

52:4B-18

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 165

NJSA: 52:4B-18 (Concerns certain limitations on claims for victim compensation)

BILL NO: A3591 (Substituted for S1979)

SPONSOR(S) Johnson and others

DATE INTRODUCED: February 3, 2011

COMMITTEE: ASSEMBLY: Law and Public Safety

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: December 15, 2011

SENATE: December 15, 2011

DATE OF APPROVAL: January 5, 2012

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

A3591

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

S1979

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2011, CHAPTER 165, *approved January 5, 2012*
Assembly, No. 3591 (*Second Reprint*)

1 AN ACT concerning claims for victim compensation and amending
2 P.L.1971, c.317.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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

9 18. No order for the payment of compensation shall be made
10 under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the
11 application has been made within ~~two~~ three years after the date of
12 the personal injury or death or after that date upon determination by
13 the agency that good cause exists for the delayed filing, and the
14 personal injury or death was the result of an offense listed in section
15 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the
16 police or other appropriate law enforcement agency within ~~three~~
17 nine months after its occurrence or reasonable discovery. If the
18 victim is under 18 years of age, the three-year limit on filing shall
19 commence on the day the victim turns 18 years old. For the
20 purposes of this section, "good cause" shall include, but not be
21 limited to, ²[failure of a law enforcement officer, a prosecuting
22 agency, or any other member of the criminal justice system to
23 inform the victim or victim's ¹[dependants] dependents¹ of the
24 benefits offered by the office] instances where the victim or the
25 victim's dependents were not appropriately informed of the benefits
26 offered by the office as required by law². The agency will make its
27 determination regarding the application within six months of
28 acknowledgment by the agency of receipt of the completed
29 application and any and all necessary supplemental information.

30 In determining the amount of an award, the agency shall
31 determine whether, because of his conduct, the victim of such crime
32 contributed to the infliction of his injury, and the agency shall
33 reduce the amount of the award or reject the application altogether,
34 in accordance with such determination; provided, however, that the
35 agency shall not consider any conduct of the victim contributory
36 toward his injury, if the record indicates such conduct occurred
37 during efforts by the victim to prevent a crime or apprehend a
38 person who had committed a crime in his presence or had in fact
39 committed a crime.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted February 3, 2011.

²Senate SLP committee amendments adopted December 8, 2011.

1 The agency may deny or reduce an award where the victim has
2 not paid in full any payments owed on assessments imposed
3 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution
4 ordered following conviction for a crime.

5 No compensation shall be awarded if:

6 a. Compensation to the victim proves to be substantial unjust
7 enrichment to the offender or if the victim did not cooperate with
8 the reasonable requests of law enforcement authorities unless the
9 victim demonstrates a compelling health or safety reason for not
10 cooperating; or

11 b. (Deleted by amendment, P.L.1990, c.64.)

12 c. The victim was guilty of a violation of subtitle 10 or 12 of
13 Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which
14 caused or contributed to his injuries; or

15 d. The victim was injured as a result of the operation of a
16 motor vehicle, except as provided in subsection c. or d. of section
17 11 of P.L.1971, c.317 (C.52:4B-11), boat or airplane unless the
18 same was used as a weapon in a deliberate attempt to run the victim
19 down; or

20 e. The victim suffered personal injury or death while an
21 occupant of a motor vehicle or vessel where the victim knew or
22 reasonably should have known that the driver was operating the
23 vehicle or vessel in violation of R.S.39:4-50, section 5 of P.L.1990,
24 c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19),
25 section 3 of P.L.1952, c.157 (C.12:7-46), subparagraph (b) of
26 paragraph (2) of subsection b. of N.J.S.2C:20-2, subsection b. of
27 N.J.S.2C:29-2 or subsection b., c. or d. of N.J.S.2C:20-10; or

28 f. The victim has been convicted of a crime and is still
29 incarcerated; or

30 g. The victim sustained the injury during the period of
31 incarceration immediately following conviction for a crime.

