

LEGISLATIVE COMMITTEE MINUTES

**SB130**

Bill as  
Introduced

SB 130-FN - AS INTRODUCED

2019 SESSION

19-0970  
04/01

SENATE BILL

***130-FN***

AN ACT

establishing positions within the cold case homicide unit.

SPONSORS:

Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15; Sen. Gray, Dist 6; Sen. Levesque, Dist 12; Sen. Morgan, Dist 23; Sen. Ward, Dist 8; Rep. Marsh, Carr. 8; Rep. MacDonald, Carr. 6; Rep. Hinch, Hills. 21; Rep. DesMarais, Carr. 6

COMMITTEE:

Judiciary

---

ANALYSIS

This bill establishes 2 attorney positions in the cold case homicide unit in the department of justice.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    establishing positions within the cold case homicide unit.

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

1            1 Department of Justice; Cold Case Homicide Unit; Positions Established. Amend RSA 21-M:8-  
2 m, II to read as follows:

3            **II.(a) *There is established within the department of justice 2 unclassified full-time***  
4 ***attorney positions assigned to the cold case unit to work exclusively on unsolved murders***  
5 ***in the state. The salary for each of these positions shall be determined after assessment***  
6 ***and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(c) which***  
7 ***shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.***

8            **(b)** The departments of justice and safety shall jointly provide administrative support  
9 as may be necessary to the cold case unit.

10           2 Effective Date. This act shall take effect July 1, 2019.

**SB 130-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT establishing positions within the cold case homicide unit.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$220,000*	\$224,000*	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

\*Expenditures would exceed these amounts if increased prosecutions or convictions occurred.

**METHODOLOGY:**

This bill establishes two attorney positions in the cold case homicide unit in the Department of Justice to work exclusively on unsolved murders in the state. The Department assumes the positions will be funded for the FY 2020-2021 fiscal years and the ongoing need would be evaluated in future budget cycles. The Department indicates there would be no revenue generated as a result of the bill and estimated the cost of the positions would be \$220,000 in FY 2020 and \$224,000 in FY 2021.

The Judicial Council reports this bill will increase state expenditures for the indigent defense system under two conditions: 1) the additional attorneys established in this bill result in more prosecutions of the approximately 128 cold cases in NH; and 2) the defendants being prosecuted cannot afford an attorney. The Council reports an average homicide takes approximately 635 total attorney hours in the public defense system. Some elasticity exists in the Public Defender Program to absorb additional cases without an increase in state appropriations. However, the Council reports cold cases are significantly more labor intensive due to: witnesses being difficult to locate; memories are not as fresh; the quality of physical evidence may have deteriorated, which may require expert services; and cases are more likely to go to trial due to issues with evidence. While the Council predicts most cases prosecuted would be assigned attorneys within the Public Defender Program, a prosecution with multiple co-defendants would be appointed under the assigned council program. The assigned counsel is reimbursed at a rate of \$100 an hour for homicides and other serious felonies. The Council has limited examples of cold cases paid within assigned council program. However, two recent cases with assigned counsel, which were not technically cold cases but had delayed prosecutions, cost approximately \$200,000 per

case in legal representation and expert services.

In addition to impacts on the Judicial Council, this bill contains penalties that may have an impact on other aspects of the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Complex Criminal Case	\$933	\$939
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Department of Corrections		
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571

When the Department of Justice is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department is involved in a significant amount of appeals, then costs may increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Department of Justice, Judicial Council, Judicial Branch, and Department of Corrections

SB 130-FN - AS AMENDED BY THE SENATE

03/07/2019 0630s

2019 SESSION

19-0970  
04/01

SENATE BILL **130-FN**

AN ACT establishing positions in the department of justice and the department of safety to work in the cold case homicide unit.

SPONSORS: Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15; Sen. Gray, Dist 6; Sen. Levesque, Dist 12; Sen. Morgan, Dist 23; Sen. Ward, Dist 8; Rep. Marsh, Carr. 8; Rep. MacDonald, Carr. 6; Rep. Hinch, Hills. 21; Rep. DesMarais, Carr. 6

COMMITTEE: Judiciary

QTP/A 5-0

---

AMENDED ANALYSIS

This bill establishes 2 attorney positions in the department of justice and 2 state trooper positions in the department of safety who shall be assigned to the cold case homicide unit. The positions are established and funded for the 2020 and 2021 fiscal years.

---

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 Nineteen*

AN ACT                    establishing positions in the department of justice and the department of safety to work in the cold case homicide unit.

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

1            1 Cold Case Homicide Unit; Positions Established.

2            I. There are hereby established within the department of justice for the biennium ending  
3 June 30, 2021, 2 full-time, unclassified attorney positions who shall be assigned to the department's  
4 cold case homicide unit established in RSA 21-M:8-m to work exclusively on unsolved murders in  
5 the state. The salary for each of these positions shall be determined after assessment and review of  
6 the appropriate temporary salary grade in RSA 94:1-a, I(c) which shall be conducted pursuant to  
7 RSA 94:1-d and RSA 14:14-c. The department of justice shall fund these positions from the  
8 department's biennial operating budget.

9            II. There are hereby established within the department of safety, division of state police, for  
10 the biennium ending June 30, 2021, 2 full-time, classified state police positions who shall be  
11 assigned to the department of justice, cold case homicide unit established in RSA 21-M:8-m to work  
12 exclusively on unsolved murders in the state. One position shall be established at the rank of  
13 sergeant and one position established shall be at the rank of trooper first class. The compensation  
14 for each position shall be determined pursuant to RSA 21-I and the collective bargaining agreement.  
15 The department of safety shall fund these positions from the department's biennial operating  
16 budget.

17            2 Repeal. Section 1 of this act, relative to positions established in the cold case homicide unit, is  
18 repealed.

19            3 Effective Date.

20            I. Section 2 of this act shall take effect June 30, 2021.

21            II. The remainder of this act shall take effect July 1, 2019.



**SB 130-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT establishing positions within the cold case homicide unit.

**FISCAL IMPACT:**  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$220,000*	\$224,000*	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

\*Expenditures would exceed these amounts if increased prosecutions or convictions occurred.

**METHODOLOGY:**

This bill establishes two attorney positions in the cold case homicide unit in the Department of Justice to work exclusively on unsolved murders in the state. The Department assumes the positions will be funded for the FY 2020-2021 fiscal years and the ongoing need would be evaluated in future budget cycles. The Department indicates there would be no revenue generated as a result of the bill and estimated the cost of the positions would be \$220,000 in FY 2020 and \$224,000 in FY 2021.

