

HB 576 - VERSION ADOPTED BY BOTH BODIES

2021 SESSION

21-0707

04/08

HOUSE BILL **576**

AN ACT relative to victims compensation fund eligibility.

SPONSORS: Rep. Massimilla, Graf. 1; Rep. Pantelakos, Rock. 25; Rep. T. Smith, Hills. 17; Rep. Egan, Graf. 2; Rep. Burroughs, Carr. 1; Rep. Merchant, Sull. 4; Sen. Hennessey, Dist 1

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill amends the provisions of the victims' compensation fund by permitting claims for victims of human trafficking, allowing claims based on sexual abuse or human trafficking to be filed at any time, and eliminating the consideration of contributory negligence in claims based on sexual abuse or human trafficking.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to victims compensation fund eligibility.

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

1 1 Department of Justice; Claimant Eligibility; Compensation. Amend RSA 21-M:8-h, I(a)(3) to  
2 read as follows:

3 (3) Any person who is a victim of sexual abuse **or human trafficking** and is under  
4 the age of 18 at the time ~~[the claim is filed]~~ **of the offense;**

5 2 Department of Justice; Claimant Eligibility; Compensation. Amend RSA 21-M:8-h, II-IV to  
6 read as follows:

7 II. The claimant, guardian ad litem or child advocate, or parent may file a claim for  
8 compensation within 2 years of the crime, unless good cause is shown. ***A claimant who was the***  
9 ***victim of sexual abuse or human trafficking under subparagraph I(a)(3), or a guardian ad***  
10 ***litem, child advocate, or parent on behalf of such claimant, may file a claim at any time.***

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

15 IV. The commission may consider the finding of innocence or guilt of the alleged offender in  
16 arriving at their determination of eligibility of the claimant. In determining eligibility and the  
17 amount of compensation to be awarded, the commission shall consider the contributory fault of the  
18 victim in causing his injury. If compensation is paid to members of the accused's immediate family,  
19 or persons who reside with or who have maintained a continuous relationship with the accused, the  
20 accused shall receive no benefit or enrichment as a result of payment of such compensation. ***The***  
21 ***commission shall not consider contributory fault in determining the amount of***  
22 ***compensation to be awarded if the claimant was a victim of sexual abuse or human***  
23 ***trafficking under subparagraph I(a)(3).***

24 3 Effective Date. This act shall take effect 60 days after its passage.