32 Except as provided herein, no compensation shall be awarded
33 under P.L.1971, c.317 in an amount in excess of \$25,000, and all
34 payments shall be made in a lump sum, except that in the case of
35 death or protracted disability the award may provide for periodic
36 payments to compensate for loss of earnings or support. [Five
37 years after the entry of an initial determination order, a claim for
38 compensation expires and no further order is to be entered with
39 regard to the claim except:

40 (1) for requests for payment of specific out-of-pocket expenses
41 received by the Victims of Crime Compensation Office prior to the
42 expiration of the five-year period except in those cases determined
43 by the office to be catastrophic in nature; or

44 (2) when the office determines that compelling circumstances
45 exist justifying the payment of a claim beyond the five-year limit.]

46 ²Ten years after the entry of an initial determination order, a
47 claim for compensation expires and no further order is to be entered
48 with regard to the claim except:

1 (1) for requests for payment of specific out-of pocket expenses
2 received by the Victims of Crime Compensation Office prior to the
3 expiration of the ten-year period;

4 (2) in those cases determined by the office to be catastrophic in
5 nature; and

6 (3) for requests for payment of expenses that were incurred only
7 after the expiration of the ten-year period.²

8 No award made pursuant to P.L.1971, c.317 shall be subject to
9 execution or attachment other than for expenses resulting from the
10 injury which is the basis of the claim.

11 Compensation may be awarded in an amount not exceeding the
12 actual cost of a rehabilitative service of the type enumerated in
13 section 2 of P.L.1999, c.166 (C.52:4B-18.2).

14 The award may provide for periodic payments in the case of
15 protracted care or rehabilitative assistance.

16 (cf: P.L.2010, c.92, s.1)

17

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

20 19. In determining the amount of compensation to be allowed by
21 order, the **[agency shall] office** ²**[may] shall**² take into
22 consideration amounts received or receivable from any other source
23 or sources by the victim or his dependents as a result of the offense
24 or occurrence giving rise to the application ²**[. In cases involving**
25 **homicide]**² , ²except that² life insurance payments and private
26 donations received by the dependents of the victim shall not be
27 considered as other sources.

28 Each order for compensation made by the agency shall be filed
29 with the Director of the Division of Budget and Accounting and
30 shall constitute authority for payment by the State Treasurer to the
31 person or persons named therein of the amounts specified in such
32 order.

33 (cf: P.L.2007, c.95, s.21)

34

35 3. This act shall take effect ²**[immediately]** on the first day of
36 the second month after enactment².

37

38

39

40

41 Concerns certain limitations on claims for victim compensation.

ASSEMBLY, No. 3591

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 3, 2011

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Concerns certain limitations on claims for victim compensation.

CURRENT VERSION OF TEXT

As introduced.



A3591 JOHNSON

2

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2 P.L.1971, c.317.

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5 of New Jersey:

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7 1. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended as
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10 under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the
11 application has been made within **[two]** three years after the date of
12 the personal injury or death or after that date upon determination by
13 the agency that good cause exists for the delayed filing, and the
14 personal injury or death was the result of an offense listed in section
15 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the
16 police or other appropriate law enforcement agency within **[three]**
17 nine months after its occurrence or reasonable discovery. If the
18 victim is under 18 years of age, the three-year limit on filing shall
19 commence on the day the victim turns 18 years old. For the
20 purposes of this section, "good cause" shall include, but not be
21 limited to, failure of a law enforcement officer, a prosecuting
22 agency, or any other member of the criminal justice system to
23 inform the victim or victim's dependants of the benefits offered by
24 the office. The agency will make its determination regarding the
25 application within six months of acknowledgment by the agency of
26 receipt of the completed application and any and all necessary
27 supplemental information.

28 In determining the amount of an award, the agency shall
29 determine whether, because of his conduct, the victim of such crime
30 contributed to the infliction of his injury, and the agency shall
31 reduce the amount of the award or reject the application altogether,
32 in accordance with such determination; provided, however, that the
33 agency shall not consider any conduct of the victim contributory
34 toward his injury, if the record indicates such conduct occurred
35 during efforts by the victim to prevent a crime or apprehend a
36 person who had committed a crime in his presence or had in fact
37 committed a crime.

