

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:4B-18

(Violent Crimes Compensation Board—compensate when offender is relative of victim)

LAWS OF: 1983

CHAPTER: 86

Bill No: A452

Sponsor(s): Girgenti and Pellecchia

Date Introduced: Pre-filed

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

Senate: Law, Public Safety & Defense

Amended during passage: Yes // Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly: June 14, 1982 Re-enacted 1-31-83

Senate: Dec. 6, 1982 Re-enacted 2-24-83

Date of Approval: March 3, 1983

Following statements are attached if available:

Sponsor statement:		Yes	// Also attached. Senate amendments, adopted 11-29-82 (with statement)
Committee statement:	Assembly	Yes	//
	Senate	Yes	//
Fiscal Note:		///	No
Veto Message:		Yes	//
Message on Signing:		yes ///	No
Following were printed:			
Reports:		///	No
Hearings:		///	No

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3-3-83

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ASSEMBLY, No. 452

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen GIRGENTI and PELLECCCHIA

AN ACT to amend the "Criminal Injuries Compensation Act of 1971," approved October 4, 1971 (P. L. 1971, c. 317).

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

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

3 18. No order for the payment of compensation shall be made
4 under section 10 of this act unless the application has been made
5 within 2 years after the date of the personal injury or death or after
5A that date upon determination by the board that good cause exists
6 for the delayed filing, and the personal injury or death was the
7 result of an offense listed in section 11 of this act which had been
8 reported to the police within three months after its occurrence.
8A *****The board will make its determination regarding the applica-*
8B *tion within six months of acknowledgment by the board of receipt*
8C *of the completed application and any and all necessary supplemen-*
8D *tal information.*****

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

Matter enclosed in asterisks or stars has been adopted as follows:

°—Assembly committee amendments adopted May 20, 1982.

**—Senate committee amendment adopted September 23, 1982.

***—Senate amendments adopted November 29, 1982.

****—Assembly amendments adopted in accordance with Governor's recom-
mendations January 27, 1983.

19 No compensation shall be awarded if the victim

20 a. is a relative of the offender***[, except when the board deter-**
21 *mines that the circumstances of the case warrant compensation]**

21A **and the victim and offender presently live in the same household or*

21B ***[that]** the victim did not cooperate in the prosecution of the*

21C *offender**,

22 b. was at the time of the personal injury ***[or death]*** of the
23 victim living with the offender as a member of his family relation-

24 ship group***[, except when the board determines that the circum-**
25 *stances of the case warrant compensation]* **and the victim and*

25A *offender presently live in the same household or the victim did not*

25B *cooperate in the prosecution of the offender**,

26 c. was guilty of a violation of subtitle 10 or 12 of Title 2A ****or*

27 *subtitle 2 of Title 2C**** of the New Jersey Statutes, which caused

27A or contributed to his injuries,

28 d. was injured as a result of the operation of a motor vehicle,

29 boat or airplane unless the same was used as a weapon in a

30 deliberate attempt to run the victim down.

31 No award shall be made on an application unless the applicant

32 has incurred a minimum out-of-pocket loss of \$100.00 or has lost at

33 least two continuous weeks earnings or support^{***}; *except that the*

34 *requirement of a minimum out-of-pocket loss shall not apply to any*

35 *applicant 60 years of age or older or any applicant who is disabled*

36 *as defined pursuant to the federal Social Security Act (42 U. S. C.*

36A *Section 416 (i))****. Out-of-pocket loss shall mean unreimbursed

36B and unreimbursable expenses or indebtedness reasonably incurred

36C for medical care or other services necessary as a result of the

36D injury upon which such application is based.

37 No compensation shall be awarded under this act in an amount in

38 excess of *****[\$10,000.00]***** *****\$25,000.00*****, and all payments

39 shall be made in a lump sum, except that in the case of death or

40 protracted disability the award may provide for periodic payments

41 to compensate for loss of earnings or support. No award made

42 pursuant to this act shall be subject to execution or attachment

43 other than for expenses resulting from the injury which is the

44 basis of the claim.

1 2. This act shall take effect immediately **and shall apply only to*

2 *the claims received after the effective date of this act* ****for in-*

3 *juries which occurred after the effective date of this act*****.

28 d. was injured as a result of the operation of a motor vehicle,
29 boat or airplane unless the same was used as a weapon in a
30 deliberate attempt to run the victim down.

31 No award shall be made on an application unless the applicant
32 has incurred a minimum out-of-pocket loss of \$100.00 or has lost at
33 least 2 continuous weeks earnings or support. Out-of-pocket loss
34 shall mean unreimbursed and unreimbursable expenses or indebted-
35 ness reasonably incurred for medical care or other services neces-
36 sary as a result of the injury upon which such application is based.

37 No compensation shall be awarded under this act in an amount in
38 excess of \$10,000.00, and all payments shall be made in a lump sum,
39 except that in the case of death or protracted disability the award
40 may provide for periodic payments to compensate for loss of earn-
41 ings or support. No award made pursuant to this act shall be sub-
42 ject to execution or attachment other than for expenses resulting
43 from the injury which is the basis of the claim.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit the Violent Crimes Com-
pensation Board to compensate crime victims when the offender is
the victim's relative or a member of the victim's household.

Under present law, when a victim is related to the offender or is
a member of the offender's household he cannot be compensated.
This bill would amend P. L. 1971, chapter 317 (C. 52:4B-18) to
leave compensation under these circumstances up to the board's
discretion.

