

CONSENT CALENDAR

February 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
1235-FN,**

**AN ACT relative to compensation paid to a crime
victim. Having considered the same, report the same
with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Edward Gordon

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 1235-FN
Title:	relative to compensation paid to a crime victim.
Date:	February 3, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0396h

STATEMENT OF INTENT

This bill increases the maximum recovery from the Crime Victims Assistance Fund from \$40,000 to \$50,000. It also provides that there would be an additional year for recovery under the FRM Victims Contribution Recovery Fund. Finally, the bill provides that any unused funds from the FRM Victims Contribution Recovery Fund will be paid over to the Crime Victims Assistance Fund. The amendment deletes the part of the original bill which would have limited payments to victims under the FRM Victims Contribution Fund to \$50,000.

Vote 21-0.

Rep. Edward Gordon
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 1235-FN, relative to compensation paid to a crime victim. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. This bill increases the maximum recovery from the Crime Victims Assistance Fund from \$40,000 to \$50,000. It also provides that there would be an additional year for recovery under the FRM Victims Contribution Recovery Fund. Finally, the bill provides that any unused funds from the FRM Victims Contribution Recovery Fund will be paid over to the Crime Victims Assistance Fund. The amendment deletes the part of the original bill which would have limited payments to victims under the FRM Victims Contribution Fund to \$50,000. **Vote 21-0.**

Original: House Clerk
Cc: Committee Bill File

Amendment to HB 1235-FN

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

2

3 1 Crime Victims Assistance; Claimant Eligibility. Amend RSA 21-M:8-h, V to read as follows:

4 V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical
5 expenses, funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with
6 the victim's participation in post-conviction proceedings and victim-offender dialogue programs or
7 other restorative justice programs, and lost wages directly resulting from the crime. Claimants
8 eligible under subparagraph I(a)(4) may be reimbursed for the costs of removing the tattoo with an
9 identifying mark. No reimbursement shall be paid unless the claimant has incurred reimbursable
10 expenses of at least \$100. There shall be a [~~\$40,000~~] **\$50,000** maximum recovery per claimant per
11 incident. If expenses paid through the victims' assistance program fund are later covered by
12 insurance settlements, civil suit settlements, or restitution, or through any other source, the
13 claimant shall reimburse the fund for the amount of expenses recovered.

14 2 FRM Victims' Contribution Recovery Fund; Appropriation Amended. Amend 2021, 91:85 to
15 read as follows:

16 91:85 Appropriation; FRM Victims' Contribution Recovery Fund. For the purpose of awarding
17 recovery assistance to victims of the FRM fraud, there is hereby appropriated the sum of \$5,000,000
18 for the fiscal year ending June 30, 2022, and the sum of \$5,000,000 for the fiscal year ending June
19 30, 2023, to the FRM victims' contribution recovery fund established in RSA 359-P:2. ***Any unused***
20 ***funds remaining on July 1, 2024 shall be credited to the victims' assistance fund***
21 ***established in RSA 21-M:8-h.*** The governor is authorized to draw a warrant for said sums out of
22 any money in the treasury not otherwise appropriated.

23 3 FRM Victims' Contribution Recovery Fund; Repeal Date Extended. Amend 2016, 293:7, I to
24 read as follows:

25 I. Sections 4 through 6 of this act shall take effect July 1, [~~2023~~] **2024**.

26 4 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1235-FN
- Page 2 -

2022-0396h

AMENDED ANALYSIS

This bill increases the maximum recovery per claimant under the victims' assistance fund. The bill also extends the repeal date of the FRM victims' contribution recovery fund.



2021 SESSION

Judiciary

Bill #: HB1235 Motion: _____ AM #: 0396 Exec Session Date: 2-3-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	✓		
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H.	✓		
Rice, Kimberly A. <i>EDWARDS</i>	✓		
Silber, Norman J. <i>MERNER</i>	✓		
Greene, Bob J.	✓		
Kelley, Diane E.	✓		
Tausch, Lindsay <i>ANDRUS</i>	✓		
Trottier, Douglas R.	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. <i>WOODS</i>	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		

Kurt Wuelper

21 0



2021 SESSION

Judiciary

Bill #: 1235 Motion: OTPA AM #: 0396 Exec Session Date: 2-3-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	✓		
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H.	✓		
Rice, Kimberly A. <i>EDWARDS</i>	✓		
Silber, Norman J. <i>MERRILL</i>	✓		
Greene, Bob J.	✓		
Kelley, Diane E.	✓		
Tausch, Lindsay <i>ANDRUS</i>	✓		
Trottier, Douglas R.	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. <i>WOODS</i>	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		

Kurt Wuelper

21 0

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1235-FN

BILL TITLE: relative to compensation paid to a crime victim.