38 The agency may deny or reduce an award where the victim has
39 not paid in full any payments owed on assessments imposed
40 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution
41 ordered following conviction for a crime.

42 No compensation shall be awarded if:

43 a. Compensation to the victim proves to be substantial unjust
44 enrichment to the offender or if the victim did not cooperate with
45 the reasonable requests of law enforcement authorities unless 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 victim demonstrates a compelling health or safety reason for not
2 cooperating; or

3 b. (Deleted by amendment, P.L.1990, c.64.)

4 c. The victim was guilty of a violation of subtitle 10 or 12 of
5 Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which
6 caused or contributed to his injuries; or

7 d. The victim was injured as a result of the operation of a
8 motor vehicle, except as provided in subsection c. or d. of section
9 11 of P.L.1971, c.317 (C.52:4B-11), boat or airplane unless the
10 same was used as a weapon in a deliberate attempt to run the victim
11 down; or

12 e. The victim suffered personal injury or death while an
13 occupant of a motor vehicle or vessel where the victim knew or
14 reasonably should have known that the driver was operating the
15 vehicle or vessel in violation of R.S.39:4-50, section 5 of P.L.1990,
16 c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19),
17 section 3 of P.L.1952, c.157 (C.12:7-46), subparagraph (b) of
18 paragraph (2) of subsection b. of N.J.S.2C:20-2, subsection b. of
19 N.J.S.2C:29-2 or subsection b., c. or d. of N.J.S.2C:20-10; or

20 f. The victim has been convicted of a crime and is still
21 incarcerated; or

22 g. The victim sustained the injury during the period of
23 incarceration immediately following conviction for a crime.

24 Except as provided herein, no compensation shall be awarded
25 under P.L.1971, c.317 in an amount in excess of \$25,000, and all
26 payments shall be made in a lump sum, except that in the case of
27 death or protracted disability the award may provide for periodic
28 payments to compensate for loss of earnings or support. **【Five**
29 years after the entry of an initial determination order, a claim for
30 compensation expires and no further order is to be entered with
31 regard to the claim except:

32 (1) for requests for payment of specific out-of-pocket expenses
33 received by the Victims of Crime Compensation Office prior to the
34 expiration of the five-year period except in those cases determined
35 by the office to be catastrophic in nature; or

36 (2) when the office determines that compelling circumstances
37 exist justifying the payment of a claim beyond the five-year limit. **】**

38 No award made pursuant to P.L.1971, c.317 shall be subject to
39 execution or attachment other than for expenses resulting from the
40 injury which is the basis of the claim.

41 Compensation may be awarded in an amount not exceeding the
42 actual cost of a rehabilitative service of the type enumerated in
43 section 2 of P.L.1999, c.166 (C.52:4B-18.2).

44 The award may provide for periodic payments in the case of
45 protracted care or rehabilitative assistance.

46 (cf: P.L.2010, c.92, s.1)

A3591 JOHNSON

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

3 19. In determining the amount of compensation to be allowed by
4 order, the **【agency shall】** office may take into consideration
5 amounts received or receivable from any other source or sources by
6 the victim or his dependents as a result of the offense or occurrence
7 giving rise to the application. In cases involving homicide, life
8 insurance payments and private donations received by the
9 dependents of the victim shall not be considered as other sources.

10 Each order for compensation made by the agency shall be filed
11 with the Director of the Division of Budget and Accounting and
12 shall constitute authority for payment by the State Treasurer to the
13 person or persons named therein of the amounts specified in such
14 order.

15 (cf: P.L.2007, c.95, s.21)

16

17 3. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill would make changes to certain time and other
23 limitations on compensation claims by victims of crime.

