

Amendment to SB 148-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Chapter; Effect of Murder on Intestate Succession, Wills, Joint Assets, Life Insurance,
4 and Beneficiary Designations. Amend RSA by inserting after chapter 562 the following new chapter:

5

CHAPTER 562-A

6

EFFECT OF MURDER ON INTESTATE SUCCESSION, WILLS, JOINT ASSETS, LIFE

7

INSURANCE, AND BENEFICIARY DESIGNATIONS

8

562-A:1 Definitions. As used in this chapter, unless the context otherwise indicates, the
9 following terms have the following meanings.

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I. "Disposition or appointment of property" includes a transfer of an item of property or any
11 other benefit to a beneficiary designated in a governing instrument.

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II. "Governing instrument" means a governing instrument executed by the decedent.

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III. "Murder" means murder in the first degree as defined under RSA 630:1-a or murder in
14 the second degree committed knowingly as defined under RSA 630:1-b, I(a) or a reasonably
15 equivalent offense under federal law, the law of another state, or the law of a foreign country if the
16 legal system of such country affords sufficient due process protections that a conviction thereunder
17 can be deemed just and reliable. However, "murder" does not include conduct of a person that could
18 be charged as the crime of causing or aiding a suicide as defined under RSA 630:4 even if such
19 conduct also could be or has been charged under RSA 630:1-a or RSA 630:1-b, I(a).

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IV. "Revocable," with respect to a disposition, appointment, provision, or nomination, means
21 one under which the decedent, at the time of or immediately before death, was alone empowered, by
22 law or under the governing instrument, to cancel the designation in favor of the killer, whether or
23 not the decedent was then empowered to designate the decedent in place of the killer, and whether
24 or not the decedent then had capacity to exercise the power.

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562-A:2 Forfeiture of Statutory Benefits. An individual who murders the decedent forfeits all
26 benefits under this title with respect to the decedent's estate. If the decedent died intestate, the
27 decedent's intestate estate passes as if the killer predeceased the decedent.

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562-A:3 Revocation of Benefits Under Governing Instruments. The murder of the decedent:

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I. Revokes any revocable:

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(a) Disposition or appointment of property made by the decedent to the killer in a

31

governing instrument;

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1 (b) Provision in a governing instrument conferring a general or nongeneral power of
2 appointment on the killer; and

3 (c) Nomination of the killer in a governing instrument nominating or appointing the
4 killer to serve in any fiduciary or representative capacity, including as a personal representative,
5 executor, trustee, or agent; and

6 II. Severs the interests of the decedent and killer in property held by them at the time of the
7 murder as joint tenants with the right of survivorship, transforming the interests of the decedent
8 and killer into equal tenancies in common.

9 562-A:4 Effect of Severance or Revocation.

10 I. A severance under RSA 562-A:3, II does not affect any third-party interest in property
11 acquired for value and in good faith reliance on an apparent title by survivorship in the killer unless
12 a writing declaring the severance has been noted, registered, filed, or recorded in records appropriate
13 to the kind and location of the property that are relied upon, in the ordinary course of transactions
14 involving such property, as evidence of ownership.

15 II. Provisions of a governing instrument are given effect as if the killer predeceased the
16 decedent.

17 562-A:5 Murder; How Determined.

18 I. After all right to appeal has been exhausted, a judgment of conviction establishing
19 criminal responsibility for commission of the murder of the decedent conclusively establishes the
20 convicted individual as the decedent's killer for purposes of this chapter.

21 II. In the absence of a criminal conviction, an individual's status as the person responsible
22 for commission of the murder of the decedent as defined in this chapter is conclusively established by
23 a final civil judgment to that effect entered against the individual by a court of competent
24 jurisdiction.

