

52:4B-18

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 52:4B-18

(Crime victims--
failure to
cooperate with
police--ineligible
for compensation)

LAWS OF: 1990

CHAPTER: 64

Bill No: S2348/S2635

Sponsor(s): Costa

Date Introduced: March 5, 1990

Committee: Assembly: Judiciary, Law, Public Safety & Defense

Senate: Judiciary

Amended during passage: No Substitute for S2348 and S2635
enacted

Date of Passage: Assembly: June 28, 1990

Senate: June 11, 1990

Date of Approval: July 17, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, Nos. 2348 and 2635

STATE OF NEW JERSEY

ADOPTED JUNE 4, 1990

Sponsored by Senator COSTA

CHAPTER 64
APPROVED 7/17/90
LAWS OF N.J. 1990

1 AN ACT concerning compensation for victims of crime and
2 victims of drunk driving, amending P.L.1979, c.396 and
3 P.L.1971, c.317.
4

5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to
8 read as follows:

9 2. a. (1) In addition to any disposition made pursuant to the
10 provisions of N.J.S.2C:43-2, any person convicted of a crime of
11 violence resulting in the injury or death of another person shall be
12 assessed a penalty of at least \$30.00, but not to exceed
13 \$10,000.00 for each such crime for which he was convicted. In
14 imposing this penalty, the court shall consider factors such as the
15 severity of the crime, the defendant's criminal record,
16 defendant's ability to pay and the economic impact of the
17 penalty on the defendant's dependents.

18 (2) (a) In addition to any other disposition made pursuant to the
19 provisions of N.J.S.2C:43-2 or any other statute imposing
20 sentences for crimes, any person convicted of any disorderly
21 persons offense, any petty disorderly persons offense, or any
22 crime not resulting in the injury or death of any other person
23 shall be assessed a penalty of \$30.00 for each such offense or
24 crime for which he was convicted.

25 (b) In addition to any other disposition made pursuant to the
26 provisions of section 20 of P.L.1973, c.306 (C.2A:4-61) or any
27 other statute indicating the dispositions that can be ordered for
28 adjudications of delinquency, any juvenile adjudicated delinquent,
29 according to the definition of "delinquency" established in
30 section 3 of P.L.1973, c.306 (C.2A:4-44), shall be assessed a
31 penalty of at least \$15.00 for each such adjudication, but shall
32 not exceed the amount which could be assessed if the offense was
33 committed by an adult.

34 (c) In addition to any other penalty imposed pursuant to the
35 provisions of R.S.39:4-50, any person convicted of operating a
36 motor vehicle while under the influence of liquor or drugs shall be
37 assessed a penalty of \$30.00.

38 (3) All penalties provided for in this section shall be collected
39 as provided for collection of fines and restitution in section 3 of

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

Matter underlined thus is new matter.

1 P.L.1979, c.396 (C.2C:46-4) and forwarded to the Violent Crimes
2 Compensation Board for use as provided in paragraph (4) hereof.

3 (4) All moneys collected pursuant to paragraphs (1) and (2)
4 shall be forwarded by the Violent Crimes Compensation Board to
5 the State Treasury to be deposited in a separate account for use
6 by the Violent Crimes Compensation Board in satisfying claims
7 and for related administrative costs, pursuant to the provisions of
8 the "Criminal Injuries Compensation Act of 1971," P.L.1971,
9 c.317 (C.52:4B-1 et seq.), except that after the Violent Crimes
10 Compensation Board shall have received the first \$25.00 of each
11 penalty assessment per count for an adult offender or the first
12 \$10.00 of each penalty assessment per count for a juvenile
13 offender, then the next \$5.00 of each penalty assessment
14 collected shall be forwarded by the Violent Crimes Compensation
15 Board to the State Treasury to be deposited in a separate account
16 to be known as the Victim and Witness Advocacy Fund to be
17 administered by the Department of Law and Public Safety as
18 provided herein. If the initial penalty assessment is greater than
19 \$30.00 for an adult offender or \$15.00 for a juvenile offender
20 then any penalty assessment money collected after the \$5.00
21 allocated to the Victim and Witness Advocacy Fund shall be
22 forwarded by the Violent Crimes Compensation Board to the
23 State Treasury to be deposited in the separate account for use by
24 the Violent Crimes Compensation Board as provided for in this
25 subsection. The parties responsible for collection of the penalty
26 assessment, the municipal court clerks, the county probation
27 departments and the Department of Corrections shall provide the
28 Violent Crimes Compensation Board with a monthly accounting
29 of the penalty assessment collections which enables the Violent
30 Crimes Compensation Board to accurately identify the \$5.00
31 share allocable to the Victim and Witness Advocacy Fund.

