

SB 136 – AS AMENDED BY THE SENATE

03/14/13 0733s

2013 SESSION

13-0880  
04/03

SENATE BILL

**136**

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

SPONSORS: Sen. Carson, Dist 14

COMMITTEE: Judiciary

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ANALYSIS

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

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

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

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

1 1 Name of Act. This act shall be known as Tony's Law.

2 2 Rights of Crime Victims. Amend RSA 21-M:8-k, I-II to read as follows:

3 I. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

30 (g) The right to have inconveniences associated with participation in the criminal justice

1 process minimized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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