

R.S. 52:4B-1 et seq.

December 7, 1971

LEGISLATIVE HISTORY OF R.S. 52:4B-1 et seq.  
(Compensation for Victims of Crime)

COPY NO. 1  
*(for mats, see copy 2)*

L.1971 - C317 - S15 - Beadleston et al.  
Bill was prefiled.  
It had no statement.  
Feb.1 - Passed Senate, amended.  
Mar.25 - Reported out of Assembly Committee, amended.  
Apr.22 - Passed Assembly, amended.  
Apr.26 - Assembly Amendment passed Senate.  
Oct.4 - Approved (2d OCR).  
[Bill and amendments enclosed].

Governor's Press Release, October 4, 1971 [enclosed]

Earlier bills

All died in committee except where marked.

1966 A22 - Beadleston. Passed Assembly. Died [Bill enclosed] - same  
S284 - Parsekian, et al.

1967 A113 - Beadleston, et al.  
S358 - Parsekian, et al.

1968 S259 - Beadleston, et al. Reported with Committee Amendments. Amended in Assembly, Died [Bill encl.]  
S694 - Guarini.

1969 S201 - Guarini, et al.  
S279 - Beadleston, et al.

1970 S233 - Guarini, et al.

Hearings, Law Review Articles

974.90 New Jersey. Legislature. Senate. Committee on  
C929 Law and Public Safety.  
1966

Public Hearing on Senate Bill 284 providing  
for the compensation for the innocent victims of  
crimes. Nov. 30, 1966.

Attorney General Sills emphasizes need for victims compensation  
law. Sept. 22, 1966. 89 N.J.L.J 624.

New Jersey State Bar Association supports crime compensation  
law. Dec.10, 1970. 93 N.J.L.J.853

Newspaper Clippings

This is only a selection. See Vertical File under heading,  
N.J.--Restitution--Criminal Law

N.J. May Compensate Crime Victims	TET	12/19/65
Plan Studied for Victims of Criminals	Courier Post	12/22/65
N.J. Bypassing Measure to Pay Victims of Crime	NEN	3/12/67
Cost Fears Clouding Future of Victim Compensation	TET	11/14/68
Innocent Victims of Crime. They and their families bear the suffering alone. Herb Jaffe.	Newark Star Ledger	11/8/70 11/9/70 11/10/70 11/11/70
Assembly Unsure About Crime Bill	APP	2/2/71
Cahill Gives Support to Crime Bill	APP	2/9/71
Assembly ok's Payments for Crime Victims	Courier Post	11/23/71
Violent Crime Victims to Get Compensation. Earl Josephson	TET	11/5/71

HP/EH

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 15

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Senators BEADLESTON, SCHIAFFO, GIULIANO and RINALDO

AN ACT authorizing and providing for compensation for the innocent victims of crime in certain cases and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. This act shall be known and may be cited as the "Criminal Injuries  
2 Compensation Act of \***[1970]**\* \*1971\*."

1 2. As used in this act:

2 "Child" means an unmarried person who is under 21 years of age and  
3 includes a stepchild or an adopted child;

4 "Board" means the Violent Crimes Compensation Board established  
5 by this act;

6 "Dependents" means such relatives of a deceased victim as were wholly  
7 or partially dependent upon his income at the time of his death and shall  
8 include the child of such victim born after his death;

9 "Personal injury" means actual bodily harm and includes pregnancy  
10 and mental or nervous shock;

11 "Relative" of any person means his spouse, parent, grandparent,  
12 stepfather, stepmother, child, grandchild, brother, sister, half brother, half  
13 sister, or spouse's parents;

14 "Family relationship group" of any person means:

15 (1) any person related to such person within the third degree of consan-  
15A guinity or affinity,

16 (2) any person living in the same **\*\*[house]\*\*** *\*\*household\*\** as such  
16A person, or

17 (3) any person maintaining a sexual relationship, whether illicit or not,  
18 with such person or with any member of the family of such person;

19 "Victim" means a person who is injured or killed by any act or omission

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

20 of any other person which is within the description of any of the offenses  
21 specified in section 11 of this act.