25 III. If an individual's status as the killer of the decedent has not been established pursuant
26 to paragraphs I or II, the executor or administrator of the decedent's estate, or any person who
27 would have received anything of value upon the death of the decedent by inheritance, under a
28 governing instrument, or by operation of law if the individual had predeceased the decedent, may
29 bring a civil action against the individual in a court of competent jurisdiction to have the court
30 determine by a preponderance of the evidence whether the individual was responsible for the murder
31 of the decedent as defined in this chapter. The plaintiff in such action may recover any money or
32 property rightly belonging to or due to the plaintiff as a result of the individual's murder of the
33 decedent, and the court may order such equitable relief, including but not limited to the imposition
34 of a constructive trust upon money or property held by the individual, as the court finds just and
35 proper to afford appropriate relief to the plaintiff. At the time of initiating such action the plaintiff
36 shall provide notice thereof to the New Hampshire department of justice, which shall have the right
37 to intervene in the case for the limited purpose of requesting that the court stay the proceedings for

1 a reasonable time, place limits on discovery, or take other appropriate measures to protect the
2 integrity of any criminal investigation or prosecution related to the death of the decedent which is
3 ongoing or represented by the department to be promptly undertaken. The court, on its own motion
4 or on the motion of any interested party shall stay the civil proceedings for a reasonable time upon a
5 showing of good cause, and may issue such protective orders as justice may require. In no event
6 shall the court stay the civil action beyond the time of entry of a final judgment by the trial court in
7 the criminal case against the individual regardless of whether an appeal is taken in that case. If the
8 court grants a stay or other relief to the department of justice under this paragraph, it shall grant
9 such temporary or interim relief to the plaintiff as the court determines to be necessary to prevent
10 the transfer, concealment, or removal from the jurisdiction of any money or property that may be
11 awarded to the plaintiff in a final judgment.

12 562-A:6 Protection of Payors and Other Third Parties

13 I. A payor or other third party is not liable for having made a payment or transferred an
14 item of property or any other benefit to a beneficiary designated in a governing instrument affected
15 by a murder or for having taken any other action if that payment, transfer, or other action is made
16 in good faith reliance on the validity of the governing instrument, upon request and satisfactory
17 proof of the decedent's death, before the payor or other third party received written notice of a
18 claimed forfeiture or revocation under this chapter. A payor or other third party is liable for a
19 payment or transfer made or other action taken after the payor or other third party received written
20 notice of a claimed forfeiture or revocation under this chapter.

21 II. Written notice of a claimed forfeiture or revocation under paragraph I must be mailed to
22 the payor's or other third party's main office or home by registered or certified mail, return receipt
23 requested, or served upon the payor or other third party in the same manner as a summons in a civil
24 action. Upon receipt of written notice of a claimed forfeiture or revocation under this chapter, a
25 payor or other third party may pay any amount owed or transfer or deposit any item of property held
26 by the payor or other third party to or with the court having jurisdiction of the probate proceedings
27 relating to the decedent's estate or, if no proceedings have been commenced, to or with the court
28 having jurisdiction of probate proceedings relating to decedents' estates located in the county of the
29 decedent's residence. The court shall hold the funds or item of property and, upon its determination
30 under this chapter, shall order disbursement in accordance with the determination. Payments,
31 transfers, or deposits made to or with the court discharge the payor or other third party from all
32 claims for the value of amounts paid to or items of property transferred to or deposited with the
33 court.

34 562-A:7 Protection of Bona Fide Purchaser; Personal Liability of Recipient.

35 I. A person who purchases property for value and without notice, or who receives a payment,
36 an item of property or any other benefit in partial or full satisfaction of a legally enforceable
37 obligation, is neither obligated under this chapter to return the payment, item of property, or benefit

1 nor liable under this chapter for the amount of the payment or the value of the item of property, or
2 benefit. A person who, not for value, receives a payment, item of property, or other benefit to which
3 the person is not entitled under this chapter is obligated to return the payment, item of property or
4 benefit, or is personally liable for the amount of the payment or the value of the item of property or
5 benefit, to the person who is entitled to it under this chapter.

6 II. If this chapter or any part of this chapter is preempted by federal law with respect to a
7 payment, an item of property, or any other benefit covered by this chapter, a person who, not for
8 value, receives the payment, item of property, or other benefit to which the person is not entitled
9 under this chapter is obligated to return the payment, item of property, or benefit, or is personally
10 liable for the amount of the payment or the value of the item of property or benefit, to the person
11 who would have been entitled to it were this chapter or part of this chapter not preempted.