The Judicial Council reports this bill will increase state expenditures for the indigent defense system under two conditions: 1) the additional attorneys established in this bill result in more prosecutions of the approximately 128 cold cases in NH; and 2) the defendants being prosecuted cannot afford an attorney. The Council reports an average homicide takes approximately 635 total attorney hours in the public defense system. Some elasticity exists in the Public Defender Program to absorb additional cases without an increase in state appropriations. However, the Council reports cold cases are significantly more labor intensive due to: witnesses being difficult to locate; memories are not as fresh; the quality of physical evidence may have deteriorated, which may require expert services; and cases are more likely to go to trial due to issues with evidence. While the Council predicts most cases prosecuted would be assigned attorneys within the Public Defender Program, a prosecution with multiple co-defendants would be appointed under the assigned council program. The assigned counsel is reimbursed at a rate of \$100 an hour for homicides and other serious felonies. The Council has limited examples of cold cases paid within assigned council program. However, two recent cases with assigned counsel, which were not technically cold cases but had delayed prosecutions, cost approximately \$200,000 per

case in legal representation and expert services.

In addition to impacts on the Judicial Council, this bill contains penalties that may have an impact on other aspects of the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Complex Criminal Case	\$933	\$939
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Department of Corrections		
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571

When the Department of Justice is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department is involved in a significant amount of appeals, then costs may increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Department of Justice, Judicial Council, Judicial Branch, and Department of Corrections

**SB 130-FN FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT #2019-0630s)**

AN ACT establishing positions in the department of justice and the department of safety to work in the cold case homicide unit.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$618,360*	\$540,286*	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

\*Expenditures would exceed these amounts if increased prosecutions or convictions occurred.

**METHODOLOGY:**

This bill establishes 2 attorney positions in the Department of Justice and 2 State Trooper positions in the Department of Safety who shall be assigned to the cold case homicide unit. The positions are established for the 2020 and 2021 fiscal years. The Department of Justice assumes the attorney positions will be funded for the FY 2020-2021 fiscal years and the ongoing need would be evaluated in future budget cycles. The Department indicates there would be no revenue generated as a result of the bill and estimated the cost of the positions would be \$220,000 in FY 2020 and \$224,000 in FY 2021.

The Department of Safety calculated the cost for the additional Detective Sergeant and Detective as follows:

	FY 2020	FY 2021
Detective Sergeant LG 26, Step 9 Salary and Benefits	\$148,096	\$149,199
Detective LG 21, Step 9 plus detective differential pay	\$132,594	\$133,699
Overtime Costs	\$12,988	\$12,988
Expenses: Fuel, Telephone, Supplies, Software and Travel	\$18,600	\$15,600
Equipment: Cruiser, Personal Equipment, Laptop, Work Stations	\$86,082	\$4,800
<b>Total Expenditures:</b>	<b>\$398,360</b>	<b>\$316,286</b>

The Department assumes, based on the purpose of the bill, the positions would be filled at the maximum step because seasoned troopers would be needed to fill the roles.

The Judicial Council reports this bill will increase state expenditures for the indigent defense system under two conditions: 1) the additional attorneys established in this bill result in more prosecutions of the approximately 128 cold cases in NH; and 2) the defendants being prosecuted cannot afford an attorney. The Council reports an average homicide takes approximately 635 total attorney hours in the public defense system. Some elasticity exists in the Public Defender Program to absorb additional cases without an increase in state appropriations. However, the Council reports cold cases are significantly more labor intensive due to: witnesses being difficult to locate; memories are not as fresh; the quality of physical evidence may have deteriorated, which may require expert services; and cases are more likely to go to trial due to issues with evidence. While the Council predicts most cases prosecuted would be assigned attorneys within the Public Defender Program, a prosecution with multiple co-defendants would be appointed under the assigned counsel program. The assigned counsel is reimbursed at a rate of \$100 an hour for homicides and other serious felonies. The Council has limited examples of cold cases paid within assigned counsel program. However, two recent cases with assigned counsel, which were not technically cold cases but had delayed prosecutions, cost approximately \$200,000 per case in legal representation and expert services.

In addition to impacts on the Judicial Council, this bill contains penalties that may have an impact on other aspects of the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Complex Criminal Case	\$933	\$939
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Department of Corrections		
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620

FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571
---	-------	-------

When the Department of Justice is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department is involved an a significant amount of appeals, then costs may increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Department of Justice, Safety, Judicial Council, Judicial Branch, and Department of Corrections

**SB 130-FN FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT #2019-0630s)**

AN ACT establishing positions in the department of justice and the department of safety to work in the cold case homicide unit.

FISCAL IMPACT:     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$618,360*	\$540,286*	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

\*Expenditures would exceed these amounts if increased prosecutions or convictions occurred.

**METHODOLOGY:**

This bill establishes 2 attorney positions in the Department of Justice and 2 State Trooper positions in the Department of Safety who shall be assigned to the cold case homicide unit. The positions are established for the 2020 and 2021 fiscal years. The Department of Justice assumes the attorney positions will be funded for the FY 2020-2021 fiscal years and the ongoing need would be evaluated in future budget cycles. The Department indicates there would be no revenue generated as a result of the bill and estimated the cost of the positions would be \$220,000 in FY 2020 and \$224,000 in FY 2021.

The Department of Safety calculated the cost for the additional Detective Sergeant and Detective as follows:

	FY 2020	FY 2021
Detective Sergeant LG 26, Step 9 Salary and Benefits	\$148,096	\$149,199
Detective LG 21, Step 9 plus detective differential pay	\$132,594	\$133,699
Overtime Costs	\$12,988	\$12,988
Expenses: Fuel, Telephone, Supplies, Software and Travel	\$18,600	\$15,600
Equipment: Cruiser, Personal Equipment, Laptop, Work Stations	\$86,082	\$4,800
<b>Total Expenditures:</b>	\$398,360	\$316,286

The Department assumes, based on the purpose of the bill, the positions would be filled at the maximum step because seasoned troopers would be needed to fill the roles.

The Judicial Council reports this bill will increase state expenditures for the indigent defense system under two conditions: 1) the additional attorneys established in this bill result in more prosecutions of the approximately 128 cold cases in NH; and 2) the defendants being prosecuted cannot afford an attorney. The Council reports an average homicide takes approximately 635 total attorney hours in the public defense system. Some elasticity exists in the Public Defender Program to absorb additional cases without an increase in state appropriations. However, the Council reports cold cases are significantly more labor intensive due to: witnesses being difficult to locate; memories are not as fresh; the quality of physical evidence may have deteriorated, which may require expert services; and cases are more likely to go to trial due to issues with evidence. While the Council predicts most cases prosecuted would be assigned attorneys within the Public Defender Program, a prosecution with multiple co-defendants would be appointed under the assigned counsel program. The assigned counsel is reimbursed at a rate of \$100 an hour for homicides and other serious felonies. The Council has limited examples of cold cases paid within assigned counsel program. However, two recent cases with assigned counsel, which were not technically cold cases but had delayed prosecutions, cost approximately \$200,000 per case in legal representation and expert services.