DATE: 1/12//2022

LOB ROOM: 206-208

Time Public Hearing Called to Order: 10:00 AM

Time Adjourned: 10:27 AM

Committee Members: Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Notter, Merner, Greene, D. Kelley, ~~Andrus~~, Trottier, M. Smith, ~~Borch~~, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

Bill Sponsors: Rep Cushing, Rep. Meuse, Rock. 29; Rep. Walz, Merr. 23

TESTIMONY

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

Rep. Meuse

Introduced the bill that increases the maximum recover amount from \$40,000 to \$50,000 and extends the period. It also reduces the payments to the FRM victims and deals with money left in the FRM fund after 2024

Q: Alexander Why increase by \$10,000?

Ans: I don't know about the specific amount, but we've had several reviews of the maximum amount and we've looked at who can qualify for it. Part of the intent is to ensure money is available to crime victims.

Q DiLorenzo: Why is FRM recovery included?

Ans: I'm not really sure.

Q I am concerned the FRM money comes out of the state budget, and I don't think that is appropriate.

Q Horrigan: Does that cap apply to the FRM victims?

Ans: That is my understanding, and it also limits claims to 50 cents on the dollar to prevent people subject to very large losses from draining the fund.

Q Chase: How do non-FRM claimants get money?

Ans: I'm not quite sure. I believe it is administered by the Attorney General's office.

Recessed at 10:10 AM

Reconvene: 10:20am

Rep Walz:

The need to raise the threshold from 40 to 50 thousand is just because the price of everything goes up and 50 thousand isn't a huge amount by any means, The tie to the FRM situation is to treat The FRM victims the same as other crime victims. That is why he directs whatever is left in the FRM fund to go into this fund.

Q Sylvia: Relative to the FRM case, what charges/convictions were there?

Ans: people were charged and are still in prison over it. There are both criminal and civil issues and the civil issues are my primary concern.

Q Gordon: Rep Meuse says the \$50,000 cap would apply to the FRM victims and the remainder would be transferred to the victims' fund?

Ans: My intent is for victims to receive more money.



Rep Kurt Wuelper

House Remote Testify

Judiciary Committee Testify List for Bill HB1235 on 2022-01-12

Support: 0 Oppose: 1 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/10/2022 1:10 PM
Kipphut, Nicole	Concord, NH Nicole.Kipphut@doc.nh.gov	State Agency Staff	NH Department of Corrections Victim Services Unit	Neutral	No	No	1/12/2022 9:55 AM

Colleagues:

I do not know if it came out in the hearing, but I wanted to make a couple of points with you. If 1235 passes, it disrupts a couple of ongoing settlements. Finance has had a couple of hearings on the settlements by the AG with the sexual abuses at the Sununu Center. The AG has set 100 million dollars in a fund for settlements. There are 435 cases filed so far, and the AG is looking at histories from other states to try to guess what the size of settlements will be. This bill interferes with that process. Additionally, we put ten million dollars in the budget for settlement of the FRM Case. This is a case that has been ongoing for ten years. Hundreds of millions were lost by investors relying on the AG and the Banking Commissioner for accurate information about the FRM. State employees lied and covered up the charges against FRM, which should have shut it down. The amounts of the settlements will depend on the individual investors loss, and will like be about 10%. This 1235 will also interfere with current legislation by attempts to set one limit. A sponsor of the bill has spent ten years trying to defeat any awards to FRM victims.

Please for these reasons make HB 1235 Inexpedient to Legislate.

Thanks,

Ken Weyler

Archived: Wednesday, March 16, 2022 11:12:21 AM

From: [Billie-Jean Greene](#)

Sent: Sunday, January 9, 2022 3:32:11 PM

To: [~House Judiciary Committee](#)

Subject: HB1235 and HB1101

Importance: Normal

I OPPOSE HB1235 and support HB1101.

