

New Hampshire



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The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Offenses Covered:

New Hampshire does not limit offenses eligible for relief. This is ideal as many survivors are arrested for and convicted of a variety of offenses resulting from their trafficking experience, and not creating a barrier to offenses eligible means that more survivors can access record relief.

Legal Effect:

The law returns the survivor to pre-record status. That means for all practical purposes, once the process is complete it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes should also include automatic destruction of the records so they cannot be used against the survivor in the future.

Alternate Hearing Methods Allowed:

It can be financially draining and endanger the safety of survivors to travel to a location where they may have been trafficked and where their trafficker may be located. Therefore, New Hampshire allows survivors who are required to attend a hearing to appear by alternate methods such as telephone, video, written statements, or by attorney substitute. This is both safer and helpful for survivors who may not live in the state where their criminal record is located.

Official Documentation Creates Presumption of Victim Status:

Official documentation is not required for criminal record relief; however, if a survivor provides official documentation, the presumption of victimization prevents them from sharing their experience repeatedly in different settings, which is emotionally challenging and can re-traumatize the survivor. New Hampshire's statute includes this provision and is beneficial for survivors.

NEEDS IMPROVEMENT:

Trafficking Nexus:

Survivors in New Hampshire must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in New Hampshire would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.

Procedural Confidentiality:

New Hampshire has a process for requesting that the petition and any records of the proceedings be placed under seal. Ideally, this process would be automatic so that survivors applying for record relief are protected, as applying for record relief under these statutes can indicate a survivor's status as a trafficking victim and give information on their location, trafficking experience, and other sensitive details. Survivors should never have to choose between the safety risk of their victimization being exposed and applying for and accessing criminal record relief.



Statute: [N.H. Rev. Stat. Ann. § 633:7\(VI\)](#).