

LEGISLATIVE COMMITTEE MINUTES

# **HB1235**

Bill as  
Introduced

HB 1235-FN - AS AMENDED BY THE HOUSE

16Feb2022... 0396h  
31Mar2022... 1170h

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

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AMENDED ANALYSIS

This bill increases the maximum recovery per claimant under the victims' assistance fund.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1235-FN - AS AMENDED BY THE HOUSE

16Feb2022... 0396h  
31Mar2022... 1170h

22-2497  
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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 Crime Victims Assistance; Claimant Eligibility. Amend RSA 21-M:8-h, V to read as follows:
- 2 V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical
- 3 expenses, funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with
- 4 the victim's participation in post-conviction proceedings and victim-offender dialogue programs or
- 5 other restorative justice programs, and lost wages directly resulting from the crime. Claimants
- 6 eligible under subparagraph I(a)(4) may be reimbursed for the costs of removing the tattoo with an
- 7 identifying mark. No reimbursement shall be paid unless the claimant has incurred reimbursable
- 8 expenses of at least \$100. There shall be a [~~\$40,000~~] **\$50,000** maximum recovery per claimant per
- 9 incident. If expenses paid through the victims' assistance program fund are later covered by
- 10 insurance settlements, civil suit settlements, or restitution, or through any other source, the
- 11 claimant shall reimburse the fund for the amount of expenses recovered.
- 12 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1235-FN- FISCAL NOTE**  
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-0396h)

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
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other FRM Victims' Recovery Fund and the Victims' Assistance Fund			

**METHODOLOGY:**

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 to July 1, 2024 and provides that any remaining funds upon repeal shall be credited to the Victims' Assistance 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. This bill also 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 the revenue and expenditure fiscal impact is indeterminable.

**AGENCIES CONTACTED:**

Department of Justice

CHAPTER 68  
HB 1235-FN - FINAL VERSION

16Feb2022... 0396h  
31Mar2022... 1170h

2022 SESSION

22-2497  
04/10

HOUSE BILL            ***1235-FN***

AN ACT                relative to compensation paid to a crime victim.

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CHAPTER 68  
HB 1235-FN - FINAL VERSION

16Feb2022... 0396h  
31Mar2022... 1170h

22-2497  
04/10

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:*

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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 68:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 20, 2022  
Effective Date: July 19, 2022

# Committee Minutes



# SENATE CALENDAR NOTICE

## Judiciary

Sen Sharon Carson, Chair  
Sen Bill Gannon, Vice Chair  
Sen Harold French, Member  
Sen Rebecca Whitley, Member  
Sen Jay Kahn, Member

Date: April 6, 2022

### HEARINGS

Tuesday		04/12/2022
(Day)		(Date)
Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	<b>HB 1235-FN</b>	relative to compensation paid to a crime victim.
1:15 p.m.	<b>HB 1540-FN</b>	relative to recording custodial interrogations.
1:30 p.m.	<b>HB 1682-FN-A</b>	establishing the law enforcement conduct review committee in the New Hampshire police standards and training council and making an appropriation therefor.
1:45 p.m.	<b>HB 1647-FN</b>	relative to the calculation of child support.
2:00 p.m.	<b>HB 1609-FN</b>	relative to certain provisions of the fetal life protection act requiring an ultrasound examination.

### EXECUTIVE SESSION MAY FOLLOW

#### **Sponsors:**

**HB 1235-FN**

Rep. Meuse

Rep. Walz

**HB 1540-FN**

Rep. Welch

Rep. Wall

Rep. Burt

**HB 1682-FN-A**

Rep. Welch

**HB 1647-FN**

Rep. Abrami

Rep. Yokela

Rep. Kofalt

**HB 1609-FN**

Rep. Wolf

Rep. Deshaies

Rep. Allard

Rep. Graham

Rep. Ham

Rep. Depalma IV

Jennifer Horgan 271-7875

Sharon M Carson  
Chairman

# Senate Judiciary Committee

*Jennifer Horgan 271-7875*

HB 1235-FN, relative to compensation paid to a crime victim.

**Hearing Date:** April 12, 2022

**Time Opened:** 1:03 p.m.

**Time Closed:** 1:06 p.m.

**Members of the Committee Present:** Senators Carson, Gannon, French and Kahn

**Members of the Committee Absent :** Senator Whitley

**Bill Analysis:** This bill increases the maximum recovery per claimant under the victims' assistance fund.

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**Sponsors:**

Rep. Meuse

Rep. Walz

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**Who supports the bill:** Representative Walz; Representative Levesque; Representative Almy; Representative Weston; Representative Dontonville; Martha Richards; Mary Eisner; David Doherty; Christine West; Anne Dontonville; Sully Widerstrom; Clarence Skidmore; Richard Honnewell; Anne Honnewell; Walter Kirsch; Linda Hallock; Joan Hamblet; Sally Finddley; Nancy Kuemmerle

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Representative Walz**

- This is a simple change to raise the maximum recovery from the Victims Compensation Fund from \$40,000 to \$50,000 per claim.
- The Victims Compensation Fund is administered by the Attorney General's Office.
- The fund consists of monies collected through penalty assessments from criminal fines, restitution, the Federal Victims of Crime Grant, and the Federal Violence Against Women Act.
- Understands there is enough money in the Fund to accommodate this increase.
- This was originally Representative Cushing's bill.
- The House removed the FRM funding that was in the original version of the bill.
- Representative Cushing and she agree it is more than appropriate to raise the threshold given the real substantial loss some victims of crime suffer.