In addition to impacts on the Judicial Council, this bill contains penalties that may have an impact on other aspects of the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Complex Criminal Case	\$933	\$939
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Department of Corrections		

FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571

When the Department of Justice is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department is involved in a significant amount of appeals, then costs may increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Department of Justice, Safety, Judicial Council, Judicial Branch, and Department of Corrections



# Amendments

Amendment to SB 180-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing positions in the department of justice and the department of safety to  
4 work in the cold case homicide unit.  
5

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

7

8 1 Cold Case Homicide Unit; Positions Established. Amend RSA 21-M:8-m, II to read as follows:

9 II.(a) *There are established within the department of justice 2 full-time,*  
10 *unclassified attorney positions assigned to the cold case homicide unit to work exclusively*  
11 *on unsolved murders in the state. The salary for each of these positions shall be*  
12 *determined after assessment and review of the appropriate temporary salary grade in RSA*  
13 *94:1-a, I(c) which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.*

14 (b) *The cold case homicide unit shall also be supported by 2 full time, classified*  
15 *state troopers, one of whom shall have the rank of sergeant and one of whom shall have*  
16 *the rank of trooper first class, who are assigned to the cold case homicide unit to work*  
17 *exclusively on unsolved murders in the state.*

18 (c) The departments of justice and safety shall jointly provide administrative support as  
19 may be necessary to the cold case *homicide* unit.

20 2 Department of Safety; Division of State Police; Positions Established. There are hereby  
21 established within the department of safety, division of state police, 2 full-time, classified state  
22 police positions assigned to the department of justice, cold case homicide unit established in RSA 21-  
23 M:8-m to work exclusively on unsolved murders in the state. One position shall be established at  
24 the rank of sergeant and one position established shall be at the rank of trooper first class. The  
25 compensation for each position shall be determined pursuant to RSA 21-I and the collective  
26 bargaining agreement.

27 3 Effective Date. This act shall take effect July 1, 2019.

2019-0282s

AMENDED ANALYSIS

This bill establishes 2 attorney positions in the department of justice who shall be assigned to the cold case homicide unit and 2 state trooper positions in the department of safety who shall be assigned to the cold case homicide unit.

UNAPPROVED

Amendment to SB 130-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing positions in the department of justice and the department of safety to  
4 work in the cold case homicide unit.

5

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

7

8 1 Cold Case Homicide Unit; Positions Established.

9 I. There are hereby established within the department of justice for the biennium ending  
10 June 30, 2021, 2 full-time, unclassified attorney positions who shall be assigned to the department's  
11 cold case homicide unit established in RSA 21-M:8-m to work exclusively on unsolved murders in  
12 the state. The salary for each of these positions shall be determined after assessment and review of  
13 the appropriate temporary salary grade in RSA 94:1-a, I(c) which shall be conducted pursuant to  
14 RSA 94:1-d and RSA 14:14-c. The department of justice shall fund these positions from the  
15 department's biennial operating budget.

16 II. There are hereby established within the department of safety, division of state police, for  
17 the biennium ending June 30, 2021, 2 full-time, classified state police positions who shall be  
18 assigned to the department of justice, cold case homicide unit established in RSA 21-M:8-m to work  
19 exclusively on unsolved murders in the state. One position shall be established at the rank of  
20 sergeant and one position established shall be at the rank of trooper first class. The compensation  
21 for each position shall be determined pursuant to RSA 21-I and the collective bargaining agreement.  
22 The department of safety shall fund these positions from the department's biennial operating  
23 budget.

24 2 Repeal. Section 1 of this act, relative to positions established in the cold case homicide unit, is  
25 repealed.

26 3 Effective Date.

27 I. Section 2 of this act shall take effect June 30, 2021.

28 II. The remainder of this act shall take effect July 1, 2019.

2019-0630s

AMENDED ANALYSIS

This bill establishes 2 attorney positions in the department of justice and 2 state trooper positions in the department of safety who shall be assigned to the cold case homicide unit. The positions are established and funded for the 2020 and 2021 fiscal years.

UNAPPROVED

Amendment to SB 130-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing positions in the department of justice and the department of safety to  
4 work in the cold case homicide unit.

5

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

7

8 1 Cold Case Homicide Unit; Positions Established.

9 I. There are hereby established within the department of justice for the biennium ending  
10 June 30, 2021, 2 full-time, unclassified attorney positions who shall be assigned to the department's  
11 cold case homicide unit established in RSA 21-M:8-m to work exclusively on unsolved murders in  
12 the state. The salary for each of these positions shall be determined after assessment and review of  
13 the appropriate temporary salary grade in RSA 94:1-a, I(c) which shall be conducted pursuant to  
14 RSA 94:1-d and RSA 14:14-c. The department of justice shall fund these positions from the  
15 department's biennial operating budget.

16 II. There are hereby established within the department of safety, division of state police, for  
17 the biennium ending June 30, 2021, 2 full-time, classified state police positions who shall be  
18 assigned to the department of justice, cold case homicide unit established in RSA 21-M:8-m to work  
19 exclusively on unsolved murders in the state. One position shall be established at the rank of  
20 sergeant and one position established shall be at the rank of trooper first class. The compensation  
21 for each position shall be determined pursuant to RSA 21-I and the collective bargaining agreement.  
22 The department of safety shall fund these positions from the department's biennial operating  
23 budget.

24 2 Repeal. Section 1 of this act, relative to positions established in the cold case homicide unit, is  
25 repealed.

26 3 Effective Date.

27 I. Section 2 of this act shall take effect June 30, 2021.

28 II. The remainder of this act shall take effect July 1, 2019.

2019-0630s

AMENDED ANALYSIS

This bill establishes 2 attorney positions in the department of justice and 2 state trooper positions in the department of safety who shall be assigned to the cold case homicide unit. The positions are established and funded for the 2020 and 2021 fiscal years.

# Committee Minutes



# SENATE CALENDAR NOTICE

## Judiciary

Sen Martha Hennessey, Chair  
 Sen Shannon Chandley, Vice Chair  
 Sen Melanie Levesque, Member  
 Sen Sharon Carson, Member  
 Sen Harold French, Member

Date: January 23, 2019

### HEARINGS

	Tuesday	01/29/2019
	(Day)	(Date)
Judiciary		SH 100
(Name of Committee)		9:00 a.m.
9:00 a.m. <b>SB 183-FN</b>		relative to salaries of certain circuit court judges.
9:15 a.m. <b>SB 130-FN</b>		establishing positions within the cold case homicide unit.
9:30 a.m. <b>SB 125-FN</b>		relative to parental reimbursement for voluntary services provided under the child in need of services (CHINS) program.
9:50 a.m. <b>SB 90-FN</b>		relative to certain disclosures by health care provider facilities.
10:15 a.m. <b>SB 89-FN</b>		relative to the penalties for violation of privacy.

