

Bill as Introduced

HB 1441 - AS INTRODUCED

2010 SESSION

10-2615
04/01

HOUSE BILL ***1441***

AN ACT relative to claimant eligibility for victim's compensation.

SPONSORS: Rep. Cushing, Rock 15

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill expands eligibility for compensation from the victim's compensation fund.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to claimant eligibility for victim's compensation.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Claimant Eligibility; Eligibility Expanded. Amend RSA 21-M:8-h, I(a) to read as follows:

2 I.(a) Victims eligible for compensation are:

3 (1) Any person who sustains personal injury as a result of a felony or misdemeanor,
4 **regardless of whether the offender was convicted or the conviction was vacated or reversed**
5 **for any reason; or** *Does that include a finding of not guilty?*

6 (2) Any person who sustains personal injury caused by a person driving under the
7 influence of alcohol or controlled substances; **or**

8 (3) Any person who is a victim of sexual abuse and is under the age of 18 at the time
9 the claim is filed[-] **or**

10 (4) **Any person who was a victim of a crime under investigation by the cold**
11 **case homicide unit established jointly by the attorney general and the commissioner of the**
12 **department of safety, or any similar "cold case" homicide units which may be established**
13 **by state or local law enforcement agencies to investigate unsolved crimes.**

14 2 Effective Date. This act shall take effect 60 days after its passage.

*Is there a form or questionnaire used and if so
can we get a copy to see what constitutes
qualifications*

Copy of Rules

HB 1441 - AS AMENDED BY THE HOUSE

10Feb2010... 0089h

2010 SESSION

10-2615

04/01

HOUSE BILL **1441**

AN ACT relative to claimant eligibility for victim's compensation.

SPONSORS: Rep. Cushing, Rock 15

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill provides that a victim of a crime under investigation by the cold case homicide shall be eligible for victim's compensation regardless of the date of the crime.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to claimant eligibility for victim's compensation.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Claimant Eligibility and Compensation. Amend RSA 21-M:8-h by inserting
2 after paragraph VII the following new paragraph:

3 VIII. Any person who was a victim of a crime under investigation by the cold case homicide
4 unit as established in New Hampshire Laws 2009, 269:1 shall be eligible for victim's compensation
5 regardless of the date of the crime. Compensation under this paragraph shall be limited to
6 counseling expenses and expenses associated with the victim's participation in pre- and post-
7 conviction proceedings.

8 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
10-2615
Amended 03/02/10

HB 1441 FISCAL NOTE

AN ACT relative to claimant eligibility for victim's compensation.

FISCAL IMPACT:

The Department of Justice states this bill, as amended by the House (Amendment #2010-0089h), may increase state restricted expenditures by an indeterminable amount in FY 2011 and each year thereafter. There is no fiscal impact on county and local expenditures or state, county, and local revenue.

METHODOLOGY:

- The Department of Justice states this bill allows victims of a crime under investigation by the cold case homicide unit to be eligible, regardless of the date of the crime, for victim's compensation only for counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings. The Department states over 120 cold cases have been identified by the cold case homicide unit. The Department has no information to determine how many of the cases will be brought forward for prosecution or of those brought forward how many victims would apply for victim's compensation in order to determine any increased expenditures from the victim's assistance fund.

Amendments

Rep. Cushing, Rock. 15
January 6, 2010
2010-0089h
04/01

Amendment to HB 1441

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Paragraph; Claimant Eligibility and Compensation. Amend RSA 21-M:8-h by inserting
4 after paragraph VII the following new paragraph:

5 VIII. Any person who was a victim of a crime under investigation by the cold case homicide
6 unit as established in New Hampshire Laws 2009, 269:1 shall be eligible for victim's compensation
7 regardless of the date of the crime. Compensation under this paragraph shall be limited to
8 counseling expenses and expenses associated with the victim's participation in pre- and post-
9 conviction proceedings.

Amendment to HB 1441
- Page 2 -

2010-0089h

AMENDED ANALYSIS

This bill provides that a victim of a crime under investigation by the cold case homicide shall be eligible for victim's compensation regardless of the date of the crime.

House Ways and Means
March 15, 2010
2010-0998h
04/01

NOT
ADOPTED



Amendment to HB 1441

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
2 read as 3:

3

4 2 New Paragraph; Victims' Assistance Commission. Amend RSA 21-M:8-g by inserting after
5 paragraph III the following new paragraph:

6 IV. No later than September 15, 2010, and annually thereafter, the commission shall submit
7 a written report detailing the number of claims for compensation made from the victims' assistance
8 fund and the total amount of compensation granted from the fund for the preceding fiscal year, and
9 the balance of the fund as of the end of the preceding fiscal year, to the chairpersons of the house and
10 senate ways and means committees, the house criminal justice and public safety committee, and the
11 senate judiciary committee.



2010-0998h

AMENDED ANALYSIS

This bill provides that a victim of a crime under investigation by the cold case homicide unit shall be eligible for victim's compensation regardless of the date of the crime.

The bill also requires that the victims' assistance commission submit a report on the number of claims and amount of compensation granted from the victims' assistance fund and the balance of the fund at the end of each fiscal year.

Amendment to HB 1441

1 Amend RSA 21-M:8-h, VIII as inserted by section 1 of the bill by replacing it with the following:

2

3 VIII. Any person who was a victim of a crime under investigation by the cold case homicide
4 unit as established in New Hampshire Laws 2009, 269:1 shall be eligible for victim's compensation
5 regardless of the date of the crime. Compensation under this paragraph shall be limited to
6 counseling expenses and expenses associated with the victim's participation in pre- and post-
7 conviction proceedings incurred after the effective date of this paragraph.

8

9 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
10 read as 3:

11

12 2 New Paragraph; Victims' Assistance Commission. Amend RSA 21-M:8-g by inserting after
13 paragraph III the following new paragraph:

14 IV. No later than September 15, 2010, and annually thereafter, the commission shall submit
15 a written report detailing the number of claims for compensation made from the victims' assistance
16 fund and the total amount of compensation granted from the fund for the preceding fiscal year, and
17 the balance of the fund as of the end of the preceding fiscal year, to the chairpersons of the house and
18 senate ways and means committees, the house criminal justice and public safety committee, and the
19 senate judiciary committee.

Amendment to HB 1441

- Page 2 -

2010-1026h

AMENDED ANALYSIS

This bill provides that a victim of a crime under investigation by the cold case homicide unit shall be eligible for victim's compensation, regardless of the date of the crime, which are incurred after the effective date of this act.

The bill also requires that the victims' assistance commission submit a report on the number of claims and amount of compensation granted from the victims' assistance fund and the balance of the fund at the end of each fiscal year.

Committee Minutes

HOUSE COMMITTEE ON WAYS AND MEANS
FULLCOMMITTEE WORK SESSION ON HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: 3/2/10

Committee Members:

Reps. Almy, Hatch, Davis, Butynski, Yachon, Shattuck, J. Kelley,
Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin,
Bettencourt, R. Ober, Ulery, Osgood and Sapareto.

Comments and Recommendations: Rep. Chandle~~y~~ presented the bill to the Committee and responded to questions from Committee members. Rep. Chandle~~y~~ agreed to try to obtain further information on the victims compensation fund and the impact of this bill, which adds cold case homicide victims (113 cases), on the fund.

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

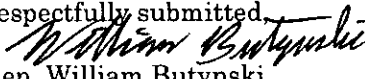
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. William Butynski
Committee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS
FULL COMMITTEE WORK SESSION ON HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: 3/2/10

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mac, W. Johnson, S. Price, Walsh, Majors, Griffin, Lockwood, Boutin, Bettencourt, H. Ober, Ulery, Osgood and Weyler.

Comments and Recommendations: Rep. Chandley presented the bill to the Committee and responded to questions from Committee members. Rep. Chandley agreed to try to obtain further information on the victims compensation fund and the impact of this bill, which
Amendments: *add cold case homicide victims (3 cases) on the fund.*

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,
William Butynski
Rep. {Type NAME}
~~S~~Committee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS
FULL COMMITTEE WORK SESSION ON HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: 3/8/10

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Ulery, Osgood and Weyler.

Comments and Recommendations: The committee discussed the bill.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

that includes annual report from DOJ to Finance and Ways & Means Committees.

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Hatch

Seconded by Rep. Butynski

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. William Butynski
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

~~SUB~~ COMMITTEE WORK SESSION ON HB 1441
Full

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: 3/8/10

Subcommittee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Bettencourt, R. Ober, Ulery, Osgood and Sapareto.

Comments and Recommendations: *The Committee discussed the bill*

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A ITL, Retained (Please circle one.)
that include annual report from DOJ to Finance Ways Means Committee

Moved by Rep. *Hatch*

Seconded by Rep. *Butynski*

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. William Butynski
Subcommittee Chairman/Clerk

3/8/10 on HB1411 for Rep. Cudmore

21-M:8-h Claimant Eligibility; Compensation. –

I. (a) Victims eligible for compensation are:

(1) Any person who sustains personal injury as a result of a felony or misdemeanor;

(2) Any person who sustains personal injury caused by a person driving under the influence of alcohol or controlled substances;

(3) Any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed.

(b) In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. If the victim is incompetent or in the case of a victim's death as a direct result of the crime, the immediate family of the victim is eligible to claim compensation. In this section, immediate family of the victim shall include the surviving partner in a civil union. In the case of a victim's disability as a direct result of the crime, the victim's legal representative may claim compensation in the victim's stead.

(c) A family member of a law enforcement officer, an inmate at a state or county correctional facility, and an individual who is not a citizen of the United States or who is not a legal alien shall be considered victims eligible for compensation under this section.

II. The claimant, guardian ad litem or child advocate, or parent may file a claim for compensation within 2 years of the crime, unless good cause is shown.

III. A claimant shall not be deemed ineligible for compensation based solely upon failure to apprehend the offender, or based solely upon failure of the state to obtain a conviction against the offender, providing there is reasonable evidence to sustain the claim that a crime had been committed which resulted in injury to the victim.

IV. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or persons who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation.

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with the victim's participation in post-conviction proceedings and victim-offender dialogue programs or other restorative justice programs, and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a \$25,000 maximum recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

V-a. Notwithstanding any right by a victim to claim restitution or a court order for restitution under RSA 651:62-67, a victim shall be eligible for compensation under this section.

VI, VII. [Repealed.]

Cold Case Unit

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Sub:

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Victim List

Listed below are New Hampshire's current cold case victims. Click on the column header label to sort that column alphabetically.

Victim	Year of Death or Disappearance	City/Town	Status
Baumann, Diethelm	1993	Manchester	Unsolved Homicide
Bean, Russell	1978/1988	Marlow	Unsolved Homicide
Belanger, Tammy	1984	Exeter	Missing Person
Blakeslee, Luella	1969/1998	Hopkinton	Unsolved Homicide
Blanchette, Ray	1978	Manchester	Unsolved Homicide
Bois, Dorothy Ann	1973	Nashua	Missing Person
Bolton, Stella	1991	Portsmouth	Unsolved Homicide
Braley, David	1989/1990	Concord	Suspicious Death
Breault, Raymond	1987	Berlin	Unsolved Homicide
Byron, Richard	1995	Hooksett	Suspicious Death
Carreau, David	1993	Goffstown	Unsolved Homicide
Carreau, Deborah	1993	Goffstown	Unsolved Homicide
Chaput, Louise	2001	Pinkham Notch	Unsolved Homicide
Chavez, Domingo	1991	Manchester	Unsolved Homicide
Compagna, Diana	1973	Candia	Unsolved Homicide
Conrad, Thomas	2005	North Haverhill	Unsolved Homicide
Courtemanche, Bernice	1984/1986	Newport	Unsolved Homicide



17

New Hampshire Cold Case
Unit | 33 Hazen Drive |
Concord, NH | 03305
Telephone: 603-271-2663
or 603-271-1255

Crane, Chelsea	1993	Raymond	Unsolved Homicide
Crawford, John	1985	Laconia	Unsolved Homicide
Critchley, Mary Elizabeth	1981	Unity	Unsolved Homicide
NH.gov privacy policy accessibility policy Crouse, Madlyn	1976	Nashua	Unsolved Homicide
Davis, Dominique	2004	Northwood	Suspicious Death
Dockham, Sharon	1993	Rochester	Unsolved Homicide
Dobens, William	2006	Salem	Suspicious Death
Dow, Janet	1982	Thornton	Suspicious Death
Dow, Stephen	1982	Thornton	Suspicious Death
Fried, Ellen	1984/1985	Newport	Unsolved Homicide
Furando, Joseph	1979	Kensington	Unsolved Homicide
Giguere, Maurice	1991	Dummer	Unsolved Homicide
Giles, Terry	1986	Portsmouth	Unsolved Homicide
Gloddy, Kathy Lynn	1971	Franklin	Unsolved Homicide
Gray, Sylvia	1982	Plainfield	Unsolved Homicide
Harrison, Mary	1981	Hinsdale	Unsolved Homicide
Hazelton, Angel	1989	Meredith	Unsolved Homicide
Heckbert, Robert	1988	Manchester	Unsolved Homicide
Herlihy, Paul	2003	Milford	Unsolved Homicide
Hill, Steven	1986	Lebanon	Unsolved Homicide
Hina, Carl Robert	1989	Keene	Suspicious Death
Hina, Lillian Marie	1989	Keene	Suspicious Death
Hina, Lori Michelle	1989	Keene	Suspicious Death
Hina, Sara Jean	1989	Keene	Suspicious Death
Holmes, Sheila	1990	Dover	Unsolved Homicide
Horn, Debra	1969	Sandown	Unsolved Homicide
Jablonski, Casmiro	1977	Newmarket	Unsolved Homicide

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Jache, Kenneth	1979	Weare	Unsolved Homicide
Jimenez, Megan	1989	Merrimack	Unsolved Homicide
Jodoin, George	2001	Auburn	Unsolved Homicide
Kaldaras, Christopher	1990	Manchester	Unsolved Homicide
Keljikian, Michael	1978	Nottingham	Unsolved Homicide
Kempton, Laura	1981	Portsmouth	Unsolved Homicide
Kierstead, Michael	1986	Milford	Unsolved Homicide
Lane, Craig	1989	Peterborough	Unsolved Homicide
LeFevre, Gregory	1988	Alton	Unsolved Homicide
Lei, Hai Bo (Paul)	1995	Salem	Unsolved Homicide
Little, Tammy	1982	Portsmouth	Unsolved Homicide
Longfellow, David	1974	Manchester	Unsolved Homicide
Lord, Judy	1975	Concord	Unsolved Homicide
Lyman, Walter	1974	Raymond	Unsolved Homicide
Lyons, Omar	1990	Somersworth	Suspicious Death
McGuire, Michael "J.T."	1978	Litchfield	Suspicious Death
Marku, Lorenc	1997	Manchester	Unsolved Homicide
McBride, Shirley Ann "Tippy"	1984	Concord	Missing Person
Miller, Pauline	1978	Manchester	Unsolved Homicide
Miller, Rosalie	1997	Auburn	Unsolved Homicide
Millican, Catherine	1978	New London	Unsolved Homicide
Moore, James	1991	Portsmouth	Unsolved Homicide
Moore, Sonya	1989/1990	Dunbarton	Unsolved Homicide
Morgan, Douglas	1985	Greenland	Unsolved Homicide
Morse, Eva	1985/1986	Unity	Unsolved Homicide

25

Moss, Carrie	1989/1991	New Boston	Unsolved Homicide
Murray, Maura	2004	North Haverhill	Missing Person
Norman, Ronald	2003	Allenstown	Unsolved Homicide
O'Brien, James P.	1975	New Boston	Unsolved Homicide
O'Connell, Daniel	1971	Loudon	Unsolved Homicide
O'Sullivan, Jerome	1977	Gilmanton	Suspicious Death
Olsen, Paul	1973	Madison	Unsolved Homicide
Page, Walter	1995	Manchester	Unsolved Homicide
Penna, Douglas	1989/1999	Roxbury	Suspicious Death
Pickett, David	1993	New Castle	Unsolved Homicide
Pineau, Allen	1998	Manchester	Unsolved Homicide
Pishon, Curtis	2000	Seabrook	Missing Person
Place, Betty	1978	Warner	Missing Person
Plummer, Linda	1987	Portsmouth	Unsolved Homicide
Pond, John Sr.	1990	Salem	Unsolved Homicide
Poulin, Joseph	1986	Portsmouth	Unsolved Homicide
Psaradelis, Anne	1973	Candia	Unsolved Homicide
Ramsey, John IV	1990	Manchester	Unsolved Homicide
Randall, Kathleen	1972	Nashua	Unsolved Homicide
Reed, Theresa	1991	Plymouth	Unsolved Homicide
Riley, Jerry	1993	Epsom	Unsolved Homicide
Roth, Shari	1977	Bartlett	Unsolved Homicide
Roy, Rita	1991	Manchester	Unsolved Homicide
Segall, Eddy	1978	Hollis	Missing Person
Sidoti, Francis "Frank" J.	1977	Sanborton	Unsolved Homicide
Sinclair, Bethany	2001	Chesterfield	Missing Person

This Document did not
include Page 5 of 5

21-M:8-g Victims' Assistance Commission. –

I. A victims' assistance commission is hereby established to review and award victims' claims for compensation. The attorney general shall nominate not fewer than 3 nor more than 5 persons to serve as members of this commission. Appointments shall be effective when the nominations are approved by the governor and council.

II. The commission may accept private donations and contributions to be used to compensate victims under RSA 21-M:8-h. Any money received by the commission pursuant to this paragraph shall be deposited to the account of the commission and shall not lapse.

III. The commission shall review claims from victims for compensation and make compensation awards from the victims' assistance fund and from private donations and contributions received under paragraph II.

Source. 1989, 417:2, eff. Jan. 1, 1990.

Section 21-M:8-h

21-M:8-h Claimant Eligibility; Compensation. –

I. (a) Victims eligible for compensation are:

- (1) Any person who sustains personal injury as a result of a felony or misdemeanor;
- (2) Any person who sustains personal injury caused by a person driving under the influence of alcohol or controlled substances;
- (3) Any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed.

(b) In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. If the victim is incompetent or in the case of a victim's death as a direct result of the crime, the immediate family of the victim is eligible to claim compensation. In this section, immediate family of the victim shall include the surviving partner in a civil union. In the case of a victim's disability as a direct result of the crime, the victim's legal representative may claim compensation in the victim's stead.

(c) A family member of a law enforcement officer, an inmate at a state or county correctional facility, and an individual who is not a citizen of the United States or who is not a legal alien shall be considered victims eligible for compensation under this section.

II. The claimant, guardian ad litem or child advocate, or parent may file a claim for compensation within 2 years of the crime, unless good cause is shown.

III. A claimant shall not be deemed ineligible for compensation based solely upon failure to apprehend the offender, or based solely upon failure of the state to obtain a conviction against the offender, providing there is reasonable evidence to sustain the claim that a crime had been committed which resulted in injury to the victim.

IV. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or persons who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation.

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses,

Dedicated Funds Reporting
For the Fiscal Years 2008 and 2009
Pursuant to RSA 6:12

Fund Name: Victims Fund

Statutory Reference: RSA Chapter 21-M (21-M:8-1)

Purpose of Dedicated Fund: to provide funding for grants for the establishment and maintenance of victim assistance programs and services for victims of crime.

	<u>Beginning Balance</u>	<u>Revenue & Fund Sources</u>	<u>Expenses & Fund Uses</u>	<u>Encumbrances</u>	<u>Other Funding Sources</u>	<u>Ending Balance</u>
FY 2008	\$833,551	\$1,013,212	(\$1,095,434)	(\$ 104)	0	\$751,225
FY 2009	\$751,329	\$ 746,083	(\$1,195,419)	(\$ 9,950)	0	\$292,043
Total	\$833,551	\$1,759,295	(\$2,290,853)	(\$ 9,950)	0	\$292,043

Detailed Activities: (Note: Include information regarding sources and uses of funds, unusual period activities and long-term need for the ending fund balance. Use additional pages if necessary.)

	<u>Revenue Source #</u>	<u>Description</u>	<u>Amount</u>
FY2008	2231	Penalty Assessment Funds	\$1,013,212
FY2009	2231	Penalty Assessment Funds	\$ 746,082

Revenue and Funding Sources Narrative:

Pursuant to 188-F:31 IV, a percentage of the Penalty Assessment collected by the courts is deposited into this fund. (16.67% effective 7/1/09)

Expenses and Fund Uses Narrative:

These funds are used to provide grants to the various programs providing support for victims of crime and for payments directly to the claimant or for services on behalf of the victims of crime.

FY10	Projected Total	Revenue \$900,000	Expenditures \$900,000	Net \$0
FY11	Projected Total	Revenue \$900,000	Expenditures \$900,000	Net \$0

Future Funding Needs Narrative:

The funding needs of this program will depend largely the dollars collected through the penalty assessment funds and the expenditures will depend on the number of claims from victims of crime. It is hard to project at this time due to the most recent changes in legislation.

CHAPTER Jus 600 VICTIMS COMPENSATION

PART Jus 601 PURPOSE AND SCOPE

Jus 601.01 Purpose. The purpose of this chapter is to implement provisions of RSA 21-M:8-b through RSA 21-M:8-l and 42 U.S.C. 10601 et seq. by setting forth:

(a) The process by which eligible primary and related victims of crime can submit a claim, whether personally or through a representative, for compensation for eligible expenses incurred as a direct result of eligible crimes;

(b) The criteria that will be used by the commission to determine whether to grant or deny a claim for compensation, as well as the amount of the award when a claim is granted; and

(c) Limitations on compensation awards, both by category of expense and per claimant.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 601.02 Scope. This chapter shall apply to all claimants, including their representatives, and all providers who wish to accept compensation payments granted by the commission.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

PART Jus 602 DEFINITIONS

Jus 602.01 "Administrative claim" means a claim application that the unit has reviewed and determined to be complete and for which eligibility appears to be clear, irrespective of the amount of the claim or severity of the eligible crime.

Source. #4864, eff 7-13-90; ss by #6052, eff 7-1-95, EXPIRED: 7-1-03

New. #9553, eff 9-25-09

Jus 602.02 "Advocate" means a person who is employed by or volunteers at a crisis center, prosecution or law enforcement agency, or other entity, and whose duty is to assist a victim or claimant in the criminal justice system, with victim services and support, or with the victim compensation process.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 602.03 "Allowable expense" means a cost or expenditure that is identified as compensable under Jus 605.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99; ss by #7724, eff 6-29-02

New. #9553, eff 9-25-09

Jus 602.04 "Award" means compensation granted to a claimant for eligible expenses pursuant to Jus 605.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 602.05 "Claimant" means a person who submits a claim for compensation under Jus 600 on behalf of himself or herself as a victim, or on behalf of another person who is a victim but is a minor, or on behalf of another person including but not limited to that person's spouse, guardian, parent or grandparent.

Source. #9553, eff 9-25-09

Jus 602.06 "Collateral financial source" means a fiscal resource available to or on behalf of a victim and that can be used to defray in whole or in part an expense that is reimbursable under Jus 600.

