



**SPONSORS STATEMENT:** No  
**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes 3-11-99](#)  
[Yes 6-7-99](#)  
**SENATE:** No  
**FLOOR AMENDMENT STATEMENTS:** No  
**LEGISLATIVE FISCAL ESTIMATE:** Yes  
Identical to Legislative Fiscal Estimate for S778

**A114**

**SPONSORS STATEMENT:** (Begins on page 5 of original bill) Yes  
Bill and Sponsors Statement identical to S778

**COMMITTEE STATEMENT:** **ASSEMBLY:** No  
**SENATE:** No  
**FLOOR AMENDMENT STATEMENTS:** No  
**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

P.L. 1999, CHAPTER 166, *approved July 15, 1999*  
Senate Committee Substitute (*First Reprint*) for  
Senate, No. 778

1 **AN ACT** concerning supplemental awards to certain catastrophically  
2 injured crime victims and amending and supplementing P.L.1971,  
3 c.317.

4

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

7

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

10 18. No order for the payment of compensation shall be made  
11 under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the  
12 application has been made within two years after the date of the  
13 personal injury or death or after that date upon determination by the  
14 board that good cause exists for the delayed filing, and the personal  
15 injury or death was the result of an offense listed in section 11 of  
16 P.L.1971, c.317 (C.52:4B-11) which had been reported to the police  
17 or other appropriate law enforcement agency within three months after  
18 its occurrence or reasonable discovery. The board will make its  
19 determination regarding the application within six months of  
20 acknowledgment by the board of receipt of the completed application  
21 and any and all necessary supplemental information.

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

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

35 No compensation shall be awarded if:

36 a. Compensation to the victim proves to be substantial unjust  
37 enrichment to the offender or if the victim did not cooperate with the  
38 reasonable requests of law enforcement authorities unless the victim  
39 demonstrates a compelling health or safety reason for not cooperating;  
40 or

**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:

<sup>1</sup> Assembly AAP committee amendments adopted June 7, 1999.

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

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

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

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

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

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

21 [No] Except as provided herein, no compensation shall be awarded  
22 under this act in a amount in excess of \$25,000.00, and all payments  
23 shall be made in a lump sum, except that in the case of death or  
24 protracted disability the award may provide for periodic payments to  
25 compensate for loss of earnings or support. Five years after the entry  
26 of an initial determination order, a claim for compensation expires and  
27 no further order is to be entered with regard to the claim except for  
28 requests for payment of specific out-of-pocket expenses received by  
29 the Victims of Crime Compensation Board prior to the expiration of  
30 the five-year period except in those cases determined by the board to  
31 be catastrophic in nature. No award made pursuant to this act shall be  
32 subject to execution or attachment other than for expenses resulting  
33 from the injury which is the basis of the claim.

34 Compensation may be awarded in an amount not exceeding the  
35 actual cost of a rehabilitative service of the type enumerated in section  
36 2 of P.L. c. (C. ) (now pending before the Legislature as this bill).

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

39 (cf: P.L.1995, c.135, s.6)

40

41 2. (New section) a. In addition to any award granted pursuant to  
42 section 18 of P.L.1971, c.317 (C.52:4B-18), the Victims of Crime  
43 Compensation Board may make one or more supplemental awards for  
44 the purpose of providing rehabilitative assistance to catastrophically  
45 injured crime victims or other persons entitled to compensation under  
46 section 10 of P.L.1971, c.317 (C.52:4B-10).

47 b. The rehabilitative assistance which the supplemental award may  
48 cover can include, but is not limited to, any of the following services

1 not covered by the original award of compensation or by other sources  
2 provided that the board determines that the services are reasonable and  
3 necessary:

- 4 (1) Surgical and therapeutic procedures;
- 5 (2) Rehabilitative physical and occupational therapy designed to  
6 restore an optimum function level;
- 7 (3) Prescription drugs and medical supplies;
- 8 (4) Cognitive and psychological therapy;
- 9 (5) Home health assistance;
- 10 (6) Vehicle modifications;
- 11 (7) Driver training;
- 12 (8) Wheelchair, braces, splints, crutches, walkers, shower or  
13 commode chair and any other personal adaptive equipment required to  
14 meet individual disability needs;
- 15 (9) Structural modifications to living environment designed to  
16 provide accessibility and to maximize independence;
- 17 (10) Dependent care as needed.

18 c. The Victims of Crime Compensation Board is authorized to  
19 make rules and regulations prescribing the procedures to be followed  
20 in qualifying for a supplemental award. The board is also authorized  
21 to establish a cap on the total amount of supplemental awards to be  
22 made in a year and a cap on the amount which a person may receive  
23 as a supplemental award <sup>1</sup>[in a year] , which personal cap shall not be  
24 less than \$25,000 <sup>1</sup>.

25 d. The payment of any supplemental award granted under the  
26 provisions of this section shall be approved by the board for payment  
27 out of funds appropriated for the administration of P.L.1971, c.371,  
28 (C.52:4B-1 et seq.), the "Criminal Injuries Compensation Act of  
29 1971."

30 e. A catastrophically injured crime victim who received a  
31 compensation award prior to the enactment of this section may apply  
32 for a supplemental award pursuant to the provisions of this section.  
33 A denial by the board of an application made pursuant to the  
34 provisions of this subsection shall not be subject to appeal.

35 f. As used in this section, "catastrophically injured crime victim"  
36 means a person who is injured by any act or omission of another  
37 person which is within the description of the offenses specified in  
38 section 11 of P.L.1971, c.317 (C.52:4B-11) and who has sustained a  
39 severe long term or life long personal injury.

40

41 3. This act shall take effect immediately.

42

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44

45

46 Provides supplemental VCCB Awards to catastrophically injured crime  
47 victims.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 778**

# **STATE OF NEW JERSEY**

DATED: MARCH 11, 1999

The Assembly Judiciary Committee reports favorably Senate Bill No. 778(SCS).

