

CHAPTER 237
SB 148-FN - FINAL VERSION

03/13/2025 0746s
22May2025... 1922h
22May2025... 2207h

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

AMENDED ANALYSIS

This bill enacts a chapter that prohibits a person who murders another person from receiving 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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

1 237:1 New Chapter; Effect of Murder on Intestate Succession, Wills, Joint Assets, Life Insurance, and
2 Beneficiary Designations. Amend RSA by inserting after chapter 562 the following new chapter:

CHAPTER 562-A

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

6 562-A:1 Definitions. As used in this chapter, unless the context otherwise indicates, the following
7 terms have the following meanings.

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

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

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

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

23 562-A:2 Forfeiture of Statutory Benefits. An individual who murders the decedent forfeits all benefits
24 under this title with respect to the decedent's estate. If the decedent died intestate, the decedent's
25 intestate estate passes as if the killer predeceased the decedent.

26 562-A:3 Revocation of Benefits Under Governing Instruments. The murder of the decedent:

27 I. Revokes any revocable:

28 (a) Disposition or appointment of property made by the decedent to the killer in a governing
29 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 killer to
4 serve in any fiduciary or representative capacity, including as a personal representative, executor, trustee,
5 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 and killer
8 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 acquired
11 for value and in good faith reliance on an apparent title by survivorship in the killer unless a writing
12 declaring the severance has been noted, registered, filed, or recorded in records appropriate to the kind
13 and location of the property that are relied upon, in the ordinary course of transactions involving such
14 property, as evidence of ownership.

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

16 562-A:5 Murder; How Determined.

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

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

23 III. If an individual's status as the killer of the decedent has not been established pursuant to
24 paragraphs I or II, the executor or administrator of the decedent's estate, or any person who would have
25 received anything of value upon the death of the decedent by inheritance, under a governing instrument,
26 or by operation of law if the individual had predeceased the decedent, may bring a civil action against the
27 individual in a court of competent jurisdiction to have the court determine by a preponderance of the
28 evidence whether the individual was responsible for the murder of the decedent as defined in this chapter.
29 The plaintiff in such action may recover any money or property rightly belonging to or due to the plaintiff
30 as a result of the individual's murder of the decedent, and the court may order such equitable relief,
31 including but not limited to the imposition of a constructive trust upon money or property held by the
32 individual, as the court finds just and proper to afford appropriate relief to the plaintiff. At the time of
33 initiating such action the plaintiff shall provide notice thereof to the New Hampshire department of justice,
34 which shall have the right to intervene in the case for the limited purpose of requesting that the court stay
35 the proceedings for a reasonable time, place limits on discovery, or take other appropriate measures to
36 protect the integrity of any criminal investigation or prosecution related to the death of the decedent which
37 is ongoing or represented by the department to be promptly undertaken. The court, on its own motion or
38 on the motion of any interested party shall stay the civil proceedings for a reasonable time upon a
39 showing of good cause, and may issue such protective orders as justice may require. In no event shall

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1 the court stay the civil action beyond the time of entry of a final judgment by the trial court in the criminal
2 case against the individual regardless of whether an appeal is taken in that case. If the court grants a stay
3 or other relief to the department of justice under this paragraph, it shall grant such temporary or interim
4 relief to the plaintiff as the court determines to be necessary to prevent the transfer, concealment, or
5 removal from the jurisdiction of any money or property that may be awarded to the plaintiff in a final
6 judgment.

7 562-A:6 Protection of Payors and Other Third Parties

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

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

28 562-A:7 Protection of Bona Fide Purchaser; Personal Liability of Recipient.

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

37 II. If this chapter or any part of this chapter is preempted by federal law with respect to a
38 payment, an item of property, or any other benefit covered by this chapter, a person who, not for value,
39 receives the payment, item of property, or other benefit to which the person is not entitled under this

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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:8 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 decedent's 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.

562-A:9 Criminal Prosecution Not Affected.

Nothing in this chapter shall be construed to limit the ability of the state of New Hampshire to take any action or utilize any process to enforce the criminal laws of this state. A final decision on the merits rendered by a court in a civil proceeding brought by a private person, an estate, or an administrator pursuant to RSA 562-A:5, II or III shall not be construed to have any preclusive effect on any criminal prosecution.

237:2 New Chapter; Proceeds of Crime Related to Murder. Amend RSA by inserting after chapter 507-H the following new chapter:

CHAPTER 507-I
PROCEEDS OF CRIME RELATED TO MURDER

507-I:1 Definitions.

As used in this chapter:

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

II. "Profits from a murder" means any property which the individual who committed the murder obtained, or income generated, as a result of having committed the crime, including any property or income obtained through the use of unique knowledge gained or learned during the commission of, or in preparation for the commission of, the crime, as well as 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" means the estate of the person who was murdered, or the immediate family of the person murdered, unless such individual is the one who committed the murder.

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

Every person or other legal entity, or representative of such person or entity, that knowingly contracts for, pays, or agrees to pay any profits from a murder as defined in this chapter, to a person who committed the murder, or to the representative of such person, where the value, combined value, or aggregate value of the contract, payment or payments of such funds exceeds or will exceed \$10,000

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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 murder.

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

The department of justice, through the office of 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 murder, shall notify all known victims of the existence of such contract, profits or funds at their last known address.

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

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

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

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

237:3 Effective Date. This act shall take effect upon its passage.

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

