

SB 140-FN - AS INTRODUCED

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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 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 21:16-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
6 domestic violence for the purpose of preventing domestic violence related fatalities through the
7 identification of barriers to victim safety, the evaluation of the response by law enforcement and
8 other government and non-government agencies and service delivery systems, and the creation of
9 recommendations to improve 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
11 as a result of domestic violence as defined in RSA 173-B, RSA 631:2-b, or a fatality that, in the sole
12 discretion of the domestic violence fatality review committee, was either directly or indirectly related
13 to domestic 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
26 injuries and deaths, including suicides.

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

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

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

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

4 (l) A county attorney or a prosecutor employed by a county attorney's office.

5 (m) An attorney or police officer who prosecutes in circuit court.

6 (n) A prosecution-based victims' assistance provider.

7 (o) A defense attorney.

8 (p) A provider of batterers intervention programming.

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

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

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

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

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

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

35 X. The committee, members of the committee, invited guests, and their agents and
36 employees, the attorney general, and other state employees at the department of justice shall
37 maintain the confidentiality of all information and records pursuant to any applicable confidentiality

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1 laws including, but not limited to, information and records received that are governed by RSA 169-
2 C:25, RSA 170-G:8-a and RSA 161-F:57 and may be required to complete a confidentiality agreement
3 that prohibits any unauthorized dissemination of information or records except when disclosures
4 may be necessary for the committee to carry out its duties. Within the department of justice, such
5 information and records shall be solely accessible by the office of victim/witness assistance, the
6 attorney general or the attorney general's designee to the committee, and any attorney specially
7 assigned to advise the committee.

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

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

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

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

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

36 XVI. The committee shall make a public biennial report, on or before the first day of October
37 of each even-numbered year, beginning on October 1, 2026, to the governor, speaker of the house of

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1 representatives, the president of the senate, and the chief justice of the supreme court, describing
2 any trends and patterns of domestic violence deaths, together with any recommendations for
3 changes in law, policy, and practice that could prevent future deaths.

4 2 Effective Date. This act shall take effect upon its passage.

**SB 140-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a domestic violence fatality review committee.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association