

LEGISLATIVE COMMITTEE MINUTES

**SB136**

# Bill as Introduced

SB 136 - AS INTRODUCED

2013 SESSION

13-0880  
04/03

SENATE BILL

***136***

AN ACT

relative to the rights of the immediate family of crime victims.

SPONSORS:

Sen. Carson, Dist 14

COMMITTEE:

Judiciary

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ANALYSIS

This bill amends the rights of the immediate family of crime victims.

.....

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen*

AN ACT relative to the rights of the immediate family of crime victims.

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

1 Rights of Crime Victims. Amend RSA 21-M:8-k, I-II to read as follows:

2 I. As used in this section:

3 (a) "Victim" means a person who suffers direct or threatened physical, emotional,  
4 psychological, or financial harm as a result of the commission or the attempted commission of a  
5 crime. "Victim" also includes the immediate family of any victim who is a minor or who is  
6 incompetent, or the immediate family of a homicide victim, or the surviving partner in a civil union.

7 (b) "Crime" means a violation of a penal law of this state for which the offender, upon  
8 conviction, may be punished by imprisonment for more than one year or an offense expressly  
9 designated by law to be a felony.

10 (c) ***"Immediate family" means a victim's spouse, parent, grandparent, child,***  
11 ***sibling, or legal representative.***

12 II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement  
13 and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the  
14 accused, crime victims ***and immediate family*** are entitled to the following rights:

15 (a) The right to be treated with fairness and respect for their dignity and privacy  
16 throughout the criminal justice process.

17 (b) The right to be informed about the criminal justice process and how it progresses,  
18 ***including the right to be informed by the investigating law enforcement agency within 24***  
19 ***hours of the occurrence of the offense of the following:***

20 (1) ***A list of local emergency and crisis services available.***

21 (2) ***The name and phone number of the law enforcement officer in charge of***  
22 ***the investigation and the law enforcement agency in charge of making the report.***

23 (3) ***An outline of the procedural steps in a criminal prosecution.***

24 (4) ***The availability of victims rights benefits, including the existence and***  
25 ***eligibility requirements for restitution and compensation.***

26 (5) ***A listing of all the rights afforded to a victim or his or her immediate***  
27 ***family.***

28 (6) ***A recommended procedure in the event the victim or his or her immediate***  
29 ***family is subject to threats or intimidation.***

30 (c) The right to be free from intimidation and to be reasonably protected from the  
31 accused throughout the criminal justice process, ***and to refuse any communication with the***

1 *accused. The victim and the victim's immediate family shall have the right to a court*  
2 *hearing if they have been harassed or intimidated by the accused or anyone*  
3 *representing or supporting the accused.*

4 (d) The right to be notified of all court proceedings.

5 (e) The right to attend trial and all other court proceedings the accused has the right to  
6 attend.

7 (f) The right to confer with the prosecution and to be consulted about the disposition of  
8 the case, including plea bargaining.

9 (g) The right to have inconveniences associated with participation in the criminal justice  
10 process minimized.

11 (h) The right to be notified if presence in court is not required.

12 (i) The right to be informed about available resources, financial assistance, and social  
13 services.

14 (j) The right to restitution, as granted under RSA 651:62-67 or any other applicable state  
15 law, or victim's compensation, under RSA 21-M:8-h or any other applicable state law, for their losses.

16 (k) The right to be provided a secure~~[-but not necessarily]~~ *and* separate<sup>[s]</sup> waiting area  
17 during court proceedings.

18 (l) The right to be advised of case progress and final disposition.

19 (m) The right of confidentiality of the victim's address, place of employment, and other  
20 personal information.

21 (n) The right to the prompt return of property when no longer needed as evidence.

22 (o) The right to have input in the probation presentence report impact statement.