Source. #9553, eff 9-25-09

Jus 602.07 "Commission" means the victims' assistance commission established pursuant to RSA 21-M:8-g.

Source. #9553, eff 9-25-09

Jus 602.08 "Commission preparation" means the stage of the claim process during which the claimant secures the necessary documentation and information to support the claim.

Source. #9553, eff 9-25-09

Jus 602.09 "Commission ready" means the stage of the claim process in which the unit has determined that the claim application is complete and has been summarized by the unit for presentation to and consideration on the merits by the commission.

Source. #9553, eff 9-25-09

Jus 602.10 "Compensation" means a payment of money from the fund to reimburse a claimant for each allowable out-of-pocket expense incurred as a direct result of an eligible crime, or a payment of money from the fund to a third person who provided goods or services as an allowable expense to a victim as a direct result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.11 "Department" means the New Hampshire department of justice as established by RSA 21-M:2.

Source. #9553, eff 9-25-09

Jus 602.12 "Domestic partner" means an individual who shares a domicile and the expenses of daily living with another person, but who are not joined in a legal marriage or civil union under New Hampshire law.

Source. #9553, eff 9-25-09

Jus 602.13 "Domicile" means that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.

Source. #9553, eff 9-25-09

Jus 602.14 "Eligible crime" means any misdemeanor or felony that results in personal injury to or the death of the victim, or driving under the influence of alcohol or a controlled substance and that results in personal injury to or the death of the victim. For the purposes of these rules, the term includes any such act if it forms or could form the basis of a juvenile delinquency petition pursuant to RSA 169-D.

Source. #9553, eff 9-25-09

Jus 602.15 “Fund” means the victims’ assistance fund established pursuant to RSA 21-M:8-g, II.

Source. #9553, eff 9-25-09

Jus 602.16 “Immediate family member” means a person who has one of the following relationships with the victim:

- (a) Parent, stepparent, or domestic partner of a parent;
- (b) Child or stepchild;
- (c) Sibling or stepsibling;
- (d) Spouse;
- (e) Domestic partner; or
- (f) Any other person legally obligated to provide financial support to a victim.

Source. #9553, eff 9-25-09

Jus 602.17 “Loss” means an injury or expense for which compensation is available under Jus 600.

Source. #9553, eff 9-25-09

Jus 602.18 “Mental health practitioner” means “mental health practitioner” as defined in RSA 330-A: 2, VII, namely, “persons licensed under this chapter as psychologists, pastoral psychotherapists, clinical social workers, clinical mental health counselors, or marriage and family therapists. For purposes of this chapter, the term clinical social worker shall include independent clinical social worker.” The term also includes those who hold one or more analogous licenses issued by any other state, province, or country.

Source. #9553, eff 9-25-09

Jus 602.19 “New evidence” means information or documents not available to or which could not reasonably have been discovered by a claimant at the time the claimant’s claim was considered by the commission. The term does not include information or documents that were available, could have been discovered, or restatements of information or arguments already submitted to the commission.

Source. #9553, eff 9-25-09

Jus 602.20 “Physical injury” means death, corporeal or mental health damage suffered as a result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.21 “Physician” means a doctor of medicine or a doctor of osteopathy who holds a current license to practice issued by the New Hampshire board of medicine pursuant to RSA 329, or an analogous license issued by another state, province, or country.

Source. #9553, eff 9-25-09

Jus 602.22 “Primary victim” means the person who suffered personal injury or death as a direct result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.23 “Related victim” means an immediate family member who suffered a loss as a result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.24 "Relocation" for the purposes of this chapter, means moving from one residence to another due to a concern for the safety of a victim as result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.25 "Spouse" means a husband or wife or either party in a civil union.

Source. #9553, eff 9-25-09

Jus 602.26 "Staff" means the employees in the unit who provide administrative support to the commission and assist claimants with their claims for compensation under Jus 600.

Source. #9553, eff 9-25-09

Jus 602.27 "Unit" means the victims' compensation unit, an organizational entity that has been established within the New Hampshire department for the purpose of providing administrative support to the commission and assisting claimants with their claims for compensation under Jus 600.

Source. #9553, eff 9-25-09

Jus 602.28 "Victim" means:

(a) Any person who suffered personal injury or death as a direct result of an eligible crime occurring in either:

(1) New Hampshire; or

(2) Any other state or jurisdiction that does not have a crime compensation program meeting the requirements of 10 U.S.C. 10602(b), and such person was domiciled in New Hampshire at the time of the crime; and

(b) Both primary victim and related victim.

Source. #9553, eff 9-25-09

PART Jus 603 PROGRAM AND PROCESS OVERVIEW

Jus 603.01 Program Purpose. This program has been created and designed to help eligible victims of eligible crimes with the expenses that have been incurred as a direct result of the crime by acting as a payer of last resort, subject to available funding. The primary goal of the program is to provide eligible claimants with the maximum compensation for which they are eligible so as to eliminate or minimize the amount of uncompensated expenses. An eligible victim is awarded the greatest possible compensation based upon the facts of the claim, including supporting documentation, within the limits established for each category of compensation, up to the maximum established on a per claimant basis.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 603.02 Program and Organizational Description.

(a) Pursuant to RSA 21-M:8-g, I, the commission shall review claims from victims for compensation pursuant to RSA 21-M:8-h, II, and award compensation from the fund.

(b) All members of the commission shall have education, experience, or both, that will assist the commission in determining whether claimants' claims for compensation are directly related to eligible crimes.

(c) At least one commission member shall be a physician or physician assistant licensed by the New Hampshire board of medicine, or an advanced registered nurse practitioner or registered nurse licensed by the

New Hampshire board of nursing. Such physician or nurse shall have experience in treating victims of crime.

(d) At least one commission member shall be a licensee of the New Hampshire board of mental health practice, and who shall have experience in treating victims of crime.

(e) At least one commission member shall be an attorney licensed to practice law in New Hampshire, and who has experience in criminal law.

(f) At least one commission member shall have been the victim of an eligible crime.

(g) The unit shall provide administrative and staff support to the commission. All claims for compensation, as well as all supporting materials, shall be submitted to the commission through the unit.

(h) The unit shall provide guidance to potential claimants with respect to submitting a complete claim for compensation. The unit shall, on an ongoing basis, investigate and evaluate each claim for compensation so as to make a recommendation regarding whether such claim should be approved or denied. However, such recommendations shall not be binding on the commission.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92; ss by #6052, eff 7-1-95; amd by #7394, eff 10-28-00; ss by #7724, eff 6-29-02

New. #9553, eff 9-25-09

Jus 603.03 Application Process.

(a) Any person who wishes to request an award of compensation from the commission shall commence the process by filing a "Claim Application Form" available from the unit in the department.

(b) In response to receipt of a "Claim Application Form" the unit shall contact the claimant and indicate what additional information, including documentation, will be necessary to process the claim. Necessity shall be based upon the need to substantiate and document the claim for which compensation is sought. The claimant shall submit such information and documentation within 30 calendar days of a request from the unit for additional information.

(c) Once the claimant receives an "Acknowledgment of Receipt of Claim Application and Request for More Information Form" from the unit, the claimant shall have 30 days to provide such information and documentation to complete the claim. However, the unit shall grant an extension of time upon request if the claimant demonstrates that 30 days will not be sufficient to gather such additional information and documentation. The extension notice shall specify the date by which such additional information and documents shall be submitted.

(d) While the claim application is being completed, the claim shall be considered by the unit and the commission to be in the commission preparation stage.

(e) Once the unit determines that the claim application is complete, the unit coordinator shall review the claim for the purpose of determining whether the claimant has clearly established eligibility for compensation. If the claimant has not, the claim shall be labeled a regular claim and the full claim application file shall be copied for each commission member. However, if eligibility for compensation is clear, the claim shall be labeled an administrative claim, and the unit coordinator shall prepare a summary of the claim for consideration by the commission.

(f) The administrative claim summary prepared pursuant to (e) above shall include:

- (1) Identification of the eligible crime;
- (2) A brief description of the crime;
- (3) A statement as to the dollar amount of compensation sought, by category;
- (4) The history of the claim;

- (5) Any other information that is material or could be helpful to the commission; and
- (6) The recommendation of the unit coordinator.

(g) Each commission ready claim prepared at least 14 days prior to the commission's next regularly scheduled meeting shall be placed on that meeting's agenda, unless the unit coordinator determines that it would be unlikely that the claim would be reached and acted upon at that meeting. If the unit coordinator so determines, the commission ready claim shall be placed on the agenda for the first commission meeting at which the unit coordinator determines that the claim can be acted upon by the commission. In no case shall placement on the agenda result in the passage of more than 120 days after the claimant submitted a completed application before a decision can be made by the commission.

(h) When the commission considers a claim for compensation, it shall first determine whether there is reasonable evidence that an eligible crime has occurred. Thereafter, the commission shall determine whether the claim provides it with enough information and documentation to form the basis of a decision as to whether to grant or deny the claim in whole or in part.

(i) If the commission determines that more information and documentation is necessary, it shall notify the claimant as to the specific information and documentation necessary for it to make its decision.

(j) Upon receipt of notice pursuant to (i) above, the claimant shall have 60 days to provide such additional information and documentation. However, the unit shall grant an extension of time upon request if the claimant demonstrates that 60 days will not be sufficient to gather such additional information and documentation.

(k) Once the commission determines that the claim application provides it with enough information and documentation to form the basis of a decision as to whether to approve or deny the claim in whole or in part, the commission shall consider the claim on its merits and reach a decision within 120 days.

(l) The decision of the commission shall be based upon the submitted written claim application, including all relevant evidence, by applying the criteria set forth in Jus 605. If a claim is denied in whole or in part, the decision shall state all reasons applicable to such denial.

(m) If a primary victim's claim is denied for any of the reasons set forth in Jus 605.02, the claims of related victims shall, except as provided in Jus 605.02(e), also be denied.

(n) If the claimant is aggrieved by the decision of the commission, the claimant may seek review of such decision by filing with the unit a motion for reconsideration if the claimant can provide new evidence. If an aggrieved claimant cannot provide new evidence, the claimant shall file a notice of appeal with the unit. The unit shall evaluate the filing to determine whether the claimant has properly characterized it and then process the filing accordingly.

(o) The aggrieved claimant shall file a motion for reconsideration if the reconsideration is requested in whole or in part based upon new evidence that could materially affect the outcome. The motion shall identify the new evidence and set forth all reasons why the claimant believes such new evidence, as well as every mistake of fact or law the claimant believes to have been made, materially affects the outcome.

(p) If the commission determines that, when viewed in the light most favorable to the claimant, the new evidence or mistake of fact or law could not materially affect the outcome, the commission shall deny such motion. A claimant aggrieved by the denial of a motion for reconsideration may appeal the decision to the attorney general as provided in (s) and (t), below.

(q) If the commission determines that, when viewed in the light most favorable to the claimant, the new evidence or mistake of fact or law could materially affect the outcome, the commission shall grant the motion and provide the claimant with an opportunity to submit such new evidence, make argument to correct the mistake of fact or law, or both.

(r) After the commission has provided an opportunity to a claimant under (q) above, the commission shall affirm, amend, or reverse its decision based upon the full record of all information and argument presented to it.

(s) The claimant shall file a notice of appeal if the claimant disagrees with the decision of the commission and wishes to challenge the decision, and either:

- (1) There is no new evidence that would materially affect the outcome and therefore a motion for reconsideration would be inappropriate; or
- (2) A motion for reconsideration has been submitted but was denied pursuant to (p) above or affirmed pursuant to (r) above.

(t) The notice of appeal shall identify and set forth every mistake of fact or law the claimant believes to have been made and that materially affects the outcome. The attorney general, or designee, shall then review the complete record and, based upon such record review, affirm, amend, or reverse the decision of the commission.

(u) For purposes of RSA 541:3, an appeal to the attorney general shall be considered to be a motion for rehearing.

(v) Appeal from the decision of the attorney general or designee shall be taken by petition to the New Hampshire supreme court pursuant to RSA 541:6.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92; amd by #6052, eff 7-1-95; ss by #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

PART Jus 604 FORMS

Jus 604.01 Claim Application Form. Each claimant seeking compensation from the fund shall provide the following on or with a "Claim Application Form" available from the unit:

- (a) The status of the person who is filing the claim by indicating that he or she is:
 - (1) A crime victim;
 - (2) An immediate family member of a crime victim who died as a direct result of the crime;
 - (3) The parent or guardian of a crime victim who was under 18 years of age at the time of the crime;
 - (4) The guardian of a crime victim who is incompetent; or
 - (5) In some other way authorized to submit a claim on behalf of a crime victim, including a detailed explanation of the circumstances surrounding such authorization;
- (b) An indication of whether:
 - (1) The crime occurred in New Hampshire;
 - (2) The crime resulted in personal injury, including physical or mental trauma, or death;
 - (3) The crime occurred after November 1, 1989;
 - (4) The crime was reported to law enforcement officials within 5 days, and if not, a detailed explanation as to why it had not been so reported;
 - (5) The claim was filed within one year of the crime, and if not, a detailed explanation as to why it had not been filed within that time; and
 - (6) Out-of-pocket expenses or other financial liabilities directly related to the crime were at least \$100;
- (c) The following information regarding the victim:
 - (1) Full name, including all other names by which the applicant has ever been known, and date of

birth;

(2) Gender;

(3) Complete home and work street addresses;

(4) Home and work telephone numbers, including area codes;

(5) Proof of citizenship, such as a certified copy of a driver license or passport, in any state or territory of the United States;

(6) Marital status by selecting from the following:

a. Single;

b. Married;

c. Widow or widower;

d. Divorced; or

e. Cohabiting;

(7) Spouse or domestic partner's name;

(8) Full name, date of birth, and relationship to the victim of each of the victim's dependents;

(9) Full name and address of the victim's employer at the time of the crime;

(10) Occupation of the victim at the time of the crime;

(11) Full name and address of the victim's current employer, if different from (9) above; and

(12) Current occupation of the victim, if different from (10) above;

(d) If someone other than the victim is filing the claim, that person's:

(1) Full name;

(2) Complete street and mailing address;

(3) Home and work telephone numbers, including area codes;

(4) Date of birth;

(5) Gender;

(6) Proof of citizenship, such as a certified copy of a driver license or passport, in any state or territory of the United States;

(7) Marital status by selecting from the following:

a. Single;

b. Married;

c. Widow or widower;

d. Divorced; or

e. Cohabiting;

(8) Employer's full name and address; and

(9) Occupation;

(e) The specific amount of compensation being sought in each of the following categories, including an indication as to whether each is the final amount that will be sought for that category, as well as a combined total:

- (1) Medical expenses, other than mental health expenses;
- (2) Lost income;
- (3) Funeral expenses;
- (4) Mental health counseling expenses;
- (5) Other expenses not listed under (1) through (4) above, including documentation of such expenses; and
- (6) The total expenses for which compensation is sought;

(f) The following applicable information regarding the crime:

- (1) The geographic location;
- (2) The date of the injury to the victim;
- (3) The date of the victim's death, if applicable;
- (4) A description of the crime;
- (5) A description of the physical or mental health injuries the victim sustained;
- (6) The name of the perpetrator, if known;
- (7) The name of the law enforcement agency to which the crime was reported;
- (8) The date and time the crime was reported to the law enforcement agency;
- (9) The name of the investigating officer and the officer's work telephone number, including extension;
- (10) An indication of whether an arrest has been made;
- (11) An indication of whether the offender has been charged, and if so, through what process;
- (12) An indication of whether the victim knew the offender, and if so, how;
- (13) An indication of whether the victim is related to the offender, and if so, the nature of such relationship;
- (14) An indication of whether the victim was living in the same residence as the offender at the time of the crime;
- (15) If the victim and the offender were living in the same residence at the time of the crime, an indication of whether the victim and offender continue to share a residence; and
- (16) An indication of whether the prosecution of the offender has commenced, and if so, the:
 - a. County in which the case will be or has been tried;
 - b. Docket number;
 - c. Name of a prosecuting attorney; and
 - d. Name of the victim/witness advocate assigned;

(g) A certification, under the penalties of RSA 641:2, as to whether the expenses and losses listed pursuant to (e) above have not, will not, and cannot be covered by any other resource, private or public assistance program, and if they might be, a full description of such resource including:

- (1) The nature of the resource;
- (2) The complete names, addresses, and phone numbers of the resources; and
- (3) The name, address, and phone number of the claimant's attorney;

(h) Copies of all documentation of denials of applications made to other resources, private or public assistance programs for payment or compensation of expenses and losses listed pursuant to (e) above;

(i) A statement by the claimant acknowledging and agreeing that recovery of any expenses and losses listed pursuant to (e) above through legal action shall entitle the State of New Hampshire to seek compensation to the fund to the extent of any award of compensation made under this chapter; and

(j) A certification, under the penalties of RSA 641:2, that the claimant has provided information on or with the application that is true, complete, and accurate to the best of the claimant's knowledge and belief.

Source. #4864, eff 7-13-90; ss by #6052, eff 7-1-95, EXPIRED:
7-1-03

New. #9553, eff 9-25-09

Jus 604.02 Acknowledgment of Receipt of Claim and Request for More Information Form.

(a) Upon receipt of a complete "Claim Application Form" by the unit, it shall send an "Acknowledgment of Receipt of Claim and Request for More Information Form" to acknowledge the receipt of the claim and shall identify any specific types of additional information required to process the claim. Determination of such types of additional information shall be made on a case-by-case basis, pursuant to (b) below.

(b) The types of additional information that the unit identified pursuant to (a) above shall include:

- (1) Information regarding collateral financial sources, as described in Jus 604.03, if collateral financial sources might exist;
- (2) Photocopies of all crime-related medical bills;
- (3) Photocopies of all crime-related mental health counseling bills;
- (4) If copies of medical bills, mental health counseling bills, or both are not available but expenses have been incurred, a complete list of each such provider's:
 - a. Name;
 - b. Complete mailing address;
 - c. Telephone number; and
 - d. Services actually rendered;
- (5) The name of the victim's employer, supervisor, mailing address, and telephone number at the time the eligible crime occurred, if the victim was employed;
- (6) Photocopies of the victim's paycheck stubs for the month prior to the eligible crime if the victim was employed, or, if the victim was self-employed, a copy of the previous year's federal income tax return;
- (7) A letter to be provided directly from the victim's physician or mental health professional to the commission, which sets forth the following in support of a claim for more than 14 consecutive workdays' lost wages:

- a. A description of the disabling injuries suffered by the victim;
 - b. The period of time the disabling injuries prevented the victim from working; and
 - c. The date on which the victim returned to work, or if the victim has not returned to work, the anticipated date of return to work;
- (8) A photocopy of the final funeral bill, including burial and all related expenses but not including expenses for the reception, wake, or purchase of clothing;
- (9) A photocopy of the receipt, deed, or both, for the purchase of a cemetery plot;
- (10) A photocopy of the bill for the monument and engraving; and
- (11) Any other information related to the claim but not covered by (1) – (10) above, and unique to the circumstances of the claim.

(c) In addition, the “Acknowledgment of Receipt of Claim and Request for More Information Form” sent to a claimant regarding a homicide shall include as an attachment a brochure describing a support group for the friends and family of homicide victims. The claimant also shall be informed that such friends and family may request to be added to the mailing list of the support group.

(d) The unit shall provide a self-addressed envelope for the claimant to use in submitting the information and documents identified pursuant to (b) above. Postage shall not be provided by the unit.

(e) Claimants shall be encouraged to gather and submit the requested information and documents within 10 days of receipt of the “Acknowledgment of Receipt of Claim and Request for More Information Form.”

(f) Claimants shall also be encouraged to discuss with the unit any attempts by providers to recover expenses. The unit shall offer to contact such providers to explain the claims process and the timelines involved.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.03 Insurance and Collateral Financial Source Form. Each claimant seeking compensation from the fund shall provide the following on or with an “Insurance and Collateral Financial Source Form” available from the unit:

- (a) The names of the victim and the claimant;
- (b) The claim number assigned by the unit;

(c) An indication of whether any of the medical, mental health counseling, funeral, lost wages, transportation, or any other kind of expenses incurred as a direct result of the crime have been or will be paid in whole or in part by any of the following:

- (1) Medical/health insurance;
- (2) Medicare/Medicaid;
- (3) Any Social Security program;
- (4) The Veterans Administration;
- (5) Workers’ compensation;
- (6) Unemployment compensation;

- (7) Pension, union, or fraternal benefits;
- (8) Sick, vacation, or other paid leave;
- (9) Public or general assistance, including welfare;
- (10) Life insurance or other death benefits;
- (11) Restitution or civil suit judgments; and
- (12) Any other source not listed in (1) – (11) above;

(d) If the claimant responded in the affirmative pursuant to (c)(1) – (12) above, the following information regarding each such collateral financial source:

- (1) The full name of the person, company, agency, or organization;
- (2) The complete mailing address;
- (3) Each applicable group/policy number; and
- (4) A description as to each expense covered in whole or in part, and both the actual dollar amount of the expense and the dollar amount covered; and

(e) A dated declaration that the information provided by the claimant is true, accurate, and complete, as evidenced by the claimant's signature.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.04 Insurance and Other Collateral Source Information for Vehicle Crimes Form. Each claimant seeking compensation from the fund shall, if the underlying crime is a vehicular crime, provide the following on or with an "Insurance and Other Collateral Source Information for Vehicle Crimes Form" available from the unit:

- (a) An indication of whether the victim had automobile insurance on the date of the crime;
- (b) If the victim had automobile insurance, the following information or documents:
 - (1) The name of the insurance carrier;
 - (2) The policy number;
 - (3) A copy of the entire policy;
 - (5) Whether proceeds from the insurance carrier have been received;
 - (5) An itemized list of bills including the amounts billed and the amounts paid by the insurance carrier; and
 - (6) An indication of whether there is a pending civil suit against the insurance carrier;
- (b) An indication of whether the offender had automobile insurance on the date of the crime;
- (c) If the offender had automobile insurance, the following information or documents:
 - (1) The name of the insurance carrier;
 - (2) The policy number;
 - (3) An indication of whether the offender's insurance carrier has provided any proceeds for anything

other than vehicle repair;

(4) An indication of whether there is a pending civil suit against the offender's insurance carrier;

(5) An indication of whether there is a pending civil suit against the offender;

(6) An indication of whether the claimant has retained an attorney for the purpose of obtaining a civil judgment against the offender;

(7) If an attorney has been retained pursuant to (6) above, an indication of whether the claimant has informed the attorney that the claimant is seeking compensation under these rules; and

(8) An indication of whether any restitution or payment of a civil suit judgment has been received, and if so the total amounts received;

(d) If any of the responses indicate that money has been paid to or on behalf of the claimant, the claimant shall provide:

(1) The name and mailing address of the person, company, agency or other entity that paid or will be paying any portion of any expense; and

(2) A description of the expenses incurred and the amounts covered by those providing payment pursuant to (1) above; and

(e) A dated declaration that the information provided by the claimant is true, accurate, and complete, as evidenced by the claimant's signature.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.05 Law Enforcement Authority Verification Form. After receiving a claim for compensation, the victims' assistance unit shall request the following from the law enforcement agency investigating the crime:

(a) An indication of whether the crime was reported within 5 days of having been committed;

(b) An indication of whether the victim cooperated fully with the investigation and with the prosecution;

(c) An indication of whether the victim was involved in any illegal activity that resulted in the injuries sustained in the crime and, if the answer is in the affirmative, a complete explanation;

(d) An indication of whether the victim's conduct contributed to the infliction of injury to the victim and, if the answer is in the affirmative, a complete description of such conduct and how it relates to the injuries sustained;

(e) An indication of whether any investigating officer observed that the victim sustained any physical injuries and, if the answer is in the affirmative, a complete description of the injuries observed;

(f) An indication of whether the victim resided in the same home with the alleged offender at the time of the crime;

(g) An indication of whether the victim resides with the defendant currently;

(h) The name of the person or persons criminally responsible, if known;

(i) The charge or charges against each person listed pursuant to (h) above;

(j) An indication of whether each person listed pursuant to (h) above is in custody;

(k) An indication of whether each person listed pursuant to (h) above has been convicted and, if the answer

is in the affirmative, each charge with which the person was convicted;

(l) An indication of whether each person listed pursuant to (h) above has been acquitted and, if the answer is in the affirmative, each charge with which the person was acquitted;

(m) An indication of whether any charge against each person listed pursuant to (h) above has been dropped and, if the answer is in the affirmative, each charge that has been dropped;

(n) The following information with regard to sentencing of each person listed pursuant to (k) above as having been convicted:

(1) The name of the person so convicted;

(2) The length of incarceration imposed, if the sentence includes incarceration;

(3) The amount of the fine imposed, if the sentence includes a fine;

(4) The amount of restitution imposed, if the sentence includes restitution; and

(5) Any other aspect of the sentence imposed by the court not covered by (1) – (4) above;

(o) The printed name and title of the law enforcement official completing the form; and

(p) The signature of the law enforcement official completing the form, and the date signed.

