she is no longer a danger to the public and no longer poses a risk sufficient to justify continued registration. If the court denies the petition, the offender shall not file another petition for 5 years from the date of denial.

Credits

Source. 1996, 293:1. 1999, 177:4, 5; 321:3. 2002, 241:2. 2003, 316:9. 2005, 214:6. 2006, 162:3; 327:9, 10. 2008, 334:4, eff. Jan. 1, 2009. 2016, 197:1, 2, eff. June 6, 2016. 2024, 42:5, eff. July 30, 2024.

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N.H. Rev. Stat. § 651-B:6, NH ST § 651-B:6

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 Chapter 651-B. Registration of Criminal Offenders (Refs & Annos)

N.H. Rev. Stat. § 651-B:7

651-B:7 Availability of Information to the Public and Law Enforcement.

Currentness

I. Except as provided in this section, the records established and information collected pursuant to the provisions of this chapter shall not be considered “public records” subject to inspection under RSA 91-A:4. However, nothing in this chapter shall be construed to limit any law enforcement agency from making any use or disclosure of any such information as may be necessary for the performance of a valid law enforcement function. Nothing in this chapter shall be construed to limit an individual's ability to obtain access to the individual's own records, or to limit access to a person's criminal record under the provisions of RSA 106-B:14, including address information obtained under the provisions of this chapter.

II. The division shall maintain a list of all tier I, tier II, and tier III offenders required to register pursuant to this chapter. The list shall also include all offenders about whom the division receives notice pursuant to RSA 651-B:4, V. In addition to the information contained on the public list pursuant to paragraph III, the law enforcement list shall include all information reported to the local law enforcement agency or the department pursuant to RSA 651-B:4. In addition, the information shall include the text of the statute under which the offender was convicted and the criminal history of the offender. The list maintained pursuant to this paragraph shall not be available to the public but shall be available to law enforcement officials for valid law enforcement purposes.

III. (a) The division shall maintain a separate public list of all tier I, tier II, and tier III offenders who are required to register as a result of an offense against a child, any offenders about whom the division receives notice pursuant to RSA 651-B:4, V that will be required to register as a result of an offense against children, and any offender who is required to register for more than one sexual offense or offense against a child. The public list shall include all of the following information:

- (1) Offender's name, alias, age, race, sex, date of birth, height, weight, hair and eye color, and any other relevant physical description.
- (2) Address of any permanent residence and address of any temporary residence, within the state or out-of-state.
- (3) The offense for which the individual is required to register and the text of the provision of law defining the offense, and any other sex offense for which the individual has been convicted.
- (4) The date and court of the adjudication on the offense for which the individual is registered.
- (5) Outstanding arrest warrants, and the information listed in subparagraphs (a)(1)-(3), for any sexual offender or offender against children who has not complied with the obligation to register under this chapter.

(6) Criminal history of the offender, including the date of all convictions and the status of parole, probation, or supervised release, and registration status.

(7) A photograph of the individual.

(8) The address of any place where the individual is or will be a student.

(9) [Repealed.]

(b) Where such information is available, the public list may also include:

(1) Information on the profile of the victim of the individual's offense.

(2) The method of approach utilized by the individual.

(c) The public list shall not include:

(1) The identity of any victim either directly or indirectly. Sexual offenders convicted under RSA 632-A:2 shall be listed on the public list in a manner which does not disclose, directly or indirectly, that the victim and the defendant were related or members of the same household. For sexual offenders convicted under RSA 632-A:2, I, no specific reference to any statutory subparagraph shall appear on the public list.

(2) The social security number of the offender.

(3) Arrests of the offender which did not result in a conviction.

(4) The name of the employer or school which the offender attends.

(5) Information about a juvenile delinquent required to register pursuant to RSA 651-B:1, XI(a)(3) or (4).

IV. (a) The public list shall be made available to interested members of the public upon request to a local law enforcement agency. The department of safety shall also make the list available to the public through the use of the department's official public Internet website. The Internet website shall be available to the public in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The website may include additional search parameters as determined by the department.

(b) Local law enforcement agencies may photograph, at the time of the registration, any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function.

(c) In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the public list received by the agency pursuant to subparagraph IV(a) is residing in the community.