23 (p) The right to appear ~~[and]~~, make a written or oral victim impact statement, *and*  
24 *display a photograph of the victim taken prior to the offense*, at the sentencing of the  
25 defendant or, in the case of a plea bargain, prior to any plea bargain agreement. No victim shall be  
26 subject to questioning by counsel when giving an impact statement.

27 (q) The right to be notified of an appeal, an explanation of the appeal process, *and* the  
28 time, place, and result of the appeal, and the right to attend the appeal hearing.

29 (r) The right to be notified of, to attend, and to make a written or oral victim impact  
30 statement at the sentence review hearings and sentence reduction hearings. No victim shall be  
31 subject to questioning by counsel when giving an impact statement.

32 (s) The right to be notified of any change of status such as prison release, permanent  
33 interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim  
34 through the victim advocate.

35 (t) The right to address or submit a written statement for consideration by the parole  
36 board on the defendant's release and to be notified of the decision of the board, when requested by  
37 the victim through the victim advocate.

1           (u) The right to all federal and state constitutional rights guaranteed to all victims of  
2 crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the  
3 right not to be discriminated against or have their rights as [~~a-victim~~] *victims* denied, diminished,  
4 expanded, or enhanced on the basis of the [~~victim's~~] *victims'* support for, opposition to, or neutrality  
5 on the death penalty.

6           (v) The right to access to restorative justice programs, including victim-initiated victim-  
7 offender dialogue programs offered through the department of corrections.

8           (w) The right to be informed of the filing of a petition for post-conviction DNA testing  
9 under RSA 651-D.

10         2 Effective Date. This act shall take effect 60 days after its passage.

SB 136 - AS AMENDED BY THE SENATE

03/14/13 0733s

2013 SESSION

13-0880  
04/03

SENATE BILL **136**

AN ACT relative to the rights of the immediate family of crime victims.

SPONSORS: Sen. Carson, Dist 14

COMMITTEE: Judiciary

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ANALYSIS

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AN ACT relative to the rights of the immediate family of crime victims.

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

- 1 1 Name of Act. This act shall be known as Tony’s Law.
- 2 2 Rights of Crime Victims. Amend RSA 21-M:8-k, I-II to read as follows:
- 3 I. As used in this section:
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- 5 psychological, or financial harm as a result of the commission or the attempted commission of a
- 6 crime. “Victim” also includes the immediate family of any victim who is a minor or who is
- 7 incompetent, or the immediate family of a homicide victim, or the surviving partner in a civil union.
- 8 (b) “Crime” means a violation of a penal law of this state for which the offender, upon
- 9 conviction, may be punished by imprisonment for more than one year or an offense expressly
- 10 designated by law to be a felony.
- 11 II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement
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- 19 (1) *A list of local emergency and crisis services available.*
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- 21 *the investigation and the law enforcement agency in charge of making the report.*
- 22 (c) The right to be free from intimidation and to be reasonably protected from the
- 23 accused throughout the criminal justice process, *and to refuse any communication with the*
- 24 *accused.*
- 25 (d) The right to be notified of all court proceedings.
- 26 (e) The right to attend trial and all other court proceedings the accused has the right to
- 27 attend.
- 28 (f) The right to confer with the prosecution and to be consulted about the disposition of
- 29 the case, including plea bargaining.
- 30 (g) The right to have inconveniences associated with participation in the criminal justice



1 process minimized.

2 (h) The right to be notified if presence in court is not required.

3 (i) The right to be informed about available resources, financial assistance, and social  
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5 (j) The right to restitution, as granted under RSA 651:62-67 or any other applicable state  
6 law, or victim's compensation, under RSA 21-M:8-h or any other applicable state law, for their losses.

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9 (l) The right to be advised of case progress and final disposition.

10 (m) The right of confidentiality of the victim's address, place of employment, and other  
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12 (n) The right to the prompt return of property when no longer needed as evidence.

13 (o) The right to have input in the probation presentence report impact statement.