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 183-FN**

Sen. Hennessey

**SB 130-FN**

Sen. Bradley  
 Sen. D'Allesandro  
 Sen. Morgan  
 Rep. Hinch

Sen. Birdsell  
 Sen. Feltes  
 Sen. Ward  
 Rep. DesMarais

Sen. Carson  
 Sen. Gray  
 Rep. Marsh

Sen. Cavanaugh  
 Sen. Levesque  
 Rep. MacDonald

**SB 125-FN**

Sen. Bradley  
 Sen. Dietsch  
 Sen. Hennessey  
 Sen. Ward

Sen. Birdsell  
 Sen. Feltes  
 Sen. Kahn  
 Sen. Watters

Sen. Carson  
 Sen. Fuller Clark  
 Sen. Morgan  
 Rep. Berrien

Sen. D'Allesandro  
 Sen. Gray  
 Sen. Rosenwald  
 Rep. Rice

**SB 90-FN**

Sen. Sherman  
 Sen. Giuda

Sen. Hennessey  
 Rep. Marsh

Sen. Kahn  
 Rep. Knirk

Sen. Levesque  
 Rep. McMahon

**SB 89-FN**

Sen. Gray

Sen. Watters

Jennifer Horgan 271-2609

Martha S. Hennessey  
 Chairman

**Senate Judiciary Committee**  
*Jennifer Horgan 271-2609*

**SB 130-FN**, establishing positions within the cold case homicide unit.

**Hearing Date:** January 29, 2019

**Time Opened:** 9:15 a.m.

**Time Closed:** 10:15 a.m.

**Members of the Committee Present:** Senators Hennessey, Chandley, Levesque, Carson and French

**Members of the Committee Absent :** None

**Bill Analysis:** This bill establishes 2 attorney positions in the cold case homicide unit in the department of justice.

---

**Sponsors:**

Sen. Bradley

Sen. Birdsell

Sen. Carson

Sen. Cavanaugh

Sen. D'Allesandro

Sen. Feltes

Sen. Gray

Sen. Levesque

Sen. Morgan

Sen. Ward

Rep. Marsh

Rep. MacDonald

Rep. Hinch

Rep. DesMarais

---

**Who supports the bill:** Senator Bradley; Senator Ward; Senator Birdsell; Senator Carson; Senator Gray; Senator Sherman; Senator Morgan; Representative Cushing; Representative Marsh; Attorney General MacDonald; Lt. John Sonia, NH State Police; Major John Encarnacao, NH State Police; Lt. Sean Ford, Concord Police; Jessica Eskeland, NHCADSV; Lisa Post; Charlie Post; Rick Page; Ken Dionne; Janet Gloddy Young; Michelle Moore; Roberta Miller; Sauchy Crowell; Jane Sylvester; Karen Wasskag; Lee Ann Daucett; Lucille Twombly

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Senator Bradley**

- There have been two gruesome murders in Wolfeboro that remain unsolved, which is a prime example for why this bill is necessary.
- This bill was requested by the Attorney General and it will fund two positions in the Attorney General's Office to pursue cold cases throughout the state.
- Cold case units have unearthed a lot of evidence across the country and people have been brought to justice through the use of new techniques like DNA.
- In regard to the two Wolfeboro cases, at the time they occurred there was not adequate staffing to keep up with the daily workload and these cold cases.

- The victims' families and the victims themselves deserve to have these cases pursued.
- The cost of \$225,000 is very manageable.

**Attorney General Gordon MacDonald and Associate Attorney General Jeff Strezen (Attorney General's Office) (provided written testimony)**

- The role of the Attorney General includes a specific charge to prosecute all persons accused of crimes punishable with life imprisonment or death.
- NH averages about 25 homicides a year, which are managed by five lead prosecutors in the homicide unit.
- When there is a suspected homicide, a lead attorney, an assistant, and a victim witness advocate deploy to address that crime.
- Those prosecutors will stay with the investigation through the appeals process; and the victim witness advocate will stay with family until the conclusion of the matter.
- It is inevitable that some cases go cold, which means 'when the original homicide investigation does not result in an arrest and due to a lack of viable or unexplored leads, the case has lost its initial momentum.'
- In 2012 a dedicated cold case unit was formed in the Attorney General's Office and at the State Police largely by federal funds, which have since dried up.
- After the federal funding ran out, given the work load the homicide unit has, the Office has lost the dedicated focus for cold cases.
- There are 128 cold cases in NH and basically one cold case attorney.
- Cold cases exist across every corner of the State.
- These cases are extremely difficult due to memories fading, the lack of leads, the lack of forensic evidence, and the death of witnesses.
- However, a cold case unit can succeed due new forensics, new leads can develop, and relationships can change where witnesses come forward as allegiances can change with the passage of time.
- Funding this unit is necessary because there are dangerous offenders who are walking free, the victims deserve justice, the families deserve answers, and there is no statute of limitations on homicides.
- This bill will bring in two new attorneys who will work closely with the investigating agencies and make critical legal decisions as these investigations unfold.
- There are many victims in our State who deserve answers and who should expect us to do better in prosecuting these cases.
- Senator Chandley asked what the structure will be beyond these two attorneys.
  - The Unit has partners at State Police. However, not every murder in the State is investigated by State Police, so they also work with local agencies. The Attorney General's Office currently has one attorney that is basically assigned to cold cases. There is a need for additional resources to address these cases.
- Senator French asked how many cold cases have been solved in the last five years.
  - A handful of cases. These prosecutors will be able to examine the current cold cases to see which ones are no longer viable or ones that can be closed

since the perpetrator is deceased. This will result in separating the cases out, so that resources are targeted at cases that look viable for prosecution.

- Senator French asked how many have been prosecuted.
  - Associate Attorney General Strezen answered that he has done four in the past 18 years. These prosecutors are also handling various other cases that emerge including, active investigations, death investigations, missing persons, and officer involved shootings. The current prosecutors must squeeze in the time to work on these cold cases with the investigators who are dealing with the same time constraints.
- Senator French asked about the one attorney dedicated to cold cases.
  - That was done recently, but that attorney also has a current case load left over. All prosecutors in the Office attempt to work on cold cases if they can.
- Senator French asked if these two additional attorneys would exclusively be doing cold cases.
  - Yes.
- Senator Levesque asked how the legislature will be kept apprised regarding the work these new prosecutors will be doing.
  - The Attorney General's Office tries to be as transparent as possible. The Office does release information when it is appropriate and there is a section on the Attorney General's website for the cold case unit.
- Senator Chandley asked how it was determined that two additional prosecutors should be hired.
  - When these cases go to trial they are staffed with at least two attorneys and the trial can take 2-4 weeks. With three dedicated prosecutors, one would still be free to move forward on other cases.
- Senator Hennessey asked if these two prosecutors would be solely to address the backlog or would they be indefinite additions to the staff.
  - Would recommend seeing so how far this investment goes over the next biennium and then come back with further recommendations.
- Senator Levesque asked if there is also a need for more detectives to investigate these cases.
  - Would defer to the Department of Safety but imagines that they could use additional dedicated cold case resources.
- Senator French asked if the prosecutor that is currently assigned to cold cases would continue to work in that unit if this bill passes.
  - The Office would continue to dedicate that resource to cold cases at their discretion. Would note that the Fiscal Note has a typo, that says these positions will work on 'solved' cases and it should say 'unsolved' cases.

**Jessica Eskeland (NHCADSV) (provided written testimony)**

- The NHCADSV worked with survivors of crime, advocates, and lawmakers to establish the cold case unit.
- This is an opportunity to bring justice to families.
- This is a public safety issue with 128 potential violent offenders walking free.