32 (5) The Department of Law and Public Safety through the
33 Division of Criminal Justice shall be responsible for administering
34 the Victim and Witness Advocacy Fund. This fund shall be used
35 to support the development and provision of services to victims
36 and witnesses of crimes and for related administrative costs. The
37 Director of the Division of Criminal Justice shall promulgate
38 rules and regulations in order to effectuate the purposes of this
39 fund.

40 (6) The Division of Criminal Justice shall report annually to
41 the Governor and the Legislature concerning the implementation
42 of this fund.

43 b. All moneys, including fines and restitution, collected from a
44 person convicted of any disorderly persons offense, any petty
45 disorderly persons offense, from any juvenile adjudicated
46 delinquent, or from a person convicted of operating a motor
47 vehicle while under the influence of liquor or drugs or any crime
48 shall be applied first to any penalty imposed pursuant to this
49 section upon such a person.

1 c. An adult prisoner of a State correctional institution who has
2 not paid a penalty imposed pursuant to this section shall have the
3 penalty deducted from any income the inmate receives as a result
4 of labor performed at the institution or any type of work release
5 program.

6 d. If any person, including an inmate, fails to comply with any
7 of the terms or penalties imposed pursuant to this section the
8 court may, in addition to any other penalties it may impose, order
9 the suspension of the person's driver's license or nonresident
10 reciprocity privilege, or prohibit the person from receiving or
11 obtaining a license until the terms or penalties are complied
12 with. The court shall notify the Director of the Division of Motor
13 Vehicles of the action. Prior to any action being taken pursuant
14 to this subsection, the person shall be afforded notice and a
15 hearing before the court to contest the charge of failure to
16 comply.

17 (cf: P.L.1987, c.106, s.11)

18 2. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
19 read as follows:

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

23 (a) an attempt to prevent the commission of crime or to arrest
24 a suspected criminal or in aiding or attempting to aid a police
25 officer so to do, or

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

28 1. aggravated assault;

29 2. mayhem;

30 3. threats to do bodily harm;

31 4. lewd, indecent, or obscene acts;

32 5. indecent acts with children;

33 6. kidnapping;

34 7. murder;

35 8. manslaughter;

36 9. rape;

37 10. any other crime involving violence including domestic
38 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3);

39 11. burglary;

40 12. tampering with a cosmetic, drug or food

41 product[.] , or

42 (c) the commission of a violation of R.S.39:4-50.

43 (cf: P.L.1987, c.420, s.1)

44 3. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
45 read as follows:

46 18. No order for the payment of compensation shall be made
47 under section 10 of this act unless the application has been made
48 within 2 years after the date of the personal injury or death or
49 after that date upon determination by the board that good cause

1 exists for the delayed filing, and the personal injury or death was
2 the result of an offense listed in section 11 of this act which had
3 been reported to the police within three months after its
4 occurrence. The board will make its determination regarding the
5 application within six months of acknowledgment by the board of
6 receipt of the completed application and any and all necessary
7 supplemental information.

8 In determining the amount of an award, the board shall
9 determine whether, because of his conduct, the victim of such
10 crime contributed to the infliction of his injury, and the board
11 shall reduce the amount of the award or reject the application
12 altogether, in accordance with such determination; provided,
13 however, that the board shall not consider any conduct of the
14 victim contributory toward his injury, if the record indicates such
15 conduct occurred during efforts by the victim to prevent a crime
16 or apprehend a person who had committed a crime in his presence
17 or had in fact committed a crime.