14 (p) The right to appear ~~[and]~~, make a written or oral victim impact statement, **and**  
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26 (t) The right to address or submit a written statement for consideration by the parole  
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28 the victim through the victim advocate.

29 (u) The right to all federal and state constitutional rights guaranteed to all victims of  
30 crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the  
31 right not to be discriminated against or have their rights as ~~[a-victim]~~ **victims** denied, diminished,  
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33 on the death penalty.

34 (v) The right to access to restorative justice programs, including victim-initiated victim-  
35 offender dialogue programs offered through the department of corrections.

36 (w) The right to be informed of the filing of a petition for post-conviction DNA testing  
37 under RSA 651-D.

**SB 136 – AS AMENDED BY THE SENATE**

**- Page 3 -**

**1**        **3** Effective Date. This act shall take effect 60 days after its passage.

# Amendments



Amendment to SB 136

1 Amend the bill by replacing all after the enacting clause with the following:

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Amendment to SB 136

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Amendment to SB 136  
- Page 3 -



- 1 under RSA 651-D.
- 2 3 Effective Date. This act shall take effect 60 days after its passage.

# Committee Minutes

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**AMENDED**  
**SENATE CALENDAR NOTICE**  
**JUDICIARY**

Printed: 02/07/2013 at 4:16 pm

Senator Sharon Carson Chairman  
Senator Bette Lasky V Chairman  
Senator David Boutin  
Senator Sam Cataldo  
Senator Donna Soucy

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

**Date: February 7, 2013**

**HEARINGS**

**Tuesday**

**2/19/2013**

**JUDICIARY**

**SH 103**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** The purpose of this hearing notice is to move the previously-noticed hearing on SB 166 to a different date.

9:00 AM	SB156-FN	relative to the appointment of a guardian ad litem in certain sexual assault cases.
9:20 AM	SB109	relative to liability for the use of ethanol-enhanced motor fuel.
9:45 AM	SB136	relative to the rights of the immediate family of crime victims.

**Sponsors:**

**SB156-FN**

Sen. Bette Lasky

Sen. Donna Soucy

Sen. Sharon Carson

Rep. Paul Hackel

**SB109**

Sen. Andy Sanborn

Sen. David Boutin

Sen. Jeb Bradley

Sen. Sharon Carson

Sen. Sam Cataldo

Sen. Martha Fuller Clark

Sen. Bob Odell

Sen. John Reagan

Sen. David Watters

**SB136**

Sen. Sharon Carson

Susan Duncan 271-3076

Sen. Sharon Carson

Chairman

# SENATE JUDICIARY COMMITTEE

*Susan Duncan, Senior Legislative Aide*

**SB 136 – relative to the rights of the immediate family of crime victims.**

Hearing Date: February 19, 2013

Time Opened: 9:55 a.m.

Time Closed: 10:18 a.m.

**Members of the Committee Present:** Senators Carson, Lasky, Boutin, Soucy and Cataldo

**Members of the Committee Absent:** No one

**Bill Analysis:** This bill amends the rights of the immediate family of crime victims.

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**Sponsors:** Senator Carson

**Who supports the bill:** Senator Carson; Sandra Matheson, Attorney General's Office; Lisa Miffitt

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Senator Carson**

Explained that this bill arises out of an incident a constituent had where her son was killed in a tragic accident with a gun. She explained that in the Hillsborough County court, the family was not treated very well, left out of important decisions, etc. She looked at other state statutes and compared them to what we have and is bringing this forward. She includes a new definition of the immediate family as well as a right to be informed of the process that is taking place. She said that it is very difficult to navigate the judicial system.

**Sandra Matheson, DOJ,** testified as the Director of Victim-Witness Assistance. She explained in detail the services that her office is mandated to provide to assist families of homicides. Her office has advocates who work with the families and they were recognized in 2009 as a model program. She acknowledged that county attorneys provide similar services.