**Senator Carson** noted the Committee had another bill regarding the Fund earlier this year, and at that time was given assurance that the Fund has more than enough money to cover these increases.

**Summary of testimony presented in opposition:**

None

jch

Date Hearing Report completed: April 14, 2022

# Speakers



# Senate Remote Testify

## Judiciary Committee Testify List for Bill HB1235 on 2022-04-12

Support: 18 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Richards, Martha	A Member of the Public	Myself	Support
Eisner, Mary	A Member of the Public	Myself	Support
Levesque, Cassandra	An Elected Official	Myself	Support
Almy, Susan	An Elected Official	Myself	Support
Weston, Joyce	An Elected Official	Myself	Support
Doherty, David	A Member of the Public	Myself	Support
Dontonville, Roger	An Elected Official	Myself	Support
West, Christie	A Member of the Public	Myself	Support
Dontonville, Anne	A Member of the Public	Myself	Support
Widerstrom, Sally	A Member of the Public	Myself	Support
SKIDMORE, CLARENCE	A Member of the Public	Myself	Support
Hunnewell, Richard	A Member of the Public	Myself	Support
Hunnewell, Anne	A Member of the Public	Myself	Support
kirsch, walter	A Member of the Public	Myself	Support
HALLOCK, LINDA	A Member of the Public	Myself	Support
Hamblet, Joan	A Member of the Public	Myself	Support
Findley, Sally	A Member of the Public	Myself	Support
Kuemmerle, Nancy	A Member of the Public	Myself	Support

# Voting Sheets

**Senate Judiciary Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # 1235

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

Executive Session date: \_\_\_\_\_

Motion of: OTD Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: 40 - 750

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# Committee Report



FOR THE CONSENT CALENDAR

**JUDICIARY**

**HB 1235-FN**, relative to compensation paid to a crime victim.

Ought to Pass, Vote 5-0.

Senator Sharon Carson for the committee.

This bill increases the maximum recovery per claimant under the Victims' Assistance Fund from \$40,000 to \$50,000. The Committee is aware that the Fund has sufficient monies to cover this increase and feels that it is appropriate to raise this threshold given the real substantial losses some victims suffer.

# HB1235-FN

## Bill Details

**Title:** relative to compensation paid to a crime victim.

**Sponsors:** (Prime) Robert Renny Cushing (D), Meuse (D), Walz (d)

LSR Number: **22-2497**

General Status: **SIGNED BY GOVERNOR**

Chapter Number: **68**

House:

**Committee:** Finance

**Due Out:** 2/17/2022

**Status:** PASSED/ADOPTED WITH AMENDMENT

Senate:

**Committee:** Judiciary

**Floor Date:** 4/21/2022

**Status:** PASSED/ADOPTED

### Bill Docket

Body	Description
H	Introduced 01/05/2022 and referred to Judiciary
H	Public Hearing: 01/12/2022 10:00 am LOB 206-208
H	Executive Session: 02/03/2022 09:00 am LOB 206-208
H	Committee Report: Ought to Pass with Amendment # 2022-0396h <u>(Vote 21-0; CC)</u>
H	Amendment # 2022-0396h: AA VV 02/16/2022 <u>HJ 3</u>
H	Ought to Pass with Amendment 2022-0396h: MA VV 02/16/2022 <u>HJ 3</u>
H	Referred to Finance 02/16/2022 <u>HJ 3</u>
H	Division Work Session: 03/01/2022 11:00 am LOB 212
H	Division Work Session: 03/09/2022 11:00 am LOB 212
H	Executive Session: 03/23/2022 10:00 am LOB 210-211
H	Committee Report: Ought to Pass with Amendment # 2022-1170h (Vote 21-0; RC)
H	Amendment # 2022-1170h: AA VV 03/31/2022 <u>HJ 9</u>
H	Ought to Pass with Amendment 2022-1170h: MA VV 03/31/2022 <u>HJ 9</u>
S	Introduced 03/31/2022 and Referred to Judiciary; <u>SJ 8</u>
S	Hearing: 04/12/2022, Room 100, SH, 01:00 pm; <u>SC 15</u>
S	Committee Report: Ought to Pass, 04/21/2022; Vote 5-0; CC; <u>SC 16</u>
S	Ought to Pass: MA, VV; OT3rdg; 04/21/2022; <u>SJ 9</u>
S	Enrolled Adopted, VV, (In recess 05/12/2022); <u>SJ 13</u>
H	Enrolled (in recess of) 05/12/2022
H	Signed by Governor Sununu 05/20/2022; Chapter 68; Eff. 07/19/2022

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB1235

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 # \_\_\_      \_\_\_ - 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:

*[Signature]*  
Committee Aide

8/12/22  
Date

Senate Clerk's Office AK