Source. #4864, eff 7-13-90; ss by #6052 eff 7-1-95, EXPIRED: 7-1-03

New. #9553, eff 9-25-09

Jus 604.06 Verification of Employment and Lost Wages Form. If a claimant seeks compensation for lost wages, the victims' assistance unit shall request the following information regarding the victim from the victim's employer:

(a) The date the victim's employment commenced;

(b) The date the victim's employment terminated, if applicable;

(c) The number of hours worked each day at the time of the crime;

(d) The victim's assigned workdays;

(e) Whether overtime was available to the victim at the time of the crime;

(f) The victim's history of working overtime for the year preceding the crime;

(g) The victim's gross earnings, indicating whether such net earnings are hourly, weekly, monthly, or annually;

(h) The dates of work missed as a result of the crime, including an indication of whether the victim was paid for such time;

(i) An indication of whether the victim is collecting or has collected disability benefits through the employer, and if the answer is in the affirmative:

(1) The name, complete mailing address, and telephone number of the company paying such benefits; and

(2) The policy number;

(j) The printed name and title of the person completing the form; and

(p) The signature of the person completing the form, and the date signed.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.07 Verification of Medical Expenses Form. If a claimant seeks compensation for medical expenses, the victims' assistance unit shall request the following information regarding such medical expenses from each provider for whose services compensation sought:

- (a) The victim's account number;
- (b) The date or dates upon which the victim was treated by the health care provider;
- (c) The total amount charged for such health care services;
- (d) The amount for which the victim is responsible and the amount actually paid by the victim;
- (e) The amount paid by any available insurance;

(f) The amount paid by any other person or entity, including the name of such person or entity and a description of the reasons for such payment;

(g) The outstanding balance, after applying the amounts paid by the victim, any amounts paid by insurance, and payments made by any other person or entity;

(h) The health care provider's Federal identification number;

(i) The printed name, title, and telephone number of the person completing the form; and

(j) The signature of the person completing the form, and the date signed.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92; ss by #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.08 Verification of Hospital Expenses Form. If a claimant seeks compensation for hospital expenses, the victims' assistance unit shall request the following information regarding such hospital expenses from each hospital for which compensation is sought:

- (a) The victim's account number;
- (b) The date or dates upon which the victim was treated by the health care provider;
- (c) The total amount charged for such health care services;
- (d) The amount for which the victim is responsible and the amount actually paid by the victim;
- (e) The amount paid by any available insurance;

(f) The amount paid by any other person or entity, including the name of such person or entity and a description of the reasons for such payment;

(g) The outstanding balance, after applying the amounts paid by the victim, any amounts paid by insurance, and payments made by any other person or entity;

(h) An indication as to whether the victim applied for free or reduced fee care;

(i) The health care provider's Federal identification number;

(j) The printed name, title, and telephone number of the person completing the form; and

- (k) The signature of the person completing the form, and the date signed.

Source. #9553, eff 9-25-09

Jus 604.09 Verification of Funeral/Burial Expenses Form. If a claimant seeks compensation for funeral/burial expenses, the victims' assistance unit shall request the following information regarding such funeral/burial expenses from each person who provided services for which compensation is sought:

- (a) The date of the funeral;
- (b) The place of burial or cremation;
- (c) The name of the person responsible for the funeral, burial, or cremation expenses;
- (d) The total cost of cemetery or crematory expenses, not including funeral expenses;
- (e) The amount actually paid by the claimant;
- (f) The amount of the death benefit paid by Social Security;
- (g) The amount of the death benefit paid by the Veterans Administration;
- (h) The outstanding balance for funeral, burial, or cremation expenses;
- (h) The name and complete mailing address of each life insurance company that paid a death benefit;
- (i) The funeral, burial, or cremation provider's Federal identification number;
- (j) The printed name, title, and telephone number of the person completing the form; and
- (k) The signature of the person completing the form, and the date signed.

Source. #9553, eff 9-25-09

Jus 604.10 Reminders and Warnings. If the unit has not received the additional information and documents requested within 3 weeks after sending the "Acknowledgment of Receipt of Claim and Request for More Information Form," or by the date specified in an extension granted pursuant to Jus 603.03(c), it shall send a reminder to the claimant that warns that a failure to provide such additional information and documents by the deadline shall result in the claim being dismissed without prejudice. Each such reminder shall request the same information as had been requested in the original request.

Source. #9553, eff 9-25-09

PART Jus 605 CLAIM EVALUATION CRITERIA AND AWARDS LIMITS

Jus 605.01 General Requirements for Victim and Crime Eligibility and Award Compensation Priority.

- (a) A claim shall be brought only by the following:

- (1) A primary victim;
- (2) A related victim regardless of whether the primary victim had expenses or liabilities totaling at least \$100;
- (3) A person designated in writing by an adult or emancipated minor primary victim or a court of competent jurisdiction to act as his or her representative; and
- (4) The parent or guardian on behalf of a primary victim who is a minor.

- (b) A request for compensation shall be made by a claimant or considered by the commission only if there is:

- (1) An underlying criminal act that is or would be a misdemeanor or felony, or constitute driving while under the influence of alcohol or other controlled substance; and
- (2) A primary victim who, as a direct result of a crime falling under (1) above, suffered a personal injury or death and incurred expenses or liabilities totaling at least \$100, except as provided in (a)(2) above.

(c) Awards for compensation shall be made in the following priority, conditioned upon the availability of funds:

- (1) Out-of-pocket expenses shall be paid first;
- (2) If funds are still available, the cost of anticipated services and expenses shall be set aside for such future services or expenses second;
- (3) If funds are still available, individual providers shall be paid third; and
- (4) If funds are still available, institutional providers, such as hospitals, shall be paid last.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 605.02 Ineligibility. If any one or more of the following are true, the commission shall deny the claim for compensation in its entirety:

- (a) The crime occurred before 11/2/1989 and the victim was neither a minor nor a victim of sexual assault;
- (b) The primary victim did not suffer personal injury or death and incur expenses or liabilities totaling at least \$100;
- (c) The crime was not reported within 5 days of the crime unless good cause, which shall include but not be limited to the following, is shown:
 - (1) The victim's medical condition prevented him or her from making such a report;
 - (2) The victim's fear for his or her personal safety prevented the victim from making such a report;
 - (3) The victim's fear of retribution prevented him or her from making such a report; or
 - (4) The victim's emotional state or mental health prevented him or her from making such a report.
- (d) There was no credible evidence for the commission to conclude that a crime resulting in personal injury or death actually occurred;
- (e) The primary victim engaged in conduct that primarily contributed to his or her personal injury or death, including but not limited to, being a voluntary passenger in an impaired offender's vehicle knowing that offender was impaired. Notwithstanding the foregoing, in the case of a primary victim who was a homicide victim whose conduct primarily contributed to his or her death, only, any dependent related victim who has not attained the age of 18 shall be eligible for compensation solely for mental health counseling pursuant to Jus 605.04;
- (f) The primary victim committed a crime which caused or contributed to his or her personal injury or death
- (g) The primary victim was a victim of an inmate-on-inmate crime that occurred in a jail or prison;
- (h) The primary victim failed to cooperate materially with law enforcement agencies without good cause such as fear of retaliation by or on behalf of the offender;

(i) The primary victim resides with offender and compensation would provide benefit or enrichment to the offender, as prohibited by RSA 21-M:8-j, V; and

(j) After applying available insurance and all other available collateral financial sources, there are no outstanding expenses to be paid or reimbursed.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92,
EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 605.03 Medical Expenses Awards.

(a) The commission shall consider and evaluate requests for compensation for medical expenses if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for or payment of medical expenses shall submit the following information and documentation to support the request:

- (1) The name and address of each medical provider who provided crime-related treatment as identified on any bills or invoices received for such treatment;
- (2) A completed Insurance and Collateral Financial Source form as described in Jus 604.03;
- (3) A completed Insurance and Other Collateral Financial Source Information for Vehicle Crimes form as described in Jus 604.04, if the claim involves a vehicle crime;
- (4) An authorization for the release of medical and related billing information that complies with all applicable federal requirements for each provider;
- (5) Documentation of denial of free or reduced fee hospital care, if the victim did not have health insurance at the time of treatment of the injuries sustained as a direct result of the crime; and
- (6) Proof of all out-of-pocket health care expenses incurred by or on behalf of the victim and which were incurred as a direct result of the crime.

(c) Once the unit has received the information and documentation required pursuant to (b) above, the unit shall contact the appropriate providers to obtain the following directly from such providers:

- (1) A treating physician's report that describes the injuries sustained as a direct result of the crime;
- (2) An itemized list of all medical costs incurred for treatment of the injuries sustained as a direct result of the crime; and
- (3) Proof of payment of hospital costs made by or on behalf of the victim.

(d) The following kinds of expenses shall be eligible for compensation under the category of medical expenses:

- (1) The actual cost of reasonable and necessary medical treatment provided by licensed health-care personnel, after first applying any available insurance or other available collateral financial source;
- (2) The portion of the cost of all prescription medications prescribed to treat the victim's physical injuries but excluding prescriptions for mental health, which shall be payable under eligible mental health expenses;
- (3) The cost of reasonable and necessary physical assistance equipment, including modifications to buildings such as ramps;

(4) Replacement of lost or badly damaged existing physically assistive devices such as:

- a. Hearing aids;
- b. Dentures;
- c. Prosthetic and other devices;
- d. Wheelchairs; and
- e. Prescription eyeglasses and other corrective lenses, including contact lenses;

(5) Mileage to and from appointments with licensed health care providers, at the rate used to compensate mileage of state employees in effect at the time the award is made;

(6) Hospital expenses paid by or on behalf of the victim; and

(7) All other directly crime-related medical expenses incurred, including out-of-pocket expenses.

(e) Awards for compensation of medical expenses shall be limited pursuant to the following:

(1) The commission shall not award compensation for medical treatment provided by health-care personnel who do not hold appropriate licensure for the kind of treatment provided;

(2) The commission shall not award compensation for hospital care if:

- a. The victim had health insurance at the time of treatment for injuries sustained as a direct result of the crime;
- b. Free or reduced fee care has not been denied by the hospital; and
- c. No payment by or on behalf of the victim has been made to the hospital;

(3) Notwithstanding (2) above, the commission shall award compensation for hospital care, but only to the extent that care was actually paid for out of pocket, if:

- a. The victim did not have health insurance at the time of treatment for injuries sustained as a direct result of the crime; and
- b. Free or reduced fee care has been denied by the hospital and payment by or on behalf of the victim has been made to the hospital, but only in the amount of the actual total payment made;

(4) The commission shall award compensation of no more than 75% of the total amount due for inpatient hospital care, with 100% of the out-of-pocket expenses being reimbursed first, and any remaining sum used for others' reimbursement.

(f) In circumstances in which a balance remains after applying insurance, other collateral financial sources, and compensation awards under this part, the unit shall contact the person or entity to whom the balance is owed and encourage that person or entity to write off such balance.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92,
EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 605.04 Mental Health Expenses Awards.

(a) The commission shall consider and evaluate requests for compensation for mental health expenses if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in

ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for mental health expenses shall submit the following information and documentation to support the request:

- (1) The name and address of each licensed mental health provider who provided crime-related treatment as identified on any bills or invoices received for such treatment;
- (2) A completed Insurance and Collateral Financial Source form as described in Jus 604.03;
- (3) A completed Insurance and Other Collateral Financial Source Information for Vehicle Crimes form as described in Jus 604.04, if the claim involves a vehicle crime; and
- (4) An authorization for the release of mental health and related billing information that complies with all applicable federal requirements for each provider.

(c) Once the unit has received the information and documentation required pursuant to (b) above, unit shall:

- (1) Contact the licensed mental health care provider to request a copy of the mental health treatment plan submitted by the licensed mental health professional to the victim's insurance carrier, or if the victim does not have insurance, the licensed mental health provider-completed Initial Assessment and Treatment Plan;
- (2) Contact the licensed health care provider to request a copy of the mental health medication treatment plan created by a health care provider licensed to prescribe medication;
- (3) Contact the appropriate licensing body to verify that the treating mental health care provider is in fact licensed in the jurisdiction in which mental health treatment has been, is being, or will be provided; and
- (4) Contact the licensed mental health care provider to request a copy of each bill or invoice itemizing all charges for mental health services, including for medications and medication management, the payment for which the victim is responsible.

(d) The following kinds of expenses shall be eligible for compensation under the category of mental health expenses:

- (1) The actual cost of treatment, whether individual, group, or both, provided by licensed mental health personnel, after first applying any available insurance or other available collateral financial source, for mental health issues that were directly caused by the crime;
- (2) The portion of the cost for which the claimant is responsible, including co-pays, of all prescription medications prescribed to treat the victim's mental health issues that were directly caused by the crime;
- (3) The portion of the cost for which the claimant is responsible, including co-pays, of the actual amount billed for medication management services if the amount billed is consistent with usual and customary charges for such services in that geographical area;
- (4) Mileage to and from appointments with licensed mental health care providers, at the rate used to compensate mileage of state employees in effect at the time the award is made; and
- (5) All other directly crime-related mental health expenses incurred, including out-of-pocket expenses not already described above.

(e) Awards for compensation of mental health expenses shall be limited pursuant to the following:

- (1) The commission shall not award compensation for mental health treatment or services provided by mental health personnel who do not hold appropriate licensure for the kind of treatment provided;

(2) The commission shall award compensation not to exceed \$3,000, per episode of care, for all actual mental health expenses, excluding for medication management pursuant to (3) below, incurred for the period commencing on the date that the treatment plan is signed by the licensed provider until the earlier of the date of termination of treatment under the plan, or the passing of one year;

(3) The commission shall award compensation not to exceed \$1,000 for all medication management services provided, at the rate actually billed by the provider licensed to provide such services provided that it is consistent with usual and customary charges for such services in that geographical area;

(4) The commission shall award compensation that does not exceed the portion of the cost of each individual therapy session for which the victim is responsible, limited to the lesser of:

- a. The Medicaid reimbursement rate applicable to the licensed provider; or
- b. The amount billed by the licensed provider; and

(5) The commission shall award compensation that does not exceed the portion of the cost of each group therapy session for which the victim is responsible, limited to the lesser of:

- a. The Medicaid reimbursement rate applicable to the licensed provider; or
- b. The amount billed by the licensed provider.

(f) In circumstances in which a balance remains after applying insurance, other collateral financial sources, and compensation awards under this part, the commission shall contact the licensed mental health care provider to whom the balance is owed and encourage that provider to write off such balance.

Source. #9553, eff 9-25-09

Jus 605.05 Lost Wages Awards.

(a) The commission shall consider and evaluate requests for compensation for lost wages, whether the claimant is self-employed or employed by another, if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for lost wages shall submit the following documentation to support the request:

- (1) If self-employed, the tax returns for the year in which the crime occurred and for the year prior to that;
- (2) If employed by another, a statement from the employer that contains the amount of time lost and the wages that would have been earned for that time;
- (3) If compensation for lost overtime wages is sought, a statement from the employer that addresses the reasons for the overtime lost and the claimant's history of overtime work;
- (4) For lost wages for more than 14 consecutive days, a report from a licensed health care provider that confirms the claimant's inability to work during that period; and
- (5) Copies of all written confirmations of appointments with medical providers, mental health providers, police and other law-enforcement officials, and any other appointments necessitated as a direct result of the crime.

(c) The following activities shall be eligible for compensation under the category of lost wages:

- (1) Time spent for physical or mental recuperation from personal injuries sustained as a direct result of the crime;
- (2) Time spent for medical appointments;

- (3) Time spent for mental health appointments;
- (4) Time spent meeting with police or other law enforcement officials;
- (5) Time spent for pretrial preparation, including for depositions;
- (6) Time spent in court during the trial, at sentencing, or both;
- (7) Time spent at probation hearings; and
- (8) Time spent at parole hearings.

(d) Wages lost for any of the reasons listed under (c) above shall be compensable even if the claimant had leave time available from his or her employer and was paid by using such leave time.

(e) The following limitations shall apply to awards made for lost wages:

- (1) Compensation shall be paid at a rate of 75% of the claimant's gross income, taking into account previously scheduled increases in the claimant's rate of pay;
- (2) Compensation for overtime shall be awarded based on the claimant's history of working overtime or the employer's verified requirement that the claimant have worked on anticipated overtime, or both;
- (3) The total compensation paid for lost wages shall not exceed 75% of the claimant's pre-crime wages, including any workers' compensation or disability benefits received.

Source. #9553, eff 9-25-09

Jus 605.06 Loss of Support Awards.

(a) The commission shall consider and evaluate separate requests for compensation for the loss of support from a primary victim if:

- (1) Such primary victim suffers partial or total disability or death as a direct result of the crime;
- (2) The underlying facts of the claim meet the requirements of Jus 605.01; and
- (3) None of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) The following persons shall be eligible to submit requests for compensation for a loss of support:

- (1) The spouse of the primary victim;
- (2) The domestic partner of the primary victim;
- (3) The children or step-children of the primary victim; and
- (4) Any other person claimed by the primary victim as a dependent on the most recent year's tax return.

(c) A separate claim shall be submitted for each eligible person, and the amount awarded pursuant to (f)(2) below shall apply to each such separate claim.

(d) A claimant submitting a request for compensation for loss of support shall submit the following documentation to support the request:

- (1) The primary victim's tax return, listing every dependent, for the year previous to the crime;
- (2) If it is claimed that the primary victim suffered partial or total physical disability, a report from a physician, the New Hampshire department of labor, or the Social Security Administration that declares the primary victim to be or to have been partially or totally disabled;

- (3) If it is claimed that the primary victim suffered partial or total mental health disability, report from a licensed mental health provider whose license authorizes the making of such diagnoses;
 - (4) In the case of a primary victim's spouse claiming loss of support, one of the following:
 - a. A copy of the marriage license;
 - b. The most recent year's joint tax return; or
 - c. Affidavits from 2 unrelated persons, neither of whom is related to the claimant, indicating that the claimant and the victim had been married at the time of the crime that resulted in the disability or death of the primary victim;
 - (5) In the case of a domestic partner claiming loss of support, separate affidavits from the domestic partner and 2 unrelated persons, neither of whom is related to the claimant, indicating when the relationship began and that the relationship was ongoing at the time of the crime that resulted in the disability or death of the primary victim;
 - (6) In the case of a primary victim's child claiming loss of support, a copy of one of the following:
 - a. The child's birth certificate listing the primary victim as the child's parent;
 - b. A copy of the victim's most recent tax return showing that the victim claimed the child was his or her dependent; or
 - c. A final order from a court of competent jurisdiction indicating that the child had been adopted by the primary victim; and
 - (7) In the case of any other person requesting compensation for loss of support, an affidavit from such other person indicating:
 - a. The nature of the relationship with the primary victim;
 - b. When the relationship with the primary victim began; and
 - c. That the primary victim listed the affiant as a dependent on the primary victim's most recent tax return.
- (e) To document that the victim was a victim of a homicide, the unit shall request:
- (1) A copy of the death certificate prepared by the medical examiner for the jurisdiction in which the autopsy was performed; or
 - (2) A letter so stating from the homicide unit in the New Hampshire department if the crime occurred in New Hampshire, or from the prosecuting agency of the jurisdiction in which the crime occurred.
- (f) Whether a loss of support exists shall be determined by applying the following process:
- (1) The amount of income that the victim would have earned between the time of the crime and the time either when the victim would not be able to claim the claimant as a dependent for tax purposes or when the victim would not be under any legal obligation to support the claimant;
 - (2) The total amount of all collateral financial sources, excluding the first \$100,000 in life insurance benefits, shall be divided by the number of dependents and then subtracted from the figure computed pursuant to (1) above;
 - (3) If the amount computed pursuant to (2) above is less than the amount computed pursuant to (1) above, the commission shall determine that a loss of support exists; and
 - (4) If the amount computed pursuant to (2) above is more than the amount computed pursuant to (1) above, the commission shall determine that no loss of support exists.

(g) For purposes of determining assets to be counted as collateral financial sources for loss of support purposes, any trusts created for the benefit of dependents of the victim shall be included, regardless of whether access to the funds is immediate or not until some future date. The unit, upon learning of such a trust, shall inform the surviving spouse, trustee or guardian that permission from the probate court to invade the trust can be sought for any reason allowed by law.

(h) The following limitations shall apply to awards made for loss of support:

- (1) Compensation shall be paid in a lump sum;
- (2) The amount of compensation shall be the lesser of the amount computed pursuant to (f)(2) above divided by the number of claimants or \$10,000; and
- (3) Awards to a minor claimant shall be made to the surviving parent or to the minor's guardian, provided that such parent or guardian provides judicially enforceable written assurances that the money will be spent in the best interests of the minor.

Source. #9553, eff 9-25-09

Jus 605.07 Relocation Expenses Awards.