This legislation revises the law establishing the Victims of Crime Compensation Board (VCCB) and authorizing the Board to pay compensation to persons whose personal injury or death results from any of various enumerated violent crimes. The law authorizes such compensation for: expenses incurred as a result of the victim's injury or death (generally, medical expenses); loss of earning power; pecuniary loss to dependents of a deceased victim; and other pecuniary losses deemed reasonable by the Board.

Currently, the law limits total compensation from the VCCB in a particular case to \$25,000, and limits the time during which the Board may issue orders of compensation in a case to the five-year period beginning with the Board's entry of its initial determination order in that case. Under the legislation, exceptions to these limits would be allowed for catastrophically injured victims requiring protracted care or rehabilitative assistance.

The legislation defines a catastrophically injured crime victim as one who "has sustained a severe long term or life long personal injury." The bill allows the Board to grant such victims, in addition to awards currently allowed, one or more "supplemental awards" for the purpose of providing rehabilitative assistance. The total amount of any such supplemental award to a catastrophically injured victim could exceed the general \$25,000 limit for VCCB awards, but could not exceed the actual cost of rehabilitative services. The rehabilitative services that the supplemental award may cover can include, but are not limited to, any of the following, as long as the services are not otherwise covered by other sources: (1) surgical and therapeutic procedures; (2) rehabilitative physical and occupational therapy; (3) prescription drugs and medical supplies; (4) cognitive and psychological therapy; (5) home health assistance; (6) vehicle modifications; (7) driver training; (8) wheelchair, braces, and any other personal adaptive equipment required to meet individual disability needs; (9) structural modifications to living environment providing accessibility and independence; and (10) dependent care as needed.

The legislation authorizes the VCCB to establish a cap on the total amount of supplemental awards to be made in a year and a cap on the amount that any individual may receive as a supplemental award in a year.

This bill is identical to Assembly, No. 114 (ACS).

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 778**

with Assembly committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 7, 1999

The Assembly Appropriations Committee reports favorably Senate Bill No. 778 (SCS) with committee amendments.

Senate Bill No. 778 SCS, as amended, revises the "Criminal Injuries Compensation Act of 1971" to allow exceptions for catastrophically injured victims requiring protracted care or rehabilitative assistance to the usual time and dollar limits on Victims of Crime Compensation Board awards.

The "Criminal Injuries Compensation Act of 1971," N.J.S.A.52:4B-1 et seq., established the Victims of Crime Compensation Board (VCCB) and authorized the VCCB to pay compensation to persons whose personal injury or death results from any of several enumerated violent crimes. That law authorizes compensation for: expenses incurred as a result of the victim's injury or death (generally, medical expenses); loss of earning power; pecuniary loss to dependents of a deceased victim; and other pecuniary losses deemed reasonable by the VCCB.

Currently, the law limits total compensation from the VCCB in a particular case to \$25,000, and limits the time during which the VCCB may issue orders of compensation in a case to the five-year period beginning with the VCCB's entry of its initial determination order in that case. The bill allows exceptions to these limits for catastrophically injured victims requiring protracted care or rehabilitative assistance.

The bill defines a catastrophically injured crime victim as one who "has sustained a severe long term or life long personal injury." The bill allows the VCCB to grant such victims, in addition to awards currently allowed, one or more "supplemental awards" for the purpose of providing rehabilitative assistance. The total amount of any such supplemental award to a catastrophically injured victim could exceed the general \$25,000 limit for VCCB awards, but could not exceed the actual cost of rehabilitative services. The rehabilitative services that the supplemental award may cover can include, but are not limited to, any of the following, as long as the services are not otherwise covered



by other sources: (1) surgical and therapeutic procedures; (2) rehabilitative physical and occupational therapy; (3) prescription drugs and medical supplies; (4) cognitive and psychological therapy; (5) home health assistance; (6) vehicle modifications; (7) driver training; (8) wheelchair, braces, and any other personal adaptive equipment required to meet individual disability needs; (9) structural modifications to living environment providing accessibility and independence; and (10) dependent care as needed.

The bill authorizes the VCCB to establish a cap on the total amount of supplemental awards to be made in a year and a cap on the amount that any individual may receive as a supplemental award in a year.

Finally, the bill permits a catastrophically injured crime victim who received compensation from the VCCB before the bill's enactment to apply for a supplemental award. If, however, the VCCB denies such an application, there is no right of appeal.

This bill as amended and reported by this committee is identical to Assembly Bill No 114 ACS as amended and reported by this committee.

#### FISCAL IMPACT:

In a 1998 fiscal note to this bill, the VCCB noted the lack of data on the number of catastrophically injured crime victims who were previously awarded payments and would become eligible for supplemental awards under the bill. In FY 1998, 37 of the 1,925 claims the VCCB approved for payment (two percent) would have exceeded \$25,000 had that limit not existed. It should be noted that not all claimants whose compensation is limited by the current award limit will have suffered catastrophic injuries.

The VCCB informally estimated that approximately \$15,000 in one-time computer programming costs will be necessary in the first year after the bill is enacted to add data fields to tracking system for catastrophically injured crime victims. The VCCB notes that the lack of information on potential retroactive claims makes the projection of additional administrative costs difficult. The VCCB informally estimated that the phased hiring of two caseworkers and one junior accountant might be necessary, at a total cost of \$90,000, to fully implement the provisions of this bill. Initially, however, the VCCB did not expect personnel-related costs to exceed \$40,000. The Office of Legislative Services (OLS) noted that personnel costs might well be reduced after the VCCB processed the initial volume of retroactive claims.

The VCCB was unable to project the bill's potential impact on payments to crime victims, due to a lack of data. The OLS noted that the bill authorizes the VCCB to establish caps on individual and cumulative supplemental awards, which ensures that the additional payments do not exceed its available resources, and that the amount the VCCB would expend for both increased awards and additional

administrative costs is dependent on these limits.

COMMITTEE AMENDMENTS:

The amendments authorize the VCCB to establish caps on individual lifetime total supplemental awards that shall not be less than \$25,000 and delete a provision tht would have given the VCCB authority to establish, by regulation, per-person annual award limits.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 778**

# **STATE OF NEW JERSEY**

DATED: JUNE 15, 1998

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Bill No. 778.