She had some points with the bill as currently written and offered to meet with Senator Carson to work out language for an amendment. For instance, with the definition of "immediately family" we could end up excluding a non-traditional

family member in need of services. She said that her office has deliberately not defined the term so that individuals who need their services can receive them. She asked whether the services were intended to assist victims in all crimes or just homicides. Regarding the bill's requirement for law enforcement to assist families within the first 24 hours, whether this should be their job – as the crime has just occurred and they will be looking into that. Perhaps this should fall to the victim advocate. She had an example of a tear-off sheet that their advocates are required to give which explains in detail resources that are available. She said that their goal is to minimize the impact that the crime has with the families and to treat them with dignity and respect. She clarified that her sole purpose is to be sure that there are no unintended consequences.

**Lisa Miffitt**

Testified on behalf of her daughter, a minor, who was a victim. She felt it was important to make sure that no one is excluded in the definitions of victims. She said that it is very important that the families need to be protected.

**Senator Boutin**, in questioning **Sandra Matheson**, asked what happens if there is a restraining order against a family member. **Ms. Matheson** responded that they do look at each case individually and that any court order or protective order would over-ride their bill of rights. She said that it is common for families to be divided in these cases and that they do look at each one individually.

**Summary of testimony presented in opposition:**

No one appeared in opposition.

**Fiscal Note:** Not applicable.

**Future Action:** The Committee took the bill under advisement.

sfd  
Date hearing report completed: February 20, 2013

[file: SB 0136 report]

# Speakers

SENATE JUDICIARY COMMITTEE

Date: February 19, 2013 Time: 9:45 a.m. Public Hearing on SB 136

SB 136 - relative to the rights of the immediate family of crime victims.

Please check box(es) that apply:

SPEAKING FAVOR  OPPOSED

NAME (Please print)

REPRESENTING

"P"    SENATOR SHARON M. CARSON SD # 14

with amendments  SANDRA MATHESON ATTORNEY GENERAL'S OFFICE

Grid of checkboxes for speaking in favor or opposed, with corresponding lines for name and representing information.





# Testimony

**VICTIMS OF FELONY CRIMES IN NEW HAMPSHIRE  
HAVE RIGHTS  
WHICH ARE PROTECTED BY LAW**

**RSA 173 - B:10(d) - NEW HAMPSHIRE CRIME VICTIMS'  
BILL OF RIGHTS INCLUDES:**

- ◆ THE RIGHT TO BE TREATED WITH DIGNITY AND RESPECT THROUGHOUT THE ENTIRE CRIMINAL JUSTICE PROCESS.
- ◆ THE RIGHT TO BE INFORMED ABOUT THE PROCESS AND TO BE NOTIFIED OF ALL COURT PROCEEDINGS.
- ◆ THE RIGHT TO ATTEND THE TRIAL AND ALL OTHER COURT PROCEEDINGS THE ACCUSED HAS THE RIGHT TO ATTEND.
- ◆ THE RIGHT TO BE PROTECTED FROM INTIMIDATION THROUGHOUT THE PROCESS.
- ◆ THE RIGHT TO BE INFORMED ABOUT AVAILABLE RESOURCES, FINANCIAL ASSISTANCE AND SOCIAL SERVICES.

**DOMESTIC VIOLENCE AND SEXUAL ASSAULT CRISIS SERVICES**

**STATEWIDE DOMESTIC VIOLENCE HOTLINE 1-866-644-3574  
STATEWIDE SEXUAL ASSAULT HOTLINE 1-800-277-5570  
[www.reachouthn.org](http://www.reachouthn.org) ◆ [www.nhcadsv.org](http://www.nhcadsv.org)**

**New Hampshire Coalition Against Domestic and Sexual Violence 224-8893**

*The Coalition is comprised of 14 programs that provide services to victims of sexual assault, domestic violence and stalking. The services are FREE, confidential and include a 24-hour crisis line, emergency shelter and transportation, court advocacy in obtaining protective orders against abusers, hospital and court accompaniment for sexual assault survivors, support groups and information and help in obtaining public assistance.*

