



**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES**  
**NEW HAMPSHIRE STATE VETERANS CEMETERY**  
 110 DANIEL WEBSTER HIGHWAY  
 BOSCAWEN, NEW HAMPSHIRE 03303-2413

David J. Mikolaities, Major General  
*The Adjutant General*

Phone: 603-796-2026  
 Fax: 603-796-6300

Shawn P. Buck  
*Director*

April 25, 2023

His Excellency, Governor Christopher T. Sununu  
 and The Honorable Council  
 State House  
 Concord, New Hampshire 03301

**REQUESTED ACTION**

Authorize adoption of changes to eligibility requirements by making veterans who are convicted tier III sex offenders ineligible for interment at the New Hampshire State Veterans Cemetery.

**EXPLANATION**

The term tier III sex offender means a sex offender whose offense is punishable by imprisonment for more than one year and includes an attempt or conspiracy to commit such an offense that includes aggravated sexual abuse, abusive sexual contact against a minor who has not attained the age of 13, involves kidnapping of a minor, or occurs after the offender becomes a tier II sex offender.

The U.S. Department of Veterans Affairs prohibits the interment of convicted sex offenders whose crime carries a maximum sentence of death or life imprisonment. Tier III sex offenders with a final conviction for offenses that have a maximum sentence of something less than death or life imprisonment are eligible for interment unless the state has in place a policy with a more restrictive prohibiting factor. This change helps ensure that convicted tier III sex offenders will not be interred in the State Veterans Cemetery. Upon approval the following will be added to the interment eligibility standards:

Any veteran or family member who is convicted of a Tier III sexual offense and/or registered as a Tier III sex offender is ineligible for interment at the NH State Veterans Cemetery. If an eligibility application was previously approved, eligibility will be revoked. If a veteran applicant's eligibility is revoked, any living, non-veteran dependent is also deemed ineligible. If a conviction is under appeal, eligibility determination will be suspended pending final adjudication. The NH Adjutant General maintains final eligibility decision authority on any applicant.

Respectfully submitted,

  
 David J. Mikolaities  
 Major General, NH National Guard  
 The Adjutant General