

CHAPTER 234
SB 140-FN - FINAL VERSION

06/12/2025 2721EBA

2025 SESSION

25-0995
09/11

SENATE BILL ***140-FN***

AN ACT establishing a domestic violence fatality review committee.

SPONSORS: Sen. Birdsell, Dist 19

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a domestic violence fatality review committee within the department of justice to conduct comprehensive, multidisciplinary reviews of deaths related to domestic violence. This bill also establishes a criminal penalty for intentionally disclosing information or records obtained from committee proceedings.

This bill is a request of the department of justice.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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06/26/2025 2721EBA

25-0995
09/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT establishing a domestic violence fatality review committee.

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

1 234:1 New Section; The Department of Justice; Domestic Violence Fatality Review Committee.

2 Amend RSA 21-M by inserting after section 16 the following new section:

3 21-M:16-a Domestic Violence Fatality Review Committee.

4 I. There is hereby established the domestic violence fatality review committee within the
5 department of justice to conduct comprehensive, multidisciplinary reviews of deaths related to domestic
6 violence for the purpose of preventing domestic violence related fatalities through the identification of
7 barriers to victim safety, the evaluation of the response by law enforcement and other government and
8 non-government agencies and service delivery systems, and the creation of recommendations to improve
9 the systemic and community response to domestic violence.

10 II. For the purpose of this section, a "domestic violence fatality" means a death which arises as a
11 result of domestic violence as defined in RSA 173-B, RSA 631:2-b, or a fatality that, in the sole discretion
12 of the domestic violence fatality review committee, was either directly or indirectly related to domestic
13 violence.

14 III. The attorney general shall appoint the members of the domestic violence fatality review
15 committee, who shall hold office for an indefinite term at the pleasure of the attorney general. The
16 committee shall consist of the following members:

17 (a) The attorney general, or designee.

18 (b) The chief medical examiner, or designee.

19 (c) The director of the division for children, youth and families, department of health and
20 human services, or designee.

21 (d) The director of the division for behavioral health, department of health and human
22 services, or designee.

23 (e) The commissioner of the department of safety, or designee.

24 (f) A circuit court judge.

25 (g) A licensed medical provider who is knowledgeable concerning domestic violence injuries
26 and deaths, including suicides.

27 (h) Two members of law enforcement, one representing a rural jurisdiction and one an urban
28 jurisdiction.

29 (i) A representative of an organization providing civil legal services to victims of domestic
30 violence.

31 (j) A representative of the New Hampshire Coalition Against Domestic and Sexual Violence.

32 (k) A representative from a domestic violence crisis center.

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- 1 (l) A county attorney or a prosecutor employed by a county attorney's office.
- 2 (m) An attorney or police officer who prosecutes in circuit court.
- 3 (n) A prosecution-based victims' assistance provider.
- 4 (o) A defense attorney.
- 5 (p) A provider of batterers intervention programming.

6 IV. The committee shall elect a chairperson from among its members. The chairperson shall
7 serve for a term of 2 years.

8 V. The committee may create additional subcommittees as needed to achieve the committee's
9 mission. These subcommittees shall be subject to the same protections and responsibilities as the
10 committee as established in this section. Membership of these subcommittees shall be determined by the
11 chairperson.

12 VI. The committee's review of a case shall not be initiated until such time as the law enforcement
13 criminal investigation has been completed or fully adjudicated, whichever comes later. Additionally, if, in
14 the opinion of the attorney general, there exists the potential for civil litigation, the committee's review of a
15 case shall not be initiated before 3 years from the date of the incident under review.

16 VII. The attorney general, acting through the office of victim/witness assistance, as established in
17 RSA 21-M:8-b, shall coordinate and provide administrative support to the committee.

18 VIII. The attorney general, acting through the office of victim/witness assistance, may solicit,
19 request, review, inspect, and copy all information and records as defined to include, but not be limited to,
20 testimony, documents, reports, reviews, recommendations, correspondence, and data from any individual
21 or agency, including individuals with particular expertise that would be helpful to the review,
22 representatives from those organizations or agencies that had contact with or provided services to the
23 individuals involved in the case, or anyone else the attorney general identifies as relevant for the purpose
24 of the review, and may provide any of the information and records to the members of the committee and
25 invited guests; provided, however, no member of the committee or invited guests shall further distribute
26 such information or records.

27 IX. Upon a recommendation of the committee, the attorney general, in his or her sole discretion,
28 shall have the authority to subpoena witnesses or compel the production of information or records. The
29 attorney general shall have the authority to enforce, if necessary, any subpoena by compelling production
30 in the superior court.

31 X. The committee, members of the committee, invited guests, and their agents and employees,
32 the attorney general, and other state employees at the department of justice shall maintain the
33 confidentiality of all information and records pursuant to any applicable confidentiality laws including, but
34 not limited to, information and records received that are governed by RSA 169-C:25, RSA 170-G:8-a and
35 RSA 161-F:57 and may be required to complete a confidentiality agreement that prohibits any
36 unauthorized dissemination of information or records except when disclosures may be necessary for the
37 committee to carry out its duties. Within the department of justice, such information and records shall be
38 solely accessible by the office of victim/witness assistance, the attorney general or the attorney general's
39 designee to the committee, and any attorney specially assigned to advise the committee.

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1 XI. The information and records obtained and created in execution of the committee's official
2 functions including proceedings, opinions, and testimony by persons participating in or appearing before
3 the committee, and deliberations by the committee relating to the review of any death are confidential, not
4 subject to RSA 91-A, and shall not be used, divulged, or acquired by any other person for any other
5 purpose, including, but not limited to, civil or criminal discovery, subpoena, employment investigation, or
6 introduction into evidence in any civil, criminal, or administrative proceeding. Nothing in this paragraph
7 shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything
8 that is available from another source and entirely independent of the proceedings of the committee.

9 XII. The committee, members of the committee, invited guests, their agents and employees, the
10 attorney general, and other state employees at the department of justice shall not be questioned,
11 compelled to testify, or compelled to produce any evidence in any civil, criminal, or administrative
12 proceeding regarding any matter involving the exercise of his or her official committee duties or regarding
13 information presented in or opinions formed as a result of a meeting of the committee. Nothing in this
14 paragraph shall be construed to prevent a member of the committee from testifying to information
15 obtained independently of the committee or which is public information.

16 XIII. The committee, members of the committee, invited guests, their agents and employees, the
17 attorney general, and other state employees at the department of justice, shall not be subject to, and shall
18 be immune from, claims, suits, liability, damages, or any other recourse, civil or criminal, arising from any
19 act, proceeding, decision, or determination undertaken or performed, or recommendation made, provided
20 such persons acted in good faith and without criminal intent in carrying out their responsibilities, authority,
21 duties, powers, and privileges of the offices conferred by this section upon them.

22 XIV. No organization, agency, or person furnishing information and records to the committee
23 shall be liable in damages for such act to any person or subject to any other recourse, civil or criminal.

24 XV. Any person who intentionally discloses information or records obtained from committee
25 proceedings shall be guilty of a class A misdemeanor.

26 XVI. The committee shall make a public biennial report, on or before the first day of October of
27 each even-numbered year, beginning on October 1, 2026, to the governor, speaker of the house of
28 representatives, the president of the senate, and the chief justice of the supreme court, describing any
29 trends and patterns of domestic violence deaths, together with any recommendations for changes in law,
30 policy, and practice that could prevent future deaths.

31 234:2 Effective Date. This act shall take effect upon its passage.

Approved: July 15, 2025
Effective Date: July 15, 2025