Berlin (SA)	1-800-277-5570	Laconia (SA)	1-800-277-5570
Berlin (DV)	1-866-644-3574	Laconia (DV)	1-866-644-3574
Concord (SA)	1-800-277-5570	Lebanon	1-866-348-WISE
Concord (DV)	1-866-644-3574	Littleton	1-800-774-0544
Conway	1-800-336-3795	Manchester	668-2299
Claremont	1-800-639-3130	Nashua	883-3044
Durham UNH	862-SAFE	Plymouth	536-1659
Durham UNH	1-866-233-7233	Portsmouth (DV)	1-800-854-3552
Keene	352-3782	Portsmouth (SA)	1-800-747-7070

# IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE, INCLUDING THREATS OF VIOLENCE:

is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including but not limited to, a designated meeting place to be used as a crisis center, a family member or friend's residence, or a similar place of safety. If you are in need of medical treatment you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department.

- ◇ You have the right to go to the District, Family or Superior Court to obtain a protective order against the person who abused or threatened you.
- ◇ Contact your local Domestic Violence Crisis Center for free, confidential support and assistance.
- ◇ The police officer has the responsibility to decide whether or not to make an arrest; an officer can arrest with or without your consent if the officer believes that a crime has been committed.

## VICTIM/WITNESS ASSISTANCE PROGRAMS

*These programs provide orientation, notification, information and support throughout the criminal justice process within the Superior Courts and in some District Courts.*

- ◇ Attorney General's Office of Victim Assistance 271-3671 ◇

Belknap County	527-5440	Hillsborough South	594-3255
Carroll County	439-7476	Merrimack County	228-0529
Cheshire County	355-3013	Rockingham County	642-4249
Coos County	788-3812	Strafford County	749-4215
Grafton County	787-6968	Sullivan County	863-83
Hillsborough North	627-5605	U.S. Attorney's Office	225-15

### CRIME VICTIMS' COMPENSATION PROGRAM

*If you are a victim of a violent crime, or the family or dependent of a deceased victim, you may be eligible for compensation for hospital/medical expenses, lost wages, funeral expenses and/or mental health therapy expenses, not otherwise covered by insurance. Property crimes are not covered.*

**FOR MORE INFORMATION CALL 1-800-300-4500 (toll free in NH only)  
603-271-1284 (out of state)**

**CHILD ABUSE REPORTING LINE: 1-800-894-5533**

**ELDER AND INCAPACITATED ADULT ABUSE REPORTING LINE**

**1-800-322-9191**

NAME OF POLICE OFFICER:

POLICE DEPARTMENT:

CASE NUMBER:

COURT LOCATION:

Provided by

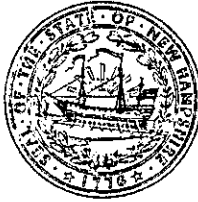
THE NEW HAMPSHIRE ATTORNEY GENERAL'S OFFICE (603) 271-3671

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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

**SENATE BILL 136 Relative to the Rights of Victims of Crime**

February 19, 2013

Honorable Chair and Committee Members,

Good morning. My name is Sandra Matheson and for the past 26 years, I have served as the Director of the Attorney General's Office of Victim/Witness Assistance (OVWA) and have worked with violent crime victims for over 32 years. I would like to commend Chairman Carson for your support of crime victim rights and for recognizing the trauma that victims go through and the importance of ensuring those rights. I would like respectfully offer my thoughts on Senate Bill 136.