18 No compensation shall be awarded if [the victim]:

19 a. [Is a relative of the offender and the victim and offender
20 presently live in the same household or the victim did not
21 cooperate in the prosecution of the offender] Compensation to
22 the victim proves to be substantial unjust enrichment to the
23 offender or if the victim did not cooperate with the reasonable
24 requests of law enforcement authorities unless the victim
25 demonstrates a compelling health or safety reason for not
26 cooperating,

27 b. [Was at the time of the personal injury of the victim living
28 with the offender as a member of his family relationship group
29 and the victim and offender presently live in the same household
30 or the victim did not cooperate in the prosecution of the
31 offender,] (Deleted by amendment, P.L. , c.)(now pending
32 before the Legislature as this bill)

33 c. [Was] The victim was guilty of a violation of subtitle 10 or
34 12 of Title 2A or subtitle 2 of Title 2C of the New Jersey
35 Statutes, which caused or contributed to his injuries, or

36 d. [Was] The victim was injured as a result of the operation of
37 a motor vehicle, except as provided in subsection (c) of section 11
38 of P.L.1971, c.317 (C.52:4B-11), boat or airplane unless the same
39 was used as a weapon in a deliberate attempt to run the victim
40 down, or

41 e. The victim suffered personal injury or death while an
42 occupant of a motor vehicle where the victim knew or reasonably
43 should have known that the driver was operating the vehicle in
44 violation of R.S.39:4-50.

45 No award shall be made on an application unless the applicant
46 has incurred a minimum out-of-pocket loss of \$100.00 or has lost
47 at least two continuous weeks' earnings or support; except that
48 the requirement of a minimum out-of-pocket loss shall not apply
49 to any applicant 60 years of age or older or any applicant who is

1 disabled as defined pursuant to the federal Social Security Act
2 (42 U.S.C. Section 416(i)). Out-of-pocket loss shall mean
3 unreimbursed and unreimbursable expenses or indebtedness
4 reasonably incurred for medical care or other services necessary
5 as a result of the injury upon which such application is based.

6 No compensation shall be awarded under this act in an amount
7 in excess of \$25,000.00, and all payments shall be made in a lump
8 sum, except that in the case of death or protracted disability the
9 award may provide for periodic payments to compensate for loss
10 of earnings or support. No award made pursuant to this act shall
11 be subject to execution or attachment other than for expenses
12 resulting from the injury which is the basis of the claim.

13 (cf: P.L.1983, c.86, s.1)

14 4. This act shall take effect immediately, and shall apply only
15 to injuries which occur after the effective date.

16

17

18

CRIMINAL JUSTICE

19

20 Adds drunk driving to offenses for which victim compensation
21 may be awarded and prohibits compensation in certain
22 circumstances.

SENATE, No. 2348

STATE OF NEW JERSEY

INTRODUCED MARCH 5, 1990

By Senator COSTA

1 AN ACT concerning compensation for crime victims and
2 amending P.L.1971. c.317.

3

4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
7 read as follows:

8 18. No order for the payment of compensation shall be made
9 under section 10 of this act unless the application has been made
10 within 2 years after the date of the personal injury or death or
11 after that date upon determination by the board that good cause
12 exists for the delayed filing, and the personal injury or death was
13 the result of an offense listed in section 11 of this act which had
14 been reported to the police within three months after its
15 occurrence. The board will make its determination regarding the
16 application within six months of acknowledgment by the board of
17 receipt of the completed application and any and all necessary
18 supplemental information.

19 In determining the amount of an award, the board shall
20 determine whether, because of his conduct, the victim of such
21 crime contributed to the infliction of his injury, and the board
22 shall reduce the amount of the award or reject the application
23 altogether, in accordance with such determination; provided,
24 however, that the board shall not consider any conduct of the
25 victim contributory toward his injury, if the record indicates such
26 conduct occurred during efforts by the victim to prevent a crime
27 or apprehend a person who had committed a crime in his presence
28 or had in fact committed a crime.