SCS for S-778 would permit the Victims of Crime Compensation Board to make supplemental awards for rehabilitative services to catastrophically injured crime victims. The total amount of any supplemental award to a catastrophically injured victim could exceed the present \$25,000 limit for VCCB awards but could not exceed the actual cost of rehabilitative services. The rehabilitative services which the supplemental award may cover can include, but are not limited to any of the following as long as the services are not otherwise covered by other sources: (1) Surgical and therapeutic procedures; (2) Rehabilitative physical and occupational therapy designed to restore a maximum or optimum function level; (3) Prescription drugs and medical supplies; (4) Cognitive and psychological therapy; (5) Home health assistance; (6) Vehicle modifications; (7) Driver training; (8) Wheelchair, braces, splints, crutches, walkers, shower or commode chair and any other personal adaptive equipment required to meet individual disability needs; (9) Structural modifications to living environment designed to provide accessibility and to maximize independence.

SCS for S-778 would also authorize the VCCB to establish a cap on the total amount of supplemental awards to be made in a year and a cap on the amount which a person may receive as a supplemental award in a year.

In addition, SCS for S-778 would permit a catastrophically injured crime victim who had received compensation from the VCCB prior to the bill's enactment to apply for a supplemental award. If the VCCB denied such an application, there would, however, be no right of appeal.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 778**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 15, 1998

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 778 (SCS).

This legislation revises the law establishing the Victims of Crime Compensation Board (VCCB) and authorizing the Board to pay compensation to persons whose personal injury or death results from any of various enumerated violent crimes. The law authorizes such compensation for: expenses incurred as a result of the victim's injury or death (generally, medical expenses); loss of earning power; pecuniary loss to dependents of a deceased victim; and other pecuniary losses deemed reasonable by the Board.

Currently, the law limits total compensation from the VCCB in a particular case to \$25,000, and limits the time during which the Board may issue orders of compensation in a case to the five-year period beginning with the Board's entry of its initial determination order in that case. Under the legislation, exceptions to these limits would be allowed for catastrophically injured victims requiring protracted care or rehabilitative assistance.

The legislation defines a catastrophically injured crime victim as one who "has sustained a severe long term or life long personal injury." The bill allows the Board to grant such victims, in addition to awards currently allowed, one or more "supplemental awards" for the purpose of providing rehabilitative assistance. The total amount of any such supplemental award to a catastrophically injured victim could exceed the general \$25,000 limit for VCCB awards, but could not exceed the actual cost of rehabilitative services. The rehabilitative services that the supplemental award may cover can include, but are not limited to, any of the following, as long as the services are not otherwise covered by other sources: (1) surgical and therapeutic procedures; (2) rehabilitative physical and occupational therapy; (3) prescription drugs and medical supplies; (4) cognitive and psychological therapy; (5) home health assistance; (6) vehicle modifications; (7) driver training; (8) wheelchair, braces, and any other personal adaptive equipment required to meet individual disability needs; (9) structural modifications to living environment providing

accessibility and independence; and (10) dependent care as needed.

The legislation authorizes the VCCB to establish a cap on the total amount of supplemental awards to be made in a year and a cap on the amount that any individual may receive as a supplemental award in a year.

Finally, the legislation permits a catastrophically injured crime victim who received compensation from the VCCB prior to the bill's enactment to apply for a supplemental award. If, however, the VCCB denied such an application, there would be no right of appeal.

**FISCAL IMPACT:**

The VCCB informally estimates that this legislation could entail administrative costs of approximately \$39,500 per year to pay the salary and fringe benefits of a new investigator. The Board is unable to project the legislation's effect on payments to crime victims, since the supplemental awards under its provisions would vary each year, depending on the number of claimants and the severity of their injuries. The Board also indicates that there are no data on the number of catastrophically injured crime victims who would be eligible under the legislation for supplemental awards. In FY1998, 37 (two percent) of the 1,925 claims that the VCCB approved for payment would have exceeded \$25,000 in the absence of the current limit. Of course, some of those with claims in excess of the limit did not suffer catastrophic injuries, and so would not qualify under the bill for awards above the limit.

It may be noted that the provision of the legislation allowing the VCCB to establish a cap on individual and cumulative supplemental awards in each year will enable the Board to ensure that the cumulative amount of the additional payments it authorizes do not exceed the resources available to make those payments.

## FISCAL NOTE

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 778**

# **STATE OF NEW JERSEY**

## **208th LEGISLATURE**

DATED: NOVEMBER 24, 1998

Senate Committee Substitute for Senate Bill No. 778 of 1998 permits the Victims of Crime Compensation Board (VCCB) to compensate catastrophically injured crime victims for the cost of rehabilitative assistance in an amount above the present limit of \$25,000. The bill defines a "catastrophically injured crime victim" as one who has sustained a severe long term or life long personal injury.

Under the bill, eligible rehabilitative services would include (1) surgical and therapeutic procedures; (2) rehabilitative physical and occupational therapy designed to restore a maximum or optimum function level; (3) prescription drugs and medical supplies; (4) cognitive and psychological therapy; (5) home health assistance; (6) vehicle modifications; (7) driver training; (8) wheelchair, braces, splints, crutches, walkers, shower or commode chair and any other personal adaptive equipment required to meet individual disability needs; and (9) structural modifications to living environment designed to provide accessibility and to maximize independence.

While the bill would prohibit supplemental awards for services covered by other sources, such as medical insurance, all catastrophically injured crime victims who received compensation from the VCCB prior to the bill's enactment would be eligible to apply for supplemental awards.

In addition, the bill would authorize the VCCB to limit the total amount of supplemental awards to be made each year, as well as the amount an individual may annually receive as a supplemental award.

The VCCB notes that data are lacking on the number of catastrophically injured crime victims who were previously awarded payments and who now would be eligible for supplemental awards under the bill. In FY 1998, 37 of the 1,925 claims the VCCB approved for payment, or two percent, would have exceeded \$25,000, had that limit not existed. It should be noted that some claimants who reached this award limit may not have suffered catastrophic injuries.