V. Local law enforcement agencies, employees of local law enforcement agencies, county and state officials, municipal and school officials, and municipalities and school districts shall be immune from civil and criminal liability for good faith conduct under this chapter, including any decision to provide or not provide affirmative notification to the public pursuant to subparagraph IV(c). Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

VI. [Repealed.]

Credits

Source. 1996, 293:1. 1998, 239:2. 1999, 321:4. 2000, 177:2, 3. 2002, 241:1. 2003, 316:2-4. 2005, 214:7, 8. 2006, 162:5; 327:11. 2008, 334:4. 2009, 306:6, 15. III. 2010, 78:8, eff. Jan. 1, 2011.

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N.H. Rev. Stat. § 651-B:7, NH ST § 651-B:7
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Chapter 651-B. Registration of Criminal Offenders (Refs & Annos)

N.H. Rev. Stat. § 651-B:8

651-B:8 Rules.

Currentness

The department shall adopt rules, pursuant to RSA 541-A, relative to forms and procedures for the administration of this chapter.

Credits

Source. 1996, 293:1, eff. Aug. 9, 1996.

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N.H. Rev. Stat. § 651-B:8, NH ST § 651-B:8

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N.H. Rev. Stat. § 651-B:9

651-B:9 Penalty.

Currentness

I. A sexual offender or offender against children who is required to register under this chapter and who negligently fails to comply with the requirements of this chapter shall be guilty of a misdemeanor.

II. A sexual offender or offender against children who is required to register under this chapter and who knowingly fails to comply with the requirements of this chapter shall be guilty of a class B felony. An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, shall be required to register for an additional 10 years from the date of conviction for violating this paragraph. The obligation to register for an additional 10 years from the date of conviction for violating this paragraph shall be consecutive to the registration period imposed pursuant to RSA 651-B:6 and shall be imposed even if the original registration period has elapsed.

III. A sexual offender or offender against children previously convicted pursuant to paragraph II who is required to register under this chapter and who knowingly fails to comply with the requirements of this chapter shall be guilty of a class A felony. An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, who is convicted for violating this paragraph shall be required to register for life.

IV. The penalties imposed under paragraphs I-III shall not apply to juveniles required to register pursuant to RSA 651-B:1, XI(a) (3) or (4). The court with jurisdiction over such juveniles may impose an appropriate disposition for a violation of this section.

V. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

VI. A sexual offender or offender against children who knowingly provides false information in response to any of the requirements of this chapter shall be guilty of a class B felony.

VII. A person is guilty of a class B felony if the person has reason to believe that a sexual offender or offender against children is not complying, or has not complied, with the requirements of this chapter and who purposely assists the offender in eluding any law enforcement agency that is seeking to find the offender to question the offender about, or to arrest the offender for, his or her noncompliance with the requirements of this chapter, and engages in any of the following acts or omissions:

(a) Withholds information from, or does not notify, the law enforcement agency about the offender's noncompliance with the requirements of this chapter, and, if known, the whereabouts of the offender;

- (b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the offender;
- (c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the offender;
- (d) Provides information to the law enforcement agency regarding the offender which the person knows to be false information; or
- (e) Warns the offender that the law enforcement agency is attempting to locate the offender.

VIII. (a) Except as provided in subparagraph (b), any sexual offender or offender against children who is required to register under this chapter who is convicted of aggravated felonious sexual assault pursuant to RSA 632-A:2, or felonious sexual assault pursuant to RSA 632-A:3, or sexual assault pursuant to RSA 632-A:4, and who initiates contact with the victim of the offense at any time shall be guilty of a class A misdemeanor. In this paragraph, “contact” means any action to communicate with the victim either directly or indirectly, including, but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

- (b) Subparagraph (a) shall not apply to contact between a sexual offender or an offender against children and a victim where there is an ongoing relationship between the victim and the offender that existed prior to the commission of the offense and that necessitates contact between them, such as the shared custody of a child or an emergency involving a shared sibling or parent, provided that any contact by the offender shall be strictly limited to the immediate issue that needs to be communicated.

Credits

Source. 1996, 293:1. 2000, 177:4. 2005, 214:96. 2006, 327:12. 2008, 334:5. 2010, 75:1, eff. Jan. 1, 2011.

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N.H. Rev. Stat. § 651-B:10

651-B:10 Hearing.