29 No compensation shall be awarded if the victim:

30 a. [Is a relative of the offender and the victim and offender
31 presently live in the same household or the victim did] Did not
32 cooperate [in the prosecution of the offender] with the reasonable
33 requests of law enforcement authorities or compensation to the
34 victim proves to be substantial unjust enrichment to the offender,

35 b. [Was at the time of the personal injury of the victim living
36 with the offender as a member of his family relationship group
37 and the victim and offender presently live in the same household
38 or the victim did not cooperate in the prosecution of the

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

Matter underlined thus is new matter.

1 offender,] (Deleted by amendment, P.L. , c.)(now pending
2 before the Legislature as this bill)

3 c. Was guilty of a violation of subtitle 10 or 12 of Title 2A or
4 subtitle 2 of Title 2C of the New Jersey Statutes, which caused
5 or contributed to his injuries, or

6 d. Was injured as a result of the operation of a motor vehicle,
7 boat or airplane unless the same was used as a weapon in a
8 deliberate attempt to run the victim down.

9 No award shall be made on an application unless the applicant
10 has incurred a minimum out-of-pocket loss of \$100.00 or has lost
11 at least two continuous weeks' earnings or support; except that
12 the requirement of a minimum out-of-pocket loss shall not apply
13 to any applicant 60 years of age or older or any applicant who is
14 disabled as defined pursuant to the federal Social Security Act
15 (42 U.S.C. Section 416(i)). Out-of-pocket loss shall mean
16 unreimbursed and unreimbursable expenses or indebtedness
17 reasonably incurred for medical care or other services necessary
18 as a result of the injury upon which such application is based.

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

26 (cf: P.L.1983, c.86, s.1)

27 2. This act shall take effect immediately, and shall apply only
28 to injuries which occur after the effective date.

29
30
31 STATEMENT

32
33 The "Criminal Injuries Compensation Act of 1971," C.52:4B-1
34 et seq., provides that certain victims of violent crime will be
35 compensated for their out-of-pocket expenses. However, no
36 compensation will be awarded if the victim is a relative of the
37 offender and the victim and offender presently live in the same
38 household or the victim did not cooperate in the offender's
39 prosecution. In addition, no compensation will be awarded to a
40 victim who, at the time of the crime, was living with the
41 offender as a member of his family relationship group, and the
42 victim and offender presently live in the same household or the
43 victim did not cooperate in the prosecution.

44 Under the federal "Victims of Crime Act of 1984," 42 U.S.C.
45 §10601 et seq., state programs offering compensation to crime
46 victims are eligible for federal funds if the programs comply with
47 certain standards. These standards were revised in 1988 to
48 ensure that victims of domestic violence are not excluded from
49 eligibility. State programs have an October 1, 1990 deadline to

1 meet the new requirement, which provides that continued federal
2 funding will be available only if the program does not, "except
3 pursuant to rules issued by the program to prevent unjust
4 enrichment to the offender, deny compensation to any victim
5 because of that victim's familial relationship to the offender, or
6 because of the sharing of a residence by the victim and the
7 offender."

8 This bill would implement the federal standards by removing
9 the automatic disqualification based on family relationship. The
10 bill provides that a crime victim will be ineligible to receive
11 compensation only if he failed to cooperate with the reasonable
12 requests of law enforcement authorities, or if compensation to
13 the victim proves to be substantial unjust enrichment to the
14 offender.

15

16

17 CRIMINAL JUSTICE

18

19 Provides that crime victims will be ineligible for compensation
20 only for failure to cooperate with law enforcement authorities, or
21 if compensation would constitute unjust enrichment to the
22 offender.