The VCCB informally estimates that approximately \$15,000 in one-time computer programming costs will be necessary in the first

year after enactment of this bill to add data fields to the its current tracking system to account for catastrophically injured crime victims. The VCCB notes that the lack of information on potential retroactive claims makes the projection of additional administrative costs difficult. The VCCB has informally estimated that the phased hiring of two caseworkers and one junior accountant may be necessary, at a total cost of \$90,000, to fully implement the provisions of this bill. Initially, however, personnel related costs should not exceed \$40,000.

The Office of Legislative Services (OLS) notes that personnel costs may well be reduced after the VCCB has processed the initial volume of retroactive claims.

The VCCB was unable to project the bill's potential impact on payments to crime victims. The VCCB states that the amount of supplemental awards under the bill would vary each year, depending on the number of claimants and the severity of their injuries.

OLS concurs that data required to estimate the impact of this bill on payments to victims are not readily available. However, OLS further notes that under the provisions of the bill, the VCCB may establish limits to ensure that the additional payments do not exceed its available resources. Thus, the amount the VCCB would need for both increased awards and additional administrative costs is dependent on these limits.

Pursuant to section 6 of P.L.1980, c.67 (C.52:13B-11), the first co-prime sponsor does not concur with the information presented herein. He states that while the VCCB may incur some additional administrative costs, the board should be able to administer the supplemental awards provided in this bill with their existing staff.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 778**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED MARCH 2, 1998

**Sponsored by:**  
**Senator JOSEPH F. VITALE**  
**District 19 (Middlesex)**

**SYNOPSIS**

Provides supplemental VCCB awards to catastrophically injured crime victims; limits right of subrogation except for punitive damages.

**CURRENT VERSION OF TEXT**

As introduced.





S778 VITALE

2

1 AN ACT concerning a supplemental award to certain catastrophically  
2 injured crime victims and amending and supplementing P.L.1971,  
3 c.317.

4

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

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

10 18. No order for the payment of compensation shall be made under  
11 section 10 of P.L.1971, c.317 (C.52:4B-10) unless the application has  
12 been made within two years after the date of the personal injury or  
13 death or after that date upon determination by the board that good  
14 cause exists for the delayed filing, and the personal injury or death was  
15 the result of an offense listed in section 11 of P.L.1971, c.317  
16 (C.52:4B-11) which had been reported to the police or other  
17 appropriate law enforcement agency within three months after its  
18 occurrence or reasonable discovery. The board will make its  
19 determination regarding the application within six months of  
20 acknowledgment by the board of receipt of the completed application  
21 and any and all necessary supplemental information.

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

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

35 No compensation shall be awarded if:

36 a. Compensation to the victim proves to be substantial unjust  
37 enrichment to the offender or if the victim did not cooperate with the  
38 reasonable requests of law enforcement authorities unless the victim  
39 demonstrates a compelling health or safety reason for not cooperating;  
40 or

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

42 c. The victim was guilty of a violation of subtitle 10 or 12 of Title  
43 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused

**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 or contributed to his injuries; or

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

6 e. The victim suffered personal injury or death while an occupant  
7 of a motor vehicle or vessel where the victim knew or reasonably  
8 should have known that the driver was operating the vehicle or vessel  
9 in violation of R.S.39:4-50, section 5 of P.L.1990, c.103  
10 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19), section  
11 3 of P.L.1952, c.157 (C.12:7-46), subparagraph (b) of paragraph (2)  
12 of subsection b. of N.J.S.2C:20-2, subsection b. of N.J.S.2C:29-2 or  
13 subsection b., c. or d. of N.J.S.2C:20-10; or

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

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

18 **[No]** Except as provided herein, no compensation shall be awarded  
19 under this act in a amount in excess of \$25,000.00, and all payments  
20 shall be made in a lump sum, except that in the case of death or  
21 protracted disability the award may provide for periodic payments to  
22 compensate for loss of earnings or support. Five years after the entry  
23 of an initial determination order, a claim for compensation expires and  
24 no further order is to be entered with regard to the claim except for  
25 requests for payment of specific out-of-pocket expenses received by  
26 the Victims of Crime Compensation Board prior to the expiration of  
27 the five-year period. No award made pursuant to this act shall be  
28 subject to execution or attachment other than for expenses resulting  
29 from the injury which is the basis of the claim.

30 Compensation may be awarded in an amount not exceeding the  
31 actual cost of a rehabilitative service of the type enumerated in section  
32 2 of P.L. c. (C. ) (now pending before the Legislature as this bill).  
33 The award may provide for periodic payments in the case of protracted  
34 care or rehabilitative assistance.

35 (cf: P.L.1995, c.135, s.6)

36

37 2. (New section) a. In addition to any award granted pursuant to  
38 section 18 of P.L.1971, c.317 (C.52:4B-18), the Victims of Crime  
39 Compensation Board may make one or more supplemental awards for  
40 the purpose of providing rehabilitative assistance to catastrophically  
41 injured crime victims or other persons entitled to compensation under  
42 section 10 of P.L.1971, c.317 (C.52:4B-10).

43 b. The rehabilitative assistance which the supplemental award may  
44 cover can include, but is not limited to, any of the following services  
45 not covered by the original award of compensation or by other  
46 sources:

- 1 (1) Surgical and therapeutic procedures;
- 2 (2) Rehabilitative physical and occupational therapy designed to
- 3 restore a maximum or optimum function level;
- 4 (3) Vocational education;
- 5 (4) Cognitive and psychological therapy;
- 6 (5) Alternative, non-medical treatment;
- 7 (6) Home health assistance
- 8 (7) Vehicle modifications;
- 9 (8) Driver training;
- 10 (9) Wheelchair, braces, splints, crutches, walkers, shower or
- 11 commode chair and any other personal adaptive equipment required to
- 12 meet individual disability needs;
- 13 (10) Structural modifications to living environment designed to
- 14 provide accessibility and to maximize independence or, assistance in
- 15 obtaining an alternative accessible environment if modifications to
- 16 existing living arrangements are impractical;
- 17 (11) Dependant care as needed.