Currentness

I. Any offender required to register for an offense committed in another state, country, territory, or tribal territory, or under federal law that is determined to be a reasonably equivalent offense to an offense listed in RSA 651-B:1, V(a) or RSA 651-B:1, VII(a) or (b) may appeal that determination to the commissioner. The offender shall, within 10 days of notification, request a hearing on the matter before the commissioner. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. Either party shall have the right to appeal the commissioner's decision in superior court.

II. Any offender required to register for an offense in the state of conviction pursuant to RSA 651-B:1, V(c), RSA 651-B:1, VII(d), or RSA 651-B:1, XI(a)(4) may petition the superior court for a hearing to review the registration requirement. In determining whether the offender should be required to register, the court may consider the facts of underlying the out-of-state conviction, the offender's prior criminal history, the extent to which public safety would be furthered by requiring the offender to register, and any other relevant information. If the court determines that the offender is required to register, the court shall determine whether the offender is required to register as a tier I, tier II, or tier III offender. In determining the appropriate tier, the court shall consider the nature of other offenses that are currently listed in each tier, the seriousness of the offender's offense, the extent to which public safety would be furthered, whether the victim was a minor when the offense occurred, and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the findings. The court shall provide the defendant an opportunity to be heard on the issue and shall state on the record the reasons for its findings and the reasons for requiring registration.

III. Any individual required to be registered as a result of any violation or attempted violation of RSA 632-A:3, II in effect prior to January 1, 2009, 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, 2009, provided that the age difference between the individual required to register and the victim was less than 4 years at the time of the offense and the person has no other 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 registration requirement. No application shall be granted without a hearing, during which the prosecuting attorney and the victim or victim's family shall have an opportunity to be heard. Notice of the hearing shall be provided no less than 30 days prior to the hearing. The victim may appear personally or through a representative, and may reasonably express his or her views concerning the offense, the offender, and the need for continuing the registration requirement. If the court denies the application, the offender shall not file another application for 5 years from the date of the denial.

Credits

Source. 2003, 316:5. 2008, 334:6. 2009, 306:7, eff. July 31, 2009. 2016, 197:3, eff. June 6, 2016.

N.H. Rev. Stat. § 651-B:10, NH ST § 651-B:10

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N.H. Rev. Stat. § 651-B:11

651-B:11 Registration Fee.

Currentness

I. An offender shall pay a fee of \$50 to the department within 10 days of the registration that occurs within the month of the anniversary of his or her birth. Such payment shall be made in person or shall be mailed to the department. The department shall retain \$40 of this amount to be used to defray the costs of maintaining the sex offender registry. Such funds shall be nonlapsing and shall be continually appropriated to the department for such use. The department shall forward the remaining \$10 to the law enforcement agency which registered the offender within the month of the anniversary of the offender's birth to defray any costs associated with implementing the provisions of this chapter. The department shall forward these fees to the registering law enforcement agencies in a manner determined by the department but no less frequently than once a year.

II. An offender who cannot afford to pay the fee shall, within 10 days of registration, request a waiver of the fee and a hearing on the matter before the commissioner. In order to be considered for a waiver, the offender shall submit a financial affidavit on a form provided by the department. The division may at its discretion request such a waiver on behalf of an offender. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A, unless the commissioner or commissioner's designee determines a hearing is not necessary and waives the fee based on the offender's financial affidavit, or at the written request of the division. At the hearing, the burden shall be on the offender to prove that he or she is indigent. The offender may appeal the commissioner's decision to the superior court. Under no circumstances shall the offender's request for a hearing or indigency relieve the offender of the obligation to register as required pursuant to this chapter.

III. Notwithstanding RSA 651-B:9, an offender who violates the provisions of this section shall be guilty of a violation for a first offense and a misdemeanor for a second or subsequent offense.

Credits

Source. 2006, 327:13. 2007, 337:13. 2008, 334:6, eff. Jan. 1, 2009.

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N.H. Rev. Stat. § 651-B:12

651-B:12 Application.

Currentness

Whenever possible, the provisions of this chapter shall be interpreted and applied consistent with the provisions of the federal Jacob Wetterling Act, as amended.

Credits

Source. 2006, 327:13, eff. Jan. 1, 2007.

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