(a) The commission shall consider and evaluate requests for compensation for relocation expenses, if:

- (1) The offender poses a continuing credible threat to the safety of the claimant;
- (2) There is either a police report and a temporary restraining order has been issued against the claimant's abuser or potential abuser or a final restraining order has been issued against the claimant's abuser or potential abuser;
- (3) The underlying facts of the claim meet the requirements of Jus 605.01; and
- (4) None of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for relocation assistance shall submit the following documentation to support the request:

- (1) A copy of either a police report and a temporary restraining order has been issued against the claimant's abuser or potential abuser or a final restraining order has been issued against the claimant's abuser or potential abuser;
- (2) A copy of the lease, which shall be for a minimum of one year and list the claimant as the primary responsible party;
- (3) A copy of the front and back of all pages of each invoice from each utility company providing service at the new residence;
- (4) An estimate or the actual billing invoice for the services of a moving company or movers; and
- (5) Copies of all receipts for items the purchase or rental of which was necessitated by the relocation itself.

(c) The advocate assisting the claimant shall submit a letter of support for the claim for relocation expenses that explains and addresses the following:

- (1) The history of the domestic violence, regardless of whether there is police documentation, between the claimant and the offender that includes a brief narrative of the most recent incidents of violence, abuse, or threats;
- (2) A description of the claimant's immediate and specific concerns regarding her or his safety, including the offender's proximity, and how the award will address those concerns;

- (3) An explanation for any behavior of the claimant that might, on its face, appear to exhibit a lack of cooperation;
 - (4) A statement regarding the claimant's plan for the future, including expected financial strength and housing; and
 - (5) Any other issues or concerns specific to the claimant or the claimant's situation as they relate to relocation.
- (d) The following shall be eligible for compensation under the category of relocation expenses:
- (1) Security deposit and up to 2 months' rent;
 - (2) Start-up utility expenses, excluding any arrearages, and up to 2 months' utilities;
 - (3) Up to 3 months' storage;
 - (4) The rental of a moving truck or trailer to transport the claimant's possessions;
 - (5) Expenditures necessitated by the relocation including but not limited to:
 - a. Moving materials such as boxes, packaging, and tape;
 - b. Travel expenses to the new location such as:
 1. Fuel;
 2. Tolls;
 3. Food;
 4. Lodging; and
 5. Fare for bus, train, air or other scheduled carrier's transportation;
 - (6) The cost of the move as billed by the moving company; and
 - (7) Local telephone service and safety-related features such as caller-ID.
- (e) The following limitations shall apply to awards made for relocation expenses:
- (1) Relocation expenses shall be a one-time benefit per claim;
 - (2) Relocation expenses shall be paid for expenses associated with the new residence only and not applied to any arrearages associated with the residence the claimant is leaving or has left;
 - (3) Relocation expenses shall be capped at \$5,000;
 - (4) Compensation for security deposit and 2 month's rent and for the services of the movers shall be paid directly to the landlord and the movers, respectively;
 - (5) No compensation shall be awarded for cable television, long-distance telephone, or Internet service; and
 - (6) The relocation shall occur within 6 months of the award of compensation for relocation unless the claimant requests an extension and demonstrates:
 - a. Housing is not available within that time period; and
 - b. The circumstances giving rise to the concern for safety are anticipated but will not occur until after the compensation has been awarded.

Source. #9553, eff 9-25-09

Jus 605.08 Funeral and Grave Marker Expenses Awards.

(a) The commission shall consider and evaluate requests for compensation for payment of funeral and grave marker expenses incurred as a result of a homicide if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claim for compensation for funeral and grave marker expenses shall be considered to be and processed as a claim of the primary victim unless the primary victim engaged in contributory conduct sufficient to warrant denial of the primary victim's claim pursuant to Jus 605.02(e).

(c) A claimant submitting a request for compensation for funeral and grave marker expenses shall submit the following documentation to support the request:

- (1) A copy of the final invoice for the funeral; and
- (2) A copy of the final invoice for the grave marker.

(d) The unit shall obtain a copy of the death certificate from the victim witness advocate or from the medical examiner or shall obtain a letter from the homicide unit in the New Hampshire department if the crime occurred in New Hampshire, or from the prosecuting agency of the jurisdiction in which the crime occurred, confirming that the case is a homicide.

(e) The following limitations shall apply to awards made for funeral and grave marker expenses:

- (1) Funeral and grave marker expenses compensation shall be considered as part of the primary victim's claim;
- (2) Funeral expenses shall be capped at \$5,000;
- (3) Grave marker expenses shall be capped at \$500; and
- (4) No compensation shall be awarded for the cost of any of the following:
 - a. Clothing for the victim or any other person;
 - b. Any expense associated with the funeral reception; and
 - c. Any expense associated with a wake.

Source. #9553, eff 9-25-09

Jus 605.09 10-Day Emergency Funds Compensation to Crisis Centers.

(a) Notwithstanding the provisions of Jus 605.01 relative to who may bring a claim for compensation, the commission shall consider and evaluate requests for compensation to a crisis center for payment of 10-day emergency funds by the crisis center to a victim of domestic violence or sexual assault provided that the victim is eligible under Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant crisis center submitting a request for compensation for compensation of 10-day emergency funds shall submit any of the following documentation to support its claim for eligibility for compensation:

- (1) A copy of the police report for the underlying crime;
- (2) A copy of the final restraining order; or
- (3) A copy of a temporary restraining order and a copy of the police report for the underlying crime.

(c) A claimant crisis center submitting a request for compensation for payment of 10-day emergency funds shall submit copies of all receipts for goods and services provided to the victim for which the crisis center seeks compensation.

(d) Payment for the following goods and services by a crisis center shall be eligible for compensation under the category of 10-day emergency fund compensation:

- (1) Food for the victim and the victim's family;
- (2) The purchase of clothing and personal hygiene items for the victim and the victim's family;
- (3) The cost of shelter for the victim and the victim's family;
- (4) Transportation for the victim and the victim's family;
- (5) The replacement or repair of locks, windows, and doors necessary to secure the residence; and
- (4) The cost of medically necessary medications.

(e) The following limitations shall apply to compensation of crisis centers for payment of 10-day emergency funds to victims of domestic abuse or sexual assault:

- (1) The amount used for the purchase of clothing shall be capped at \$100 per person;
- (2) The per-adult limit for the provision of all goods and services, except the purchase of clothing pursuant to (d)(2) and (e)(1) above, shall be \$1,000;
- (3) The per-child limit for the provision of all goods and services, except the purchase of clothing pursuant to (d)(2) and (e)(1) above, shall be \$250; and
- (4) Compensation shall be made to the crisis center and not to the victim.

Source. #9553, eff 9-25-09

Jus 605.10 Safety and Security Expense Awards.

(a) The commission shall consider and evaluate requests for safety and security expenses incurred as a result of an eligible crime if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for safety or security expenses shall submit the following documentation to support the request:

- (1) Copies of all invoices or receipts for safety or security-related devices, improvements, or services for the residence;
- (2) Copies of all invoices or receipts for safety or security-related devices or services to be used outside the residence; and
- (3) An explanation of the necessity for such devices or services.

(c) Items and services eligible for compensation under the safety and security category shall include:

- (1) Installation costs of a residential monitoring system;
- (2) Up to one year of residential monitoring;
- (3) Installation of locks and other devices to secure windows and doors in the residence; and
- (4) Any other device or service the primary purpose of which is to provide safety or security of the claimant, and which is the most cost-effective way of achieving that goal.

(d) To the extent the commission determines that concerns for the claimant's safety indicate a need for such items, improvements, or services, it shall approve the claim.

Source. #9553, eff 9-25-09

Jus 605.11 Reimbursement of the Fund by Claimants.

(a) Seeking to recover damages through instituting a civil suit shall neither be required of claimants nor shall it be a bar to an award of compensation from the fund under Jus 600.

(e) However, as a condition for applying for and accepting any award of compensation from the fund under Jus 600, the claimant shall agree to:

(1) Upon the filing of a civil suit to recover damages, immediately notify and provide a copy of such filing to the commission and the department;

(2) Provide the commission and the department with copies of all potentially dispositive pleadings and all interim and final orders of the court hearing the suit;

(3) Immediately notify the commission and department of the receipt of any payment for damages, injury or economic loss from any source; and

(4) Within 30 days of receipt of payment pursuant to (3) above, reimburse the fund, through the department.

(f) Reimbursement pursuant to (e)(4) above shall be in an amount equal to the lesser of:

(1) The actual amount of compensation awarded by the commission;

(2) The amount of such payment received from a collateral financial source; or

(3) The net amount of the civil suit judgment after deducting all fees and costs associated with the civil action.

Source. #9553, eff 9-25-09

Jus 605.12 Felonious Sexual Assault Examinations and Prophylaxis.

(a) Pursuant to RSA 21-M:8-c, a person who claims to be a victim of a felonious sexual assault who is examined by physician or hospital for the purpose of gathering information or evidence shall not be charged for such services or examination. The health care provider shall first seek payment for such services or examination from the patient's health care insurer if the victim has health insurance but if the victim does not have such insurance, the health care provider shall seek payment directly from the department or shall write off such charges.

(b) For the safety and privacy of the victim, the health care provider shall not, under any circumstances, send an invoice or billing statement directly to the victim but shall send it directly to the department.

(c) If a person who claims to be a victim of a felonious sexual assault has health insurance which requires the payment of a deductible or a co-payment for such services or examination, the department shall either reimburse the victim for such payment made or pay such deductible or co-payment directly.

(d) The victim shall agree to forensic evidence collection, as set forth in the "Revised 2005 Edition of Sexual Assault Medical/Forensic Protocol" if examination is sought within 5 days of the assault. The evidence so collected shall not be examined forensically unless the victim also reports the crime to law enforcement. The victim may initially choose to have such evidence collection done anonymously, but the victim shall choose whether to report the crime within 60 days of the evidence collection. If the victim does not report within the 60-day period, the evidence shall be destroyed.

(e) If it is determined by the examining health care provider that the victim may have been exposed to HIV/AIDS as a result of the assault, a voucher for prophylactic medication(s) shall be given to the victim.

(f) Each victim shall also receive a voucher for forensic medical follow-up care. Any payment of a deductible or co-payment for such care shall be handled as provided in (c) above.

(g) A victim who has sought medical treatment pursuant to (a) and (d) above shall be deemed to:

- (1) Have made a report to law enforcement in compliance with Jus 605.02(c); and
- (2) Be credible evidence that an eligible crime has occurred pursuant to Jus 605.02(d).

Source. #9553, eff 9-25-09

PART Jus 606 COMMISSION PROCEDURES

Jus 606.01 Commission Chair.

(a) The members of the commission shall, after polling its members, make a recommendation to the attorney general as to its preference for commission chair.

(b) The attorney general shall consider the recommendation of the commission and designate one member of the commission who shall serve as chair. The term shall be for one year.

(c) The chair shall, unless absent or recused, preside at all meetings of the commission. In the absence of the chair, the commissioners present shall select a member to act as chair for that meeting, only.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 606.02 Meeting. The commission shall, if a quorum is available, meet monthly or at the call of the chair.

Source. #9553, eff 9-25-09

Jus 606.03 Attendance. Commission members shall attend each regular and special meeting of the commission or shall contact commission staff at least 24 hours prior to a meeting the member will be unable to attend.

Source. #9553, eff 9-25-09

Jus 606.04 Quorum.

(a) No business of the commission shall be conducted unless a quorum is present.

(b) For purposes of a commission meeting, a quorum shall require the presence of at least 3 commission members. Such presence can be physical or electronic, but if electronic, all other commission members and all other persons entitled to be present shall be able at least to hear the physically absent commission member via telephone, Internet, or any other modality that allows instant, real-time communication and participation.

(c) For purposes of a commission vote, a quorum shall require the presence of at least 3 commission members who have not recused themselves and are otherwise entitled to vote on the pending question. Such presence can, subject to the provisions of RSA 91-A:2, III, be physical or electronic, but if electronic, all other commission members entitled to be present shall be able at least to hear the physically absent commission member via telephone, Internet, or any other modality that allows instant, real-time communication and participation.

Source. #9553, eff 9-25-09

Jus 606.05 Commission Meetings.

(a) Notice of commission meetings shall be posted at least in the following sites and at the locations where notices typically are posted at the:

- (1) Department on the public notice bulleting board in the public reception area; and

(2) State House in the elevators and on the public notice bulletin board next to the cafeteria.

(b) Commission staff shall prepare a specific agenda for each meeting. Each agenda shall briefly describe the business that the commission can be anticipated to consider, act upon, or both. However, such descriptions shall contain no personally identifiable information regarding any victim or claimant so as not to revictimize such persons.

(c) The general elements of meeting agendas shall include:

- (1) Administrative issues raised by commission staff;
- (2) Review and approval of the previous meeting's minutes;
- (3) Review of fund financial information;
- (4) Identification by claim number of felonious sexual assault examinations conducted;
- (5) Identification by claim number drug testing awaiting authorized signatures;
- (6) Identification by claim number of administrative claims mailed to commission members for their review at the meeting;
- (7) Identification by claim number of other claims mailed to commission members for their review at the meeting;
- (8) Old business;
- (9) New business;
- (10) Discussion and setting of future meeting dates; and
- (11) A statement of other events and dates that relate to the work of the commission and which might be of interest to commission members.

(d) Commission meetings shall be open to the public for those portions of the meetings at which there is no basis for entering into nonpublic session. However, when there is a basis for going into nonpublic session as provided pursuant to RSA 91-A:3, the commission shall, unless otherwise requested by the person affected, enter nonpublic session and take all actions required under that provision.

Source. #9553, eff 9-25-09

Jus 606.06 Decisions. All decisions of the commission shall be final except as provided in Jus 606.07.

Source. #9553, eff 9-25-09

Jus 606.07 Reconsideration.

(a) Any victim or claimant who is adversely affected by a decision of the commission may submit a written motion for reconsideration pursuant to Jus 603.03(o) or a notice of appeal pursuant to Jus 603.03(s) and (t).

(b) Each petition for reconsideration or notice of appeal shall be filed with the unit no later than 14 days from the date of the letter notifying the claimant of the commission's adverse decision.

(c) The petition for reconsideration or notice of appeal shall be served in person or by mail to the following address:

Victims' Compensation Unit
 Department of Justice
 33 Capitol Street
 Concord, NH 03301-6397

(d) Each motion for reconsideration shall be considered as set forth in Jus 603.03(p) through (r), and each notice of appeal shall be considered as set forth in Jus 603.03(t).

(e) A motion for reconsideration shall be placed on the agenda of the first commission meeting that is at least 14 days after the filing of the motion.

(f) A motion for reconsideration or an appeal shall be decided as soon as is practicable and in accordance with RSA 541-A:29.

(g) A written decision on the motion for reconsideration shall be provided to the claimant within 30 days of the date of the decision on the motion.

Source. #9553, eff 9-25-09

APPENDIX

RULE	STATE STATUTE IMPLEMENTED
Jus 601	RSA 541-A:8
Jus 602	RSA 541-A:7 and RSA 541-A:8
Jus 603.01	RSA 541-A:8
Jus 603.02	RSA 21-M:8-g and RSA 21-M:8-j, III
Jus 603.03	RSA 21-M:8-h and RSA 21-M:8-j, I
Jus 604	RSA 541-A:8, RSA 21-M:8-j, I
Jus 605 (all provisions)	RSA 21-M:8-h, RSA 21-M:8-j
Jus 605.02	RSA 21-M:8-h, IV and RSA 21-M:8-j, V
Jus 605.11	RSA 21-M:8-j, IV
Jus 605.12	RSA 21-M:8-c
Jus 606	RSA 21-M:8-g, III and RSA 541-A:16, I(b)

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: January 7, 2010

LOB ROOM: 204 **Time Public Hearing Called to Order:** 10:07 a.m.

Time Adjourned: 10:40 a.m.

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Bérube, Robertson, Movsesian, Burridge, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Fesh, Wear, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Cushing, Rock 15

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Cushing - prime sponsor.

- Provided handout of current statute.
- Provided copy of Cold Case Unit Victim List.
- Explained process used by Victims Compensation Fund.
- Handed out copy of proposed amendment.

Sandra Matheson - Attorney General's Office of Victim Compensation

***Elizabeth Dunn** - Vice Commissioner Victim Compensation

- Testified jointly.
- Strict process of consideration.
- Provided copy of testimony.

Respectfully Submitted:



Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1441

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Committee Members: Reps. Shurtleff, Pantelakis, Berube, Robertson, Movsesian, Burridge,
Cushing, Rodd, Chandley, B. McCarthy, M. Ryde, Welch, Charron, Fesh, Weare, Stevens,
Villeneuve, Gagne, Swinford and Willetta

Bill Sponsors: Rep. Cushing, Rock 15

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1441

7 JAN 2010

Start : 1007

Finish: 1040

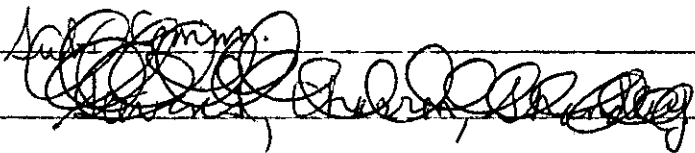
Rep Cushing prime sponsor

- provided handout of current statute
- provided copy of Cold Case Unit Victim Test.
- explained process used by Victims Compensation Fund
- handed out copy of proposed amendment.

Sandra Malheson AG's Office of Victim Compensation

Elizabeth Deum Vice Commissioner Victim Compensation

- testified jointly.
- strict process of consideration.
- provided copy of testimony



Testimony

1431441

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY



ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

**TESTIMONY ON HOUSE BILL 1441 RELATIVE TO
CLAIMANT ELIGIBILITY FOR VICTIM'S COMPENSATION**

January 7, 2010

Honorable Chair and Committee Members

For the record, my name is Sandra Matheson and I am Director of the State Office of Victim/Witness Assistance at the Attorney General's Office, a position I have held since the office was created legislatively in 1987. For the past almost 22 years, my office has worked with all of the state's homicide cases, from delivering the death notification to families. to providing them with intensive services and support through the entire criminal justice process.

During the 2009 legislative session, a Cold Case Homicide Unit was created within the Attorney General's Office, to work exclusively on unsolved homicide cases, many of them going back decades. A website has been established that profiles each case and many include pictures of the victim. When the unit begins to work on a specific case, an advocate will notify the family and will keep the family updated on any progress that is being made. As much as families want justice in their cases, it can be very traumatizing for families to once again become involved in the system, after so many years. While the grieving never truly ends, this forces them to once deal first hand with their loss and the memories that our contact with them brings back.

The Victim Assistance Commission was created legislatively in 1990, to ensure that innocent victims of crime do not have to suffer financially as well as emotionally. The Commission compensates victims for expenses directly related to crime injuries that are not cover by insurance or other third party payment. The program is currently limited to crimes occurring after November 1989. This bill would allow families of homicides that took place before 1989 that have been reopened by the Cold Case Unit to apply for compensation. The compensation would be limited to include mental health counseling and costs associated with attending pre and post conviction proceedings. On behalf of the Attorney General's Office, I ask you to support this bill and ensure that these victims are able to get the counseling and support they may need as their case moves forward through the system. Thank you for your consideration.

Respectfully submitted,

Sandra Matheson, Director
Office of Victim/Witness Assistance

Cold Case Unit

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Victim List

Listed below are New Hampshire's current cold case victims. Click on the column header label to sort that column alphabetically.

Victim	Year of Death or Disappearance	City/Town	Status
Baumann, Diethelm	1993	Manchester	Unsolved Homicide
Bean, Russell	1978/1988	Marlow	Unsolved Homicide
Belanger, Tammy	1984	Exeter	Missing Person
Blakeslee, Luella	1969/1998	Hopkinton	Unsolved Homicide
Blanchette, Ray	1978	Manchester	Unsolved Homicide
Bois, Dorothy Ann	1973	Nashua	Missing Person
Bolton, Stella	1991	Portsmouth	Unsolved Homicide
Braley, David	1989/1990	Concord	Suspicious Death
Breault, Raymond	1987	Berlin	Unsolved Homicide
Byron, Richard	1995	Hooksett	Suspicious Death
Carreau, David	1993	Goffstown	Unsolved Homicide
Carreau, Deborah	1993	Goffstown	Unsolved Homicide
Chaput, Louise	2001	Pinkham Notch	Unsolved Homicide
Chavez, Domingo	1991	Manchester	Unsolved Homicide
Compagna, Diana	1973	Candia	Unsolved Homicide
Conrad, Thomas	2005	North Haverhill	Unsolved Homicide
Courtemanche, Bernice	1984/1986	Newport	Unsolved Homicide



New Hampshire
Department of Justice



New Hampshire
State Police

New Hampshire Cold Case
Unit | 33 Hazen Drive |
Concord, NH | 03305
Telephone: 603-271-2663
or 603-271-1255

Crane, Chelsea	1993	Raymond	Unsolved Homicide
Crawford, John	1985	Laconia	Unsolved Homicide
Critchley, Mary Elizabeth	1981	Unity	Unsolved Homicide
NH.gov privacy policy accessibility policy Crouse, Madlyn	1976	Nashua	Unsolved Homicide
Davis, Dominique	2004	Northwood	Suspicious Death
Dockham, Sharon	1993	Rochester	Unsolved Homicide
Dobens, William	2006	Salem	Suspicious Death
Dow, Janet	1982	Thornton	Suspicious Death
Dow, Stephen	1982	Thornton	Suspicious Death
Fried, Ellen	1984/1985	Newport	Unsolved Homicide
Furando, Joseph	1979	Kensington	Unsolved Homicide
Giguere, Maurice	1991	Dummer	Unsolved Homicide
Giles, Terry	1986	Portsmouth	Unsolved Homicide
Gloddy, Kathy Lynn	1971	Franklin	Unsolved Homicide
Gray, Sylvia	1982	Plainfield	Unsolved Homicide
Harrison, Mary	1981	Hinsdale	Unsolved Homicide
Hazelton, Angel	1989	Meredith	Unsolved Homicide
Heckbert, Robert	1988	Manchester	Unsolved Homicide
Herlihy, Paul	2003	Milford	Unsolved Homicide
Hill, Steven	1986	Lebanon	Unsolved Homicide
Hina, Carl Robert	1989	Keene	Suspicious Death
Hina, Lillian Marie	1989	Keene	Suspicious Death
Hina, Lori Michelle	1989	Keene	Suspicious Death
Hina, Sara Jean	1989	Keene	Suspicious Death
Holmes, Sheila	1990	Dover	Unsolved Homicide
Horn, Debra	1969	Sandown	Unsolved Homicide
Jablonski, Casmiro	1977	Newmarket	Unsolved Homicide

