

52:4B-18

LEGISLATIVE HISTORY CHECKLIST

(Victims compensation fund--eliminated loss out of pocket for applicants 60 years old)

NJSA 52:4B-18

LAWS 1982

CHAPTER 193

Bill No. A450

Sponsor(s) Girgenti and others

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety & Defense

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

Date of Passage: Assembly May 13, 1982

Senate Oct. 18, 1982

Date of approval Dec. 6, 1982

Following statements are attached if available:

Sponsor statement	Yes	No
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

6/22/81

AP 107

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ASSEMBLY, No. 450

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen GIRGENTI, PELLECCCHIA, KERN and ZANGARI

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
5A after that date upon determination by the board that good cause
6 exists for the delayed filing, and the personal injury or death was
7 the result of an offense listed in section 11 of this act which had
8 been reported to the police within 3 months after its occurrence.

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.

19 No compensation shall be awarded if the victim

20 a. is a relative of the offender,

21 b. was at the time of the personal injury or death of the victim

Matter printed in italics thus is new matter.

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

***—Assembly committee amendment adopted May 3, 1982.**

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

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

26 d. was injured as a result of the operation of a motor vehicle,
27 boat or airplane unless the same was used as a weapon in a de-
28 liberate attempt to run the victim down.

29 No award shall be made on an application unless the applicant
30 has incurred a minimum out-of-pocket loss of \$100.00 or has lost at
31 least 2 continuous weeks earnings or support; *except that the*
32 *requirement of a minimum out-of-pocket loss shall not apply to*
33 *any applicant 60 years of age or older *or any applicant who is*
34 *disabled as defined pursuant to the federal Social Security Act (42*
35 *U. S. C. Section 416 (i))**. Out-of-pocket loss shall mean unreim-
36 bursable expenses or indebtedness reasonably incurred for medical
36A care or other services necessary as a result of the injury upon
36B 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.

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STATEMENT

In order to receive compensation from the Violent Crimes Compensation Board under current law, an applicant must have incurred a minimum out-of-pocket loss of \$100.00 or a loss of at least 2 weeks of earnings or support.

The purpose of this bill is to eliminate the requirement of a minimum out-of-pocket loss for applicants who are 60 years of age or older. For a senior citizen, a loss of under \$100.00 may prove to be as difficult to bear as a greater loss.

A450 (1982)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 450

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 1982

This bill, as amended, eliminates the requirement that a minimum loss of \$100.00 be incurred for persons over 60 in order to receive violent crimes compensation.

The committee amendment also eliminates the minimum loss requirement for disabled applicants.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 450

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: AUGUST 12, 1982

This bill, as amended by the Assembly Judiciary Committee, eliminates for any person over 60 years old and for any person who is disabled, as defined by the Federal Social Security Act (2 U.S.C. Section 416 (i)) the requirement that a minimum loss of \$100.00 be incurred in order to receive violent crimes compensation.

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.

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