24 Under current law, victims or victims' dependants must apply to
25 the Victims of Crime Compensation Office ("office") for
26 compensation within two years from when the personal injury or
27 death occurred unless they can establish good cause for a delayed
28 filing, and they also must have filed a police report within three
29 months of when the offense occurred. Under the bill, the victims or
30 dependents would now have up to three years to apply to the office
31 for compensation and have up to nine months to have filed a police
32 report. The bill specifies that if the victim is under 18 years of age,
33 the three-year period for filing shall commence on the victim's 18th
34 birthday. The bill further provides that a law enforcement officer, a
35 prosecuting agency, or a member of the criminal justice system's
36 failure to inform the victim or victim's dependants of the benefits
37 offered by the office constitutes good cause for a delayed filing.

38 The bill also would remove the five-year limitation on payments
39 of claims to victims by the office. Under current law, a victim's
40 claim for compensation expires five years after an initial
41 determination order is made by the office unless the office
42 determines the case to be catastrophic in nature or that there are
43 compelling circumstances justifying paying the claim beyond the
44 five years. This bill removes the five-year limitation altogether.

45 Finally, the bill gives the office discretion when determining an
46 award to consider any monies the victim or the victim's dependents
47 have received as a result of the offense for which compensation is
48 being sought. Under current law, the office is required to consider

A3591 JOHNSON

5

- 1 these monies. Also under the bill, the office may not consider life
- 2 insurance payments and private donations received by dependents
- 3 in homicide cases as grounds to reduce an award.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3591

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2011

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3591.

As amended and reported by the committee, Assembly Bill No. 3591 makes changes to certain time and other limitations on compensation claims by victims of crime.

Under current law, victims or victims' dependants must apply to the Victims of Crime Compensation Office ("office") for compensation within two years from when the personal injury or death occurred unless they can establish good cause for a delayed filing, and they also must have filed a police report within three months of when the offense occurred.

Under the bill, victims or their dependents would now have up to three years to apply to the office for compensation and have up to nine months to have filed a police report. The bill specifies that if the victim is under 18 years of age, the three-year period for filing shall commence on the victim's 18th birthday. The bill further provides that a law enforcement officer, a prosecuting agency, or a member of the criminal justice system's failure to inform the victim or victim's dependents of the benefits offered by the office constitutes good cause for a delayed filing.

The bill also would remove the five-year limitation on payments of claims to victims by the office. Under current law, a victim's claim for compensation expires five years after an initial determination order is made by the office unless the office determines the case to be catastrophic in nature or that there are compelling circumstances justifying paying the claim beyond the five years. This bill removes the five-year limitation altogether.

Finally, the bill gives the office discretion when determining an award to consider any monies the victim or the victim's dependents have received as a result of the offense for which compensation is being sought. Under current law, the office is required to consider these monies. Also under the bill, the office may not consider life insurance payments and private donations received by dependents in homicide cases as grounds to reduce an award.

COMMITTEE AMENDMENTS:

The committee made a technical amendment to the bill.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3591

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3591 (1R).

As amended and reported by the committee, this bill makes changes to certain time and other limitations on compensation claims by victims of crime.

Under current law, victims or victims' dependents must apply to the Victims of Crime Compensation Office ("office") for compensation within two years from the date when the personal injury or death occurred unless they can establish good cause for a delayed filing, and they also must have filed a police report within three months of when the offense occurred.

Under the amended bill, victims or their dependents would now have up to three years to apply to the office for compensation and have up to nine months to have filed a police report. The bill specifies that if the victim is under 18 years of age, the three-year period for filing is to commence on the victim's 18th birthday. The amended bill further provides that instances where the victim or the victim's dependents were not appropriately informed of the benefits offered by the office as required by law constitutes good cause for a delayed filing.

The amended bill also would change from five to ten years the limitation on payments of claims to victims by the office. Under current law, a victim's claim for compensation expires five years after an initial determination order is made by the office unless the office determines the case to be catastrophic in nature or that there are compelling circumstances justifying paying the claim beyond the five years. Under the amended bill, a victim's claim expires ten years after an order, except for requests for payment of out-of-pocket expenses received by the office prior to the expiration of the ten-year period, cases determined by the office to be catastrophic in nature, and requests for payment of expenses incurred after the expiration of the ten-year period.