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Jäche, Kenneth	1979	Weare	Unsolved Homicide
Jimenez, Megan	1989	Merrimack	Unsolved Homicide
Jodoin, George	2001	Auburn	Unsolved Homicide
Kaldaras, Christopher	1990	Manchester	Unsolved Homicide
Keljikian, Michael	1978	Nottingham	Unsolved Homicide
Kempton, Laura	1981	Portsmouth	Unsolved Homicide
Kierstead, Michael	1986	Milford	Unsolved Homicide
Lane, Craig	1989	Peterborough	Unsolved Homicide
LeFevre, Gregory	1988	Alton	Unsolved Homicide
Lei, Hai Bo (Paul)	1995	Salem	Unsolved Homicide
Little, Tammy	1982	Portsmouth	Unsolved Homicide
Longfellow, David	1974	Manchester	Unsolved Homicide
Lord, Judy	1975	Concord	Unsolved Homicide
Lyman, Walter	1974	Raymond	Unsolved Homicide
Lyons, Omar	1990	Somersworth	Suspicious Death
McGuire, Michael "J.T."	1978	Litchfield	Suspicious Death
Marku, Lorenc	1997	Manchester	Unsolved Homicide
McBride, Shirley Ann "Tippy"	1984	Concord	Missing Person
Miller, Pauline	1978	Manchester	Unsolved Homicide
Miller, Rosalie	1997	Auburn	Unsolved Homicide
Millican, Catherine	1978	New London	Unsolved Homicide
Moore, James	1991	Portsmouth	Unsolved Homicide
Moore, Sonya	1989/1990	Dunbarton	Unsolved Homicide
Morgan, Douglas	1985	Greenland	Unsolved Homicide
Morse, Eva	1985/1986	Unity	Unsolved Homicide

Moss, Carrie	1989/1991	New Boston	Unsolved Homicide
Murray, Maura	2004	North Haverhill	Missing Person
Norman, Ronald	2003	Allenstown	Unsolved Homicide
O'Brien, James P.	1975	New Boston	Unsolved Homicide
O'Connell, Daniel	1971	Loudon	Unsolved Homicide
O'Sullivan, Jerome	1977	Gilmanton	Suspicious Death
Olsen, Paul	1973	Madison	Unsolved Homicide
Page, Walter	1995	Manchester	Unsolved Homicide
Penna, Douglas	1989/1999	Roxbury	Suspicious Death
Pickett, David	1993	New Castle	Unsolved Homicide
Pineau, Allen	1998	Manchester	Unsolved Homicide
Pishon, Curtis	2000	Seabrook	Missing Person
Place, Betty	1978	Warner	Missing Person
Plummer, Linda	1987	Portsmouth	Unsolved Homicide
Pond, John Sr.	1990	Salem	Unsolved Homicide
Poulin, Joseph	1986	Portsmouth	Unsolved Homicide
Psaradelis, Anne	1973	Candia	Unsolved Homicide
Ramsey, John IV	1990	Manchester	Unsolved Homicide
Randall, Kathleen	1972	Nashua	Unsolved Homicide
Reed, Theresa	1991	Plymouth	Unsolved Homicide
Riley, Jerry	1993	Epsom	Unsolved Homicide
Roth, Shari	1977	Bartlett	Unsolved Homicide
Roy, Rita	1991	Manchester	Unsolved Homicide
Segall, Eddy	1978	Hollis	Missing Person
Sidoti, Francis "Frank" J.	1977	Sanborton	Unsolved Homicide
Sinclair, Bethany	2001	Chesterfield	Missing Person

Sinclair, Tina	2001	Chesterfield	Missing Person
Snyder, Jaclynne	1977	Lee	Unsolved Homicide
Snyder, Lisa K.	1985/1987	Rollinsford	Unsolved Homicide
Stankiewicz, Melodie	1975	Salem	Unsolved Homicide
Sterling, John	1990	Hillsborough	Unsolved Homicide
Teta, James	1973	Rindge	Unsolved Homicide
Travers, Henry Jr.	1980	Salem	Unsolved Homicide
Trudeau, Jeffrey Jr.	2000	Dover	Unsolved Homicide
Unidentified Female/3 Children	1985	Allenstown	Unsolved Homicide
Unidentified Female	1971	Bedford	Suspicious Death
Unidentified Male	1969	Salem	Unsolved Homicide
Valdes, Domingo	1974	Pelham	Unsolved Homicide
Webb, Pamela	1989	Franconia	Unsolved Homicide
West, Mindy	1998	Manchester	Unsolved Homicide
Whitney, Judith	1987	Winchester	Unsolved Homicide
Wilkinson, Ellen	1974	Center Ossipee	Unsolved Homicide
Wilkinson, Maurice	1974	Center Ossipee	Unsolved Homicide
Wright, Lisa	1991	Laconia	Unsolved Homicide
Zsigray, Michael	2003	Barrington	Unsolved Homicide

21-M:8-g Victims' Assistance Commission. –

I. A victims' assistance commission is hereby established to review and award victims' claims for compensation. The attorney general shall nominate not fewer than 3 nor more than 5 persons to serve as members of this commission. Appointments shall be effective when the nominations are approved by the governor and council.

II. The commission may accept private donations and contributions to be used to compensate victims under RSA 21-M:8-h. Any money received by the commission pursuant to this paragraph shall be deposited to the account of the commission and shall not lapse.

III. The commission shall review claims from victims for compensation and make compensation awards from the victims' assistance fund and from private donations and contributions received under paragraph II.

Source. 1989, 417:2, eff. Jan. 1, 1990.

Section 21-M:8-h

21-M:8-h Claimant Eligibility; Compensation. –

I. (a) Victims eligible for compensation are:

- (1) Any person who sustains personal injury as a result of a felony or misdemeanor;
- (2) Any person who sustains personal injury caused by a person driving under the influence of alcohol or controlled substances;
- (3) Any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed.

(b) In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. If the victim is incompetent or in the case of a victim's death as a direct result of the crime, the immediate family of the victim is eligible to claim compensation. In this section, immediate family of the victim shall include the surviving partner in a civil union. In the case of a victim's disability as a direct result of the crime, the victim's legal representative may claim compensation in the victim's stead.

(c) A family member of a law enforcement officer, an inmate at a state or county correctional facility, and an individual who is not a citizen of the United States or who is not a legal alien shall be considered victims eligible for compensation under this section.

II. The claimant, guardian ad litem or child advocate, or parent may file a claim for compensation within 2 years of the crime, unless good cause is shown.

III. A claimant shall not be deemed ineligible for compensation based solely upon failure to apprehend the offender, or based solely upon failure of the state to obtain a conviction against the offender, providing there is reasonable evidence to sustain the claim that a crime had been committed which resulted in injury to the victim.

IV. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or persons who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation.

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses,

funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with the victim's participation in post-conviction proceedings and victim-offender dialogue programs or other restorative justice programs, and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a \$25,000 maximum recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

V-a. Notwithstanding any right by a victim to claim restitution or a court order for restitution under RSA 651:62-67, a victim shall be eligible for compensation under this section.

VI, VII. [Repealed.]

Source. 1989, 417:2, 8. 1992, 220:6, I. 1993, 131:1. 1994, 394:1, eff. June 10, 1994. 1996, 286:1-3, eff. July 1, 1997. 2009, 240:1, 2, eff. Sept. 14, 2009.

Section 21-M:8-i

21-M:8-i Administration of Fund. –

I. Subject to the availability of money in the victims' assistance fund, the attorney general shall make grants for the establishment and maintenance of victim assistance programs.

II. A victim assistance program is eligible to receive grants under this section if such program:

(a) Is within the office of a county attorney; or

(b) Is operated by a public agency or a private nonprofit organization or a combination of such agencies or organizations and provides services to victims of crime, and demonstrates:

(1) a record of providing effective services to victims of crime and financial support from sources other than the fund; or

(2) substantial financial support from sources other than the fund; or

(c) Is a program approved by the attorney general and provides services to victims of sexual assault.

III. A victim assistance program shall expend sums received under this section only for providing services to victims of crime.

IV. No more than 15 percent of the money in the victims' assistance fund shall be used by the attorney general for the costs of administration of the victims' assistance fund and the administrative costs of the victims' assistance commission.

V. The remainder of the money in the victims' assistance fund shall be used by the attorney general for the compensation of victims in accordance with RSA 21-M:8-h.

Source. 1989, 417:2, eff. Jan. 1, 1990. 1999, 261:2, eff. July 1, 1999. 2002, 176:2, 3, eff. July 1, 2002.

Section 21-M:8-j

21-M:8-j Rulemaking. – The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for victims' assistance claims.

II. The standards which the victims' assistance commission shall apply in making a

determination on each claim.

III. The qualifications, nomination procedures, and terms for victims' assistance commission members.

IV. The reimbursement of funds awarded to persons compensated by the victims' assistance fund who later receive compensation for injuries or expenses from other sources.

V. Procedures for payment of compensation when paid to members of the accused's immediate family or persons who reside with or have maintained a continuous relationship with the accused, which will prevent the accused from receiving any benefit or enrichment from such compensation.

Source. 1989, 417:2, eff. Jan. 1, 1990.

Reply # 9403 ... p. 627

JB
1441

topic 3868-9390

907

2474
999

New Hampshire Underground

simplemachines forum



Hello JosephSHAas
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January 04, 2010, 09:46 AM NHFT

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"Let them march all they want, as long as they pay their taxes." --Alexander Haig

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New Hampshire Underground » New Hampshire Underground » General Discussion » **Post reply** (Re: Main thread for Ed and Elaine Brown vs the evil IRS)

Re: Main thread for Ed and Elaine Brown vs the evil IRS

http://www.gencourt.state.nh.us/house/caljournals/calendars/2010/houcal2010_04.html

"THURSDAY, JANUARY 7...

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

I.) 10:00 a.m. HB 1441, * relative to claimant eligibility for victim's compensation.

10:45 a.m. ...

II.) 11:00 a.m. HB 1372, ** establishing a commission to study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, and to study permitting a person to record a law enforcement officer in the course of such officer's official duties...."

f
208
Davy
Mullis/Brink

http://www.gencourt.state.nh.us/bill_status/

* <http://www.gencourt.state.nh.us/legislation/2010/HB1441.html>

SPONSORS: Rep. Cushing, Rock 15 <http://www.gencourt.state.nh.us/house/members/member.aspx?member=376111> Representative Robert Cushing (d)

Rockingham- District 15 Seat #:3119 Former

Home Address: 395 Winnacunnet Rd., Hampton, NH 03842-2732 Phone: (603)926-2737

D Email: renny.cushing@leg.state.nh.us CRIMINAL JUSTICE AND PUBLIC SAFETY, Position: Member Telephone: 271-3565

"... Amend RSA 21-M:8-h, I(a) [<http://www.gencourt.state.nh.us/rsa/html/I/21-M/21-M-8-h.htm>] to read as follows:

I.(a) Victims eligible for compensation are:

(1) Any person who sustains personal injury as a result of a felony or misdemeanor, regardless of whether the offender was convicted*** or the conviction was vacated or

JB

①

p. d. v. 10:38 AM
1/4/2010 10:38 AM

reversed for any reason; or"

+ 180303032

*** or even an attempt at prosecution, as in when a judge does an RSA Ch. 643:1 "Official Oppression" <http://www.gencourt.state.nh.us/rsa/html/LXII/643/643-1.htm> to <http://www.gencourt.state.nh.us/rsa/html/LXII/640/640-2.htm> to dismiss a case based upon the dissenting opinion in a N.H. Supreme Court case, reference: Judge Edwin W. Kelly of Plymouth and of the Concord District Court <http://www.courts.state.nh.us/courtlocations/merrdistdir.htm#Concord> misusing the Premo case of 2002 <http://www.courts.state.nh.us/supreme/opinions/2002/0209/marti098.htm> , re: his office at the Johnson Building on Pleasant Street, in his refusal to allow a check-and-balance criminal case of simple assault against a Deputy U.S. Marshal, Mr. Jamie Barry to proceed when he KNOWS that the crime was WITHIN the state jurisdiction and NOT federal since the Feds have FAILED to file their 40USC255 to 40USC3112 papers [See: http://www.law.cornell.edu/uscode/40/usc_sec_40_00003112----000-.html see also: http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00664.htm (dot htm) and <http://www.givemeliberty.org/RTPLawsuit/Misc/PressStatementSchulz9-16-03.htm> (dot htm) plus the original <http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=393575> for 40USC255.] with Bill Gardner's Office of Secretary of State <http://www.sos.nh.gov/> as required by the "shall" word in N.H. R.S.A. Ch. 123:1 from 1-8-17 U.S. Constitution, because our conditional consent of June 14, 1883 has never been accepted according the the Adams case of the U.S. Supreme Court ion 1943.

Thrift & my time!

II) ** HB 1372 <http://www.gencourt.state.nh.us/legislation/2010/HB1372.html>
 SPONSORS: Rep. Winters, Hills 17; Rep. R. Holden, Hills 7

(1) <http://www.gencourt.state.nh.us/house/members/member.aspx?member=376709>
 Representative Joel Winters (d) Hillsborough- District 17 Seat #:2073
 Incumbent, Home Address: PO Box 135, Nashua, NH 03061-0135
 Phone: (603)624-5635, Email: [joel at joelwinters.org](mailto:joel@joelwinters.org) COMMERCE AND CONSUMER AFFAIRS Position: Member Telephone: 271-3369
 Personal Website: <http://www.joelwinters.com/>

(2) <http://www.gencourt.state.nh.us/house/members/member.aspx?member=376351>
 Representative Rip Holden (r) Hillsborough- District 07 Seat #:5012 Incumbent
 Home Address: 35 East Union, Goffstown, NH 03045
 Phone: (603)384-1922 Email: [ripholden at msn.com](mailto:ripholden@msn.com)
 COMMERCE AND CONSUMER AFFAIRS Position: Member Telephone: 271-3369

To add in a part I (e) one member from V.O.C.A.L.S., Inc. [Victims of a Corrupt American Legal System], appointed by such organization.

Post reply

Subject: Re: Main thread for Ed and Elaine Brown vs the evil IRS

Message icon: Standard

[more]

(2)

HB 1441

1002

HB 1441 (victims) + HB 1372 (to record crooked COPs)

From: Joseph S. Haas (josephshaas@hotmail.com)
Sent: Mon 1/04/10 11:08 AM
To: renny.cushing@leg.state.nh.us; josephshaasjr@hotmail.com
Cc: joel@joelwinters.org; ripholden@msn.com

Rep. Cushing:

Please put this into the file in case I don't, make it there for verbal testimony this Thursday morning 1-7-10 @ 10:00 a.m.

I like your extra words of "regardless of whether the offender was convicted or the conviction was vacated or reversed for any reason" and would like to hear about examples of victim(s) who got screwed by like decisions from the A.G.'s Office that because the statute reads thus they are not eligible as a "victim". Myself a victim of BOTH the perpetrator of the crime AND the judge who does an "Official Oppression", as a victim of THAT crime too!!

Joe

Best wishes, Joe / Joseph S. Haas, P.O. Box 3842, Concord, N.H. 03302, Tel. 603: 848-6059 (cell phone), e-mail: JosephSHAas at hotmail dot com

Founding Member with 19 others (including 3 State Reps of: Roland Hemon, Paul Taylor and Bill McCann) of: V.O.C.A.L.S., Inc. [Victims of a Corrupt American Legal System] that needs to re-file with the Corporation Division of The Office of Secretary of State this Year 2010 and every other decade of the year number ending in a zero, and invite you* to join the group.

* + cc: to both Reps. on that wiretapping House Bill # 1372 also, to likewise mark me down as in support of this commission to study RSA 570-A of to be able to record "law enforcement officer"s and especially when they do operate ABOVE the law, as outlaws!

A copy and paste from <http://nhunderground.com/forum/index.php?topic=3868.9390> to follow as Reply #9403 (my actual Reply #2474) on page 627 with the hyperlink:

<http://nhunderground.com/forum/index.php?topic=3868.9390>
JosephSHAas

• Enemy of the State



• Posts: 2474

• Karma: 997

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NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

TABLE OF CONTENTS

CHAPTERS Jus 100 and Jus 200 - RESERVED

CHAPTER Jus 300 FORFEITURES RELATED TO DRUG OFFENSES - EXPIRED

PART Jus 301 FORFEITURE FUND

- Section Jus 301.01 Establishment of Fund
- Section Jus 301.02 Fund Responsibility
- Section Jus 301.03 Payments Allowable
- Section Jus 301.04 Request for Payment
- Section Jus 301.05 Insufficient Request
- Section Jus 301.06 Review
- Section Jus 301.07 Approval and Notification
- Section Jus 301.08 Correspondence

CHAPTERS Jus 400 and Jus 500 - RESERVED

CHAPTER Jus 600 VICTIMS COMPENSATION

PART Jus 601 PURPOSE AND SCOPE

- Section Jus 601.01 Purpose
- Section Jus 601.02 Scope

PART Jus 602 DEFINITIONS

- Section Jus 602.01 Administrative Claim
- Section Jus 602.02 Advocate
- Section Jus 602.03 Allowable Expense
- Section Jus 602.04 Award
- Section Jus 602.05 Claimant
- Section Jus 602.06 Collateral Financial Source
- Section Jus 602.07 Commission
- Section Jus 602.08 Commission Preparation
- Section Jus 602.09 Commission Ready
- Section Jus 602.10 Compensation
- Section Jus 602.11 Department
- Section Jus 602.12 Domestic Partner
- Section Jus 602.13 Domicile
- Section Jus 602.14 Eligible Crime
- Section Jus 602.15 Fund
- Section Jus 602.16 Immediate Family Member
- Section Jus 602.17 Loss
- Section Jus 602.18 Mental Health Practitioner
- Section Jus 602.19 New Evidence
- Section Jus 602.20 Physical Injury
- Section Jus 602.21 Physician
- Section Jus 602.22 Primary Victim
- Section Jus 602.23 Related Victim
- Section Jus 602.24 Relocation
- Section Jus 602.25 Spouse
- Section Jus 602.26 Staff
- Section Jus 602.27 Unit
- Section Jus 602.28 Victim

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Jus 603 PROGRAM AND PROCESS OVERVIEW

- Section Jus 603.01 Program Purpose
- Section Jus 603.02 Program and Organizational Description
- Section Jus 603.03 Application Process

PART Jus 604 FORMS

- Section Jus 604.01 Claim Application Form
- Section Jus 604.02 Acknowledgment of Receipt of Claim and Request for more Information Form
- Section Jus 604.03 Insurance and Collateral Financial Source Form
- Section Jus 604.04 Insurance and Other Collateral Source Information for Vehicle Crimes Form
- Section Jus 604.05 Law Enforcement Authority Verification Form
- Section Jus 604.06 Verification of Employment and Lost Wages Form
- Section Jus 604.07 Verification of Medical Expenses Form
- Section Jus 604.08 Verification of Hospital Expenses Form
- Section Jus 604.09 Verification of Funeral/Burial Expenses Form
- Section Jus 604.10 Reminders and Warnings

PART Jus 605 CLAIM EVALUATION CRITERIA AND AWARDS LIMITS

- Section Jus 605.01 General Requirements for Victim and Crime Eligibility and Award Compensation Priority
- Section Jus 605.02 Ineligibility
- Section Jus 605.03 Medical Expenses Awards
- Section Jus 605.04 Mental Health Expenses Awards
- Section Jus 605.05 Lost Wages Awards
- Section Jus 605.06 Loss of Support Awards
- Section Jus 605.07 Relocation Expenses Awards
- Section Jus 605.08 Funeral and Grave Marker Expenses Awards
- Section Jus 605.09 10-Day Emergency Funds Compensation to Crisis Centers
- Section Jus 605.10 Safety and Security Expense Awards
- Section Jus 605.11 Reimbursement of the Fund by Claimants
- Section Jus 605.12 Felonious Sexual Assault Examinations and Prophylaxis

PART Jus 606 COMMISSION PROCEDURES

- Section Jus 606.01 Commission Chair
- Section Jus 606.02 Meeting
- Section Jus 606.03 Attendance
- Section Jus 606.04 Quorum
- Section Jus 606.05 Commission Meetings
- Section Jus 606.06 Decisions
- Section Jus 606.07 Reconsideration

CHAPTER Jus 800 MODEL RULES OF PRACTICE AND PROCEDURE (*Do Not Expire*)

PART Jus 801 PURPOSE AND APPLICABILITY

- Section Jus 801.01 Purpose
- Section Jus 801.02 Applicability

PART Jus 802 DEFINITIONS

- Section Jus 802.01 Definitions

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Jus 600 VICTIMS COMPENSATION

PART Jus 601 PURPOSE AND SCOPE

Jus 601.01 Purpose. The purpose of this chapter is to implement provisions of RSA 21-M:8-b through RSA 21-M:8-l and 42 U.S.C. 10601 et seq. by setting forth:

(a) The process by which eligible primary and related victims of crime can submit a claim, whether personally or through a representative, for compensation for eligible expenses incurred as a direct result of eligible crimes;

(b) The criteria that will be used by the commission to determine whether to grant or deny a claim for compensation, as well as the amount of the award when a claim is granted; and

(c) Limitations on compensation awards, both by category of expense and per claimant.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92,
EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 601.02 Scope. This chapter shall apply to all claimants, including their representatives, and all providers who wish to accept compensation payments granted by the commission.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92,
EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

PART Jus 602 DEFINITIONS

Jus 602.01 "Administrative claim" means a claim application that the unit has reviewed and determined to be complete and for which eligibility appears to be clear, irrespective of the amount of the claim or severity of the eligible crime.

Source. #4864, eff 7-13-90; ss by #6052, eff 7-1-95,
EXPIRED: 7-1-03

New. #9553, eff 9-25-09

Jus 602.02 "Advocate" means a person who is employed by or volunteers at a crisis center, prosecution or law enforcement agency, or other entity, and whose duty is to assist a victim or claimant in the criminal justice system, with victim services and support, or with the victim compensation process.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Jus 602.03 "Allowable expense" means a cost or expenditure that is identified as compensable under Jus 605.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99; ss by #7724, eff 6-29-02

New. #9553, eff 9-25-09

Jus 602.04 "Award" means compensation granted to a claimant for eligible expenses pursuant to Jus 605.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 602.05 "Claimant" means a person who submits a claim for compensation under Jus 600 on behalf of himself or herself as a victim, or on behalf of another person who is a victim but is a minor, or on behalf of another person including but not limited to that person's spouse, guardian, parent or grandparent.

Source. #9553, eff 9-25-09

Jus 602.06 "Collateral financial source" means a fiscal resource available to or on behalf of a victim and that can be used to defray in whole or in part an expense that is reimbursable under Jus 600.

Source. #9553, eff 9-25-09

Jus 602.07 "Commission" means the victims' assistance commission established pursuant to RSA 21-M:8-g.

Source. #9553, eff 9-25-09

Jus 602.08 "Commission preparation" means the stage of the claim process during which the claimant secures the necessary documentation and information to support the claim.

Source. #9553, eff 9-25-09

Jus 602.09 "Commission ready" means the stage of the claim process in which the unit has determined that the claim application is complete and has been summarized by the unit for presentation to and consideration on the merits by the commission.

Source. #9553, eff 9-25-09

Jus 602.10 "Compensation" means a payment of money from the fund to reimburse a claimant for each allowable out-of-pocket expense incurred as a direct result of an eligible crime, or a payment of money from the fund to a third person who provided goods or services as an allowable expense to a victim as a direct result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.11 "Department" means the New Hampshire department of justice as established by RSA 21-M:2.

