

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**AMENDMENT # 2026-0268s**, relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning, and relative to the effect of murder on a decedent's estate **to HB 510-FN**, relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

**Hearing Date:** February 3, 2026

**Time Opened:** 4:10 p.m.

**Time Closed:** 4:19 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Reardon and Altschiller

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill establishes for students, student organizations, and faculty members of publicly funded New Hampshire colleges and universities the right to certain due process protections when disciplinary proceedings are brought against them by such institutions, and addresses the provisions' applicability to collective bargaining agreements.

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**Sponsors:**

Rep. Lynn

Rep. Popovici-Muller

Rep. Thibault

Sen. Lang

Sen. Murphy

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**Who supports the amendment:** Senator Sharon Carson, Benjamin King (Representing Harmony Montgomery's Estate), Bridget Danielson, and Shelian Kaufold.

**Who opposes the amendment:** None.

**Who is neutral on the amendment:** Representative Bob Lynn.

**Summary of testimony presented:**

**Kate Lipman**, Majority Policy Director for the Senate, introduced the amendment on behalf of Senator Sharon Carson, explaining that she was presenting the same

statement Carson had spoken to earlier and that she would relay any questions she could not answer.

**Benjamin King** then testified in support on behalf of the estate of Harmony Montgomery. Explained that the existing slayer statute requires revision because it creates an ambiguity that probate judges should not be required to resolve.

- Stated that the statute, as currently written, could perversely allow a person convicted of killing his own child to inherit from the victim's estate under the rules of intestate succession, which is precisely the outcome the slayer statute was intended to prevent.
- Explained that the current statute contains two separate provisions, referred to as Roman numeral I and Roman numeral II, that allow a person responsible for a killing to be treated as having predeceased the victim for purposes of intestate succession. Under Roman numeral I, a judgment of conviction establishing criminal responsibility for murder can trigger that result, but only after all rights of appeal have been exhausted. Under Roman numeral II, a similar result can be reached in the absence of a criminal conviction through a civil determination.
- Stated that a gap exists between those two provisions. If a person has been convicted but still has appeals pending, then Roman numeral I does not apply because appeals are not exhausted, and Roman numeral II does not apply because there is a conviction. He said this creates what he described as a "no man's land" in which a person convicted of murder could potentially inherit from the victim's estate.
- Explained that the amendment resolves this ambiguity by defining the term "final criminal conviction" and by revising the statutory language so that Roman numeral I applies when there is a final criminal conviction and Roman numeral II applies in the absence of a final criminal conviction. He stated that this clarification removes the gap and ensures that probate courts are not forced to interpret legislative intent on their own.
- Senator Abbas asked a question regarding probate procedure, specifically whether, under intestate succession law, a beneficiary must affirmatively elect to take a benefit when an estate is being probated.
  - Benjamin King replied that the answer was no.
- Senator Altschiller asked whether King had input on which legislative vehicle the amendment would be attached to when it was drafted.
  - Benjamin King replied that he did not believe he had participated in that decision.

- Senator Gannon asked for clarification about the practical effect of the amendment and the issue of final criminal conviction.
  - o Benjamin King explained that the statute currently uses the word “conviction” without defining when a conviction becomes final. Probate judges have raised concerns that a conviction can be appealed and may also be challenged through post-conviction remedies such as habeas corpus petitions that could theoretically proceed through federal courts, including the United States Supreme Court.
  - o Stated that the legislature likely did not intend the phrase “all rights of appeal” to include every possible form of collateral review, but that the lack of definition forces judges to interpret the statute. By defining “final criminal conviction,” the amendment clarifies legislative intent and eliminates the ambiguity.

**Representative Bob Lynn** briefly testified, stating that, based on the explanations provided and with assistance from staff and others involved in drafting, he believed the amendment successfully solves the identified problem.

BMB  
Date Hearing Report completed: February 6, 2026