Finally, the amended bill provides that the office is not to consider life insurance payments and private donations received by dependents as grounds to reduce an award.

The committee amended the bill to revise the circumstances that provide that situations where the victim or the victim's dependents were not appropriately informed of the benefits offered by the office as required by law constitutes good cause for a delayed filing. As introduced, the bill provided that a law enforcement officer, a prosecuting agency, or a member of the criminal justice system's failure to inform the victim or victim's dependents of the benefits offered by the office constituted good cause. The amendments also change from five to ten years the limitation on payments of claims to victims by the office; as introduced. The bill removed the five-year limitation altogether.

As introduced, the bill gave the office discretion when determining an award to consider any monies the victim or the victim's dependents have received as a result of the offense for which compensation is being sought, except for homicide cases, where life insurance and private donations would not be considered. Under the amendments, the office is required to consider all monies any dependents received, except for life insurance and private donations.

The committee amendments also revise the bill's effective date.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1979, which also was amended and reported by the committee on this same date.

SENATE, No. 1979

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 27, 2010

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)

SYNOPSIS

Concerns certain limitations on claims for victim compensation.

CURRENT VERSION OF TEXT

As introduced.



S1979 WEINBERG

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12 the personal injury or death or after that date upon determination by
13 the **[agency]** office that good cause exists for the delayed filing,
14 and the personal injury or death was the result of an offense listed
15 in section 11 of P.L.1971, c.317 (C.52:4B-11) which had been
16 reported to the police or other appropriate law enforcement agency
17 within **[three]** nine months after its occurrence or reasonable
18 discovery. If the victim is under 18 years of age, the three-year
19 limit on filing shall commence on the day the victim turns 18 years
20 old. For the purposes of this section, "good cause" shall include,
21 but not be limited to, failure of a law enforcement officer, a
22 prosecuting agency, or any other member of the criminal justice
23 system to inform the victim or victim's dependants of the benefits
24 offered by the office. The **[agency]** office will make its
25 determination regarding the application within six months of
26 acknowledgment by the **[agency]** office of receipt of the completed
27 application and any and all necessary supplemental information.

28 In determining the amount of an award, the **[agency]** office shall
29 determine whether, because of his conduct, the victim of such crime
30 contributed to the infliction of his injury, and the **[agency]** office
31 shall reduce the amount of the award or reject the application
32 altogether, in accordance with such determination; provided,
33 however, that the **[agency]** office shall not consider any conduct of
34 the victim contributory toward his injury, if the record indicates
35 such conduct occurred during efforts by the victim to prevent a
36 crime or apprehend a person who had committed a crime in his
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43 a. Compensation to the victim proves to be substantial unjust
44 enrichment to the offender or if the victim did not cooperate with

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Matter underlined thus is new matter.

S1979 WEINBERG

1 the reasonable requests of law enforcement authorities unless the
2 victim demonstrates a compelling health or safety reason for not
3 cooperating; or

4 b. (Deleted by amendment, P.L.1990, c.64.)

5 c. The victim was guilty of a violation of subtitle 10 or 12 of
6 Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which
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8 d. The victim was injured as a result of the operation of a
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22 incarcerated; or

23 g. The victim sustained the injury during the period of
24 incarceration immediately following conviction for a crime.

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26 under P.L.1971, c.317 in an amount in excess of \$25,000, and all
27 payments shall be made in a lump sum, except that in the case of
28 death or protracted disability the award may provide for periodic
29 payments to compensate for loss of earnings or support. **【Five**
30 **years after the entry of an initial determination order, a claim for**
31 **compensation expires and no further order is to be entered with**
32 **regard to the claim except for requests for payment of specific out-**
33 **of-pocket expenses received by the Victims of Crime Compensation**
34 **Agency prior to the expiration of the five-year period except in**
35 **those cases determined by the agency to be catastrophic in nature.】**
36 No award made pursuant to P.L.1971, c.317 shall be subject to
37 execution or attachment other than for expenses resulting from the
38 injury which is the basis of the claim.

