



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

July 29, 2020

Governor's Veto Message Regarding Senate Bill 311

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 29th, 2020, I have vetoed Senate Bill 311.

This bill would provide individuals with a shorter waiting period, in certain circumstances, to petition for annulment of their record of arrest, conviction, and sentence for simple possession drug-related crimes that were committed when the person was under the age of 25. As written, the bill creates potential for confusion and serious unintended consequences as we continue to battle an opioid crisis and global pandemic.

In previous sessions, I signed bills that decriminalized the possession of small quantities of marijuana and that allow for annulment of arrests and convictions for said possession. There are a few major differences between those bills and this one.

First, this bill creates confusion because it does not specify what constitutes a "simple possession drug related crime." Second, the language of the bill as written could be construed to allow for an annulment of an individual's record of arrest, conviction, and sentence for an offense before the individual completes the terms and conditions of his or her sentence. While this may not have been the intent of the bill, such a change would raise serious concerns as it could operate as a statutory commutation of an individual's sentence. Third, while previous bills I signed dealt with changing the sentence for a particular offense, this bill changes outcomes based on the age of the adult who commits the offense. By singling out the age of 25, an age where someone has been considered an adult for over half a decade, this bill raises serious fairness and equal protection questions.

Finally, the scope of this bill, though vague, is also far more expansive than previous bills I have signed on this topic. The bill goes beyond marijuana and applies to any drug. Prevention, treatment, education, and enforcement all play a part in providing disincentives to drug use, and we must be careful before taking an action that could undermine those efforts.

For the reasons stated above, I have vetoed Senate Bill 311.

Respectfully submitted,

A handwritten signature in blue ink that reads "Christopher T. Sununu".

Christopher T. Sununu
Governor