SB 148-FN - AS AMENDED BY THE SENATE

03/13/2025 0746s

2025 SESSION

25-1154
09/11

SENATE BILL ***148-FN***

AN ACT prohibiting those convicted of murder from financially profiting from the death of the victim.

SPONSORS: Sen. Sullivan, Dist 18; Sen. Murphy, Dist 16; Sen. Carson, Dist 14; Rep. Rice, Hills. 38; Rep. Wilhelm, Hills. 21; Rep. Paquette, Hills. 25; Rep. Georges, Hills. 23

COMMITTEE: Judiciary

ANALYSIS

This bill enacts a chapter that prohibits a person who intentionally and feloniously kills 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 homicide crime 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.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT prohibiting those convicted of murder from financially profiting from the death of the victim.

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

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

CHAPTER 562-A

EFFECT OF HOMICIDE ON INTESTATE SUCCESSION, WILLS, JOINT ASSETS, LIFE INSURANCE, AND BENEFICIARY DESIGNATIONS

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

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

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

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

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

562-A:3 Revocation of Benefits Under Governing Instruments. The felonious and intentional killing of the decedent:

I. Revokes any revocable:

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

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

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

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

562-A:4 Effect of Severance or Revocation.

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

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

562-A:5 Wrongful Acquisition of Property. A wrongful acquisition of property or interest by a killer not covered by this chapter shall be treated in accordance with the principle that a killer may not profit from the killer's wrong.

562-A:6 Felonious and Intentional Killing; How Determined. After all right to appeal has been exhausted, a judgment of conviction establishing criminal accountability for the felonious and intentional killing of the decedent conclusively establishes the convicted individual as the decedent's killer for purposes of this chapter. In the absence of such conviction, the court, upon the petition of an interested person, shall determine whether, under the preponderance of evidence standard, the individual would be found criminally accountable for the felonious and intentional killing of the decedent. If the court determines that, under that standard, the individual would be found criminally accountable for the felonious and intentional killing of the decedent, the determination conclusively establishes that individual as the decedent's killer for purposes of this chapter.

562-A:7 Protection of Payors and Other Third Parties.

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

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

562-A:8 Protection of Bona Fide Purchaser; Personal Liability of Recipient.

I. A person who purchases property for value and without notice, or who receives a payment, an item of property or any other benefit in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this chapter to return the payment, item of property, or benefit nor liable under this chapter for the amount of the payment or the value of the item of property, or benefit. A person who, not for value, receives a payment, item of property, or other benefit to which the person is not entitled under this chapter is obligated to return the payment, item of property or benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who is entitled to it under this chapter.

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

562-A:9 Time of Application of Forfeiture. Notwithstanding any other provision of law to the contrary, a forfeiture arising under this chapter may be determined at any time prior to the closure of the estate by the probate court. This chapter shall be construed to apply to all estates that have not been closed by the probate court prior to the effective date of this chapter.

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

CHAPTER 507-I

PROCEEDS OF CRIME RELATED TO HOMICIDE

507-I:1 Definitions.

As used in this chapter:

I. "Homicide" shall mean any offense listed in RSA 630.

II. “Profits from a homicide crime” include any property which the defendant obtained or income generated as a result of having committed the crime, any potential inheritance or realized inheritance, any assets obtained through the use of unique knowledge obtained during the commission of, or in preparation for the commission of, a crime, any other acquisition of property or interest by the killer, including a life estate in homestead property, and any property obtained by or income generated from the sale, conversion, or exchange of such property and any gain realized by such sale, conversion, or exchange.

III. "Victim" shall mean the estate of any victim of an offense under RSA 630, or the immediate family of a homicide victim, unless such individual is the one who committed the homicide offense.

507-I:2 Obligations of Third Parties Related to Profits From a Homicide Crime.

Every person or other legal entity, or representative of such person or entity, which knowingly contracts for, pays, or agrees to pay any profits from a homicide crime as defined in this chapter, to a person charged with or convicted of any homicide offense, or to the representative of such person, and the value, combined value, or aggregate value of the payment or payments of such funds exceeds or will exceed 10,000 dollars, shall give written notice to the department of justice of the payment or obligation to pay as soon as practicable after discovering that the payment or intended payment constitutes profits from a homicide crime.

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

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

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

I. Notwithstanding any other provision of law, any homicide crime victim shall have the right to bring a civil action in a court of competent jurisdiction to recover money damages from a person convicted of the homicide crime of which the crime victim is a victim, or the representative of that convicted person, within 3 years of the discovery of any profits from a crime.

II. Upon filing an action pursuant to this section, the homicide crime victim shall give notice to the department of justice of the filing by delivering a copy of the summons and complaint to the department. The crime victim may also give such notice to the department of justice prior to filing the action so as to allow the department of justice to apply for any appropriate provisional remedies which are otherwise authorized to be invoked prior to the commencement of an action.

III. The department of justice shall have the right to apply for any and all provisional remedies if there is any restitution owed that the department of justice seeks to have satisfied.

3 Effective Date. This act shall take effect January 1, 2026.

LBA
25-1154
Revised 5/12/25

SB 148-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2025-0746s)

AN ACT prohibiting those convicted of murder from financially profiting from the death of the victim.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	In Excess of $133,000	In Excess of $266,000	In Excess of $268,000
Funding Source(s)	General Fund			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill would prohibit a person who intentionally and feloniously kills 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 homicide crime 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.

The Department of Justice indicates this bill will require the Department to manage additional administrative tasks, including processing notifications from third parties making payments to convicted murderers, tracking related civil actions, and supporting victims or their families in recovering any proceeds. This will likely necessitate the hiring of additional staff, such as clerks or legal analysts, to handle the increased workload. The Department estimated annual cost for additional staffing would be $110,900 in FY2026, $218,000 in FY2027 and $220,000 in FY2028. This cost includes salary, benefits and operating costs for one Assistant Attorney General and one Lea gal Assistant. With an effective date of January 1, 2026, the FY 2026 costs reflect 1/2 of the annual cost plus equipment.

In addition to staffing costs, the DOJ will need to allocate resources for legal services and case management, expected to cost around $50,000 per year. These costs would cover the legal advisors and case managers to assist in the processing of civil actions tied to the legislation. The Department estimated the total fiscal impact to the Department would be $160,900 in FY 2026, $268,000 in FY 2027 and $270,000 in FY 2028. This includes staffing and legal costs necessary to implement the legislation, handle the increased caseload, and support victims' families in pursuing recovery of proceeds from the convicted murderers.

The Judicial Branch does not anticipate this bill resulting in more than $10,000 of additional costs associated with increased litigation.

AGENCIES CONTACTED:

Judicial Branch and Department of Justice