SENATE, No. 2635

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1990

By Senator PATERNITI

1 AN ACT concerning compensation for victims of crime and
2 amending P.L.1971, c.317.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
7 read as follows:

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

11 (a) an attempt to prevent the commission of crime or to arrest
12 a suspected criminal or in aiding or attempting to aid a police
13 officer so to do, or

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

16 1. aggravated assault;

17 2. mayhem;

18 3. threats to do bodily harm;

19 4. lewd, indecent, or obscene acts;

20 5. indecent acts with children;

21 6. kidnapping;

22 7. murder;

23 8. manslaughter;

24 9. rape;

25 10. any other crime involving violence including domestic
26 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3);

27 11. burglary;

28 12. tampering with a cosmetic, drug or food

29 product[.] , or

30 (c) the commission of a violation of R.S.39:4-50.

31 (cf: P.L.1987, c.420, s.1).

32 2. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
33 read as follows:

34 18. No order for the payment of compensation shall be made
35 under section 10 of this act unless the application has been made
36 within 2 years after the date of the personal injury or death or
37 after that date upon determination by the board that good cause
38 exists for the delayed filing, and the personal injury or death was
39 the result of an offense listed in section 11 of this act which had
40 been reported to the police within three months after

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above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 its occurrence. The board will make its determination regarding
2 the application within six months of acknowledgment by the
3 board of receipt of the completed application and any and all
4 necessary supplemental information.

5 In determining the amount of an award, the board shall
6 determine whether, because of his conduct, the victim of such
7 crime contributed to the infliction of his injury, and the board
8 shall reduce the amount of the award or reject the application
9 altogether, in accordance with such determination; provided,
10 however, that the board shall not consider any conduct of the
11 victim contributory toward his injury, if the record indicates such
12 conduct occurred during efforts by the victim to prevent a crime
13 or apprehend a person who had committed a crime in his presence
14 or had in fact committed a crime.

15 No compensation shall be awarded if the victim:

16 a. [Is a relative of the offender and the victim and offender
17 presently live in the same household or the victim did not
18 cooperate in the prosecution of the offender] The victim did not
19 cooperate with the reasonable requests of law enforcement
20 authorities,

21 b. [Was at the time of the personal injury of the victim living
22 with the offender as a member of his family relationship group
23 and the victim and offender presently live in the same household
24 or the victim did not cooperate in the prosecution of the
25 offender] Compensation to the victim would prove to be
26 substantial unjust enrichment to the offender,

27 c. Was guilty of a violation of subtitle 10 or 12 of Title 2A or
28 subtitle 2 of Title 2C of the New Jersey Statutes, which caused
29 or contributed to his injuries,

30 d. Was injured as a result of the operation of a motor vehicle,
31 except as provided in subsection (c) of Section 11 of P.L.1971,
32 c.317 (C.52:4B-11), boat or airplane unless the same was used as
33 a weapon in a deliberate attempt to run the victim down.

34 No award shall be made on an application unless the applicant
35 has incurred a minimum out-of-pocket loss of \$100.00 or has lost
36 at least two continuous weeks' earnings or support; except that
37 the requirement of a minimum out-of-pocket loss shall not apply
38 to any applicant 60 years of age or older or any applicant who is
39 disabled as defined pursuant to the federal Social Security Act
40 (42 U.S.C. Section 416(i)). Out-of-pocket
41 loss shall mean unreimbursed and unreimbursable expenses or
42 indebtedness reasonably incurred for medical care or other
43 services necessary as a result of the injury upon which such
44 application is based.

45 No compensation shall be awarded under this act in an amount
46 in excess of \$25,000.00, and all payments shall be made in a lump
47 sum, except that in the case of death or protracted disability the
48 award may provide for periodic payments to compensate for loss
49 of earnings or support. No award made pursuant to this act shall

1 be subject to execution or attachment other than for expenses
2 resulting from the injury which is the basis of the claim.
3 (cf: P.L.1983, c.86, s1).

4 3. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 Under the provisions of the "Criminal Injuries Compensation
10 Act of 1971" (N.J.S.A.52:4B-1 et seq.), victims of certain violent
11 criminal offenses or their survivors are entitled to compensation.
12 This bill would add the offense of driving while intoxicated to the
13 list of offenses for which compensation may be awarded.

