

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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ANN M. RICE  
DEPUTY ATTORNEY GENERAL

March 5, 2018

Senator Sharon Carson  
Chair, Senate Judiciary Committee  
107 North Main Street  
Concord, NH 03301

Re: Victims' Rights Constitutional Amendment

Dear Senator Carson:

In my Office and across the State, prosecutors and advocates work closely with the victims of some of the most heinous crimes in New Hampshire. I have seen firsthand the impact and importance of treating all victims of crimes with fairness and respect for their safety, dignity, and privacy. With that in mind, I write in support of the revised constitutional amendment, which I've attached to this letter and which clearly defines basic rights for crime victims' in New Hampshire without encroaching on the due process rights of the accused.

New Hampshire is just one of 15 states that do not have some form of constitutional protections for victims of crime. That should change. Victims' rights should be guaranteed and protected in New Hampshire throughout the entire criminal justice process. We know from the experience of many states around the country that a well-crafted constitutional amendment can extend and enshrine important rights for victims without impacting a defendant's rights. The revised constitutional amendment will ensure consistency in the application of the law by prosecution offices and law enforcement agencies across this State, and will provide clarity to the courts tasked with interpreting the law.

I encourage this Committee and the Senate to stand with crime victims and their families and to support the revised constitutional amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gordon J. MacDonald".

Gordon J. MacDonald  
Attorney General

**ML4NH Draft 2.28.18**

**[Art.] 14-a. [Protection for Victims]**

A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case, including plea bargaining; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.