For background, OVWA was created legislatively in 1987 to standardize services to victims of crime statewide, through enhancing victim advocacy services, policy and protocol development and training. In addition, OVWA provides 24-hour services and support in all of the state's homicide cases, with the exception of negligent homicides, which are prosecuted out of the County Attorneys Offices. Advocates from my office respond to the scene, deliver the death notification to families and provide comprehensive services, notification, information and support through the entire criminal justice system as well as during post-conviction. In 2009, OVWA was awarded a grant from the USDOJ Office for Victims of Crime recognizing it as one of three model homicide victim service programs in the country.

The County Attorney's Offices prosecute all negligent homicides and other felony level crimes and they all have Victim/Witness Programs with dedicated victim/witness advocates who provide services and support to victims in those cases. The services of the County Victim/Witness Advocates are very similar to the services provided by OVWA victim/witness advocates except that, because of their heavy caseloads, many of them are not on 24-hour call. It is the victim/witness advocate's role/job description to ensure that victims receive all of the rights under the NH Crime Victim Bill of Rights.

In 1991, I had the privilege of assisting in the drafting of New Hampshire's Crime Victim Bill of Rights, (21-M:8) which outlines the rights that victims of felony crimes have as they move through the difficult and stressful criminal justice system. The bill has been amended several times over the years in an effort to continue to enhance the rights of victims.

In regards to the changes made in Senate Bill 136, I have a few suggestions. In regards to "immediate family" – The current definition of "victim" already includes "immediate family" of

a child who is a minor or incompetent and the family members of victims who have died. The definition was intentionally limited to these specific cases because all other crime victims were already included in the definition of victim, but child victims and homicide victim's families, who are greatly impacted, were not covered and they were not entitled to any rights or services. If the intent is to add immediate family in all crimes to the definition, this would be extremely difficult to ensure and in most cases would not be necessary.

"Immediate family" is intentionally not defined because an immediate family member may be different in each case. I am concerned that by defining "immediate family" in a limited way, it may unintentionally result in someone who was extremely close to the victim being denied their rights because they do not meet the definition, for example this case does not include "step" family members.

Section II. (b) makes law enforcement responsible for some of the duties of the victim/witness advocate. I think adding (2) is important, as it is currently best practice to have the responding officer immediately give the victim his/her contact information. In addition, in domestic violence cases, including misdemeanors, RSA173:B currently mandates that law enforcement give victims a *Victim Notification Sheet* that contains their contact information, a list of crisis centers and victim/witness programs and information on the Bill of Rights, victim compensation and other victim resources.

The rights outlined in (1) and (3) through (6) are currently included in the services and information provided by the victim/witness advocates. They are responsible for providing victims with resources, including crisis center referrals, for explaining the criminal justice system and keeping victims notified of court hearings and case status, for providing them with information on victim compensation and restitution, for explaining to them their rights and for ensuring that they are free from harassment. The goal of the Victim/Witness Programs is to minimize the impact that violent crime and the resulting involvement in the criminal justice system has on victims, to ensure that all of their rights under the New Hampshire Crime Victim Bill of Rights are protected and that they are treated with dignity and respect and they are committed to meeting that goal. There will always be cases where victims may feel that the system "let them down" but we do our best every day to minimize that from happening.

I have attached a copy of the bill with some suggestions, along with a copy of the current Bill of Rights and the domestic violence law enforcement notification sheet. Thank you for the opportunity to speak with you today and for your commitment to the rights of victims of crime in New Hampshire.

Sincerely,

Sandra Matheson, Director  
Office of Victim/Witness Assistance  
(603) 271-3671  
[Sandi.matheson@doj.nh.gov](mailto:Sandi.matheson@doj.nh.gov)

**Suggestions on Senate Bill 136:**

1 Rights of Crime Victims. Amend RSA 21-M:8-k, I-II to read as follows:

I. As used in this section:

(a) "Victim" means a person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim, or the surviving partner in a civil union.

Comment [m1]: Immediate family is already included in the definition of victim.

(b) "Crime" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony.

~~(c) "Immediate family" means a victim's spouse, parent, grandparent, child, sibling, or legal representative.~~

Comment [m2]: I would recommend not defining immediate family or making it very broad.

