

CHAPTER 283

HB 459 – FINAL VERSION

24Mar2009... 0635h

10Jun2009... 2079eba

2009 SESSION

09-0270

04/01

HOUSE BILL 459

AN ACT relative to access to restorative justice programs by victims of crime.

SPONSORS: Rep. Cushing, Rock 15

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

I. Adds the right to access to restorative justice programs including victim-initiated victim-offender dialogue programs offered through the department of corrections to the victim bill of rights and requires the office of victim/witness assistance to provide information on such programs.

II. Adds the victim-offender dialogue program to the department of corrections under the supervision of the victim services coordinator.

III. Defines “victim” for the purposes of victim’s assistance and the victim’s bill of rights to include the surviving partner in a civil union.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to access to restorative justice programs by victims of crime.

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

283:1 New Subparagraph; Department of Corrections; General Functions. Amend RSA 21-H:3, II by inserting after subparagraph (c) the following new subparagraph:

(d) Ensuring that victims of crime are treated in a manner consistent with RSA 21-M:8-k.

283:2 New Paragraph; Department of Corrections; Internal Organization Units. Amend RSA 21-H:4 by inserting after paragraph VI the following new paragraph:

VII. The victim-offender dialogue program which shall be a victim-initiated, voluntary program to assist crime victims who seek access to restorative justice programs as provided under RSA 21-M:8-k, II(u), under the direction of the victim services coordinator who shall:

(a) Implement and oversee the program.

(b) Advocate for the rights of crime victims.

(c) Provide corrections-based victim services including but not limited to:

(1) Notification of offender status changes.

(2) Victim-initiated victim-offender dialogue.

(3) Advocacy, safety, and support for victims during reduced custody, offender re-entry, and hearings of the adult parole board.

Participation in the program shall not affect the court's decision relative to sentencing, parole, or other types of supervised or unsupervised release programs.

283:3 Office of Victim/Witness Assistance; Definitions. Amend RSA 21-M:8-b, I(a) to read as follows:

(a) "Victim" means a person who suffers direct or threatened physical, emotional or psychological harm as the 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*.

283:4 Rights of Crime Victims; Definitions. Amend RSA 21-M:8-k, I(a) to read as follows:

(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*.

283:5 New Subparagraph; Office of Victim/Witness Assistance; Victim-Offender Dialogue Program. Amend RSA 21-M:8-b, II by inserting after subparagraph (d) the following new subparagraph:

(e) Provide victims or their representatives with information about the availability of and access to restorative justice programs including victim-initiated victim-offender dialogue programs offered through the department of corrections.

283:6 New Subparagraph; Rights of Crime Victims. Amend RSA 21-M:8-k, II by inserting after subparagraph (t) the following new subparagraph:

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

283:7 Contingency. If HB 370 of the 2009 legislative session becomes law, RSA 21-M:8-k, II(u) as inserted by section 6 of this act shall be renumbered as RSA 21-M:8-k, II(v) to prevent a conflict with HB 370.

283:8 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 29, 2009

Effective Date: September 27, 2009