18 c. The Victims of Crime Compensation Board is authorized to

19 make rules and regulations prescribing the procedures to be followed

20 in qualifying for a supplemental award.

21 d. The payment of any supplemental award granted under the

22 provisions of this section shall be approved by the board for payment

23 out of funds appropriated for the administration of P.L.1971, c.371,

24 (C.52:4B-1 et seq.), the "Criminal Injuries Compensation Act of

25 1971."

26 As used in this section, "catastrophically injured crime victim"

27 means a person who is injured by any act or omission of another

28 person which is within the description of the offenses specified in

29 section 11 of P.L.1971, c.317 (C.52:4B-11) and who has sustained a

30 severe long term or life long personal injury.

31

32 3. Section 20 of P.L.1971, c.317 (C.52:4B-20) is amended to read

33 as follows:

34 20. Whenever an order for the payment of compensation is or has

35 been made for personal injury or death resulting from an act or

36 omission constituting an offense under this act, the board shall, upon

37 payment of the amount of the order, be subrogated to the cause of

38 action of the applicant against the person or persons responsible for

39 such personal injury or death and shall be entitled to bring an action

40 against such person or persons for the amount of the damage sustained

41 by the applicant payable only from any award of punitive damages and

42 in the event that more is recovered and collected in any such action

43 than the amount paid by reason of the order for payment of

44 compensation, the board shall pay the balance to the applicant.

45 (cf: P.L.1971, c.317, s.20)

1       4. This act shall take effect immediately.

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STATEMENT

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6       The bill permits the Victims of Crime Compensation Board (VCCB)  
7 to make one or more supplemental awards to certain persons who  
8 qualify for compensation. The supplemental award is for the purpose  
9 of providing certain types of rehabilitative assistance to  
10 catastrophically injured crime victims or other eligible persons. The  
11 total amount of the supplemental award or awards may exceed the  
12 current \$25,000 award limit, but may not exceed the actual cost of  
13 rehabilitative services enumerated in the bill. The rehabilitative  
14 assistance which the supplemental award may cover can include, but  
15 is not limited to any of the following rehabilitative services as long as  
16 the service is not otherwise covered by other sources: (1) Surgical  
17 and therapeutic procedures; (2) Rehabilitative physical and  
18 occupational therapy designed to restore a maximum or optimum  
19 function level; (3) Vocational education; (4) Cognitive and  
20 psychological therapy; (5) Alternative, non-medical treatment; (6)  
21 Home health assistance; (7) Vehicle modifications; (8) Driver training;  
22 (9) Wheelchair, braces, splints, crutches, walkers, shower or  
23 commode chair and any other personal adaptive equipment required to  
24 meet individual disability needs; (10) Structural modifications to living  
25 environment designed to provide accessibility and to maximize  
26 independence or, assistance in obtaining an alternative accessible  
27 environment if modifications to existing living arrangements are  
28 impractical; (11) Dependant care as needed.

29       Finally, the bill amends N.J.S.A.52:4B-20 of the "Criminal Injuries  
30 Compensation Act," to limit the requirement that victims of crime who  
31 have received an award of compensation repay the award, unless the  
32 award includes a punitive damages award. The bill would require  
33 repayment only from the punitive damages award.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 114

# STATE OF NEW JERSEY

DATED: MARCH 11, 1999

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 114.

This substitute revises the law establishing the Victims of Crime Compensation Board (VCCB) and authorizing the Board to pay compensation to persons whose personal injury or death results from any of various enumerated violent crimes. The law authorizes such compensation for: expenses incurred as a result of the victim's injury or death (generally, medical expenses); loss of earning power; pecuniary loss to dependents of a deceased victim; and other pecuniary losses deemed reasonable by the Board.

Currently, the law limits total compensation from the VCCB in a particular case to \$25,000, and limits the time during which the Board may issue orders of compensation in a case to the five-year period beginning with the Board's entry of its initial determination order in that case. Under the substitute, exceptions to these limits would be allowed for catastrophically injured victims requiring protracted care or rehabilitative assistance.

The substitute defines a catastrophically injured crime victim as one who "has sustained a severe long term or life long personal injury." The substitute allows the Board to grant such victims, in addition to awards currently allowed, one or more "supplemental awards" for the purpose of providing rehabilitative assistance. The total amount of any such supplemental award to a catastrophically injured victim could exceed the general \$25,000 limit for VCCB awards, but could not exceed the actual cost of rehabilitative services. The rehabilitative services that the supplemental award may cover can include, but are not limited to, any of the following, as long as the services are not otherwise covered by other sources: (1) surgical and therapeutic procedures; (2) rehabilitative physical and occupational therapy; (3) prescription drugs and medical supplies; (4) cognitive and psychological therapy; (5) home health assistance; (6) vehicle modifications; (7) driver training; (8) wheelchair, braces, and any other personal adaptive equipment required to meet individual disability needs; (9) structural modifications to living environment providing

accessibility and independence; and (10) dependent care as needed.

The substitute authorizes the VCCB to establish a cap on the total amount of supplemental awards to be made in a year and a cap on the amount that any individual may receive as a supplemental award in a year.

Finally, the substitute permits a catastrophically injured crime victim who received compensation from the VCCB prior to the bill's enactment to apply for a supplemental award. If, however, the VCCB denied such an application, there would be no right of appeal.

This substitute is identical to Senate Bill No. 778 (SCS).

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 114**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 114 ACS with committee amendments.

Assembly Bill No. 114 ACS, as amended, revises the "Criminal Injuries Compensation Act of 1971" to allow exceptions to the usual time and dollar limits on Victims of Crime Compensation Board awards for catastrophically injured victims requiring protracted care or rehabilitative assistance to.

The "Criminal Injuries Compensation Act of 1971," N.J.S.A.52:4B-1 et seq., established the Victims of Crime Compensation Board (VCCB) and authorized the VCCB to pay compensation to persons whose personal injury or death results from any of several enumerated violent crimes. That law authorizes compensation for: expenses incurred as a result of the victim's injury or death (generally, medical expenses); loss of earning power; pecuniary loss to dependents of a deceased victim; and other pecuniary losses deemed reasonable by the VCCB.