39 Compensation may be awarded in an amount not exceeding the
40 actual cost of a rehabilitative service of the type enumerated in
41 section 2 of P.L.1999, c.166 (C.52:4B-18.2).

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13 (cf: P.L.2007, c.95, s.21)

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15 3. This act shall take effect immediately.

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STATEMENT

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20 This bill would make changes to certain time and other
21 limitations on compensation claims by victims of crime.

22 Under current law, victims or victims' dependants must apply to
23 the Victims of Crime Compensation Office ("office") for
24 compensation within two years from when the personal injury or
25 death occurred unless they can establish good cause for a delayed
26 filing, and they also must have filed a police report within three
27 months of when the offense occurred. Under the bill, the victims or
28 dependents would now have up to three years to apply to the office
29 for compensation and have up to nine months to have filed a police
30 report. The bill specifies that if the victim is under 18 years of age,
31 the three-year period for filing shall commence on the victim's 18th
32 birthday. The bill further provides that a law enforcement officer, a
33 prosecuting agency, or a member of the criminal justice system's
34 failure to inform the victim or victim's dependants of the benefits
35 offered by the office constitutes good cause for a delayed filing.

36 The bill also would remove the five-year limitation on payments
37 of claims to victims by the office. Under current law, a victim's
38 claim for compensation expires five years after an initial
39 determination order is made by the office. This bill removes that
40 limitation altogether.

41 Finally, the bill gives the office discretion when determining an
42 award to consider any monies the victim or the victim's dependents
43 have received as a result of the offense for which compensation is
44 being sought. Under current law, the office is required to consider
45 these monies. Also under the bill, the office may not consider life
46 insurance payments and private donations received by dependents
47 in homicide cases as grounds to reduce an award.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1979

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1979.

As amended and reported by the committee, this bill makes changes to certain time and other limitations on compensation claims by victims of crime.

Under current law, victims or victims' dependents must apply to the Victims of Crime Compensation Office ("office") for compensation within two years from the date when the personal injury or death occurred unless they can establish good cause for a delayed filing, and they also must have filed a police report within three months of when the offense occurred.

Under the amended bill, victims or their dependents would now have up to three years to apply to the office for compensation and have up to nine months to have filed a police report. The bill specifies that if the victim is under 18 years of age, the three-year period for filing is to commence on the victim's 18th birthday. The amended bill further provides that instances where the victim or the victim's dependents were not appropriately informed of the benefits offered by the office as required by law constitutes good cause for a delayed filing.

The amended bill also would change from five to ten years the limitation on payments of claims to victims by the office. Under current law, a victim's claim for compensation expires five years after an initial determination order is made by the office unless the office determines the case to be catastrophic in nature or that there are compelling circumstances justifying paying the claim beyond the five years. Under the amended bill, a victim's claim expires ten years after an order, except for requests for payment of out-of-pocket expenses received by the office prior to the expiration of the ten-year period, cases determined by the office to be catastrophic in nature, and requests for payment of expenses incurred after the expiration of the ten-year period.

Finally, the amended bill provides that the office is not to consider life insurance payments and private donations received by dependents as grounds to reduce an award.

The committee amended the bill to revise the circumstances that provide that situations where the victim or the victim's dependents were not appropriately informed of the benefits offered by the office as required by law constitutes good cause for a delayed filing. As introduced, the bill provided that a law enforcement officer, a prosecuting agency, or a member of the criminal justice system's failure to inform the victim or victim's dependents of the benefits offered by the office constituted good cause. The amendments also change from five to ten years the limitation on payments of claims to victims by the office; as introduced, the bill removed the five-year limitation altogether.

As introduced, the bill gave the office discretion when determining an award to consider any monies the victim or the victim's dependents have received as a result of the offense for which compensation is being sought, except for homicide cases, where life insurance and private donations would not be considered. Under the amendments, the office is required to consider all monies any dependents received, except for life insurance and private donations.

The committee amendments also revise the bill's effective date.

As amended and reported by the committee, this bill is identical to Assembly Bill No. A-3591 (1R), which also was amended and reported by the committee on this same date.