II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims ~~and immediate family~~ are entitled to the following rights:

Comment [m3]: I would take "immediate family" out here as it already including in the definition of crime victims in I (a)

(a) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

(b) The right to be informed about the criminal justice process and how it progresses, *including the right to be informed by the investigating law enforcement agency within 24 hours of the occurrence of the offense of the following:*

*(1) A list of local emergency and crisis services available.*

*(2) The name and phone number of the law enforcement officer in charge of the investigation and the law enforcement agency in charge of making the report.*

~~*(3) An outline of the procedural steps in a criminal prosecution.*~~

~~*(4) The availability of victims rights benefits, including the existence and eligibility requirements for restitution and compensation.*~~

~~*(5) A listing of all the rights afforded to a victim or his or her immediate family.*~~

~~(6) A recommended procedure in the event the victim or his or her immediate family is subject to threats or intimidation.~~

**Comment [m4]:** These rights are the role of the Victim/Witness Advocate and it may be difficult for the officer to fulfill these rights ensuring the first 24-hours of the investigation.

(c) The right to be free from intimidation and to be reasonably protected from the accused throughout the criminal justice process, *and to refuse any communication with the accused. The victim and the victim's immediate family - take out here - shall have the right to a court hearing if they have been harassed or intimidated by the accused or anyone representing or supporting the accused.*

(d) The right to be notified of all court proceedings.

(e) The right to attend trial and all other court proceedings the accused has the right to attend.

(f) The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.

(g) The right to have inconveniences associated with participation in the criminal justice process minimized.

(h) The right to be notified if presence in court is not required.

(i) The right to be informed about available resources, financial assistance, and social services.

(j) The right to restitution, as granted under RSA 651:62-67 or any other applicable state law, or victim's compensation, under RSA 21-M:8-h or any other applicable state law, for their losses.

(k) The right to be provided a secure~~[, but not necessarily]~~ *and* separate~~[;]~~ waiting area during court proceedings.

(l) The right to be advised of case progress and final disposition.

(m) The right of confidentiality of the victim's address, place of employment, and other personal information.

(n) The right to the prompt return of property when no longer needed as evidence.

(o) The right to have input in the probation presentence report impact statement.

(p) The right to appear ~~[and]~~, make a written or oral victim impact statement, *and display a photograph of the victim taken prior to the offense*, at the sentencing of the defendant or, in the case of a plea bargain, prior to any plea

bargain agreement. No victim shall be subject to questioning by counsel when giving an impact statement.

(q) The right to be notified of an appeal, an explanation of the appeal process, *and* the time, place, and result of the appeal, and the right to attend the appeal hearing.

(r) The right to be notified of, to attend, and to make a written or oral victim impact statement at the sentence review hearings and sentence reduction hearings. No victim shall be subject to questioning by counsel when giving an impact statement.

(s) The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.

(t) The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.

(u) The right to all federal and state constitutional rights guaranteed to all victims of crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the right not to be discriminated against or have their rights as ~~[a-victim]~~ *victims* denied, diminished, expanded, or enhanced on the basis of the ~~[victim's]~~ *victims'* support for, opposition to, or neutrality on the death penalty.

(v) The right to access to restorative justice programs, including victim-initiated victim-offender dialogue programs offered through the department of corrections.

(w) The right to be informed of the filing of a petition for post-conviction DNA testing under RSA 651-D.