Source. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Jus 602.12 "Domestic partner" means an individual who shares a domicile and the expenses of daily living with another person, but who are not joined in a legal marriage or civil union under New Hampshire law.

Source. #9553, eff 9-25-09

Jus 602.13 "Domicile" means that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.

Source. #9553, eff 9-25-09

Jus 602.14 "Eligible crime" means any misdemeanor or felony that results in personal injury to or the death of the victim, or driving under the influence of alcohol or a controlled substance and that results in personal injury to or the death of the victim. For the purposes of these rules, the term includes any such act if it forms or could form the basis of a juvenile delinquency petition pursuant to RSA 169-D.

Source. #9553, eff 9-25-09

Jus 602.15 "Fund" means the victims' assistance fund established pursuant to RSA 21-M:8-g, II.

Source. #9553, eff 9-25-09

Jus 602.16 "Immediate family member" means a person who has one of the following relationships with the victim:

- (a) Parent, stepparent, or domestic partner of a parent;
- (b) Child or stepchild;
- (c) Sibling or stepsibling;
- (d) Spouse;
- (e) Domestic partner; or
- (f) Any other person legally obligated to provide financial support to a victim.

Source. #9553, eff 9-25-09

Jus 602.17 "Loss" means an injury or expense for which compensation is available under Jus 600.

Source. #9553, eff 9-25-09

Jus 602.18 "Mental health practitioner" means "mental health practitioner" as defined in RSA 330-A: 2, VII, namely, "persons licensed under this chapter as psychologists, pastoral psychotherapists, clinical social workers, clinical mental health counselors, or marriage and family therapists. For purposes of this chapter, the term clinical social worker shall include independent clinical social worker." The term also includes those who hold one or more analogous licenses issued by any other state, province, or country.

Source. #9553, eff 9-25-09

Jus 602.19 "New evidence" means information or documents not available to or which could not reasonably have been discovered by a claimant at the time the claimant's claim was considered by the

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

commission. The term does not include information or documents that were available, could have been discovered, or restatements of information or arguments already submitted to the commission.

Source. #9553, eff 9-25-09

Jus 602.20 "Physical injury" means death, corporeal or mental health damage suffered as a result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.21 "Physician" means a doctor of medicine or a doctor of osteopathy who holds a current license to practice issued by the New Hampshire board of medicine pursuant to RSA 329, or an analogous license issued by another state, province, or country.

Source. #9553, eff 9-25-09

Jus 602.22 "Primary victim" means the person who suffered personal injury or death as a direct result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.23 "Related victim" means an immediate family member who suffered a loss as a result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.24 "Relocation" for the purposes of this chapter, means moving from one residence to another due to a concern for the safety of a victim as result of an eligible crime.

Source. #9553, eff 9-25-09

Jus 602.25 "Spouse" means a husband or wife or either party in a civil union.

Source. #9553, eff 9-25-09

Jus 602.26 "Staff" means the employees in the unit who provide administrative support to the commission and assist claimants with their claims for compensation under Jus 600.

Source. #9553, eff 9-25-09

Jus 602.27 "Unit" means the victims' compensation unit, an organizational entity that has been established within the New Hampshire department for the purpose of providing administrative support to the commission and assisting claimants with their claims for compensation under Jus 600.

Jus 602.28 "Victim" means:

(a) Any person who suffered personal injury or death as a direct result of an eligible crime occurring in either:

(1) New Hampshire; or

(2) Any other state or jurisdiction that does not have a crime compensation program meeting the requirements of 10 U.S.C. 10602(b), and such person was domiciled in New Hampshire at the time of the crime; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (b) Both primary victim and related victim.

Source. #9553, eff 9-25-09

PART Jus 603 PROGRAM AND PROCESS OVERVIEW

Jus 603.01 Program Purpose. This program has been created and designed to help eligible victims of eligible crimes with the expenses that have been incurred as a direct result of the crime by acting as a payer of last resort, subject to available funding. The primary goal of the program is to provide eligible claimants with the maximum compensation for which they are eligible so as to eliminate or minimize the amount of uncompensated expenses. An eligible victim is awarded the greatest possible compensation based upon the facts of the claim, including supporting documentation, within the limits established for each category of compensation, up to the maximum established on a per claimant basis.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 603.02 Program and Organizational Description.

(a) Pursuant to RSA 21-M:8-g, I, the commission shall review claims from victims for compensation pursuant to RSA 21-M:8-h, II, and award compensation from the fund.

(b) All members of the commission shall have education, experience, or both, that will assist the commission in determining whether claimants' claims for compensation are directly related to eligible crimes.

(c) At least one commission member shall be a physician or physician assistant licensed by the New Hampshire board of medicine, or an advanced registered nurse practitioner or registered nurse licensed by the New Hampshire board of nursing. Such physician or nurse shall have experience in treating victims of crime.

(d) At least one commission member shall be a licensee of the New Hampshire board of mental health practice, and who shall have experience in treating victims of crime.

(e) At least one commission member shall be an attorney licensed to practice law in New Hampshire, and who has experience in criminal law.

(f) At least one commission member shall have been the victim of an eligible crime.

(g) The unit shall provide administrative and staff support to the commission. All claims for compensation, as well as all supporting materials, shall be submitted to the commission through the unit.

(h) The unit shall provide guidance to potential claimants with respect to submitting a complete claim for compensation. The unit shall, on an ongoing basis, investigate and evaluate each claim for compensation so as to make a recommendation regarding whether such claim should be approved or denied. However, such recommendations shall not be binding on the commission.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92; ss by #6052, eff 7-1-95; amd by #7394, eff 10-28-00; ss by #7724, eff 6-29-02

New. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Jus 603.03 Application Process.

(a) Any person who wishes to request an award of compensation from the commission shall commence the process by filing a "Claim Application Form" available from the unit in the department.

(b) In response to receipt of a "Claim Application Form" the unit shall contact the claimant and indicate what additional information, including documentation, will be necessary to process the claim. Necessity shall be based upon the need to substantiate and document the claim for which compensation is sought. The claimant shall submit such information and documentation within 30 calendar days of a request from the unit for additional information.

(c) Once the claimant receives an "Acknowledgment of Receipt of Claim Application and Request for More Information Form" from the unit, the claimant shall have 30 days to provide such information and documentation to complete the claim. However, the unit shall grant an extension of time upon request if the claimant demonstrates that 30 days will not be sufficient to gather such additional information and documentation. The extension notice shall specify the date by which such additional information and documents shall be submitted.

(d) While the claim application is being completed, the claim shall be considered by the unit and the commission to be in the commission preparation stage.

(e) Once the unit determines that the claim application is complete, the unit coordinator shall review the claim for the purpose of determining whether the claimant has clearly established eligibility for compensation. If the claimant has not, the claim shall be labeled a regular claim and the full claim application file shall be copied for each commission member. However, if eligibility for compensation is clear, the claim shall be labeled an administrative claim, and the unit coordinator shall prepare a summary of the claim for consideration by the commission.

(f) The administrative claim summary prepared pursuant to (e) above shall include:

- (1) Identification of the eligible crime;
- (2) A brief description of the crime;
- (3) A statement as to the dollar amount of compensation sought, by category;
- (4) The history of the claim;
- (5) Any other information that is material or could be helpful to the commission; and
- (6) The recommendation of the unit coordinator.

(g) Each commission ready claim prepared at least 14 days prior to the commission's next regularly scheduled meeting shall be placed on that meeting's agenda, unless the unit coordinator determines that it would be unlikely that the claim would be reached and acted upon at that meeting. If the unit coordinator so determines, the commission ready claim shall be placed on the agenda for the first commission meeting at which the unit coordinator determines that the claim can be acted upon by the commission. In no case shall placement on the agenda result in the passage of more than 120 days after the claimant submitted a completed application before a decision can be made by the commission.

(h) When the commission considers a claim for compensation, it shall first determine whether there is reasonable evidence that an eligible crime has occurred. Thereafter, the commission shall determine whether

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

the claim provides it with enough information and documentation to form the basis of a decision as to whether to grant or deny the claim in whole or in part.

(i) If the commission determines that more information and documentation is necessary, it shall notify the claimant as to the specific information and documentation necessary for it to make its decision.

(j) Upon receipt of notice pursuant to (i) above, the claimant shall have 60 days to provide such additional information and documentation. However, the unit shall grant an extension of time upon request if the claimant demonstrates that 60 days will not be sufficient to gather such additional information and documentation.

(k) Once the commission determines that the claim application provides it with enough information and documentation to form the basis of a decision as to whether to approve or deny the claim in whole or in part, the commission shall consider the claim on its merits and reach a decision within 120 days.

(l) The decision of the commission shall be based upon the submitted written claim application, including all relevant evidence, by applying the criteria set forth in Jus 605. If a claim is denied in whole or in part, the decision shall state all reasons applicable to such denial.

(m) If a primary victim's claim is denied for any of the reasons set forth in Jus 605.02, the claims of related victims shall, except as provided in Jus 605.02(e), also be denied.

(n) If the claimant is aggrieved by the decision of the commission, the claimant may seek review of such decision by filing with the unit a motion for reconsideration if the claimant can provide new evidence. If an aggrieved claimant cannot provide new evidence, the claimant shall file a notice of appeal with the unit. The unit shall evaluate the filing to determine whether the claimant has properly characterized it and then process the filing accordingly.

(o) The aggrieved claimant shall file a motion for reconsideration if the reconsideration is requested in whole or in part based upon new evidence that could materially affect the outcome. The motion shall identify the new evidence and set forth all reasons why the claimant believes such new evidence, as well as every mistake of fact or law the claimant believes to have been made, materially affects the outcome.

(p) If the commission determines that, when viewed in the light most favorable to the claimant, the new evidence or mistake of fact or law could not materially affect the outcome, the commission shall deny such motion. A claimant aggrieved by the denial of a motion for reconsideration may appeal the decision to the attorney general as provided in (s) and (t), below.

(q) If the commission determines that, when viewed in the light most favorable to the claimant, the new evidence or mistake of fact or law could materially affect the outcome, the commission shall grant the motion and provide the claimant with an opportunity to submit such new evidence, make argument to correct the mistake of fact or law, or both.

(r) After the commission has provided an opportunity to a claimant under (q) above, the commission shall affirm, amend, or reverse its decision based upon the full record of all information and argument presented to it.

(s) The claimant shall file a notice of appeal if the claimant disagrees with the decision of the commission and wishes to challenge the decision, and either:

(1) There is no new evidence that would materially affect the outcome and therefore a motion for reconsideration would be inappropriate; or

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(2) A motion for reconsideration has been submitted but was denied pursuant to (p) above or affirmed pursuant to (r) above.

(t) The notice of appeal shall identify and set forth every mistake of fact or law the claimant believes to have been made and that materially affects the outcome. The attorney general, or designee, shall then review the complete record and, based upon such record review, affirm, amend, or reverse the decision of the commission.

(u) For purposes of RSA 541:3, an appeal to the attorney general shall be considered to be a motion for rehearing.

(v) Appeal from the decision of the attorney general or designee shall be taken by petition to the New Hampshire supreme court pursuant to RSA 541:6.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92; amd by #6052, eff 7-1-95; ss by #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

PART Jus 604 FORMS

Jus 604.01 Claim Application Form. Each claimant seeking compensation from the fund shall provide the following on or with a "Claim Application Form" available from the unit:

- (a) The status of the person who is filing the claim by indicating that he or she is:
- (1) A crime victim;
 - (2) An immediate family member of a crime victim who died as a direct result of the crime;
 - (3) The parent or guardian of a crime victim who was under 18 years of age at the time of the crime;
 - (4) The guardian of a crime victim who is incompetent; or
 - (5) In some other way authorized to submit a claim on behalf of a crime victim, including a detailed explanation of the circumstances surrounding such authorization;
- (b) An indication of whether:
- (1) The crime occurred in New Hampshire;
 - (2) The crime resulted in personal injury, including physical or mental trauma, or death;
 - (3) The crime occurred after November 1, 1989;
 - (4) The crime was reported to law enforcement officials within 5 days, and if not, a detailed explanation as to why it had not been so reported;
 - (5) The claim was filed within one year of the crime, and if not, a detailed explanation as to why it had not been filed within that time; and
 - (6) Out-of-pocket expenses or other financial liabilities directly related to the crime were at least \$100;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) The following information regarding the victim:

- (1) Full name, including all other names by which the applicant has ever been known, and date of birth;
- (2) Gender;
- (3) Complete home and work street addresses;
- (4) Home and work telephone numbers, including area codes;
- (5) Proof of citizenship, such as a certified copy of a driver license or passport, in any state or territory of the United States;
- (6) Marital status by selecting from the following:
 - a. Single;
 - b. Married;
 - c. Widow or widower;
 - d. Divorced; or
 - e. Cohabiting;
- (7) Spouse or domestic partner's name;
- (8) Full name, date of birth, and relationship to the victim of each of the victim's dependents;
- (9) Full name and address of the victim's employer at the time of the crime;
- (10) Occupation of the victim at the time of the crime;
- (11) Full name and address of the victim's current employer, if different from (9) above; and
- (12) Current occupation of the victim, if different from (10) above;

(d) If someone other than the victim is filing the claim, that person's:

- (1) Full name;
- (2) Complete street and mailing address;
- (3) Home and work telephone numbers, including area codes;
- (4) Date of birth;
- (5) Gender;
- (6) Proof of citizenship, such as a certified copy of a driver license or passport, in any state or territory of the United States;
- (7) Marital status by selecting from the following:
 - a. Single;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- b. Married;
- c. Widow or widower;
- d. Divorced; or
- e. Cohabiting;

(8) Employer's full name and address; and

(9) Occupation;

(e) The specific amount of compensation being sought in each of the following categories, including an indication as to whether each is the final amount that will be sought for that category, as well as a combined total:

(1) Medical expenses, other than mental health expenses;

(2) Lost income;

(3) Funeral expenses;

(4) Mental health counseling expenses;

(5) Other expenses not listed under (1) through (4) above, including documentation of such expenses; and

(6) The total expenses for which compensation is sought;

(f) The following applicable information regarding the crime:

(1) The geographic location;

(2) The date of the injury to the victim;

(3) The date of the victim's death, if applicable;

(4) A description of the crime;

(5) A description of the physical or mental health injuries the victim sustained;

(6) The name of the perpetrator, if known;

(7) The name of the law enforcement agency to which the crime was reported;

(8) The date and time the crime was reported to the law enforcement agency;

(9) The name of the investigating officer and the officer's work telephone number, including extension;

(10) An indication of whether an arrest has been made;

(11) An indication of whether the offender has been charged, and if so, through what process;

(12) An indication of whether the victim knew the offender, and if so, how;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(13) An indication of whether the victim is related to the offender, and if so, the nature of such relationship;

(14) An indication of whether the victim was living in the same residence as the offender at the time of the crime;

(15) If the victim and the offender were living in the same residence at the time of the crime, an indication of whether the victim and offender continue to share a residence; and

(16) An indication of whether the prosecution of the offender has commenced, and if so, the:

a. County in which the case will be or has been tried;

b. Docket number;

c. Name of a prosecuting attorney; and

d. Name of the victim/witness advocate assigned;

(g) A certification, under the penalties of RSA 641:2, as to whether the expenses and losses listed pursuant to (e) above have not, will not, and cannot be covered by any other resource, private or public assistance program, and if they might be, a full description of such resource including:

(1) The nature of the resource;

(2) The complete names, addresses, and phone numbers of the resources; and

(3) The name, address, and phone number of the claimant's attorney;

(h) Copies of all documentation of denials of applications made to other resources, private or public assistance programs for payment or compensation of expenses and losses listed pursuant to (e) above;

(i) A statement by the claimant acknowledging and agreeing that recovery of any expenses and losses listed pursuant to (e) above through legal action shall entitle the State of New Hampshire to seek compensation to the fund to the extent of any award of compensation made under this chapter; and

(j) A certification, under the penalties of RSA 641:2, that the claimant has provided information on or with the application that is true, complete, and accurate to the best of the claimant's knowledge and belief.

Source. #4864, eff 7-13-90; ss by #6052, eff 7-1-95,
EXPIRED: 7-1-03

New. #9553, eff 9-25-09

Jus 604.02 Acknowledgment of Receipt of Claim and Request for More Information Form.

(a) Upon receipt of a complete "Claim Application Form" by the unit, it shall send an "Acknowledgment of Receipt of Claim and Request for More Information Form" to acknowledge the receipt of the claim and shall identify any specific types of additional information required to process the claim. Determination of such types of additional information shall be made on a case-by-case basis, pursuant to (b) below.

(b) The types of additional information that the unit identified pursuant to (a) above shall include:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) Information regarding collateral financial sources, as described in Jus 604.03, if collateral financial sources might exist;
- (2) Photocopies of all crime-related medical bills;
- (3) Photocopies of all crime-related mental health counseling bills;
- (4) If copies of medical bills, mental health counseling bills, or both are not available but expenses have been incurred, a complete list of each such provider's:
 - a. Name;
 - b. Complete mailing address;
 - c. Telephone number; and
 - d. Services actually rendered;
- (5) The name of the victim's employer, supervisor, mailing address, and telephone number at the time the eligible crime occurred, if the victim was employed;
- (6) Photocopies of the victim's paycheck stubs for the month prior to the eligible crime if the victim was employed, or, if the victim was self-employed, a copy of the previous year's federal income tax return;
- (7) A letter to be provided directly from the victim's physician or mental health professional to the commission, which sets forth the following in support of a claim for more than 14 consecutive workdays' lost wages:
 - a. A description of the disabling injuries suffered by the victim;
 - b. The period of time the disabling injuries prevented the victim from working; and
 - c. The date on which the victim returned to work, or if the victim has not returned to work, the anticipated date of return to work;
- (8) A photocopy of the final funeral bill, including burial and all related expenses but not including expenses for the reception, wake, or purchase of clothing;
- (9) A photocopy of the receipt, deed, or both, for the purchase of a cemetery plot;
- (10) A photocopy of the bill for the monument and engraving; and
- (11) Any other information related to the claim but not covered by (1) – (10) above, and unique to the circumstances of the claim.

(c) In addition, the "Acknowledgment of Receipt of Claim and Request for More Information Form" sent to a claimant regarding a homicide shall include as an attachment a brochure describing a support group for the friends and family of homicide victims. The claimant also shall be informed that such friends and family may request to be added to the mailing list of the support group.

(d) The unit shall provide a self-addressed envelope for the claimant to use in submitting the information and documents identified pursuant to (b) above. Postage shall not be provided by the unit.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(e) Claimants shall be encouraged to gather and submit the requested information and documents within 10 days of receipt of the "Acknowledgment of Receipt of Claim and Request for More Information Form."

(f) Claimants shall also be encouraged to discuss with the unit any attempts by providers to recover expenses. The unit shall offer to contact such providers to explain the claims process and the timelines involved.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.03 Insurance and Collateral Financial Source Form. Each claimant seeking compensation from the fund shall provide the following on or with an "Insurance and Collateral Financial Source Form" available from the unit:

(a) The names of the victim and the claimant;

(b) The claim number assigned by the unit;

(c) An indication of whether any of the medical, mental health counseling, funeral, lost wages, transportation, or any other kind of expenses incurred as a direct result of the crime have been or will be paid in whole or in part by any of the following:

(1) Medical/health insurance;

(2) Medicare/Medicaid;

(3) Any Social Security program;

(4) The Veterans Administration;

(5) Workers' compensation;

(6) Unemployment compensation;

(7) Pension, union, or fraternal benefits;

(8) Sick, vacation, or other paid leave;

(9) Public or general assistance, including welfare;

(10) Life insurance or other death benefits;

(11) Restitution or civil suit judgments; and

(12) Any other source not listed in (1) – (11) above;

(d) If the claimant responded in the affirmative pursuant to (c)(1) – (12) above, the following information regarding each such collateral financial source:

(1) The full name of the person, company, agency, or organization;

(2) The complete mailing address;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(3) Each applicable group/policy number; and

(4) A description as to each expense covered in whole or in part, and both the actual dollar amount of the expense and the dollar amount covered; and

(e) A dated declaration that the information provided by the claimant is true, accurate, and complete, as evidenced by the claimant's signature.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.04 Insurance and Other Collateral Source Information for Vehicle Crimes Form. Each claimant seeking compensation from the fund shall, if the underlying crime is a vehicular crime, provide the following on or with an "Insurance and Other Collateral Source Information for Vehicle Crimes Form" available from the unit:

(a) An indication of whether the victim had automobile insurance on the date of the crime;

(b) If the victim had automobile insurance, the following information or documents:

(1) The name of the insurance carrier;

(2) The policy number;

(3) A copy of the entire policy;

(5) Whether proceeds from the insurance carrier have been received;

(5) An itemized list of bills including the amounts billed and the amounts paid by the insurance carrier; and

(6) An indication of whether there is a pending civil suit against the insurance carrier;

(b) An indication of whether the offender had automobile insurance on the date of the crime;

(c) If the offender had automobile insurance, the following information or documents:

(1) The name of the insurance carrier;

(2) The policy number;

(3) An indication of whether the offender's insurance carrier has provided any proceeds for anything other than vehicle repair;

(4) An indication of whether there is a pending civil suit against the offender's insurance carrier;

(5) An indication of whether there is a pending civil suit against the offender;

(6) An indication of whether the claimant has retained an attorney for the purpose of obtaining a civil judgment against the offender;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(7) If an attorney has been retained pursuant to (6) above, an indication of whether the claimant has informed the attorney that the claimant is seeking compensation under these rules; and

(8) An indication of whether any restitution or payment of a civil suit judgment has been received, and if so the total amounts received;

(d) If any of the responses indicate that money has been paid to or on behalf of the claimant, the claimant shall provide:

(1) The name and mailing address of the person, company, agency or other entity that paid or will be paying any portion of any expense; and

(2) A description of the expenses incurred and the amounts covered by those providing payment pursuant to (1) above; and

(e) A dated declaration that the information provided by the claimant is true, accurate, and complete, as evidenced by the claimant's signature.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.05 Law Enforcement Authority Verification Form. After receiving a claim for compensation, the victims' assistance unit shall request the following from the law enforcement agency investigating the crime:

(a) An indication of whether the crime was reported within 5 days of having been committed;

(b) An indication of whether the victim cooperated fully with the investigation and with the prosecution;

(c) An indication of whether the victim was involved in any illegal activity that resulted in the injuries sustained in the crime and, if the answer is in the affirmative, a complete explanation;

(d) An indication of whether the victim's conduct contributed to the infliction of injury to the victim and, if the answer is in the affirmative, a complete description of such conduct and how it relates to the injuries sustained;

(e) An indication of whether any investigating officer observed that the victim sustained any physical injuries and, if the answer is in the affirmative, a complete description of the injuries observed;

(f) An indication of whether the victim resided in the same home with the alleged offender at the time of the crime;

(g) An indication of whether the victim resides with the defendant currently;

(h) The name of the person or persons criminally responsible, if known;

(i) The charge or charges against each person listed pursuant to (h) above;

(j) An indication of whether each person listed pursuant to (h) above is in custody;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(k) An indication of whether each person listed pursuant to (h) above has been convicted and, if the answer is in the affirmative, each charge with which the person was convicted;

(l) An indication of whether each person listed pursuant to (h) above has been acquitted and, if the answer is in the affirmative, each charge with which the person was acquitted;

(m) An indication of whether any charge against each person listed pursuant to (h) above has been dropped and, if the answer is in the affirmative, each charge that has been dropped;

(n) The following information with regard to sentencing of each person listed pursuant to (k) above as having been convicted:

(1) The name of the person so convicted;

(2) The length of incarceration imposed, if the sentence includes incarceration;

(3) The amount of the fine imposed, if the sentence includes a fine;

(4) The amount of restitution imposed, if the sentence includes restitution; and

(5) Any other aspect of the sentence imposed by the court not covered by (1) – (4) above;

(o) The printed name and title of the law enforcement official completing the form; and

(p) The signature of the law enforcement official completing the form, and the date signed.