14 In addition, the bill would revise the conditions under which
15 compensation may be awarded. No compensation shall be
16 awarded if the victim did not cooperate with reasonable requests
17 made by law enforcement authorities. The bill also clarifies that
18 compensation would not be awarded to the victim if
19 compensation would result in unjust enrichment to the offender.

20

21

22

CRIMINAL JUSTICE

23

24 Adds drunk driving to offenses for which victim compensation
25 may be awarded and prohibits compensation in certain
26 circumstances.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, Nos. 2348 and 2635

STATE OF NEW JERSEY

DATED: JUNE 25, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably the Senate Committee Substitute for Senate Bill Nos. 2348 and 2635.

Under the provisions of the "Criminal Injuries Compensation Act of 1971" (N.J.S.A.52:B-1 et seq.), certain victims of violent crime may apply to the Violent Crimes Compensation Board for compensation for out-of-pocket expenses incurred as the result of the crime. Those who suffer injuries as the result of a violation of N.J.S.A.39:4-50 (driving while under the influence) are presently not eligible for compensation. A person is also presently ineligible for an award if either the victim is a relative of the offender or member of the offender's family relationship group and the victim and the offender occupy the same household. In addition, a victim is ineligible for compensation if the victim fails to cooperate in the prosecution of the offender.

Under the federal "Victims of Crime Act of 1984," (42 U.S.C. §10601 et seq.), State programs offering compensation to crime victims are eligible for federal funds if the programs comply with certain standards. These standards were revised in 1988 to ensure that victims of domestic violence and drunk driving are not excluded from eligibility for compensation. State programs have until October 1, 1990 to comply with the new federal standards.

In order to meet these federal requirements, the bill provides that a crime victim would only be ineligible for compensation if compensation to a victim would result in an unjust enrichment to the offender or if the victim did not cooperate with the reasonable requests of law enforcement authorities unless the victim demonstrates a compelling health or safety reason for not cooperating.

The bill would also include those suffering injuries as the result of drunk driving among those eligible for compensation. In addition, the bill provides a \$30.00 penalty to be imposed on drunk drivers. This penalty would be dedicated for use by the Violent Crimes Compensation Board in satisfying claims.

This bill is identical to Assembly Bill No. 3716 of 1990.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, Nos. 2348 and 2635

STATE OF NEW JERSEY

DATED: JUNE 4, 1990

The Senate Judiciary Committee reports favorably Senate Committee Substitute for Senate Bill Nos. 2348 and 2635.

Under the provisions of the "Criminal Injuries Compensation Act of 1971" (N.J.S.A. 52:B-1 et seq.), certain victims of violent crime may apply to the Violent Crimes Compensation Board for compensation for out-of-pocket expenses incurred as the result of the crime. Those who suffer injuries as the result of a violation of 39:4-50 (driving while under the influence) are presently not eligible for compensation. A person is also presently ineligible for an award if either the victim is a relative of the offender or member of the offender's family relationship group and the victim and the offender occupy the same household. In addition, a victim is ineligible for compensation if the victim fails to cooperate in the prosecution of the offender.

Under the federal "Victims of Crime Act of 1984," (42 U.S.C. §10601 et seq.), State programs offering compensation to crime victims are eligible for federal funds if the programs comply with certain standards. These standards were revised in 1988 to ensure that victims of domestic violence and drunk driving are not excluded from eligibility for compensation. State programs have until October 1, 1990 to comply with the new federal standards.

In order to meet these federal requirements, the committee substitute provides that a crime victim would only be ineligible for compensation if compensation to a victim would result in an unjust enrichment to the offender or if the victim did not cooperate with the reasonable requests of law enforcement authorities unless the victim demonstrates a compelling health or safety reason for not cooperating.

The committee substitute would also include those suffering injuries as the result of drunk driving among those eligible for compensation. In addition, the committee substitute provides a \$30.00 penalty to be imposed on drunk drivers. This penalty would be dedicated for use by the Violent Crimes Compensation Board in satisfying claims.