1 3. There is hereby established in the Executive Branch of the State Govern-  
2 ment a Violent Crimes Compensation Board which shall be composed of 3  
3 citizens, to be appointed by the Governor, with the advice and consent of the  
4 Senate, one of whom shall be designated chairman by, and serve as such at the  
5 pleasure of, the Governor. Not more than two of the members of the board  
6 shall be members of the same political party. **\*\*[The]\*\*** **\*\*At least two\*\***  
7 members of the board shall be attorneys admitted to the practice of law in the  
8 State of New Jersey. For the purposes of complying with the Constitution  
9 (Article V, Section IV, paragraph 1) the board is allocated to the Depart-  
10 ment of Law and Public Safety but, notwithstanding said allocation, the board  
11 shall be independent of any supervision or control by the department or the  
12 Attorney General or any other officer of the department.

1 4. The term of office of each member of the board shall be 5 years and  
2 until his successor is appointed and qualifies, except that of the members  
3 first appointed one shall be appointed for a term of 5 years, one for a term  
4 of 4 years and one for a term of 3 years. All vacancies, except through  
5 the expiration of term, shall be filled for the unexpired term only.

6 Each member of the board shall be eligible for reappointment and any  
7 member of the board may be removed by the Governor for inefficiency,  
8 neglect of duty or malfeasance in office.

9 Each member of the board shall receive the same annual compensation  
10 as that payable to judges of compensation and shall devote **\*\*[their]\*\*** **\*\*his\*\***  
11 full time and capacity to their duties, and shall not engage in any other  
12 occupation, profession or employment.

1 5. The board is authorized to appoint and fix the duties and compensa-  
2 tion of such officers, attorneys, examiners, and other experts as may be  
3 necessary for carrying out its functions under this act, and the board may,  
4 subject to Title 11 of the Revised Statutes, "Civil Service," appoint and fix  
5 the duties and compensation of such other assistants and employees as are  
6 necessary.

1 6. The principal office of the board shall be in Trenton, New Jersey, but  
2 the board may sit and conduct its affairs in any place.

1 7. Hearings upon applications for compensation under this act shall be  
2 conducted in the following manner:

3 a. Upon an application made to the board under the provisions of this  
4 act, the board shall fix a time and place for a hearing on such application  
5 and shall cause notice thereof to be given to the applicant;

6 b. For the purpose of carrying out the provisions of this act, the board,  
7 or any member thereof, may hold such hearings, sit and act at such times

8 and places, and take such testimony as the board or such member may deem  
9 advisable. Any member of the board may administer oaths or affirmations  
10 to witnesses. The board shall have full powers of subpoena and compulsion  
11 of attendance of witnesses and production of documents, except that no  
12 subpoena shall be issued except under the signature of a member of the  
13 board, and application to any court for aid in enforcing such subpoena  
14 may be made in the name of the board by any member thereof. Subpoenas  
15 shall be served by any person designated by the board;

16 c. In any case in which the person entitled to make an application is a  
17 child, the application may be made on his behalf by his parent or guardian.  
18 In any case in which the person entitled to make an application is mentally  
19 incompetent, the application may be made on his behalf by his guardian or  
20 such other individual authorized to administer his estate;

21 d. Any person having a substantial interest in a proceeding may appear,  
22 produce evidence and cross-examine witnesses in person or by his attorney.

23 e. The board may receive in evidence any statement, document, informa-  
24 tion, or matter that may in the opinion of the board contribute to its func-  
25 tions under this act, but the board shall not be bound by the rules of evidence.

26 f. If any person has been convicted of any offense with respect to an act  
27 or omission on which a claim under this act is based, proof of that conviction  
28 shall be taken as conclusive evidence that the offense has been committed,  
29 unless an appeal or any proceeding with regard thereto is pending.