A452 (1982)

**ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE**

STATEMENT TO

ASSEMBLY. No. 452

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1982

The purpose of this bill is to permit the Violent Crimes Compensation Board to compensate crime victims when the offender is the victim's relative or a member of the victim's household.

Under present law, when a victim is related to the offender or is a member of the offender's household he cannot be compensated. This bill would amend P. L. 1971, chapter 317 (C. 52:4B-18) to leave compensation under these circumstances up to the board's discretion.

The committee amendment prohibits recovery for a victim who lives in the same household as the offender or who did not cooperate in the prosecution of the offender.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 452

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1982

This bill would permit the Violent Crimes Compensation Board to compensate the victim of a crime, even if he is a relative of the offender or if he were a member of the offender's household at the time of his personal injury, so long as he does not live in the same household as the offender at the time he applies for compensation and he has cooperated in the prosecution of the offender. The purpose of these conditions is to guard against collusion between offender and victim for the purpose of recovering compensation.

Under current law, a victim cannot be compensated if he is a relative of the offender or a member of the offender's household.

The committee amended the bill to correct a printing error.

ADOPTED
NOV 29 1982

Senate Amendments

to

Senate Reprint to
Assembly Bill No. 452 (OCR)

Graves

Amend:

Page	Sec.	Line	
1	1	18	Omit "misdemeanor" insert "crime"
2	1	26	After "2A" insert "or subtitle 2 of Title 2C"
2	1	33	After "support" insert "; except that the requirement of a minimum out-of-pocket loss shall not apply to any applicant 60 years of age or older or any applicant who is disabled as defined pursuant to the federal Social Security Act (42 U.S.C. Section 416 (i))"
2	1	38	Omit "\$10,000.00" insert "\$25,000.00"

STATEMENT

These amendments revise section 18 of P.L. 1971, c. 317 (C. 52:4B-18) consistent with changes made in that section in Assembly Bill No. 450 and Senate Bill No. 622.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 27, 1983

ASSEMBLY BILL NO. 452 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 452 with my objections and recommendations for amendment.

The purpose of this bill is to amend a section of the Criminal Injuries Compensation Act of 1971, N.J.S. 52:4B-18, so as to permit the Violent Crimes Compensation Board to compensate crime victims when the offender is the victim's relative or a member of the victim's household. The bill would permit compensation to a victim who either does not live in the same household, cooperated with the prosecution, or are not presently living together.

Under present law, when a victim is related to the offender or is a member of the offender's household he cannot be compensated. Often this works an injustice on persons who are separated or who separate immediately after the violent act is committed. The bill, as amended by the Legislature, enables persons who are separated, or who separate after the violent act, or who assist with the prosecution of the offender to be compensated for violent crimes committed upon them by their estranged members of their family.

The Legislature, at the request of the Violent Crimes Compensation Board, attempted to make the bill prospective in nature. The amendment states that the act "shall apply only to the claims received after the effective date of the act." The intent was to not allow victims of domestic violence who were injured in the past when the law excluded them from the class of eligible recipients to now be able to receive awards for those injuries. The amendment does not fully close this loophole. Since the act contains a two-year filing deadline, if someone was injured by a relative a year ago, when they were

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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ineligible to receive an award, but filed a claim next month after this bill is signed, they might be an eligible recipient under current law. To close this loophole I propose an amendment to make the bill clear that it only applies to claims received for injuries which occurred after the effective date of this act. The Violent Crimes Compensation Board and the bill's sponsor, Assemblyman Girgenti, agree with the proposed change.

In addition, Section 18 of the Criminal Injuries Compensation Act contains a provision for a 2-year filing deadline. This section also contains the criteria to be used by the board in making their determinations. This section does not, however, contain a time limit for the board for the processing of a victim's claim for compensation. At times, a victim can wait approximately one year or more for his claim to be processed. This is inexcusable. Victims of violent crimes suffer too much, both physically, mentally, and economically, and the State has an obligation to assist them as soon as possible. As such, I propose the bill be amended to impose a six-month time deadline on the Violent Crimes Compensation Board from the time they acknowledge receipt of the completed application and all necessary information for the processing of a victim's claim. The Violent Crimes Compensation Board and the bill's sponsor, Assemblyman Girgenti, support this amendment.

Therefore, I herewith return Assembly Bill No. 452 (2nd OCR) and recommend that it be amended as follows:

Page 1, Section 1, Line 8: after "." INSERT "The board will make its determination regarding the application within 6 months of acknowledgement by the board of receipt of the completed application and any and all necessary supplemental information."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Page 2, Section 2, Line 2: after "act" INSERT "for injuries which
occurred after the effective date of this act"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: PAUL WOLCOTT

THURSDAY, MARCH 3, 1983

Governor Thomas H. Kean has signed the following bills:

A-452, sponsored by Assemblyman John A. Girgenti, (D-Passaic), which authorizes the Violent Crimes Compensation Board to compensate a crime victim when the offender is the victim's relative or a member of the victim's household.

A-469, sponsored by Assemblyman James Zangari, (D-Essex), which would make the smuggling of a weapon into a mental health facility or detention facility a crime.

A-2085, sponsored by Assemblyman William Bishop, (R-Morris), which validates bond proceedings for the Township of Rockaway.

S-3062, sponsored by State Senator John F. Russo, (D-Ocean), which allows the appointment of one additional municipal court judge in the county seat having a population of 40,000 or more in a county of the fifth class.

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