Thank you!
Billie-Jean Greene
Greenfield

HB 1235-FN - AS INTRODUCED

2022 SESSION

22-2497

04/10

HOUSE BILL ***1235-FN***

AN ACT relative to compensation paid to a crime victim.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Meuse, Rock. 29; Rep. Walz, Merr. 23

COMMITTEE: Judiciary

ANALYSIS

This bill increases the maximum recovery per claimant under the victims' assistance fund and establishes a maximum recovery amount for victims under the FRM victims contribution recovery fund. The bill also extends the repeal date of the FRM victims contribution recovery fund.

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 Twenty Two

AN ACT relative to compensation paid to a crime victim.

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

1 1 Short Title. This act shall be known as the crime victims equality act of 2022.

2 2 Crime Victims Assistance; Claimant Eligibility. Amend RSA 21-M:8-h, V to read as follows:

3 V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical
4 expenses, funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with
5 the victim's participation in post-conviction proceedings and victim-offender dialogue programs or
6 other restorative justice programs, and lost wages directly resulting from the crime. Claimants
7 eligible under subparagraph I(a)(4) may be reimbursed for the costs of removing the tattoo with an
8 identifying mark. No reimbursement shall be paid unless the claimant has incurred reimbursable
9 expenses of at least \$100. There shall be a [~~\$40,000~~] **\$50,000** maximum recovery per claimant per
10 incident. If expenses paid through the victims' assistance program fund are later covered by
11 insurance settlements, civil suit settlements, or restitution, or through any other source, the
12 claimant shall reimburse the fund for the amount of expenses recovered.

13 3 FRM Victims' Contribution Recovery Fund; Eligibility for Recovery Assistance. Amend the
14 introductory paragraph in RSA 359-P:3, I to read as follows:

15 I. Except as otherwise provided in this chapter, a claimant shall be eligible for recovery
16 assistance at the rate of 50 cents on each dollar lost by the claimant under this chapter, ***with a***
17 ***maximum recovery amount equal to the maximum recovery permitted under RSA 21-M:8-h,***
18 if the claimant:

19 4 FRM Victims' Contribution Recovery Fund; Recovery Assistance. Amend RSA 359-P:5, V to
20 read as follows:

21 V. Recovery assistance shall be limited to 50 cents on each dollar lost on the amount of the
22 claimant's original investment, ***with a maximum recovery amount equal to the maximum***
23 ***recovery permitted under RSA 21-M:8-h.***

24 5 FRM Victims' Contribution Recovery Fund; Appropriation Amended. Amend 2021, 91:85 to
25 read as follows:

26 91:85 Appropriation; FRM Victims' Contribution Recovery Fund. For the purpose of awarding
27 recovery assistance to victims of the FRM fraud, there is hereby appropriated the sum of \$5,000,000
28 for the fiscal year ending June 30, 2022, and the sum of \$5,000,000 for the fiscal year ending June
29 30, 2023, to the FRM victims' contribution recovery fund established in RSA 359-P:2. ***Any unused***
30 ***funds remaining on July 1, 2024 shall be credited to the victims' assistance fund***

1 ***established in RSA 21-M:8-h.*** The governor is authorized to draw a warrant for said sums out of
2 any money in the treasury not otherwise appropriated.

3 6 FRM Victims' Contribution Recovery Fund; Repeal Date Extended. Amend 2016, 293:7, I to
4 read as follows:

5 I. Sections 4 through 6 of this act shall take effect July 1, [~~2023~~] **2024**.

6 7 Effective Date. This act shall take effect 60 days after its passage.

**HB 1235-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to compensation paid to a crime victim.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - FRM Victims' Contribution Recovery Fund.			

METHODOLOGY:

This bill increases the maximum recovery per claimant under the victims' assistance fund and establishes a maximum recovery amount for victims under the FRM victims contribution recovery fund. The bill also extends the repeal date of the FRM victims contribution recovery fund.

The Department of Justice indicates this bill would raise the cap for victim assistance claims by \$10,000, from \$40,000 to \$50,000. The bill adds language to limit the maximum award permitted from the FRM victims' contribution recovery fund established by RSA 359-P:2 to equal the maximum recovery amount allowed pursuant to RSA 21-M:8-h and it transfers any balance remaining in the FRM fund to the victim assistance fund as of July 1, 2024. The Department states the number of claims received through FRM and/or the Victim Assistance cannot be determined in advance. Therefore, both revenue and expenditure fiscal impact is indeterminable.

AGENCIES CONTACTED:

Department of Justice