**Lisa and Charlie Post (provided written testimony)**

- Shared the story of her sister Lynn's murder in 2010 and the impact that has had on the whole family.
- The harsh reality is that someone is out there walking around who has not been held accountable for her murder.
- It is hard to move forward when there are no answers.
- Lynn's case went cold in 2016 and they met with the cold case unit back in November and felt so much hope, but then another case came along, and the Unit had to focus on that.
- A resolution will bring peace and give these families the ability to move forward.

**Rick Page** (provided written testimony)

- His father, Walter, was stabbed to death in 1995.
- He was a WWII war hero and a pillar in the community.
- His family has continued to solicit assistance from the Attorney General Office, but the lack of resources has stalled efforts.
- These additional attorneys will help to solve these crimes and bring these people to justice.
- Believes that his father's murderer is still alive and could be brought to justice.

**Ken and Madeline Dionne** (provided written testimony)

- His sister Roberta was murdered in her home in 2010.
- All victims have the right to representation.
- The cold case unit was funded in 2010 and those funds ran out in 2013 and then there was a part-time attorney until 2016.
- From 2016 until just recently there was no one to prosecute cold cases.
- The cold case division at State Police has two full time detectives and two part-time detectives.
- These detectives are not allowed to work overtime unless there are extenuating circumstances, like a major crime.
- His sister's case is on its fifth lead detective.
- Many of these detectives do not remain in the unit for very long since they cannot make enough money in that unit and they get promotions.
- There is a need more manpower, as the current workforce can never meet the demand.
- Understands that there is a budget surplus and would ask to amend the bill to get funding for more detectives.

**Janet Gloddy Young and Leanne Beaubeducet** (provided written testimony)

- Her sister Kathy was murdered in 1971.
- There are more than 100 families who are waiting to fight for justice.
- The Attorney General's Office needs more attorneys and more victim advocates to solve these cases.
- Franklin has never been same since Kathy's murder.
- Senator French applauded them for their efforts and for not giving up.

**Major John Encarnacao and Lieutenant John Sonia** (State Police)

- Personally, supports the bill and was one of the original members of the cold case unit.
- Manpower is the key, as there is not enough prosecutors or investigators.

- When a homicide occurs a lot of resources go forward, and many times the cold case investigators get pulled to those cases.
- Active cases are investigated by the entire unit, while cold case homicides are investigated by a single investigator and several part-time investigators.
- Would request dedicated funds for additional investigators into the cold case unit at State Police.
- These additional prosecutors are going to help, but there is a need for legs on the ground that are going to dig into the cases.
- When working on a cold case, as an investigator, one would start looking at the case and then an active case would pull them in.
- These cases are never forgotten, and officers are constantly trying to get back into them, but there are not enough resources.
- Senator Levesque asked if these two attorneys will make a dent in the cold cases or are more people needed.
  - Major Encarnacao answered that in his opinion it will certainly help but the real fix would be to also add more investigators.
  - Lt. Sonia added that these two positions are essential due to the uniqueness of cold cases.
- Senator Levesque asked about the make up of the cold case unit at State Police.
  - There are two full-time slots and two part-time slots. Also recently brought on a part-time analyst to bring the information on these cases together and assist with research. In the past they have had volunteers, but they found out that it was not actually allowed so ended up contracting them for scanning and filing reports.

**Lieutenant Sean Ford (Concord Police Department)**

- There is a need for extra people to run down these leads.
- These are enormous investigations and the State has the greatest obligation to support these cases moving forward.
- Sometimes if there is no family and these investigators are the only ones advocating for these victims.

**Summary of testimony presented in opposition:**

None

jch

Date Hearing Report completed: February 4, 2019

Speakers

# Senate Judiciary Committee SIGN-IN SHEET

Date: 01/29/2019 Time: 9:15 a.m.

SB 130-FN AN ACT establishing positions within the cold case homicide unit.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose	Speaking?	Yes	No
Sen. Bradley SD 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen Ruth Ward SD # 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Regina Dredwell SD # 19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
LT. JOHN R. SOMA NHSP- MAJOR CRIME UNIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR SHARON CARSON SD # 14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jessica Eskeland NHCADSV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALISA POST + CHARLIE POST Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rick Page Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ken Dionne Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Janet Gloddy Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. William Marsh Carroll 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen James Gray SD # 6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Atty General Gordon MacDonald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAJOR JOHN A. ENCARNACION - NHSP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LT. ERIC FOSTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>







# Testimony

Department of Safety  
Cold Case Unit Position Costs  
February 2, 2019

	FY 2020	FY 2021	FY 2022	FY 2023
Detective Sergeant (Salaries & Benefits)	148,096	149,199	150,368	151,607
Detective (Salaries & Benefits)	132,594	133,699	134,808	136,046
Total Other Costs (Vehicles, Equipment, Etc)	117,670	33,388	33,388	33,388
<b>Total Cost</b>	<b>398,359</b>	<b>316,287</b>	<b>318,564</b>	<b>321,040</b>

Good morning, Senators. My name is Janet Gloddy Young. I am the sister of Kathy Gloddy. I last saw my sister alive on Sunday, November 21<sup>st</sup> 1971, when she left to go to the store in our hometown of Franklin New Hampshire. She never came home that night.

Kathy's body was found the next day in the woods off Chance Pond Road. She was beaten. She was repeatedly raped. And the people who did this to her then ran her over. Her case has never been solved, but I know in my heart that it still can be.

In 2009 I worked to pass a bill to create the State's 1<sup>st</sup> Cold Case Unit. I'm now back here, 10 years later, to ask you to expand this unit because there are more than 100 families like mine that are still waiting and fighting for justice.

The cold case unit desperately needs more attorneys, and it also needs more victim advocates to work with families like mine. More resources to solve these cases will guarantee that more of these cases are investigated and prosecuted.

I will never give up faith that the people who killed my sister will be brought to justice. I'm begging for your help to make this happen. Please vote to pass this bill to allow closure for our all of our families, and to bring to justice to those who have taken them from us.

Thank you.

Good Morning. My name is Lisa Post. I live in Lyndeborough New Hampshire. I am here today because my sister Lynne Melk Brennan was an innocent victim who was brutally murdered in her home in October 2010. Her case remains unsolved 9 years later. Lynne was in the final stage of her divorce when she moved into a Victorian home on River Road in Manchester to begin a new chapter in her life just weeks before she was killed.

I pray you will never know the pain and suffering our family has endured not knowing who killed Lynne and why along with the harsh reality that no one has been held accountable for taking her life. Our family is devastated, torn apart and our lives will never be the same again with the knowledge her killer remains out in the public and unaccountable for the crime of ending her life.