Source. #4864, eff 7-13-90; ss by #6052 eff 7-1-95,
EXPIRED: 7-1-03

New. #9553, eff 9-25-09

Jus 604.06 Verification of Employment and Lost Wages Form. If a claimant seeks compensation for lost wages, the victims' assistance unit shall request the following information regarding the victim from the victim's employer:

(a) The date the victim's employment commenced;

(b) The date the victim's employment terminated, if applicable;

(c) The number of hours worked each day at the time of the crime;

(d) The victim's assigned workdays;

(e) Whether overtime was available to the victim at the time of the crime;

(f) The victim's history of working overtime for the year preceding the crime;

(g) The victim's gross earnings, indicating whether such net earnings are hourly, weekly, monthly, or annually;

(h) The dates of work missed as a result of the crime, including an indication of whether the victim was paid for such time;

(i) An indication of whether the victim is collecting or has collected disability benefits through the employer, and if the answer is in the affirmative:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) The name, complete mailing address, and telephone number of the company paying such benefits; and
- (2) The policy number;
- (j) The printed name and title of the person completing the form; and
- (p) The signature of the person completing the form, and the date signed.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.07 Verification of Medical Expenses Form. If a claimant seeks compensation for medical expenses, the victims' assistance unit shall request the following information regarding such medical expenses from each provider for whose services compensation sought:

- (a) The victim's account number;
- (b) The date or dates upon which the victim was treated by the health care provider;
- (c) The total amount charged for such health care services;
- (d) The amount for which the victim is responsible and the amount actually paid by the victim;
- (e) The amount paid by any available insurance;
- (f) The amount paid by any other person or entity, including the name of such person or entity and a description of the reasons for such payment;
- (g) The outstanding balance, after applying the amounts paid by the victim, any amounts paid by insurance, and payments made by any other person or entity;
- (h) The health care provider's Federal identification number;
- (i) The printed name, title, and telephone number of the person completing the form; and
- (j) The signature of the person completing the form, and the date signed.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92; ss by #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 604.08 Verification of Hospital Expenses Form. If a claimant seeks compensation for hospital expenses, the victims' assistance unit shall request the following information regarding such hospital expenses from each hospital for which compensation is sought:

- (a) The victim's account number;
- (b) The date or dates upon which the victim was treated by the health care provider;
- (c) The total amount charged for such health care services;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (d) The amount for which the victim is responsible and the amount actually paid by the victim;
- (e) The amount paid by any available insurance;
- (f) The amount paid by any other person or entity, including the name of such person or entity and a description of the reasons for such payment;
- (g) The outstanding balance, after applying the amounts paid by the victim, any amounts paid by insurance, and payments made by any other person or entity;
- (h) An indication as to whether the victim applied for free or reduced fee care;
- (i) The health care provider's Federal identification number;
- (j) The printed name, title, and telephone number of the person completing the form; and
- (k) The signature of the person completing the form, and the date signed.

Source. #9553, eff 9-25-09

Jus 604.09 Verification of Funeral/Burial Expenses Form. If a claimant seeks compensation for funeral/burial expenses, the victims' assistance unit shall request the following information regarding such funeral/burial expenses from each person who provided services for which compensation is sought:

- (a) The date of the funeral;
- (b) The place of burial or cremation;
- (c) The name of the person responsible for the funeral, burial, or cremation expenses;
- (d) The total cost of cemetery or crematory expenses, not including funeral expenses;
- (e) The amount actually paid by the claimant;
- (f) The amount of the death benefit paid by Social Security;
- (g) The amount of the death benefit paid by the Veterans Administration;
- (h) The outstanding balance for funeral, burial, or cremation expenses;
- (h) The name and complete mailing address of each life insurance company that paid a death benefit;
- (i) The funeral, burial, or cremation provider's Federal identification number;
- (j) The printed name, title, and telephone number of the person completing the form; and
- (k) The signature of the person completing the form, and the date signed.

Source. #9553, eff 9-25-09

Jus 604.10 Reminders and Warnings. If the unit has not received the additional information and documents requested within 3 weeks after sending the "Acknowledgment of Receipt of Claim and Request

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

for More Information Form,” or by the date specified in an extension granted pursuant to Jus 603.03(c), it shall send a reminder to the claimant that warns that a failure to provide such additional information and documents by the deadline shall result in the claim being dismissed without prejudice. Each such reminder shall request the same information as had been requested in the original request.

Source. #9553, eff 9-25-09

PART Jus 605 CLAIM EVALUATION CRITERIA AND AWARDS LIMITS

Jus 605.01 General Requirements for Victim and Crime Eligibility and Award Compensation Priority.

(a) A claim shall be brought only by the following:

- (1) A primary victim;
- (2) A related victim regardless of whether the primary victim had expenses or liabilities totaling at least \$100;
- (3) A person designated in writing by an adult or emancipated minor primary victim or a court of competent jurisdiction to act as his or her representative; and
- (4) The parent or guardian on behalf of a primary victim who is a minor.

(b) A request for compensation shall be made by a claimant or considered by the commission only if there is:

- (1) An underlying criminal act that is or would be a misdemeanor or felony, or constitute driving while under the influence of alcohol or other controlled substance; and
- (2) A primary victim who, as a direct result of a crime falling under (1) above, suffered a personal injury or death and incurred expenses or liabilities totaling at least \$100, except as provided in (a)(2) above.

(c) Awards for compensation shall be made in the following priority, conditioned upon the availability of funds:

- (1) Out-of-pocket expenses shall be paid first;
- (2) If funds are still available, the cost of anticipated services and expenses shall be set aside for such future services or expenses second;
- (3) If funds are still available, individual providers shall be paid third; and
- (4) If funds are still available, institutional providers, such as hospitals, shall be paid last.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92,
EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 605.02 Ineligibility. If any one or more of the following are true, the commission shall deny the claim for compensation in its entirety:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(a) The crime occurred before 11/2/1989 and the victim was neither a minor nor a victim of sexual assault;

(b) The primary victim did not suffer personal injury or death and incur expenses or liabilities totaling at least \$100;

(c) The crime was not reported within 5 days of the crime unless good cause, which shall include but not be limited to the following, is shown:

(1) The victim's medical condition prevented him or her from making such a report;

(2) The victim's fear for his or her personal safety prevented the victim from making such a report;

(3) The victim's fear of retribution prevented him or her from making such a report; or

(4) The victim's emotional state or mental health prevented him or her from making such a report.

(d) There was no credible evidence for the commission to conclude that a crime resulting in personal injury or death actually occurred;

(e) The primary victim engaged in conduct that primarily contributed to his or her personal injury or death, including but not limited to, being a voluntary passenger in an impaired offender's vehicle knowing that offender was impaired. Notwithstanding the foregoing, in the case of a primary victim who was a homicide victim whose conduct primarily contributed to his or her death, only, any dependent related victim who has not attained the age of 18 shall be eligible for compensation solely for mental health counseling pursuant to Jus 605.04;

(f) The primary victim committed a crime which caused or contributed to his or her personal injury or death

(g) The primary victim was a victim of an inmate-on-inmate crime that occurred in a jail or prison;

(h) The primary victim failed to cooperate materially with law enforcement agencies without good cause such as fear of retaliation by or on behalf of the offender;

(i) The primary victim resides with offender and compensation would provide benefit or enrichment to the offender, as prohibited by RSA 21-M:8-j, V; and

(j) After applying available insurance and all other available collateral financial sources, there are no outstanding expenses to be paid or reimbursed.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92,
EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Jus 605.03 Medical Expenses Awards.

(a) The commission shall consider and evaluate requests for compensation for medical expenses if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for or payment of medical expenses shall submit the following information and documentation to support the request:

- (1) The name and address of each medical provider who provided crime-related treatment as identified on any bills or invoices received for such treatment;
- (2) A completed Insurance and Collateral Financial Source form as described in Jus 604.03;
- (3) A completed Insurance and Other Collateral Financial Source Information for Vehicle Crimes form as described in Jus 604.04, if the claim involves a vehicle crime;
- (4) An authorization for the release of medical and related billing information that complies with all applicable federal requirements for each provider;
- (5) Documentation of denial of free or reduced fee hospital care, if the victim did not have health insurance at the time of treatment of the injuries sustained as a direct result of the crime; and
- (6) Proof of all out-of-pocket health care expenses incurred by or on behalf of the victim and which were incurred as a direct result of the crime.

(c) Once the unit has received the information and documentation required pursuant to (b) above, the unit shall contact the appropriate providers to obtain the following directly from such providers:

- (1) A treating physician's report that describes the injuries sustained as a direct result of the crime;
- (2) An itemized list of all medical costs incurred for treatment of the injuries sustained as a direct result of the crime; and
- (3) Proof of payment of hospital costs made by or on behalf of the victim.

(d) The following kinds of expenses shall be eligible for compensation under the category of medical expenses:

- (1) The actual cost of reasonable and necessary medical treatment provided by licensed health-care personnel, after first applying any available insurance or other available collateral financial source;
- (2) The portion of the cost of all prescription medications prescribed to treat the victim's physical injuries but excluding prescriptions for mental health, which shall be payable under eligible mental health expenses;
- (3) The cost of reasonable and necessary physical assistance equipment, including modifications to buildings such as ramps;
- (4) Replacement of lost or badly damaged existing physically assistive devices such as:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- a. Hearing aids;
 - b. Dentures;
 - c. Prosthetic and other devices;
 - d. Wheelchairs; and
 - e. Prescription eyeglasses and other corrective lenses, including contact lenses;
- (5) Mileage to and from appointments with licensed health care providers, at the rate used to compensate mileage of state employees in effect at the time the award is made;
- (6) Hospital expenses paid by or on behalf of the victim; and
- (7) All other directly crime-related medical expenses incurred, including out-of-pocket expenses.
- (e) Awards for compensation of medical expenses shall be limited pursuant to the following:
- (1) The commission shall not award compensation for medical treatment provided by health-care personnel who do not hold appropriate licensure for the kind of treatment provided;
 - (2) The commission shall not award compensation for hospital care if:
 - a. The victim had health insurance at the time of treatment for injuries sustained as a direct result of the crime;
 - b. Free or reduced fee care has not been denied by the hospital; and
 - c. No payment by or on behalf of the victim has been made to the hospital;
 - (3) Notwithstanding (2) above, the commission shall award compensation for hospital care, but only to the extent that care was actually paid for out of pocket, if:
 - a. The victim did not have health insurance at the time of treatment for injuries sustained as a direct result of the crime; and
 - b. Free or reduced fee care has been denied by the hospital and payment by or on behalf of the victim has been made to the hospital, but only in the amount of the actual total payment made;
 - (4) The commission shall award compensation of no more than 75% of the total amount due for inpatient hospital care, with 100% of the out-of-pocket expenses being reimbursed first, and any remaining sum used for others' reimbursement.
- (f) In circumstances in which a balance remains after applying insurance, other collateral financial sources, and compensation awards under this part, the unit shall contact the person or entity to whom the balance is owed and encourage that person or entity to write off such balance.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92,
EXPIRED: 7-1-98

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Jus 605.04 Mental Health Expenses Awards.

(a) The commission shall consider and evaluate requests for compensation for mental health expenses if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for mental health expenses shall submit the following information and documentation to support the request:

- (1) The name and address of each licensed mental health provider who provided crime-related treatment as identified on any bills or invoices received for such treatment;
- (2) A completed Insurance and Collateral Financial Source form as described in Jus 604.03;
- (3) A completed Insurance and Other Collateral Financial Source Information for Vehicle Crimes form as described in Jus 604.04, if the claim involves a vehicle crime; and
- (4) An authorization for the release of mental health and related billing information that complies with all applicable federal requirements for each provider.

(c) Once the unit has received the information and documentation required pursuant to (b) above, unit shall:

- (1) Contact the licensed mental health care provider to request a copy of the mental health treatment plan submitted by the licensed mental health professional to the victim's insurance carrier, or if the victim does not have insurance, the licensed mental health provider-completed Initial Assessment and Treatment Plan;
- (2) Contact the licensed health care provider to request a copy of the mental health medication treatment plan created by a health care provider licensed to prescribe medication;
- (3) Contact the appropriate licensing body to verify that the treating mental health care provider is in fact licensed in the jurisdiction in which mental health treatment has been, is being, or will be provided; and
- (4) Contact the licensed mental health care provider to request a copy of each bill or invoice itemizing all charges for mental health services, including for medications and medication management, the payment for which the victim is responsible.

(d) The following kinds of expenses shall be eligible for compensation under the category of mental health expenses:

- (1) The actual cost of treatment, whether individual, group, or both, provided by licensed mental health personnel, after first applying any available insurance or other available collateral financial source, for mental health issues that were directly caused by the crime;
- (2) The portion of the cost for which the claimant is responsible, including co-pays, of all prescription medications prescribed to treat the victim's mental health issues that were directly caused by the crime;
- (3) The portion of the cost for which the claimant is responsible, including co-pays, of the actual amount billed for medication management services if the amount billed is consistent with usual and customary charges for such services in that geographical area;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (4) Mileage to and from appointments with licensed mental health care providers, at the rate used to compensate mileage of state employees in effect at the time the award is made; and
 - (5) All other directly crime-related mental health expenses incurred, including out-of-pocket expenses not already described above.
- (e) Awards for compensation of mental health expenses shall be limited pursuant to the following:
- (1) The commission shall not award compensation for mental health treatment or services provided by mental health personnel who do not hold appropriate licensure for the kind of treatment provided;
 - (2) The commission shall award compensation not to exceed \$3,000, per episode of care, for all actual mental health expenses, excluding for medication management pursuant to (3) below, incurred for the period commencing on the date that the treatment plan is signed by the licensed provider until the earlier of the date of termination of treatment under the plan, or the passing of one year;
 - (3) The commission shall award compensation not to exceed \$1,000 for all medication management services provided, at the rate actually billed by the provider licensed to provide such services provided that it is consistent with usual and customary charges for such services in that geographical area;
 - (4) The commission shall award compensation that does not exceed the portion of the cost of each individual therapy session for which the victim is responsible, limited to the lesser of:
 - a. The Medicaid reimbursement rate applicable to the licensed provider; or
 - b. The amount billed by the licensed provider; and
 - (5) The commission shall award compensation that does not exceed the portion of the cost of each group therapy session for which the victim is responsible, limited to the lesser of:
 - a. The Medicaid reimbursement rate applicable to the licensed provider; or
 - b. The amount billed by the licensed provider.

(f) In circumstances in which a balance remains after applying insurance, other collateral financial sources, and compensation awards under this part, the commission shall contact the licensed mental health care provider to whom the balance is owed and encourage that provider to write off such balance.

Source. #9553, eff 9-25-09

Jus 605.05 Lost Wages Awards.

(a) The commission shall consider and evaluate requests for compensation for lost wages, whether the claimant is self-employed or employed by another, if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for lost wages shall submit the following documentation to support the request:

- (1) If self-employed, the tax returns for the year in which the crime occurred and for the year prior to that;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (2) If employed by another, a statement from the employer that contains the amount of time lost and the wages that would have been earned for that time;
 - (3) If compensation for lost overtime wages is sought, a statement from the employer that addresses the reasons for the overtime lost and the claimant's history of overtime work;
 - (4) For lost wages for more than 14 consecutive days, a report from a licensed health care provider that confirms the claimant's inability to work during that period; and
 - (5) Copies of all written confirmations of appointments with medical providers, mental health providers, police and other law-enforcement officials, and any other appointments necessitated as a direct result of the crime.
- (c) The following activities shall be eligible for compensation under the category of lost wages:
- (1) Time spent for physical or mental recuperation from personal injuries sustained as a direct result of the crime;
 - (2) Time spent for medical appointments;
 - (3) Time spent for mental health appointments;
 - (4) Time spent meeting with police or other law enforcement officials;
 - (5) Time spent for pretrial preparation, including for depositions;
 - (6) Time spent in court during the trial, at sentencing, or both;
 - (7) Time spent at probation hearings; and
 - (8) Time spent at parole hearings.
- (d) Wages lost for any of the reasons listed under (c) above shall be compensable even if the claimant had leave time available from his or her employer and was paid by using such leave time.
- (e) The following limitations shall apply to awards made for lost wages:
- (1) Compensation shall be paid at a rate of 75% of the claimant's gross income, taking into account previously scheduled increases in the claimant's rate of pay;
 - (2) Compensation for overtime shall be awarded based on the claimant's history of working overtime or the employer's verified requirement that the claimant have worked on anticipated overtime, or both;
 - (3) The total compensation paid for lost wages shall not exceed 75% of the claimant's pre-crime wages, including any workers' compensation or disability benefits received.

Source. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Jus 605.06 Loss of Support Awards.

(a) The commission shall consider and evaluate separate requests for compensation for the loss of support from a primary victim if:

- (1) Such primary victim suffers partial or total disability or death as a direct result of the crime;
- (2) The underlying facts of the claim meet the requirements of Jus 605.01; and
- (3) None of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) The following persons shall be eligible to submit requests for compensation for a loss of support:

- (1) The spouse of the primary victim;
- (2) The domestic partner of the primary victim;
- (3) The children or step-children of the primary victim; and
- (4) Any other person claimed by the primary victim as a dependent on the most recent year's tax return.

(c) A separate claim shall be submitted for each eligible person, and the amount awarded pursuant to (f)(2) below shall apply to each such separate claim.

(d) A claimant submitting a request for compensation for loss of support shall submit the following documentation to support the request:

- (1) The primary victim's tax return, listing every dependent, for the year previous to the crime;
- (2) If it is claimed that the primary victim suffered partial or total physical disability, a report from a physician, the New Hampshire department of labor, or the Social Security Administration that declares the primary victim to be or to have been partially or totally disabled;
- (3) If it is claimed that the primary victim suffered partial or total mental health disability, report from a licensed mental health provider whose license authorizes the making of such diagnoses;
- (4) In the case of a primary victim's spouse claiming loss of support, one of the following:
 - a. A copy of the marriage license;
 - b. The most recent year's joint tax return; or
 - c. Affidavits from 2 unrelated persons, neither of whom is related to the claimant, indicating that the claimant and the victim had been married at the time of the crime that resulted in the disability or death of the primary victim;
- (5) In the case of a domestic partner claiming loss of support, separate affidavits from the domestic partner and 2 unrelated persons, neither of whom is related to the claimant, indicating when the relationship began and that the relationship was ongoing at the time of the crime that resulted in the disability or death of the primary victim;
- (6) In the case of a primary victim's child claiming loss of support, a copy of one of the following:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- a. The child's birth certificate listing the primary victim as the child's parent;
 - b. A copy of the victim's most recent tax return showing that the victim claimed the child was his or her dependent; or
 - c. A final order from a court of competent jurisdiction indicating that the child had been adopted by the primary victim; and
- (7) In the case of any other person requesting compensation for loss of support, an affidavit from such other person indicating:
- a. The nature of the relationship with the primary victim;
 - b. When the relationship with the primary victim began; and
 - c. That the primary victim listed the affiant as a dependent on the primary victim's most recent tax return.
- (e) To document that the victim was a victim of a homicide, the unit shall request:
- (1) A copy of the death certificate prepared by the medical examiner for the jurisdiction in which the autopsy was performed; or
 - (2) A letter so stating from the homicide unit in the New Hampshire department if the crime occurred in New Hampshire, or from the prosecuting agency of the jurisdiction in which the crime occurred.
- (f) Whether a loss of support exists shall be determined by applying the following process:
- (1) The amount of income that the victim would have earned between the time of the crime and the time either when the victim would not be able to claim the claimant as a dependent for tax purposes or when the victim would not be under any legal obligation to support the claimant;
 - (2) The total amount of all collateral financial sources, excluding the first \$100,000 in life insurance benefits, shall be divided by the number of dependents and then subtracted from the figure computed pursuant to (1) above;
 - (3) If the amount computed pursuant to (2) above is less than the amount computed pursuant to (1) above, the commission shall determine that a loss of support exists; and
 - (4) If the amount computed pursuant to (2) above is more than the amount computed pursuant to (1) above, the commission shall determine that no loss of support exists.
- (g) For purposes of determining assets to be counted as collateral financial sources for loss of support purposes, any trusts created for the benefit of dependents of the victim shall be included, regardless of whether access to the funds is immediate or not until some future date. The unit, upon learning of such a trust, shall inform the surviving spouse, trustee or guardian that permission from the probate court to invade the trust can be sought for any reason allowed by law.
- (h) The following limitations shall apply to awards made for loss of support:
- (1) Compensation shall be paid in a lump sum;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (2) The amount of compensation shall be the lesser of the amount computed pursuant to (f)(2) above divided by the number of claimants or \$10,000; and
- (3) Awards to a minor claimant shall be made to the surviving parent or to the minor's guardian, provided that such parent or guardian provides judicially enforceable written assurances that the money will be spent in the best interests of the minor.

Source. #9553, eff 9-25-09

Jus 605.07 Relocation Expenses Awards.