1 8. The board may, as a part of any order entered under this act, de-  
2 termine and allow reasonable attorney fees, which shall not exceed 15%  
3 of the amount awarded as compensation under section 10 of this act, to be  
4 paid \*\*[out of but not]\*\* in addition to the amount of such compensation, to  
5 the attorney representing the applicant, and it shall be unlawful for any such  
6 attorney to ask for, contract for or receive any larger sum than the amount  
7 so allowed.

1 9. In the performance of its functions, the board is authorized to make  
2 rules and regulations prescribing the procedures to be followed in the filing  
3 of applications and the proceedings under this act, and such other matters as  
4 the board deems appropriate.

5 In determining the amounts of compensation payable pursuant to this  
6 act the board shall insofar as practicable formulate standards for uniform ap-  
7 plication of this act and shall take into consideration rates and amounts of  
8 compensation payable for injuries and death under other laws of this State  
9 and of the United States and the availability of funds appropriated for the  
10 purposes of this act.

1 10. In any case in which a person is injured or killed by any act or  
2 omission of any other person which is within the description of the offenses  
3 listed in section 11 of this act, the board may, upon application and the

4 concurrence of a majority of the members thereof, order the payment of com-  
5 pensation in accordance with the provisions of this act:

6 a. to or on behalf of the **\*\*[injured person]\*\*** *\*\*victim\*\**,

7 b. in the case of the personal injury of the victim, where the compensa-  
8 tion is for pecuniary loss suffered or expenses incurred by any person re-  
9 sponsible for the maintenance of the victim, to that person, or

10 c. in the case of the death of the victim, to or for the benefit of the  
11 dependents of the deceased victim, or any one or more of such dependents.

12 In determining whether to make an order under this section, the board  
13 may consider any circumstances it determines to be relevant, including  
14 provocation, consent or the behavior of the victim which directly or in-  
15 directly contributed to his injury or death, the prior case history, if any, of the  
16 victim and any other relevant matters.

17 An order may be made under this section whether or not any person is  
18 prosecuted or convicted of any offense arising out of such act or omission.  
19 Upon application made by an appropriate prosecuting authority, the board  
20 may suspend proceedings under this act for such period as it deems appro-  
21 priate on the ground that a prosecution for an offense arising out of such  
22 act or omission has been commenced or is imminent.

23 For the purposes of this act, a person shall be deemed to have intended  
24 an act or omission notwithstanding that by reason of age, insanity or other-  
25 wise, he was legally incapable of forming a criminal intent.

1 11. The board may order the payment of compensation in accordance  
2 with the provisions of this act for personal injury or death which resulted  
3 from:

4 (a) an attempt to prevent the commission of crime or to arrest a sus-  
5 pected criminal or in aiding or attempting to aid a police officer so to do, or

6 (b) the commission or attempt to commit any of the following offenses:

7 **\*[1.]** *\*1.\** assault constituting an offense under section 2A:170-26, of the  
8 "disorderly persons law," of the New Jersey Statutes;**]**\*

9 **\*[2.]** *\*1.\** assault constituting a high misdemeanor;

10 **\*[3.]** *\*2.\** mayhem;

11 **\*[4.]** *\*3.\** threats to do bodily harm;

12 **\*[5.]** *\*4.\** lewd, indecent, or obscene acts;

13 **\*[6.]** *\*5.\** indecent act with children;

14 **\*[7.]** *\*6.\** kidnapping;

15 **\*[8.]** *\*7.\** murder;

16 **\*[9.]** *\*8.\** manslaughter;

17 **\*[10.]** *\*9.\** rape;

18 **\*[11.]** *\*10.\** any other crime involving violence.

1 12. The board may order the payment of compensation under this act  
2 for:

3 a. expenses actually and reasonably incurred as a result of the personal  
4 injury or death of the victim,

5 b. loss of earning power as a result of total or partial incapacity of such  
6 victim,

7 c. pecuniary loss to the dependents of the deceased victim, and

8 d. any other pecuniary loss resulting from the personal injury or death  
9 of the victim which the board determines to be reasonable.