My sister Lynne was a devoted mother and wife who loved her children, family, friends and her life in Hudson, New Hampshire where she raised her family. She was an active member of her community and church. Lynne loved to make everything around her beautiful whether it was decorating her home, gardening or cooking. Lynne no longer celebrates birthdays, holidays and the milestones of her children with us. In the past 9 years since her murder, Lynne missed two of her children's college graduations and marriages. She was not by their side as they experienced these important moments without the love and support of their mother, and they did not get to experience her pride and joy at their accomplishments. She will never get to be a doting grandparent, which we always talked about and looked forward to.

Unsolved murders in New Hampshire tear at the fabric of our society. We lose confidence in the police as they stop following up on leads, push away our inquiries and walk away from actively pursuing justice because their case loads are high and funding is inadequate. The case goes cold along with the trust and confidence in our government.

The chief of police stated to the public in Lynne's case, as they often do, that there is no risk to the greater community. The message is, don't worry, this won't happen to you. Until it does!

For the past several years, my sister's case sat in a box somewhere gathering dust while her murderer lives with the security that no one is pursuing them.

We began work with the Cold Case Unit in the fall of 2018 and felt someone cared again. They began to actively pursue her case and we felt hopeful and saw the possibility of resolution and peace, only to be told a couple months later that another case had taken precedence because there is not enough manpower to handle the case loads.

While it may be hard to find incremental funding for the many projects and services that compete for the same limited resources, a key reason that the public supports government is for safety and justice. When horrific crimes are committed the mandate of public safety is not met when murderers walk free after taking the lives of innocent people.

The Cold Case Unit continues to pursue justice but they are desperately in need of funding in order to hire additional personnel to handle the large backlog of New Hampshire's unsolved cases. No one should be able to get away with murder. The families of unsolved murder victims will never give up in the pursuit of justice.

I am counting on this committee to assure that the State has the same commitment to its citizens by funding the Cold Case Unit. You have the ability to take action to provide the necessary resources to solve cases which brings the hope of justice, resolution and peace to move forward for Lynne's family and the many families that are victims of unsolved cases.

Thank you.

Good Morning-

My name is Rick Page.

Over 23 years ago on December 14, 1995, my father Walter H. Page was murdered in his Manchester home. My father was a WWII veteran and pillar of the community. My father was stabbed to death and then to cover up and hide any evidence of the brutal murder, his home of 45 years was set on fire and destroyed! The enormity of our loss has been immeasurable.

My family has continued over and over for the past 23 years to solicit assistance from the Attorney General's office to resolve this unsolved murder. Time and time again, lack of resources has stalled efforts to bring my father's murderer to justice.

On behalf of the Walter H Page family, I strongly urge the State to provide funding for additional staff. It is our hope that the individual or individuals involved in this extremely savage murder will finally be brought to justice and provide closure to my family.

Our family asks you to vote in favor of this bill.

Thank you.



My name is Ken Dionne

I would like to start by expressing my condolences to all the other families of victims that are here today.

My sister Roberta " Bobbie Miller " was murdered in her home on Oct 31st 2010. Bobbie was your average girl, one of my 5 sisters, never been in trouble in her life, always willing to go the extra mile to help a friend or neighbor.

I am here today with my mother and sisters to plead with you to please move this Senate bill 130 forward.

ALL Victims have the right to representation.

Most of you are probably not aware that right up until recent months, there has been no one to prosecute cold case homicides.

Some of you are probably thinking right this minute , That can't be true, this guy has got to be wrong.

Well I'm not wrong. Within the last few months, Assistant AG Susan Morrill has been assigned full time to the cold case unit. That being said, she still has other cases outside of cold case still on her schedule. In essence, we still don't have a full time prosecutor.

The cold case division was funded by a federal grant, that money ran out in 2013. From that point on we had a part time prosecutor until 2016, Then we had no prosecutor for over two years, now we have Susan, essentially part time.

We have two full time detectives and one part timer that aren't allowed to work overtime unless there are extenuating circumstances. ( This is no different than having a car with no gas, it can't go anywhere )

At this time, Bobbies case is now on it's 5th lead detective. These guys all transfer out of the dept because they can't make any money to support their own families. Why, no funding, no money.

You have no idea how hard it is on a family member to be told the detective that they have bonded with and are so hopefully looking to for answers is no longer with them. I'm going to repeat what I just said a moment ago, "up until recent months there was NO ONE to prosecute cold cases" for at least two years "

I am asking you to please keep in mind when you cast your vote in favor of this bill, The present work force can Never meet the present volume of work. ( money problem )

A single prosecutor will Never be able to handle the work load ahead of them. At this time, there are 126 cold cases. ( once again, a money problem )

The state presently has a budget surplus, this must be made a priority, ALL victims have the right to representation.

The last thing I'm going to ask you is to please take a good look at my mother standing here besides me. She's going to be 89 years old in 3 weeks, she's been waiting patiently for answers for 8 years.

Please think of you own family and how you would feel if you were in our shoes. You can't possibly imagine the hardship that goes along with something like this.

With all due respect, Please vote in favor of this bill.



**Testimony of Jessica Eskeland, Public Policy Specialist  
NH Coalition Against Domestic & Sexual Violence  
SB 130-FN, establishing positions within the cold case homicide unit.  
Senate Judiciary Committee  
Tuesday, January 29, 2019**

Good morning Madam Chair, and members of the Committee,

For the record, my name is Jessica Eskeland and I am the Public Policy Specialist at the NH Coalition Against Domestic and Sexual Violence. The Coalition is the umbrella organization for 13 independent crisis centers located throughout the state. Last year, our crisis centers served over 15,000 victims of domestic and sexual violence, child abuse, human trafficking, and stalking. I am here today to testify in support of SB 130.

The Coalition worked with lawmakers, victims' families, and advocates to establish the Cold Case Unit at the Department of Justice in 2009. This was a critical development because when a case remains unsolved, it inevitably makes its way to storage as more cases come up—often left to languish unsolved for years due to lack of time and resources on behalf of law enforcement and investigators. Sadly, this leaves victims' loved ones still searching for answers, and the likelihood they'll ever get them seems more and more remote.

---

---

With the establishment of the Cold Case Unit, there was fresh hope brought to these unsolved cases, as a four-person team comprised of three detectives and a prosecutor took on the task of solving these cold cases. While the Unit has been very successful in bringing about justice to decades-old crimes, there is still more work to be done. Right now there are 128 unsolved cold cases in New Hampshire. That represents 128 families who have been waiting for years for justice for their loved ones. It also represents untold numbers of offenders who have gone undetected. Enhancing the ability of the Cold Case Unit to investigate these cases is not only a service to those families; it is very much a matter of public safety. The passage of time in no way diminishes the harm done by these crimes, or the danger these offenders could still pose to our communities.

I know today you will hear from families who have lost loved ones and who have kept their memories alive in hopes that one day their questions will be answered and their cases will be solved. I urge you to approve this bill, as it will add critical manpower and resources to an invaluable investigatory unit.

Thank you for your consideration, and I respectfully urge you to adopt SB 130. Thank you.

