

52:4B-18

LEGISLATIVE HISTORY CHECKLIST

(Victims compensation - fund - increase payment to \$25,000)

NJSA 52:4B-18

LAWS 1982

CHAPTER 192

Bill No. S622

Sponsor(s) Orechio

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Oct. 25, 1982

Senate June 28, 1982

Date of approval Dec. 6, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

Sponsor's statement:

This bill would amend and supplement the "Criminal Injuries Compensation Act of 1971" to (1) provide an increase in the maximum compensation to \$25,000.00 which may be paid to or on behalf of a victim of a violent crime and (2) create a victim counseling service. The act shall apply only to those crimes where injury or death occurs after the effective date of the act.

(over)

6/22/81

SEP 1983

A.953 (mentioned in statements) enacted as L.1982, c.164.

192 82
12-6-82
[OFFICIAL COPY REPRINT]
SENATE, No. 622

LAW LIBRARY COPY
DO NOT REMOVE

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator ORECHIO

AN ACT to amend and supplement 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
6 after that date upon determination by the board that good cause
7 exists for the delayed filing, and the personal injury or death was
8 the result of an offense listed in section 11 of this act which had
9 been reported to the police within 3 months after its occurrence.

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

20 No compensation shall be awarded if the victim:

21 a. Is a relative of the offender.

22 b. Was at the time of the personal injury or death of the victim

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:

*—Senate committee amendment adopted June 21, 1982.

23 living with the offender as a member of his family relationship
24 group,

25 c. Was guilty of a violation of subtitle 10 or 12 of Title 2A or
26 subtitle 2 of Title 2C New Jersey Statutes, which caused or con-
27 tributed 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 deliber-
30 ate 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]~~ \$25,000.00, and all payments shall be made in
39 a lump sum, except that in the case of death or protracted disability
40 the award may provide for periodic payments to compensate for
41 loss of earnings or support. No award made pursuant to this act
42 shall be subject to execution or attachment other than for expenses
43 resulting from the injury which is the basis of the claim.

1 2. (New section) a. The Violent Crimes Compensation Board shall
2 establish a victim counseling service which shall provide counseling
3 to victims as defined in the act to which this act is a supplement.
4 The service shall be conducted at such locations within the State as
5 the board deems advisable.

6 b. The board is authorized to appoint such personnel for the
7 service as may be necessary to carry out its functions.

8 c. The service shall provide assistance to victims without charge,
9 which assistance shall include information and advice relative to
10 filing a claim with the board, emergency food and clothing, employ-
11 ment opportunities, referral to other social service agencies, and in
12 obtaining legal advice or representation.

1 3. (New section) The increase in compensation to a maximum of
2 \$25,000.00 provided for in this amendatory and supplementary act
3 shall apply only to crimes committed after the effective date of
4 this act when personal injury or death occurs.

1 4. This act shall take effect immediately **but shall remain in-*
2 *operative unless and until Assembly Bill No. 953 of 1982, now*
3 *pending before the Legislature, is enacted into law*.*

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 622

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1982

This bill would increase to \$25,000.00 the maximum compensation which may be paid to or on behalf of a victim of a violent crime and would create a victim counseling service.

Under current law, the maximum amount that can be paid by the Violent Crimes Compensation Board to or on behalf of the victim of a violent crime for unreimbursable medical expense or other expenses necessary as a result of a crime-related injury is \$10,000.00. This bill raises the maximum to \$25,000.00. The increase would apply only to victims of crimes committed after the bill became effective.

The bill also would require the Violent Crimes Compensation Board to establish a victim counseling service which would be available to victims free of charge and would provide information about how to file a claim with the Violent Crimes Compensation Board, how to obtain emergency food and clothing, how to find employment, and how to obtain assistance from other social service agencies and legal advice.

The Senate Law, Public Safety and Defense Committee amended the bill so that it would take effect immediately but would remain inoperative unless and until Assembly Bill No. 953 of 1982, now pending before the Legislature, was enacted into law. Assembly Bill No. 953 would generate additional funds for use by the Violent Crimes Compensation Board by assessing a \$25.00 penalty against persons convicted of any disorderly persons offense, petty disorderly persons offense, or violation of the "Controlled Dangerous Substances Act," and a \$10.00 penalty against juveniles adjudicated delinquent.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 622

STATE OF NEW JERSEY

DATED: JUNE 21, 1982

This bill would increase to \$25,000.00 the maximum compensation which may be paid to or on behalf of a victim of a violent crime and would create a victim counseling service.

Under current law, the maximum amount that can be paid by the Violent Crimes Compensation Board to or on behalf of the victims of a violent crime for unreimbursable medical expenses or other expenses necessary as a result of a crime-related injury is \$10,000.00. This bill raises the maximum to \$25,000.00. The increase would apply only to victims of crimes committed after the bill became effective.

The bill also would require the Violent Crimes Compensation Board to establish a victim counseling service which would be available to victims free of charge and would provide information about how to file a claim with the Violent Crimes Compensation Board, how to obtain emergency food and clothing, how to find employment, and how to obtain assistance from other social service agencies and legal advice.

The committee amended the bill so that it would take effect immediately but would remain inoperative unless and until Assembly Bill No. 953 of 1982, now pending before the Legislature, was enacted into law. Assembly Bill No. 953 would generate additional funds for use by the Violent Crimes Compensation Board by assessing a \$25.00 penalty against persons convicted of any disorderly persons offense, petty disorderly persons offense, or violation of the "Controlled Dangerous Substances Act," and a \$10.00 penalty against juveniles adjudicated delinquent.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

CONTACT: CARL GOLDEN

MONDAY, DECEMBER 6, 1982

Governor Thomas H. Kean today signed legislation to increase the maximum compensation which may be paid to a victim of a violent crime from \$10,000 to \$25,000.

The legislation, S-622, was sponsored by Senate President Carmen Orechio, D-Essex, and, in addition to increasing the maximum compensation award, creates a victim counseling service in the Violent Crimes Compensation Board.

The legislation specifies that the higher amount may be awarded only to individuals, or in behalf of individuals, who suffer death or injury after the effective date of the law, which is upon signature.

"The \$10,000 limit has been in effect since the original law was enacted eleven years ago," Kean said. "An increase in the maximum award is both necessary and overdue."

The Governor also signed another bill, A-450, sponsored by Assemblyman John Girgenti, D-Passaic, to revise the violent crimes compensation law.

The bill eliminates the requirement that a minimum \$100 out of pocket loss be sustained by persons over the age of 60 years before applying for compensation.

The legislation applies only to individuals over the age of 60 years and to persons who are defined as disabled under the Federal Social Security Act.

Under existing law, before a person may apply for a compensation award, he must have incurred a minimum of \$100 out of pocket loss or at least two weeks of earnings or support.

"For many senior citizens or the disabled, a loss of \$100 is much more difficult to bear," Kean said. "With the signing of this bill, these individuals may apply for compensation immediately."

The Governor also signed A-1401, sponsored by Assemblyman Christopher Jackman, D-Hudson, to create a temporary commission to commemorate the 100th anniversary of the dedication of the Statue of Liberty.

The Commission, officially titled the New Jersey Statue of Liberty Centennial Commission, will consist of 21 persons, 11 appointed by the Governor, five by the President of the Senate, and five by the Speaker of the Assembly.

The Commission will be responsible for developing appropriate celebration ceremonies to commemorate the 100th anniversary of the Statue of Liberty.

#