1 13. To assist the board in determining the nature, extent or cause of  
2 personal injury or cause of death compensable under this act, the board shall  
3 maintain a panel of impartial medical experts. The specialties to be repre-  
4 sented on the panel and the number of experts in each specialty shall be deter-  
5 mined jointly by the Medical Society of New Jersey and the board. The  
6 experts to serve on the panel in the several specialties shall be designated  
7 by the Medical Society of New Jersey.

1 14. Prior to a hearing on any application pursuant to this act, the appli-  
2 cant or his attorney shall submit reports from all physicians or surgeons  
3 or duly accredited religious practitioners who have treated or examined the  
4 injured party or the decedent. If in the opinion of the board an examination  
5 of the injured person and a report thereon or a report on the cause of death  
6 by an impartial medical expert would be of material aid to the just determi-  
7 nation of the action, the board may order such an examination, where appro-  
8 priate, and report by an expert or experts chosen from the panel of impartial  
9 medical experts.

1 15. The order for the appointment of impartial medical experts and  
2 directing an examination of an injured party and report thereon or a report  
3 on the cause of death of a decedent shall, to the extent applicable and with  
3A due regard to the religious tenets of an applicant:

4 a. Designate the name of the impartial medical expert and his specialty;

5 b. Specify the conditions and scope of the examination to be conducted  
6 and the report to be made;

7 c. Direct the injured party to submit to a physical examination as speci-  
8 fied in the order;

9 d. Direct all parties and their counsel to deliver to the board for the  
10 use of the designated expert all medical reports, X-rays, X-ray reports and  
11 records and reports of pathological or neurological examinations or tests of  
12 the injured party or of the decedent which are in their possession or under  
13 their control;

14 e. Direct the injured party or his counsel to prepare a list of the names  
15 and addresses of any physicians or hospitals which may have any relevant  
16 medical records and to deliver the same to the board, for the use of the desig-  
17 nated expert, together with a written and signed consent for the examination  
18 by the designated expert of any hospital records or other medical records

19 or reports which are not in the possession or under the control of the injured  
20 party or his counsel;

21 f. Direct the injured party to be examined to disclose to the designated  
22 expert at his request, and not otherwise, any fact necessary and relevant to  
23 his examination and report;

24 g. Authorize the designated expert to make or to have made by others  
25 of his selection such supplementary diagnostic procedures or tests as shall  
26 be necessary and relevant to his examination and report and direct the party  
27 to be examined to submit thereto; and

28 h. Fix the date by which the examination is to be made and the date by  
29 which the report of the designated expert is to be delivered to the board.

1 16. The designated expert, upon receipt of all the reports, records and  
2 other pertinent medical information, shall fix the time and place of examina-  
3 tion and give notice thereof to the applicant or his attorney who may be  
4 present with applicant at said examination. The report of said expert shall  
5 be filed with the board prior to the date set for the hearing of the matter.  
6 If, in the discretion of the board, the testimony of said expert is required at  
7 the hearing, he shall be called as a witness and he may be cross-examined.

1 17. The fees of the designated expert, both for his examination and re-  
2 port and for his appearance in court, when necessary, together with the  
3 fees for any supplemental diagnostic procedures or tests ordered by him in  
4 connection with such examination and report, shall be approved by the board  
5 for payment out of funds appropriated for the administration of this act.

1 18. No order for the payment of compensation shall be made under sec-  
2 tion 10 of this act unless the application has been made within 1 year after  
3 the date of the personal injury or death, and the personal injury or death was  
4 the result of an offense listed in section 11 of this act which had been reported  
5 to the police within 3 months after its occurrence.

5A In determining the amount of an award, the board \*\*[or board member, as  
5B the case may be,]\*\* shall determine whether, because of his conduct, the victim  
5C of such crime contributed to the infliction of his injury, and the board \*\*[or  
5D board member]\*\* shall reduce the amount of the award or reject the applica-  
5E tion altogether, in accordance with such determination; provided, however,  
5F that the board \*\*[or board member]\*\* shall not consider any conduct of the  
5G victim contributory toward his injury, if the record indicates such conduct  
5H occurred during efforts by the victim to prevent a crime or apprehend a per-  
5I son who had committed a crime in his presence or had in fact committed a  
5J misdemeanor.