Respectfully,

Jessica Eskeland  
Public Policy Specialist, NHCADSV  
[Jessica@nhcadsv.org](mailto:Jessica@nhcadsv.org)  
603-568-9357

# Solving New Hampshire's 128 Cold Cases

SB 130-FN • January 29, 2019



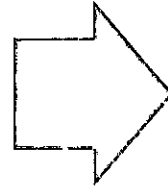
# What is a Cold Case?

When the original homicide investigation does not result in an arrest and due to a lack of viable or unexplored leads, the case **has lost its initial momentum.**

# Current Cold Case Numbers

128

Cold Cases from around the state

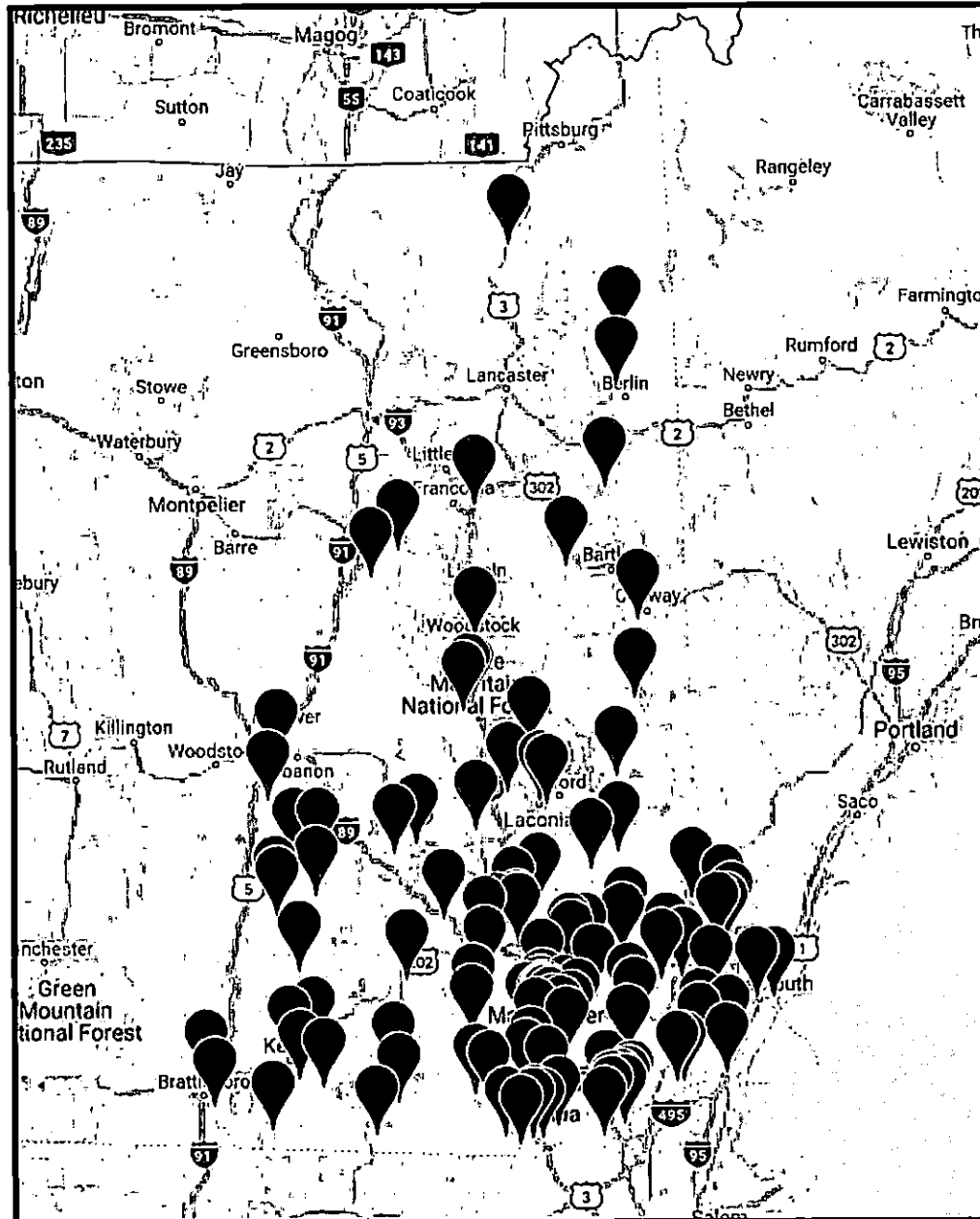


1

Cold Case Attorney

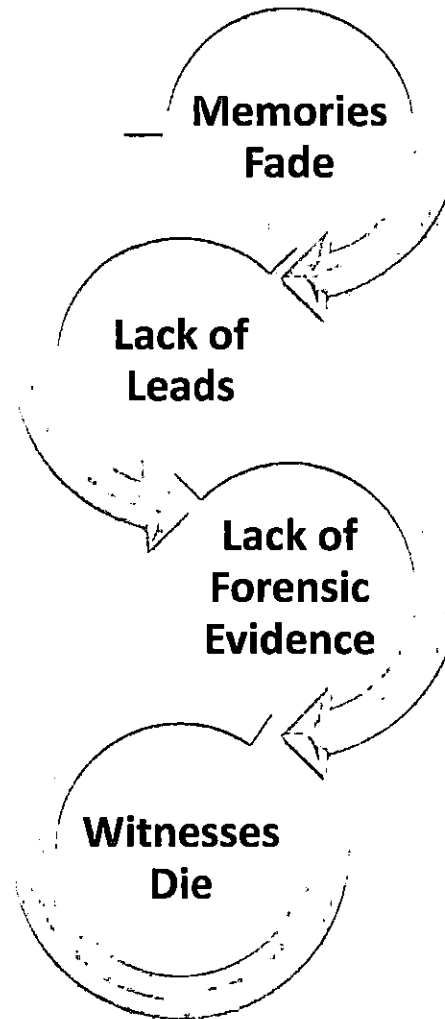
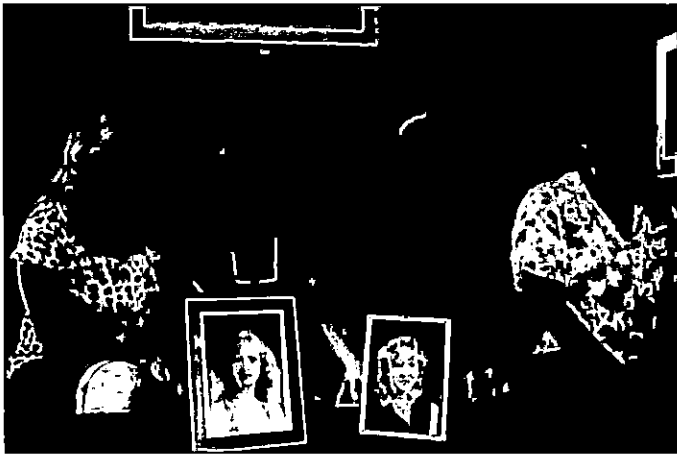