Currently, the law limits total compensation from the VCCB in a particular case to \$25,000, and limits the time during which the VCCB may issue orders of compensation in a case to the five-year period beginning with the VCCB's entry of its initial determination order in that case. The bill allows exceptions to these limits for catastrophically injured victims requiring protracted care or rehabilitative assistance.

The bill defines a catastrophically injured crime victim as one who "has sustained a severe long term or life long personal injury." The bill allows the VCCB to grant such victims, in addition to awards currently allowed, one or more "supplemental awards" for the purpose of providing rehabilitative assistance. The total amount of any such supplemental award to a catastrophically injured victim could exceed the general \$25,000 limit for VCCB awards, but could not exceed the actual cost of rehabilitative services. The rehabilitative services that the supplemental award may cover can include, but are not limited to, any of the following, as long as the services are not otherwise covered by other sources: (1) surgical and therapeutic procedures; (2) rehabilitative physical and occupational therapy; (3) prescription drugs and medical supplies; (4)

cognitive and psychological therapy; (5) home health assistance; (6) vehicle modifications; (7) driver training; (8) wheelchair, braces, and any other personal adaptive equipment required to meet individual disability needs; (9) structural modifications to living environment providing accessibility and independence; and (10) dependent care as needed.

Finally, the bill permits a catastrophically injured crime victim who received compensation from the VCCB before the bill's enactment to apply for a supplemental award. If, however, the VCCB denies such an application, there is no right of appeal.

This bill as amended and reported by this committee is identical to Senate Bill No. 778 SCS as amended and reported by this committee.

#### FISCAL IMPACT:

In a 1998 fiscal note to the identical Senate Bill No. 778 SCS, the VCCB noted the lack of data on the number of catastrophically injured crime victims who were previously awarded payments and would become eligible for supplemental awards under the bill. In FY 1998, 37 of the 1,925 claims the VCCB approved for payment (two percent) would have exceeded \$25,000 had that limit not existed. It should be noted that not all claimants whose compensation is limited by the current award limit will have suffered catastrophic injuries.

The VCCB informally estimated that approximately \$15,000 in one-time computer programming costs will be necessary in the first year after the bill is enacted to add data fields to tracking system for catastrophically injured crime victims. The VCCB notes that the lack of information on potential retroactive claims makes the projection of additional administrative costs difficult. The VCCB informally estimated that the phased hiring of two caseworkers and one junior accountant might be necessary, at a total cost of \$90,000, to fully implement the provisions of this bill. Initially, however, the VCCB did not expect personnel-related costs to exceed \$40,000. The Office of Legislative Services (OLS) noted that personnel costs might well be reduced after the VCCB processed the initial volume of retroactive claims.

The VCCB was unable to project the bill's potential impact on payments to crime victims, due to a lack of data. The OLS noted that the bill authorizes the VCCB to establish caps on total annual and cumulative supplemental awards, which ensures that the additional payments do not exceed its available resources, and that the amount the VCCB would expend for both increased awards and additional administrative costs is dependent on these limits.

#### COMMITTEE AMENDMENTS:

The amendments authorize the VCCB to establish caps on individual lifetime total supplemental awards that shall not be less than \$25,000 and delete a provision that would have given the VCCB authority to establish, by regulation, per-person annual award limits.



## FISCAL NOTE

# ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 114** **STATE OF NEW JERSEY** **208th LEGISLATURE**

DATED: JUNE 29, 1999

Assembly Committee Substitute for Assembly Bill No. 114 of 1998 permits the Victims of Crime Compensation Board (VCCB) to compensate catastrophically injured crime victims for the cost of rehabilitative assistance in an amount above the present limit of \$25,000. The bill defines a "catastrophically injured crime victim" as one who has sustained a severe long term or life long personal injury.

Under the bill, eligible rehabilitative services would include (1) surgical and therapeutic procedures; (2) rehabilitative physical and occupational therapy designed to restore a maximum or optimum function level; (3) prescription drugs and medical supplies; (4) cognitive and psychological therapy; (5) home health assistance; (6) vehicle modifications; (7) driver training; (8) wheelchair, braces, splints, crutches, walkers, shower or commode chair and any other personal adaptive equipment required to meet individual disability needs; and (9) structural modifications to living environment designed to provide accessibility and to maximize independence.

While the bill would prohibit supplemental awards for services covered by other sources, such as medical insurance, all catastrophically injured crime victims who received compensation from the VCCB prior to the bill's enactment would be eligible to apply for supplemental awards.

In addition, the bill would authorize the VCCB to limit the total amount of supplemental awards to be made each year, as well as the amount an individual may annually receive as a supplemental award.

The VCCB notes that data are lacking on the number of catastrophically injured crime victims who were previously awarded payments and who now would be eligible for supplemental awards under the bill. In FY 1998, 37 of the 1,925 claims the VCCB approved for payment, or two percent, would have exceeded \$25,000, had that limit not existed. It should be noted that some claimants who reached this award limit may not have suffered catastrophic injuries.

The VCCB informally estimates that approximately \$15,000 in one-time computer programming costs will be necessary in the first

year after enactment of this bill to add data fields to the its current tracking system to account for catastrophically injured crime victims. The VCCB notes that the lack of information on potential retroactive claims makes the projection of additional administrative costs difficult. The VCCB has informally estimated that the phased hiring of two caseworkers and one junior accountant may be necessary, at a total cost of \$90,000, to fully implement the provisions of this bill. Initially, however, personnel related costs should not exceed \$40,000.

The Office of Legislative Services (OLS) notes that personnel costs may well be reduced after the VCCB has processed the initial volume of retroactive claims.

The VCCB was unable to project the bill's potential impact on payments to crime victims. The VCCB states that the amount of supplemental awards under the bill would vary each year, depending on the number of claimants and the severity of their injuries.