12 562-A:8 Time of Application of Forfeiture. Notwithstanding any other provision of law to the
13 contrary, a forfeiture arising under this chapter may be determined at any time prior to the closure
14 of the decedent's estate by the probate court. This chapter shall be construed to apply to all estates
15 that have not been closed by the probate court prior to the effective date of this chapter.

16 2 New Chapter; Proceeds of Crime Related to Murder. Amend RSA by inserting after chapter
17 507-H the following new chapter:

18 CHAPTER 507-I

19 PROCEEDS OF CRIME RELATED TO MURDER

20 507-I:1 Definitions.

21 As used in this chapter:

22 I. "Murder" means murder in the first degree as defined under RSA 630:1-a or murder in the
23 second degree committed knowingly as defined under RSA 630:1-b, I(a), or a reasonably equivalent
24 offense under federal law, the law of another state, or the law of a foreign country if the legal system
25 of such country affords sufficient due process protections that a conviction thereunder can be deemed
26 just and reliable. However, "murder" does not include conduct of a person that could be charged as
27 the crime of causing or aiding a suicide as defined under RSA 630:4 even if such conduct also could
28 be or has been charged under RSA 630:1-a or RSA 630:1-b, I(a).

29 II. "Profits from a murder" means any property which the individual who committed the
30 murder obtained, or income generated, as a result of having committed the crime, including any
31 property or income obtained through the use of unique knowledge gained or learned during the
32 commission of, or in preparation for the commission of, the crime, as well as any property obtained
33 by, or income generated from, the sale, conversion, or exchange of such property and any gain
34 realized by such sale, conversion, or exchange.

35 III. "Victim" means the estate of the person who was murdered, or the immediate family of
36 the person murdered, unless such individual is the one who committed the murder.

37 507-I:2 Obligations of Third Parties Related to Profits From a Murder.

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1 Every person or other legal entity, or representative of such person or entity, that knowingly
2 contracts for, pays, or agrees to pay any profits from a murder as defined in this chapter, to a person
3 who committed the murder, or to the representative of such person, where the value, combined
4 value, or aggregate value of the contract, payment or payments of such funds exceeds or will exceed
5 10,000 dollars, shall give written notice to the department of justice of the payment or obligation to
6 pay as soon as practicable after discovering that the payment or intended payment constitutes
7 profits from a murder.

8 507-I:3 Obligations of the Department of Justice.

9 The department of justice, through the office of victim/witness assistance established in RSA 21-
10 M:8-b, upon receipt of notice of a contract, an agreement to pay, or payment of profits from a murder,
11 shall notify all known victims of the existence of such contract, profits or funds at their last known
12 address.

13 507-I:4 Right of Victim to Bring Suit; Department of Justice Standing.

14 I. Notwithstanding any other provision of law, any victim shall have the right to bring a civil
15 action in a court of competent jurisdiction to recover damages from a person convicted of the murder
16 of the victim's relation, as defined in this chapter, or the representative of the convicted person,
17 within 3 years of the date the victim discovered, or reasonably should have discovered, the existence
18 of any profits from the murder paid to or payable to the convicted person or the convicted person's
19 representative.

20 II. Upon filing an action pursuant to this section, the victim shall provide notice thereof to
21 the New Hampshire department of justice, which shall have the right to intervene in the case for the
22 limited purpose of requesting that the court stay the proceedings for a reasonable time, place limits
23 on discovery, or take other appropriate measures to protect the integrity of any other ongoing
24 criminal investigation or prosecution related to the death of the decedent.

25 III. The department of justice also shall have the right to intervene in such action if there is
26 any restitution owed that the department seeks to have satisfied.

27 3 Effective Date. This act shall take effect upon its passage.

2025-1922h

AMENDED ANALYSIS

This bill enacts a chapter that prohibits a person who murders another person from certain financial benefits from the estate of the decedent or other contractual provisions, and enacts provisions governing the disposition of the estate in such instances. This bill also requires any entity that contracts with someone convicted of a murder for certain payments related to the commission of the crime to notify the department of justice and for the department of justice to notify the estate or immediate family of the decedent to allow for suit to recover any money owed.