

NEW HAMPSHIRE VICTIMS' RIGHTS LAWS¹

Constitution

New Hampshire does not have a victims' rights amendment to its constitution.

Statutes

Title I, The State and its Government; Chapter 21 – M, Department of Justice § 21-M:8-k Rights of Crime Victims

I. As used in this section:

- (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.
- (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.

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:

- (a) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
- (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.
- (d) The right to be notified of all court proceedings.
- (e) The right to attend trial and all other court proceedings the accused has the right to attend.

¹Not intended to be exhaustive

- (f) The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.
- (g) The right to have inconveniences associated with participation in the criminal justice process minimized.
- (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.
- (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) 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.
- (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.
- (r) The right to be notified and to attend sentence review hearings and sentence reduction hearings.
- (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.
- (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.
- (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.

- (v) The right to access to restorative justice programs, including victim-initiated victim-offender dialogue programs offered through the department of corrections.
- (w) The right to be informed of the filing of a petition for post-conviction DNA testing under RSA 651-D.

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.

N.H. Rev. Stat. § 21-M:8-c - Victim of Alleged Sexual Offense.

If a physician or a hospital provides any physical examination of a victim of an alleged sexual offense to gather information and evidence of the alleged crime, these services shall be provided without charge to the individual. Upon submission of appropriate documentation, the physician or hospital shall be reimbursed for the cost of such examination by the department of justice to the extent such costs are not the responsibility of a third party under a health insurance policy or similar third party obligation. The bill for the medical examination of a sexual assault victim shall not be sent or given to the victim or the family of the victim. The privacy of the victim shall be maintained to the extent possible during third party billings. Billing forms shall be subject to the same principles of confidentiality applicable to any other medical record under RSA 151:13. Where such forms are released for statistical or accounting services, all personal identifying information shall be deleted from the forms prior to release.