OLS concurs that data required to estimate the impact of this bill on payments to victims are not readily available. However, OLS further notes that under the provisions of the bill, the VCCB may establish limits to ensure that the additional payments do not exceed its available resources. Thus, the amount the VCCB would need for both increased awards and additional administrative costs is dependent on these limits.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

**ASSEMBLY, No. 114**

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**STATE OF NEW JERSEY**

**208th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblywoman ARLINE M. FRISCIA**

**District 19 (Middlesex)**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

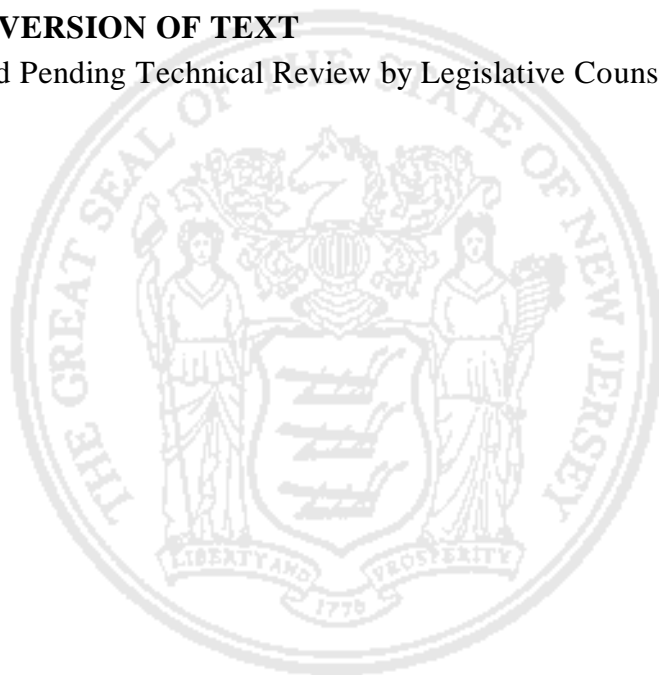
**Assemblywoman Previte and Assemblyman Greenwald**

**SYNOPSIS**

Provides supplemental VCCB awards to catastrophically injured crime victims; limits right of subrogation except for punitive damages.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 9/15/1998)**

A114 FRISCIA, BLEE

2

1 AN ACT concerning a supplemental award to certain catastrophically  
2 injured crime victims and amending and supplementing P.L.1971,  
3 c.317.

4

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

7

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

10 18. No order for the payment of compensation shall be made under  
11 section 10 of P.L.1971, c.317 (C.52:4B-10) unless the application has  
12 been made within two years after the date of the personal injury or  
13 death or after that date upon determination by the board that good  
14 cause exists for the delayed filing, and the personal injury or death was  
15 the result of an offense listed in section 11 of P.L.1971, c.317  
16 (C.52:4B-11) which had been reported to the police or other  
17 appropriate law enforcement agency within three months after its  
18 occurrence or reasonable discovery. The board will make its  
19 determination regarding the application within six months of  
20 acknowledgment by the board of receipt of the completed application  
21 and any and all necessary supplemental information.

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

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

35 No compensation shall be awarded if:

36 a. Compensation to the victim proves to be substantial unjust  
37 enrichment to the offender or if the victim did not cooperate with the  
38 reasonable requests of law enforcement authorities unless the victim  
39 demonstrates a compelling health or safety reason for not cooperating;  
40 or

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

42 c. The victim was guilty of a violation of subtitle 10 or 12 of Title  
43 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused

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

**Matter underlined thus is new matter.**

1 or contributed to his injuries; or

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

6 e. The victim suffered personal injury or death while an occupant  
7 of a motor vehicle or vessel where the victim knew or reasonably  
8 should have known that the driver was operating the vehicle or vessel  
9 in violation of R.S.39:4-50, section 5 of P.L.1990, c.103  
10 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19), section  
11 3 of P.L.1952, c.157 (C.12:7-46), subparagraph (b) of paragraph (2)  
12 of subsection b. of N.J.S.2C:20-2, subsection b. of N.J.S.2C:29-2 or  
13 subsection b., c. or d. of N.J.S.2C:20-10; or

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

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

18 **[No]** Except as provided herein, no compensation shall be awarded  
19 under this act in a amount in excess of \$25,000.00, and all payments  
20 shall be made in a lump sum, except that in the case of death or  
21 protracted disability the award may provide for periodic payments to  
22 compensate for loss of earnings or support. Five years after the entry  
23 of an initial determination order, a claim for compensation expires and  
24 no further order is to be entered with regard to the claim except for  
25 requests for payment of specific out-of-pocket expenses received by  
26 the Victims of Crime Compensation Board prior to the expiration of  
27 the five-year period. No award made pursuant to this act shall be  
28 subject to execution or attachment other than for expenses resulting  
29 from the injury which is the basis of the claim.

30 Compensation may be awarded in an amount not exceeding the  
31 actual cost of a rehabilitative service of the type enumerated in section  
32 2 of P.L. c. (C. ) (now pending before the Legislature as this bill).  
33 The award may provide for periodic payments in the case of protracted  
34 care or rehabilitative assistance.

35 (cf: P.L.1995, c.135, s.6)

36

37 2. (New section) a. In addition to any award granted pursuant to  
38 section 18 of P.L.1971, c.317 (C.52:4B-18), the Victims of Crime  
39 Compensation Board may make one or more supplemental awards for  
40 the purpose of providing rehabilitative assistance to catastrophically  
41 injured crime victims or other persons entitled to compensation under  
42 section 10 of P.L.1971, c.317 (C.52:4B-10).