6 No compensation shall be awarded if the victim

7 a. is a relative of the offender,

8 b. was at the time of the personal injury or death of the victim living  
9 with the offender as a member of his family relationship group,

10 c. was guilty of a violation of subtitle 10 or 12 of Title 2A of the New  
11 Jersey Statutes, which caused or contributed to his injuries,

12 d. was injured as a result of the operation of a motor vehicle, boat or  
13 airplane unless the same was used as a weapon in a deliberate attempt to  
14 run the victim down **\*\*[, or]\*\* \*\*.\*.\***

15 **\*\*[e.]\*\*** No award shall be made on an application unless the applicant has  
16 incurred a minimum out-of-pocket loss of \$100.00 or has lost at least 2 continu-  
17 ous weeks earnings or support. Out-of-pocket loss shall mean unreimbursed  
18 and unreimbursable expenses **\*\*[of]\*\* \*\*or\*\*** indebtedness reasonably in-  
19 curred for medical care or other services necessary as a result of the injury  
20 upon which such application is based.

21 No compensation shall be awarded under this act in an amount in excess  
22 of \$10,000.00, and all payments shall be made in a lump sum, except that  
23 in the case of death or protracted disability the award may provide for peri-  
24 odic payments to compensate for loss of earnings or support. No award made  
25 pursuant to this act shall be subject to execution or attachment other than for  
26 expenses resulting from the injury which is the basis of the claim.

1 19. In determining the amount of compensation to be allowed by order,  
2 the board shall take into consideration amounts received or receivable from  
3 any other source or sources by the victim or his dependents as a result of the  
4 offense or occurrence giving rise to the application.

5 Each order for compensation made by the board shall be filed with the  
6 Director of the Division of Budget and Accounting and shall constitute au-  
7 thority for payment by the State Treasurer to the person or persons named  
8 therein of the amounts specified in such order.

1 20. Whenever an order for the payment of compensation is or has been  
2 made for personal injury or death resulting from an act or omission con-  
3 stituting an offense under this act, the board shall, upon payment of the  
4 amount of the order, be subrogated to the cause of action of the applicant  
5 against the person or persons responsible for such personal injury or death  
6 and shall be entitled to bring an action against such person or persons for  
7 the amount of the damage sustained by the applicant and in the event that  
8 more is recovered and collected in any such action than the amount paid by  
9 reason of the order for payment of compensation, the board shall pay the bal-  
10 ance to the applicant.

1 21. If any section or sections of this act or any provision thereof shall  
2 be declared to be unconstitutional, invalid or inoperative in whole or in part,  
3 such section or provision shall, to the extent that it is not unconstitutional,  
4 invalid or inoperative be enforced and effectuated and no such determination  
5 shall be deemed to invalidate or make ineffectual the remaining provisions  
6 of the sections of this act.

1       22. Orders for payment of compensation pursuant to this act may be  
2 made only as to injuries or death resulting from offenses occurring on and  
3 after **\*\*[January 1,]\*\*** *\*\*November 1,\*\** **\*[1970]\*** *\*1971\**.

1       23. There is hereby appropriated to the Department of Law and Public  
2 Safety for the administration of this act until June 30, **\*[1971]\*** *\*1972\** the  
3 sum of \$250,000.00, and the board upon its appointment and organization shall  
4 make a study of its fiscal requirements under this act and formulate a budget  
5 therefor to be submitted for inclusion in an annual or supplemental oppo-  
6 priation act.

1       24. This act shall take effect immediately.

FISCAL NOTE TO  
**SENATE, No. 15**

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**STATE OF NEW JERSEY**

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DATED: JANUARY 19, 1970

Senate Bill No. 15 establishes a Violent Crimes Compensation Board in the Department of Law and Public Safety and authorizes and provides for compensation for the innocent victims of crimes. It is designated the "Criminal Injuries Compensation Act of 1970." It appropriates \$250,000.00 to the Department of Law and Public Safety for the administration of the act until June 30, 1971. The board, upon its appointment and organization, is to make a study of its fiscal requirements under this act and formulate a budget therefor to be submitted for inclusion in an annual or supplementary appropriation act.