- (a) The commission shall consider and evaluate requests for compensation for relocation expenses, if:
 - (1) The offender poses a continuing credible threat to the safety of the claimant;
 - (2) There is either a police report and a temporary restraining order has been issued against the claimant's abuser or potential abuser or a final restraining order has been issued against the claimant's abuser or potential abuser;
 - (3) The underlying facts of the claim meet the requirements of Jus 605.01; and
 - (4) None of the circumstances resulting in ineligibility described in Jus 605.02 applies.
- (b) A claimant submitting a request for compensation for relocation assistance shall submit the following documentation to support the request:
 - (1) A copy of either a police report and a temporary restraining order has been issued against the claimant's abuser or potential abuser or a final restraining order has been issued against the claimant's abuser or potential abuser;
 - (2) A copy of the lease, which shall be for a minimum of one year and list the claimant as the primary responsible party;
 - (3) A copy of the front and back of all pages of each invoice from each utility company providing service at the new residence;
 - (4) An estimate or the actual billing invoice for the services of a moving company or movers; and
 - (5) Copies of all receipts for items the purchase or rental of which was necessitated by the relocation itself.
- (c) The advocate assisting the claimant shall submit a letter of support for the claim for relocation expenses that explains and addresses the following:
 - (1) The history of the domestic violence, regardless of whether there is police documentation, between the claimant and the offender that includes a brief narrative of the most recent incidents of violence, abuse, or threats;
 - (2) A description of the claimant's immediate and specific concerns regarding her or his safety, including the offender's proximity, and how the award will address those concerns;
 - (3) An explanation for any behavior of the claimant that might, on its face, appear to exhibit a lack of cooperation;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (4) A statement regarding the claimant's plan for the future, including expected financial strength and housing; and
 - (5) Any other issues or concerns specific to the claimant or the claimant's situation as they relate to relocation.
- (d) The following shall be eligible for compensation under the category of relocation expenses:
- (1) Security deposit and up to 2 months' rent;
 - (2) Start-up utility expenses, excluding any arrearages, and up to 2 months' utilities;
 - (3) Up to 3 months' storage;
 - (4) The rental of a moving truck or trailer to transport the claimant's possessions;
 - (5) Expenditures necessitated by the relocation including but not limited to:
 - a. Moving materials such as boxes, packaging, and tape;
 - b. Travel expenses to the new location such as:
 - 1. Fuel;
 - 2. Tolls;
 - 3. Food;
 - 4. Lodging; and
 - 5. Fare for bus, train, air or other scheduled carrier's transportation;
 - (6) The cost of the move as billed by the moving company; and
 - (7) Local telephone service and safety-related features such as caller-ID.
- (e) The following limitations shall apply to awards made for relocation expenses:
- (1) Relocation expenses shall be a one-time benefit per claim;
 - (2) Relocation expenses shall be paid for expenses associated with the new residence only and not applied to any arrearages associated with the residence the claimant is leaving or has left;
 - (3) Relocation expenses shall be capped at \$5,000;
 - (4) Compensation for security deposit and 2 month's rent and for the services of the movers shall be paid directly to the landlord and the movers, respectively;
 - (5) No compensation shall be awarded for cable television, long-distance telephone, or Internet service; and
 - (6) The relocation shall occur within 6 months of the award of compensation for relocation unless the claimant requests an extension and demonstrates:
 - a. Housing is not available within that time period; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

b. The circumstances giving rise to the concern for safety are anticipated but will not occur until after the compensation has been awarded.

Source. #9553, eff 9-25-09

Jus 605.08 Funeral and Grave Marker Expenses Awards.

(a) The commission shall consider and evaluate requests for compensation for payment of funeral and grave marker expenses incurred as a result of a homicide if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claim for compensation for funeral and grave marker expenses shall be considered to be and processed as a claim of the primary victim unless the primary victim engaged in contributory conduct sufficient to warrant denial of the primary victim's claim pursuant to Jus 605.02(e).

(c) A claimant submitting a request for compensation for funeral and grave marker expenses shall submit the following documentation to support the request:

- (1) A copy of the final invoice for the funeral; and
- (2) A copy of the final invoice for the grave marker.

(d) The unit shall obtain a copy of the death certificate from the victim witness advocate or from the medical examiner or shall obtain a letter from the homicide unit in the New Hampshire department if the crime occurred in New Hampshire, or from the prosecuting agency of the jurisdiction in which the crime occurred, confirming that the case is a homicide.

(e) The following limitations shall apply to awards made for funeral and grave marker expenses:

- (1) Funeral and grave marker expenses compensation shall be considered as part of the primary victim's claim;
- (2) Funeral expenses shall be capped at \$5,000;
- (3) Grave marker expenses shall be capped at \$500; and
- (4) No compensation shall be awarded for the cost of any of the following:
 - a. Clothing for the victim or any other person;
 - b. Any expense associated with the funeral reception; and
 - c. Any expense associated with a wake.

Source. #9553, eff 9-25-09

Jus 605.09 10-Day Emergency Funds Compensation to Crisis Centers.

(a) Notwithstanding the provisions of Jus 605.01 relative to who may bring a claim for compensation, the commission shall consider and evaluate requests for compensation to a crisis center for payment of 10-day emergency funds by the crisis center to a victim of domestic violence or sexual assault provided that the victim is eligible under Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) A claimant crisis center submitting a request for compensation for compensation of 10-day emergency funds shall submit any of the following documentation to support its claim for eligibility for compensation:

- (1) A copy of the police report for the underlying crime;
- (2) A copy of the final restraining order; or
- (3) A copy of a temporary restraining order and a copy of the police report for the underlying crime.

(c) A claimant crisis center submitting a request for compensation for payment of 10-day emergency funds shall submit copies of all receipts for goods and services provided to the victim for which the crisis center seeks compensation.

(d) Payment for the following goods and services by a crisis center shall be eligible for compensation under the category of 10-day emergency fund compensation:

- (1) Food for the victim and the victim's family;
- (2) The purchase of clothing and personal hygiene items for the victim and the victim's family;
- (3) The cost of shelter for the victim and the victim's family;
- (4) Transportation for the victim and the victim's family;
- (5) The replacement or repair of locks, windows, and doors necessary to secure the residence; and
- (4) The cost of medically necessary medications.

(e) The following limitations shall apply to compensation of crisis centers for payment of 10-day emergency funds to victims of domestic abuse or sexual assault:

- (1) The amount used for the purchase of clothing shall be capped at \$100 per person;
- (2) The per-adult limit for the provision of all goods and services, except the purchase of clothing pursuant to (d)(2) and (e)(1) above, shall be \$1,000;
- (3) The per-child limit for the provision of all goods and services, except the purchase of clothing pursuant to (d)(2) and (e)(1) above, shall be \$250; and
- (4) Compensation shall be made to the crisis center and not to the victim.

Source. #9553, eff 9-25-09

Jus 605.10 Safety and Security Expense Awards.

(a) The commission shall consider and evaluate requests for safety and security expenses incurred as a result of an eligible crime if the underlying facts of the claim meet the requirements of Jus 605.01 and none of the circumstances resulting in ineligibility described in Jus 605.02 applies.

(b) A claimant submitting a request for compensation for safety or security expenses shall submit the following documentation to support the request:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) Copies of all invoices or receipts for safety or security-related devices, improvements, or services for the residence;
 - (2) Copies of all invoices or receipts for safety or security-related devices or services to be used outside the residence; and
 - (3) An explanation of the necessity for such devices or services.
- (c) Items and services eligible for compensation under the safety and security category shall include:
- (1) Installation costs of a residential monitoring system;
 - (2) Up to one year of residential monitoring;
 - (3) Installation of locks and other devices to secure windows and doors in the residence; and
 - (4) Any other device or service the primary purpose of which is to provide safety or security of the claimant, and which is the most cost-effective way of achieving that goal.
- (d) To the extent the commission determines that concerns for the claimant's safety indicate a need for such items, improvements, or services, it shall approve the claim.

Source. #9553, eff 9-25-09

Jus 605.11 Reimbursement of the Fund by Claimants.

- (a) Seeking to recover damages through instituting a civil suit shall neither be required of claimants nor shall it be a bar to an award of compensation from the fund under Jus 600.
- (e) However, as a condition for applying for and accepting any award of compensation from the fund under Jus 600, the claimant shall agree to:
- (1) Upon the filing of a civil suit to recover damages, immediately notify and provide a copy of such filing to the commission and the department;
 - (2) Provide the commission and the department with copies of all potentially dispositive pleadings and all interim and final orders of the court hearing the suit;
 - (3) Immediately notify the commission and department of the receipt of any payment for damages, injury or economic loss from any source; and
 - (4) Within 30 days of receipt of payment pursuant to (3) above, reimburse the fund, through the department.
- (f) Reimbursement pursuant to (e)(4) above shall be in an amount equal to the lesser of:
- (1) The actual amount of compensation awarded by the commission;
 - (2) The amount of such payment received from a collateral financial source; or
 - (3) The net amount of the civil suit judgment after deducting all fees and costs associated with the civil action.

Source. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Jus 605.12 Felonious Sexual Assault Examinations and Prophylaxis.

(a) Pursuant to RSA 21-M:8-c, a person who claims to be a victim of a felonious sexual assault who is examined by physician or hospital for the purpose of gathering information or evidence shall not be charged for such services or examination. The health care provider shall first seek payment for such services or examination from the patient's health care insurer if the victim has health insurance but if the victim does not have such insurance, the health care provider shall seek payment directly from the department or shall write off such charges.

(b) For the safety and privacy of the victim, the health care provider shall not, under any circumstances, send an invoice or billing statement directly to the victim but shall send it directly to the department.

(c) If a person who claims to be a victim of a felonious sexual assault has health insurance which requires the payment of a deductible or a co-payment for such services or examination, the department shall either reimburse the victim for such payment made or pay such deductible or co-payment directly.

(d) The victim shall agree to forensic evidence collection, as set forth in the "Revised 2005 Edition of Sexual Assault Medical/Forensic Protocol" if examination is sought within 5 days of the assault. The evidence so collected shall not be examined forensically unless the victim also reports the crime to law enforcement. The victim may initially choose to have such evidence collection done anonymously, but the victim shall choose whether to report the crime within 60 days of the evidence collection. If the victim does not report within the 60-day period, the evidence shall be destroyed.

(e) If it is determined by the examining health care provider that the victim may have been exposed to HIV/AIDS as a result of the assault, a voucher for prophylactic medication(s) shall be given to the victim.

(f) Each victim shall also receive a voucher for forensic medical follow-up care. Any payment of a deductible or co-payment for such care shall be handled as provided in (c) above.

(g) A victim who has sought medical treatment pursuant to (a) and (d) above shall be deemed to:

- (1) Have made a report to law enforcement in compliance with Jus 605.02(c); and
- (2) Be credible evidence that an eligible crime has occurred pursuant to Jus 605.02(d).

Source. #9553, eff 9-25-09

PART Jus 606 COMMISSION PROCEDURES

Jus 606.01 Commission Chair.

(a) The members of the commission shall, after polling its members, make a recommendation to the attorney general as to its preference for commission chair.

(b) The attorney general shall consider the recommendation of the commission and designate one member of the commission who shall serve as chair. The term shall be for one year.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) The chair shall, unless absent or recused, preside at all meetings of the commission. In the absence of the chair, the commissioners present shall select a member to act as chair for that meeting, only.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99, EXPIRED: 10-8-07

New. #9553, eff 9-25-09

Jus 606.02 Meeting. The commission shall, if a quorum is available, meet monthly or at the call of the chair.

Source. #9553, eff 9-25-09

Jus 606.03 Attendance. Commission members shall attend each regular and special meeting of the commission or shall contact commission staff at least 24 hours prior to a meeting the member will be unable to attend.

Source. #9553, eff 9-25-09

Jus 606.04 Quorum.

(a) No business of the commission shall be conducted unless a quorum is present.

(b) For purposes of a commission meeting, a quorum shall require the presence of at least 3 commission members. Such presence can be physical or electronic, but if electronic, all other commission members and all other persons entitled to be present shall be able at least to hear the physically absent commission member via telephone, Internet, or any other modality that allows instant, real-time communication and participation.

(c) For purposes of a commission vote, a quorum shall require the presence of at least 3 commission members who have not recused themselves and are otherwise entitled to vote on the pending question. Such presence can, subject to the provisions of RSA 91-A:2, III, be physical or electronic, but if electronic, all other commission members entitled to be present shall be able at least to hear the physically absent commission member via telephone, Internet, or any other modality that allows instant, real-time communication and participation.

Source. #9553, eff 9-25-09

Jus 606.05 Commission Meetings.

(a) Notice of commission meetings shall be posted at least in the following sites and at the locations where notices typically are posted at the:

(1) Department on the public notice bulleting board in the public reception area; and

(2) State House in the elevators and on the public notice bulletin board next to the cafeteria.

(b) Commission staff shall prepare a specific agenda for each meeting. Each agenda shall briefly describe the business that the commission can be anticipated to consider, act upon, or both. However, such descriptions shall contain no personally identifiable information regarding any victim or claimant so as not to revictimize such persons.

(c) The general elements of meeting agendas shall include:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) Administrative issues raised by commission staff;
- (2) Review and approval of the previous meeting's minutes;
- (3) Review of fund financial information;
- (4) Identification by claim number of felonious sexual assault examinations conducted;
- (5) Identification by claim number drug testing awaiting authorized signatures;
- (6) Identification by claim number of administrative claims mailed to commission members for their review at the meeting;
- (7) Identification by claim number of other claims mailed to commission members for their review at the meeting;
- (8) Old business;
- (9) New business;
- (10) Discussion and setting of future meeting dates; and
- (11) A statement of other events and dates that relate to the work of the commission and which might be of interest to commission members.

(d) Commission meetings shall be open to the public for those portions of the meetings at which there is no basis for entering into nonpublic session. However, when there is a basis for going into nonpublic session as provided pursuant to RSA 91-A:3, the commission shall, unless otherwise requested by the person affected, enter nonpublic session and take all actions required under that provision.

Source. #9553, eff 9-25-09

Jus 606.06 Decisions. All decisions of the commission shall be final except as provided in Jus 606.07.

Source. #9553, eff 9-25-09

Jus 606.07 Reconsideration.

(a) Any victim or claimant who is adversely affected by a decision of the commission may submit a written motion for reconsideration pursuant to Jus 603.03(o) or a notice of appeal pursuant to Jus 603.03(s) and (t).

(b) Each petition for reconsideration or notice of appeal shall be filed with the unit no later than 14 days from the date of the letter notifying the claimant of the commission's adverse decision.

(c) The petition for reconsideration or notice of appeal shall be served in person or by mail to the following address:

Victims' Compensation Unit
Department of Justice
33 Capitol Street
Concord, NH 03301-6397

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) Each motion for reconsideration shall be considered as set forth in Jus 603.03(p) through (r), and each notice of appeal shall be considered as set forth in Jus 603.03(t).

(e) A motion for reconsideration shall be placed on the agenda of the first commission meeting that is at least 14 days after the filing of the motion.

(f) A motion for reconsideration or an appeal shall be decided as soon as is practicable and in accordance with RSA 541-A:29.

(g) A written decision on the motion for reconsideration shall be provided to the claimant within 30 days of the date of the decision on the motion.

Source. #9553, eff 9-25-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

APPENDIX

RULE	STATE STATUTE IMPLEMENTED
Jus 601	RSA 541-A:8
Jus 602	RSA 541-A:7 and RSA 541-A:8
Jus 603.01	RSA 541-A:8
Jus 603.02	RSA 21-M:8-g and RSA 21-M:8-j, III
Jus 603.03	RSA 21-M:8-h and RSA 21-M:8-j, I
Jus 604	RSA 541-A:8, RSA 21-M:8-j, I
Jus 605 (all provisions)	RSA 21-M:8-h, RSA 21-M:8-j
Jus 605.02	RSA 21-M:8-h, IV and RSA 21-M:8-j, V
Jus 605.11	RSA 21-M:8-j, IV
Jus 605.12	RSA 21-M:8-c
Jus 606	RSA 21-M:8-g, III and RSA 541-A:16, I(b)

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: January 27, 2010

LOB ROOM: 204

Amendments:

Sponsor: Rep. Robert R. Cushing OLS Document #: 2010 0089h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Robert R. Cushing

Seconded by Rep. Barbara A. McCarthy

Vote: 19-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

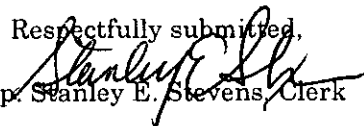
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: 1-27-10

LOB ROOM: 204

Amendments:

Sponsor: Rep. <i>Cushing</i>	OLS Document #: <i>2010-0089h</i>
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Cushing*

Seconded by Rep. *McCarthy*

Vote: *19-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *19-0*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: 3/16/10

LOB ROOM: 202

Amendments: House Ways and Means

Sponsor: Rep. OLS Document #: 0998h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

On Amendment #2010-0998h

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Davis

Seconded by Rep. Hatch

Vote: 20-0 (Please attach record of roll call vote.)

On amendment #0998h and words added "incurred after the passage of the bill" therefore a revised amendment # 2010-1026h

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Davis

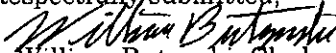
Seconded by Rep. Hatch

Vote: 19-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 1441

BILL TITLE: relative to claimant eligibility for victim's compensation.

DATE: 3/16/10

LOB ROOM: 202

Amendments:

Sponsor: Rep. *House Ways & Means* OLS Document #: *2010-0998 h*
 Sponsor: Rep. OLS Document #:
 Sponsor: Rep. OLS Document #:

on Amendment # 2010-0998 h

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Davis*

Seconded by Rep. *Hatch*

Vote: *20/0* (Please attach record of roll call vote.)

*Sec 5 & 6 should be added to the language of this bill
 similar to revised amendment #*

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Davis*

Seconded by Rep. *Hatch*

Vote: *19/0* (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

OK
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David A. Borden, Clerk

WAYS AND MEANS

Bill #: HB 1441 Title: relative to claimant eligibility for widow's compensation

PH Date: 31 8 10 Exec Session Date: 3 16 10

Motion: OTP/A by Davis & Hatch Amendment #: 2010-0998 lv

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L <i>Griffin, Mary E.</i>	✓	
Griffin, Mary E <i>Price, Pamela</i>	✓	
Lockwood, Priscilla P	✓	
Boutin, David R <i>Hew, David</i>	✓	
Bettencourt, David J	✓	
Ober, Russell T		✓
Sapareto, Frank V	✓	
Ulery, Jordan G	✓	
Osgood, Joe	✓	
	19	1
TOTAL VOTE:		

Committee Report

CONSENT CALENDAR

February 3, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1441,

AN ACT relative to claimant eligibility for victim's compensation. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Robert R Cushing

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB1441
Title:	relative to claimant eligibility for victim's compensation.
Date:	February 3, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

Last year the legislature passed a bill establishing a cold case homicide unit. The unit is up and running and working to solve 113 unsolved murders. This bill makes family members of cold case victims eligible for victim's compensation for counseling expenses and expenses associated with victim's participation in pre and post conviction proceedings. All funds for this compensation come from criminal fines and penalties, with no taxpayer money involved.

Vote 19-0.

Rep. Robert R Cushing
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB1441, relative to claimant eligibility for victim's compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for CRIMINAL JUSTICE AND PUBLIC SAFETY. Last year the legislature passed a bill establishing a cold case homicide unit. The unit is up and running and working to solve 113 unsolved murders. This bill makes family members of cold case victims eligible for victim's compensation for counseling expenses and expenses associated with victim's participation in pre and post conviction proceedings. All funds for this compensation come from criminal fines and penalties, with no taxpayer money involved. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

HB 1441 relative to claimant eligibility for victim's compensation.

Last year the legislature passed a bill establishing a cold case homicide unit. The unit is up and running and working to solve 113 unsolved murders. This bill makes family members of cold case victims eligible for victim's compensation for counseling expenses and expenses associated with victim's participation in pre and post conviction proceedings. All funds for this compensation come from criminal fines and penalties, with no taxpayer money involved.

**Rep. Robert R. Cushing
For the Committee**

**19-0 OTP/A
CC**



COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 1441

TITLE: Relative to Claimant eligibility for victim's compensation.

DATE: 1/27/10 CONSENT CALENDAR YES NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT
(Include Committee Vote)**

Last year the legislature passed a bill establishing a cold case homicide unit. The unit is up and running and working to solve 113 unsolved murder. This bill makes ^{family members of, cold case} victims eligible for victims compensation for counseling expenses and expenses associated with the victim's participation in pre and post conviction proceedings.

~~These funds~~ All funds for this compensation come from criminal fines and penalties, with NO taxpayer money.

Vote. 19-0 murder

Rep. Robert Cushing
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT



CONSENT CALENDAR

March 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on WAYS AND MEANS to which was referred HB1441,

AN ACT relative to claimant eligibility for victim's compensation. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Frank W Davis

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	WAYS AND MEANS
Bill Number:	HB1441
Title:	relative to claimant eligibility for victim's compensation.
Date:	March 17, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill allows victims of a crime under investigation by the cold case homicide unit as established in N.H. Laws 2009, 269:1 to be eligible, regardless of the date of the crime, for victim's compensation. Compensation for these individuals would be limited only for counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings, incurred after the effective date of this legislation. The balance in the victim's assistance fund at the end of FY 2009 was \$292,043. Revenue and expenditures for the fund for FY 2010 and FY 2011 were projected at \$900,000 for each year. The committee is requesting yearly status reports on the fund in order to assess the impact of increasing the number of eligible victims.

Vote 19-1.

Rep. Frank W Davis
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

WAYS AND MEANS

HB1441, relative to claimant eligibility for victim's compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank W Davis for WAYS AND MEANS. This bill allows victims of a crime under investigation by the cold case homicide unit as established in N.H. Laws 2009, 269:1 to be eligible, regardless of the date of the crime, for victim's compensation. Compensation for these individuals would be limited only for counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings, incurred after the effective date of this legislation. The balance in the victim's assistance fund at the end of FY 2009 was \$292,043. Revenue and expenditures for the fund for FY 2010 and FY 2011 were projected at \$900,000 for each year. The committee is requesting yearly status reports on the fund in order to assess the impact of increasing the number of eligible victims. **Vote 19-1.**

Original: House Clerk
Cc: Committee Bill File

HB 1441 – Majority Report

This bill allows victims of a crime under investigation by the cold case homicide unit as established in N.H. Laws 2009, 269:1 to be eligible, regardless of the date of the crime, for victim's compensation. Compensation for these individuals would be limited only for counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings, incurred after the effective date of this legislation. The balance in the victim's assistance fund at the end of FY 2009 was \$292,043. Revenue and expenditures for the fund for FY 2010 and FY 2011 were projected at \$900,000 for each year. The committee is requesting yearly status reports on the fund in order to assess the impact of increasing the number of eligible victims.

Rep. Frank Davis

A handwritten signature in black ink, appearing to be 'F. Davis', located to the right of the printed name.

HB 1441 Relative to claimant eligibility for victim's compensation.

This bill allows victims of a crime under investigation by the cold case homicide unit as established in N.H. Laws 2009, 269:1 to be eligible, regardless of the date of the crime, for victim's compensation. Compensation for these individuals would be limited only for counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings, *INCURRED AFTER*

The balance in the victim's assistance fund at the end of FY2009 was \$292,043.

Revenue and expenditures for the fund for FY2010 and FY2011 were projected at \$900,000 for each year. The committee is requesting yearly status reports on the fund in order to assess the impact of increasing the number of eligible victims.

~~PASSAGE OF THIS BILL.~~
THE EFFECTIVE DATE
OR THIS LEGISLATION.

KEEP

Frank W. Davis



COMMITTEE REPORT

COMMITTEE: HOUSE WAYS & MEANS
BILL NUMBER: HB 1441
TITLE: RELATIVE TO CLAIMANT ELIGIBILITY
FOR VICTIM'S COMPENSATION
DATE: 3/16/10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
 OUGHT TO PASS W/ AMENDMENT
 INEXPEDIENT TO LEGISLATE
 INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2010-1026 R

STATEMENT OF INTENT:

ATTACHED SHEET

COMMITTEE VOTE: 19-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Frank W. Davis SMA
For the Committee