43 b. The rehabilitative assistance which the supplemental award may  
44 cover can include, but is not limited to, any of the following services  
45 not covered by the original award of compensation or by other  
46 sources:

- 1 (1) Surgical and therapeutic procedures;
- 2 (2) Rehabilitative physical and occupational therapy designed to
- 3 restore a maximum or optimum function level;
- 4 (3) Vocational education;
- 5 (4) Cognitive and psychological therapy;
- 6 (5) Alternative, non-medical treatment;
- 7 (6) Home health assistance
- 8 (7) Vehicle modifications;
- 9 (8) Driver training;
- 10 (9) Wheelchair, braces, splints, crutches, walkers, shower or
- 11 commode chair and any other personal adaptive equipment required to
- 12 meet individual disability needs;
- 13 (10) Structural modifications to living environment designed to
- 14 provide accessibility and to maximize independence or, assistance in
- 15 obtaining an alternative accessible environment if modifications to
- 16 existing living arrangements are impractical;
- 17 (11) Dependant care as needed.

18 c. The Victims of Crime Compensation Board is authorized to

19 make rules and regulations prescribing the procedures to be followed

20 in qualifying for a supplemental award.

21 d. The payment of any supplemental award granted under the

22 provisions of this section shall be approved by the board for payment

23 out of funds appropriated for the administration of P.L.1971, c.371,

24 (C.52:4B-1 et seq.), the "Criminal Injuries Compensation Act of

25 1971."

26 As used in this section, "catastrophically injured crime victim"

27 means a person who is injured by any act or omission of another

28 person which is within the description of the offenses specified in

29 section 11 of P.L.1971, c.317 (C.52:4B-11) and who has sustained a

30 severe long term or life long personal injury.

31

32 3. Section 20 of P.L.1971, c.317 (C.52:4B-20) is amended to read

33 as follows:

34 20. Whenever an order for the payment of compensation is or has

35 been made for personal injury or death resulting from an act or

36 omission constituting an offense under this act, the board shall, upon

37 payment of the amount of the order, be subrogated to the cause of

38 action of the applicant against the person or persons responsible for

39 such personal injury or death and shall be entitled to bring an action

40 against such person or persons for the amount of the damage sustained

41 by the applicant payable only from any award of punitive damages and

42 in the event that more is recovered and collected in any such action

43 than the amount paid by reason of the order for payment of

44 compensation, the board shall pay the balance to the applicant.

45 (cf: P.L.1971, c.317, s.20)

1 4. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 The bill permits the Victims of Crime Compensation Board (VCCB)  
7 to make one or more supplemental awards to certain persons who  
8 qualify for compensation. The supplemental award is for the purpose  
9 of providing certain types of rehabilitative assistance to  
10 catastrophically injured crime victims or other eligible persons. The  
11 total amount of the supplemental award or awards may exceed the  
12 current \$25,000 award limit, but may not exceed the actual cost of  
13 rehabilitative services enumerated in the bill. The rehabilitative  
14 assistance which the supplemental award may cover can include, but  
15 is not limited to any of the following rehabilitative services as long as  
16 the service is not otherwise covered by other sources: (1) Surgical  
17 and therapeutic procedures; (2) Rehabilitative physical and  
18 occupational therapy designed to restore a maximum or optimum  
19 function level; (3) Vocational education; (4) Cognitive and  
20 psychological therapy; (5) Alternative, non-medical treatment; (6)  
21 Home health assistance; (7) Vehicle modifications; (8) Driver training;  
22 (9) Wheelchair, braces, splints, crutches, walkers, shower or  
23 commode chair and any other personal adaptive equipment required to  
24 meet individual disability needs; (10) Structural modifications to living  
25 environment designed to provide accessibility and to maximize  
26 independence or, assistance in obtaining an alternative accessible  
27 environment if modifications to existing living arrangements are  
28 impractical; (11) Dependant care as needed.

29 Finally, the bill amends N.J.S.A. 52:4B-20 of the "Criminal Injuries  
30 Compensation Act," to limit the requirement that victims of crime who  
31 have received an award of compensation repay the award, unless the  
32 award includes a punitive damages award. The bill would require  
33 repayment only from the punitive damages award.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Gene Herman  
609-777-2600

RELEASE: July 15, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**SCS for S-778**, sponsored by Senators Joseph F. Vitale (D- Middlesex) and William L. Gormley (R- Atlantic) and Assembly Members Arline M. Friscia (D-Middlesex) and Francis J. Blee (R- Atlantic), provides supplemental Victims of Crimes Compensation Board (VCCB) awards to catastrophically-injured crime victims. The legislation authorizes the VCCB to make additional payments to injured victims in excess of the \$25,000 limit that was authorized under previous law. The bill defines a catastrophically-injured crime victim as a person who has sustained a severe long term or life-long personal injury as the result of a crime. The bill would allow the VCCB to make additional payments for such items as rehabilitative medical services, home health assistance, prescription drugs, residence and vehicle modifications, wheelchairs, braces, walkers and other adaptive equipment.

The VCCB is a dedicated fund authorized to make monetary awards to crime victims and their families to compensate them for losses, such as income losses and certain medical expenses incurred as a result of the crimes committed against them.

**S-1466**, sponsored by Senators Joseph A. Palaia (R-Monmouth) and Edward T. O'Connor, Jr. (D-Hudson) and Assembly Members Robert G. Smith (R-Monmouth) and Steve Corodemus (R-Monmouth), establishes a method for the apportionment of costs among municipalities in certain school districts. The bill sets forth a method for the apportionment of costs in the Ocean Township School District, which comprises the municipalities of Ocean Township and Loch Arbour Village, an incorporated village. An incorporated village such as Loch Arbour legally is an independent municipality. State law specifies, however, that an incorporated village shall remain a part of the school district to which it belonged at the time of its incorporation, rather than become a separate school district. Thus, Loch Arbour has remained a part of the Ocean Township School District.

While state law establishes apportionment formulas for regional school districts, it does not establish formulas for districts that include an incorporated village. The Department of Education has therefore treated the Ocean Township district as a regional district for apportionment purposes. Regional district apportionment is based upon equalized property values, which has led to inequities. The bill provides that beginning in the 1999- 2000 school year, Loch Arbour's financial contribution to the school district shall equal the greater of \$300,000 or its enrollment multiplied by 110 percent of the district's previous year's budget per pupil. Loch Arbour's contribution would also include an amount to cover the cost of out-of-district placements of special education students that are not covered by state aid.