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



## THE NEW HAMPSHIRE CRIME VICTIM BILL OF RIGHTS

Victims of felony crimes committed by an adult offender are entitled to the following rights under NH RSA 21-M:8-K:

1. The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
2. The right to be informed about the criminal justice process and how it progresses.
3. The right to be free from intimidation and to be reasonably protected from the accused throughout the criminal justice process.
4. The right to be notified of all court proceedings.
5. The right to attend trial and all other court proceedings the accused has the right to attend.
6. The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.
7. The right to have inconveniences associated with participation in the criminal justice process minimized.
8. The right to be notified if presence in court is not required.
9. The right to be informed about available resources, financial assistance, and social services.
10. The right to restitution or victim's compensation for their losses if eligible.
11. The right to be provided a secure, but not necessarily separate, waiting area during court proceedings.
12. The right to be advised of case progress and final disposition.
13. The right of confidentiality of the victim's address, place of employment, and other personal information.
14. The right to the prompt return of property when no longer needed as evidence.
15. The right to have input in the probation pre-sentence report impact statement.
16. The right to appear and make a written or oral victim impact statement at the sentencing of the defendant. No victim shall be subject to questioning by counsel when giving an impact statement.
17. The right to be notified of an appeal, an explanation of the appeal process, the time, place and result of the appeal, and the right to attend the appeal hearing.
18. The right to be notified and to attend sentence review hearings and sentence reduction hearings.
19. The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.
20. The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.
21. The right to all federal and state constitutional rights guaranteed to all victims of crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the right not to be discriminated against or have their rights as a victim denied, diminished, expanded, or enhanced on the basis of the victim's support for, opposition to, or neutrality on the death penalty.

22. The right to access to restorative justice programs, including victim-initiated victim-offender dialogue programs offered through the department of corrections.
23. The right to be informed of the filing of a petition for post-conviction DNA testing under RSA 651-D.

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 5, 2013

THE COMMITTEE ON Judiciary

to which was referred Senate Bill 136

AN ACT                    relative to the rights of the immediate family of crime  
                                 victims.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF:    5 to 0

AMENDMENT # 0733s

Senator Sharon M. Carson  
For the Committee

Susan Duncan 271-3076

## New Hampshire General Court - Bill Status System

**Docket of SB136**

Docket Abbreviations

**Bill Title:** relative to the rights of the immediate family of crime victims.*Official Docket of SB136:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/3/2013	S	<b>Introduced</b> and Referred to Judiciary; <b>SJ 4</b>
2/6/2013	S	Hearing: 2/19/13, Room 103, SH, 10:10 a.m.; <b>SC8</b>
2/8/2013	S	Hearing: === TIME CHANGE === 2/19/13, Room 103, SH, 9:45 a.m.; <b>SC9</b>
3/6/2013	S	Committee Report: Ought to Pass with Amendment # <b>2013-0733s</b> , 3/14/13; <b>SC11</b>
3/14/2013	S	Committee Amendment 0733s, AA, VV;
3/14/2013	S	<b>Ought to Pass with Amendment</b> 0733s, MA, VV; OT3rdg;
3/27/2013	H	Introduced and Referred to Judiciary; <b>HJ31</b> , PG.1075
4/3/2013	H	Vacated from Judiciary; <b>HJ35</b> , PG.1126
4/3/2013	H	Referred to Criminal Justice and Public Safety; <b>HJ35</b> , PG.1126
4/3/2013	H	Public Hearing: 4/9/2013 11:00 AM LOB 204
4/9/2013	H	Executive Session: 4/16/2013 11:00 AM LOB 204
4/17/2013	H	Committee Report: Inexpedient to Legislate for April 24 (Vote 14-0; CC); <b>HC33</b> , PG.1092
4/24/2013	H	Inexpedient to Legislate: MA VV; <b>HJ38</b> , PG.1240

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL                       RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

**ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:**

- AMENDMENT # 0648s                       - AMENDMENT # \_\_\_\_\_
- AMENDMENT # 0733s                       - AMENDMENT # \_\_\_\_\_

**ALL AVAILABLE VERSIONS OF THE BILL:**

- AS INTRODUCED                       AS AMENDED BY THE HOUSE
- FINAL VERSION                       AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

6/7/2013

By:

Susan J. Demaree  
COMMITTEE AIDE