The Department of Law and Public Safety estimates that enactment of this legislation would require the expenditure of \$115,000.00 for salaries, \$117,000.00 for compensation payments and \$18,000.00 for administrative expenses, totalling \$250,000.00 for fiscal 1970-71, which amount is equal to that appropriated for the purposes of the bill.

On the basis of the experience of the department, a substantial number of claims will be filed and will require processing, and in the department's opinion, the initial appropriation will be inadequate and will require substantial amplification in future years.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

OCTOBER 4, 1971

FOR RELEASE:  
IMMEDIATE

S-15

Governor William T. Cahill today signed into law a bill which permits New Jersey to become one of the first states in the nation to award compensation of up to \$10,000 to innocent victims of certain violent crimes.

Under the Criminal Injuries Compensation Act, sponsored by Senator Alfred N. Beadleston (R., Monmouth), a three-member compensation board will hear claims for medical and other expenses as well as loss of earning power sustained by an individual as a result of violent crimes committed on or after November 1, 1971. In the case of death, the new law provides for awards to be made to the victim's dependents. A minimum of \$100 is established for such awards, and the compensation board is authorized to bring suit for the recovery of damages.

In signing the bill, Cahill stated that "for the first time in the history of New Jersey, an effort will be made to help the innocent victims of crimes, who all too often are left to their own devices to pay hospital and medical expenses".

The new law establishes the following guidelines for determining the amount of an award: Examination by impartial medical experts may be ordered; consideration will be given to awards received by the victim from other sources; consideration will also be given to rates and amounts of compensation for injuries and death under other laws of New Jersey or the United States.

In addition, the new act contains several safeguards. These provide that the offenses must have been reported to the police within three months of its occurrence; application for an award must be made within one year of the occurrence; the victim shall not be related to or live with the perpetrator nor shall he be guilty of a crime or offense which contributed to his injury; and injuries resulting from motor vehicles, boats or airplanes are excluded unless deliberately caused.

The Governor also pointed out that a \$250,000 appropriation to implement the law until June 30, 1972 allows a minimal amount for actual awards. He noted that it is estimated that more than 50% of the appropriation will be needed for salaries and administrative expenses if the complete board was appointed for a full fiscal year. In addition, there is no accurate method of predicting the number of claims or their amounts which the State can expect to handle. The Governor said that state police records show that during 1970 more than 196,600 major crimes were reported. While these did not all involve injuries to innocent victims, they indicate the vast potential of claims, the Governor said.

Cahill said that in order to alleviate to some extent the disproportionate imbalance of operative costs, he is considering:

Appointing two members of the board at the outset in order to create the necessary quorum. Thereafter, the other one member would be appointed at such time as the volume of work and the availability of funds dictates.

Requesting the board to use similar judgment in making staff appointments.

The Governor said, "The functioning of this board and its operations will be closely observed so that the purposes of the bill can be best accomplished. Continual assessment will be made in the light of the experience gained in the formative stages of this program. If the experience and assessment indicate other methods are appropriate, I will not hesitate to ask the Legislature to make the necessary adjustments."

In addition, the Governor signed into law Assembly Bill 511, sponsored by Assemblyman Herbert Kiehn (R., Union), which provides for the termination of leases (for one or more years) in the event of the death of the lessee or his spouse where the leased premises were dwelling place for lessee and his family; termination takes effect 90 days after notice is given provided rent paid to time

of termination.

The Governor stated that the effect of this new law will help ease the burden of the family who finds that through unforeseen and unfortunate circumstances they must continue to comply with the terms of a lease after the death of the individual who signed the contract.

Also signed into law was Assembly Bill 2395, sponsored by Senator Edward A. Connell (R., Bergen) which permits Haworth Borough to make permanent the appointment of Victor Pizza to the police department.

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