

Current Law: 21-M:8-k Rights of Crime Victims. –	"Rights" Granted in Proposed Constitutional Amendment: [Art.] 14-a [Protection for Victims.]
<p>I. As used in this section:</p> <p>(a) "Victim" means a person who suffers direct or threatened physical, emotional, psychological or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim, or the surviving partner in a civil union.</p> <p>(b) "Crime" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony.</p> <p>II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled to the following rights:</p>	<p>A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.</p> <p>The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request.</p> <p>A victim shall have the right:</p>
(a) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.	<ul style="list-style-type: none"> ▪ to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request:
(b) The right to be informed about the criminal justice process and how it progresses.	
(c) The right to be free from intimidation and to be reasonably protected from the accused throughout the criminal justice process.	<ul style="list-style-type: none"> ▪ to reasonable protection from the accused throughout the criminal justice process;
(d) The right to be notified of all court proceedings.	<ul style="list-style-type: none"> ▪ to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused;
(e) The right to attend trial and all other court proceedings the accused has the right to attend.	<p>[see bullet above]</p>
(f) The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.	<ul style="list-style-type: none"> ▪ to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused;
(g) The right to have inconveniences associated with participation in the criminal justice process minimized.	<ul style="list-style-type: none"> ▪ to proceedings free from unreasonable delay and a prompt conclusion of the case;
(h) The right to be notified if presence in court is not required.	
(i) The right to be informed about available resources, financial assistance, and social services.	
(j) The right to restitution, as granted under RSA 651:62-67 or any other applicable state law, or victim's compensation, under RSA 21-M:8-h or any other applicable state law, for their losses.	<ul style="list-style-type: none"> ▪ to full and timely restitution; and to be informed of all rights under this article.
(k) The right to be provided a secure, but not necessarily separate, waiting area during court proceedings.	
(l) The right to be advised of case progress and final disposition.	
(m) The right of confidentiality of the victim's address, place of employment, and other personal information.	
(n) The right to the prompt return of property when no longer needed as evidence.	
(o) The right to have input in the probation presentence report impact statement.	

<p>(p) The right to appear and make a written or oral victim impact statement at the sentencing of the defendant or, in the case of a plea bargain, prior to any plea bargain agreement. No victim shall be subject to questioning by counsel when giving an impact statement.</p>	
<p>(q) The right to be notified of an appeal, an explanation of the appeal process, the time, place and result of the appeal, and the right to attend the appeal hearing.</p>	
<p>(r) The right to be notified of, to attend, and to make a written or oral victim impact statement at the sentence review hearings and sentence reduction hearings. No victim shall be subject to questioning by counsel when giving an impact statement.</p>	
<p>(s) The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.</p>	<ul style="list-style-type: none"> ▪ to reasonable notice of the release or escape of the accused;
<p>(t) The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.</p>	
<p>(u) The right to all federal and state constitutional rights guaranteed to all victims of crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the right not to be discriminated against or have their rights as a victim denied, diminished, expanded, or enhanced on the basis of the victim's support for, opposition to, or neutrality on the death penalty.</p>	
<p>(v) The right to access to restorative justice programs, including victim-initiated victim-offender dialogue programs offered through the department of corrections.</p>	
<p>(w) The right to be informed of the filing of a petition for post-conviction DNA testing under RSA 651-D.</p>	
	<ul style="list-style-type: none"> ▪ to refuse an unnecessary interview or deposition request made by the accused;
<p>II-a. (a) In any case where the victim informs the court that he or she requires assistance in making an oral or written impact statement permitted under this section, the court shall allow the victim to designate a representative to write or speak on the victim's behalf. (b) The victim's impact statement shall not be limited to the injuries, harm, or damages noted in the information or indictment, but may include all injuries, harm, and damages suffered as a result of the commission or attempted commission of the crime whether or not the injuries, harm, or damages were fully determined or discovered at the time the information or indictment was filed. III. Nothing in this section shall be construed as creating a cause of action against the state, a county or municipality, or any of their agencies, instrumentalities, or employees. Nothing in this section shall be construed as creating any new cause of action or new remedy or right for a criminal defendant.</p>	<ul style="list-style-type: none"> ▪ This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

TEXT OF PROPOSED CACR22

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. *This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.*"