

Megan’s Law for New Hampshire

updated 12/8/2020

<p>CONTACT PERSON:</p>	<p>Ms. Melissa Heiss 603-223-3870</p>
<p>OFFENDERS REQUIRED TO REGISTER:</p>	<p>651-B:2 Registration. –</p> <ol style="list-style-type: none"> 1. Every sexual offender or offender against children shall be registered with the department of safety, division of state police, as provided in this chapter. 2. 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. 3. 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. 4. 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.
<p>INFORMATION COLLECTED:</p>	<p>Photograph, fingerprints, name and applicable aliases, date and place of birth, identifying information, conviction information.</p>
<p>ADMINISTRATING AGENCY:</p>	<p>Department of Safety – State Police, local law enforcement.</p>
<p>TIMEFRAME FOR REGISTRATION:</p>	<p>651-B:4 Duty to Report. –</p> <ol style="list-style-type: none"> 1. 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:

1. 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.
2. 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.
2. 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.
3. Each time a sexual offender or offender against children is required to report, the offender shall provide the following information:
 1. Name, aliases.
 2. 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.
 3. 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.
 4. Any professional licenses or certifications that authorize the offender to engage in an occupation or carry out a trade or business.
 5. 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.
 6. Date of birth, including any alias date of birth used by the offender.

	<ol style="list-style-type: none">7. Social security number.8. Physical description to include identifying marks such as scars and tattoos.9. Telephone numbers for both fixed location and cell phones.10. Passport, travel, and immigration documents.11. The name, address, and phone number of any landlord, if the offender resides in rental property. <p>4. 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:</p> <ol style="list-style-type: none">1. A photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.2. A DNA sample, if such sample has not already been provided.3. A set of major case prints, including fingerprints and palm prints of the offender.4. 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. <p>5. 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.</p> <p>6. 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):</p> <ol style="list-style-type: none">1. Every 90 days after the date of the offender's initial release or commencement of parole, the department shall mail a non-
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	<p>forwardable verification form to the offender's last reported address.</p> <ol style="list-style-type: none"> 2. The offender shall mail the verification form to the department within 10 days after receipt of the form. 3. 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. <p>Source. 1996, 293:1. 2000, 177:1. 2001, 233:1. 2002, 241:32. 2003, 316:1. 2005, 214:5. 2006, 327:7, eff. Jan. 1, 2007. 2008, 334:4, eff. Jan. 1, 2009. 2009, 306:5, eff. July 31, 2009. 2010, 78:7, eff. Jan. 1, 2011.</p> <p>Section 651-B:4-a 651-B:4-a Registration of Online Identifiers. – 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 any online identifier such person uses or intends to use. For purposes of this section, “online identifier” includes all of the following: electronic mail address, instant message screen name, user identification, user profile information, and chat or other Internet communication name or identity information. Such person shall report any changes to an existing online identifier, or the creation of any new online identifier to law enforcement before using the online identifier. Source. 2008, 323:6, eff. Jan. 1, 2009, at 12:01 a.m.</p>
<p>APPLIES TO OUT OF STATE OFFENDERS:</p>	<p>Yes</p>
<p>DURATION OF REQUIREMENT:</p>	<p>651-B:6 Duration of Registration. –</p> <ol style="list-style-type: none"> 1. All tier II or tier III offenders shall be registered for life. 2. 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. 3. <ol style="list-style-type: none"> 1. 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.
2. 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

	<p>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.</p> <p>4. Registration of any juvenile required to register pursuant to RSA 651-B:1, XI(a)(3) or (4) shall end when the juvenile turns 17 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.</p>
<p>VERIFICATION OF ADDRESS:</p>	<p>Section 651-B:5651-B:5 Change of Registration Information; Duty to Inform. -</p> <p>1. 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,</p>

	<p>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.</p> <ol style="list-style-type: none"> 2. 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. 3. 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. <p>Source. 1996, 293:1. 1999, 160:2. 2001, 233:2. 2002, 241:4. 2006, 327:8, eff. Jan. 1, 2007. 2007, 319:3, eff. Sept. 14, 2007. 2008, 334:4, eff. Jan. 1, 2009</p>
<p>PENALTIES FOR NON-COMPLIANCE:</p>	<p>651-B:9 Penalty. –</p> <ol style="list-style-type: none"> 1. 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. 2. 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. 3. 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.

4. 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.
5. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.
6. 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.
7. 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:
 1. 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;
 2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the offender;
 3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the offender;
 4. Provides information to the law enforcement agency regarding the offender which the person knows to be false information; or
 5. Warns the offender that the law enforcement agency is attempting to locate the offender.
8.
 1. 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

	<p>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.</p> <p>2. 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</p> <p>Source. 1996, 293:1. 2000, 177:4. 2005, 214:96. 2006, 327:12, eff. Jan. 1, 2007. 2008, 334:5, eff. Jan. 1, 2009. 2010, 75:1, eff. Jan. 1, 2011.</p>
<p>ACCESS TO INFORMATION:</p>	<p>651-B:7 Availability of Information to the Public and Law Enforcement. –</p> <p>1. 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.</p> <p>2. 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</p>

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.

3.

1. 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.

	<ol style="list-style-type: none">8. The address of any place where the individual is or will be a student.9. Repealed.2. Where such information is available, the public list may also include:<ol style="list-style-type: none">1. Information on the profile of the victim of the individual's offense.2. The method of approach utilized by the individual.3. The public list shall not include:<ol style="list-style-type: none">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).4.<ol style="list-style-type: none">1. 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.
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	<ol style="list-style-type: none">2. 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.3. 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.5. 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.6. Repealed <p>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, eff. Jan. 1, 2007; 327:11, eff. Jan. 1, 2007 at 12:01 a.m. 2008, 334:4, eff. Jan. 1, 2009. 2009, 306:6, 15, III, eff. July 31, 2009. 2010, 78:8, eff. Jan. 1, 2011.</p>
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