# Cold Cases Across the State





# What Makes a Case Difficult?



# How the Cold Case Unit Can Succeed

## New Forensics

- DNA & Fingerprints
- National Databases

## New Leads

- Tip Line at DOJ & State Police
- Employ New Strategies, Perspectives

## Relationships Change

- Witnesses Come Forward
- Allegiances Change

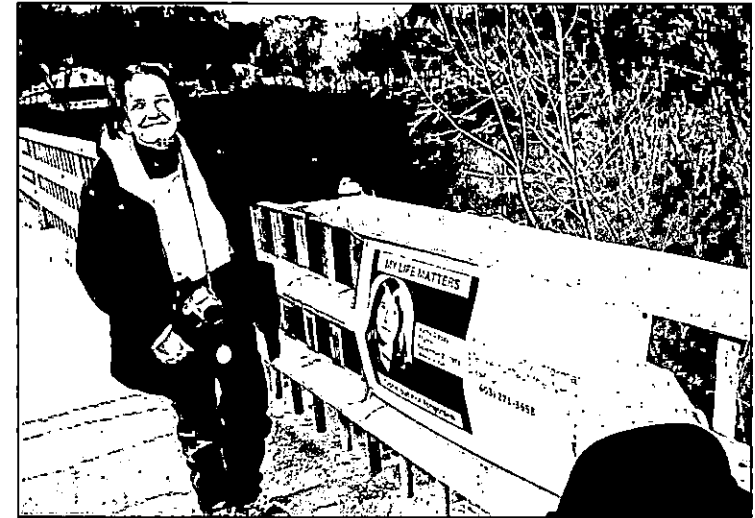
# Why Invest in the Cold Case Unit?

Dangerous  
Offenders  
Walk Free

Victims  
Deserve  
Justice

Families  
Deserve  
Answers

No Statute of  
Limitations



# Making the Cold Case Unit More Effective

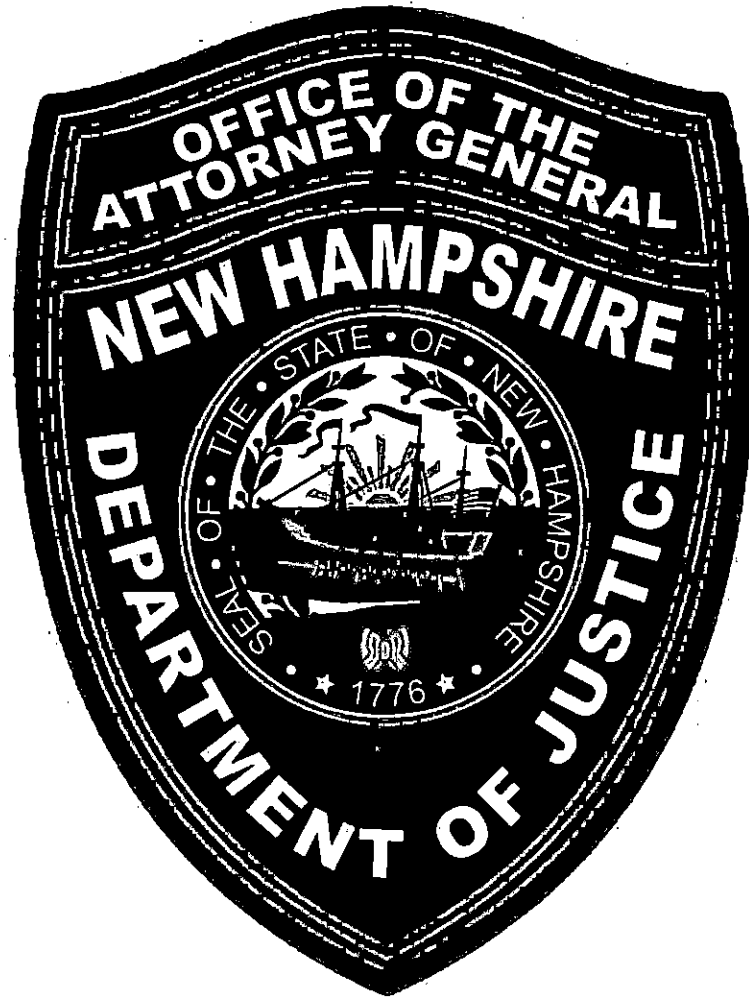
2 Attorneys

- Review cases & bring prosecutions
- Provide law enforcement with investigative support

# Why the Cold Case Unit Matters



# Thank You!



# Voting Sheets

# Senate Judiciary Committee

## EXECUTIVE SESSION

Bill # SB130

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: 0680

VOTE: 5-0

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input checked="" type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input checked="" type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

Motion of: OTPA

VOTE: 6-0

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input checked="" type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input checked="" type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Thursday, February 21, 2019

THE COMMITTEE ON Judiciary

to which was referred SB 130-FN

AN ACT                      establishing positions within the cold case homicide  
unit.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF:    5-0

AMENDMENT # 0630s

Senator Shannon Chandley  
For the Committee

Jennifer Horgan 271-2609

**JUDICIARY**

**SB 130-FN**, establishing positions within the cold case homicide unit.

Ought to Pass with Amendment, Vote 5-0.

Senator Shannon Chandley for the committee.

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Tuesday, March 12, 2019

THE COMMITTEE ON Finance

to which was referred **SB 130-FN**

AN ACT

establishing positions in the department of justice  
and the department of safety to work in the cold  
case homicide unit.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Cindy Rosenwald  
For the Committee

Deb Martone 271-4980

# Docket of SB130

Docket Abbreviations

**Bill Title:** (New Title) establishing positions in the department of justice and the department of safety to work in the cold case homicide unit.

*Official Docket of SB130.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/18/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Judiciary; <b>SJ 4</b>
1/23/2019	S	<b>Hearing:</b> 01/29/2019, Room 100, SH, 09:15 am; <b>SC 8</b>
2/21/2019	S	Committee Report: Ought to Pass with Amendment #2019-0630s, 03/07/2019; <b>SC 12</b>
3/7/2019	S	Committee Amendment #2019-0630s, AA, VV; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	<b>Ought to Pass with Amendment</b> 2019-0630s, MA, VV; Refer to Finance Rule 4-5; 03/07/2019; <b>SJ 7</b>
3/13/2019	S	Committee Report: Ought to Pass, 03/21/2019; <b>SC 14</b>
3/21/2019	S	<b>Ought to Pass:</b> MA, VV; 03/21/2019; <b>SJ 9</b>
3/21/2019	S	Sen. Feltes Moved Laid on Table, MA, VV; 03/21/2019; <b>SJ 9</b>
3/21/2019	S	Pending Motion OT3rdg; 03/21/2019; <b>SJ 9</b>

---

NH House

NH Senate

---

# Other Referrals

## Senate Inventory Checklist for Archives

Bill Number: SB 130-FN

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0282       - amendment # 0630

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate      \_\_\_ as amended by the house

\_\_\_ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office JM

# Senate Inventory Checklist for Archives

Bill Number: SB 130-FN

Senate Committee: Finance

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

- as amended by the senate       as amended by the house
- final version

**Completed Committee Report File Delivered to the Senate Clerk's Office By:**

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office jm