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RWH 4/30/08

§§2-4 -
C.52:4B-3.2 to
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§31 -
C.52:4B-40.1
§33 - Repealer
§34 - Note to
§§1-33

P.L. 2007, CHAPTER 95, *approved June 28, 2007*
Assembly, No. 2322 (*Fourth Reprint*)

1 AN ACT concerning victims of crime and amending, supplementing
2 and repealing various parts of the statutory law.

3

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

6

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

9 2. As used in **[this act]** P.L.1971, c.317:

10 "Agency" means the Victims of Crime Compensation Agency;

11 ³**["Board"]**"Review Board" or "board"³ means the Victims of
12 Crime Compensation ³**[Hearing]**Review³ Board established by
13 section 2 of P.L. c. (C.) (pending before the Legislature as
14 this bill);

15 "Child" means an unmarried person who is under 21 years of age
16 and includes a stepchild or an adopted child;

17 **["Board" means the Violent Crimes Compensation Board**
18 **established by this act;]**

19 "Dependents" means such relatives of a deceased victim as were
20 wholly or partially dependent upon his income at the time of his
21 death and shall include the child of such victim born after his death;

22 ⁴**["Family relationship group" of any person means:**

23 (1) any person related to such person within the third degree of
24 consanguinity or affinity,³ or³

25 (2) any person living in the same household as such person]⁴

26 ³**[, or**

27 (3) any person maintaining a sexual relationship, whether illicit
28 or not, with such person or with any member of the family of such
29 person]³;

30 "Personal injury" means actual bodily harm and includes
31 pregnancy and mental or nervous shock;

32 "Relative" of any person means his spouse, parent, grandparent,
33 stepfather, stepmother, child, grandchild, brother, sister, half
34 brother, half sister, or spouse's parents;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted March 6, 2006.

²Assembly ABU committee amendments adopted May 18, 2006.

³Senate SJU committee amendments adopted May 21, 2007.

⁴Assembly SBA committee amendments adopted June 14, 2007.

1 ["Family relationship group" of any person means:

2 (1) any person related to such person within the third degree of
3 consanguinity or affinity,

4 (2) any person living in the same household as such person, or

5 (3) any person maintaining a sexual relationship, whether illicit
6 or not, with such person or with any member of the family of such
7 person;]

8 "Victim" means a person who is injured or killed by any act or
9 omission of any other person which is within the description of any
10 of the offenses specified in section 11 of [this act] P.L.1971, c 317.
11 (cf: P.L.1971, c.317, s.2)

12

13 2. (New section) a. There is hereby established in the
14 ⁴[Executive Branch of the State Government] Department of the
15 Treasury⁴ the Victims of Crime Compensation Agency. ⁴[For the
16 purposes of complying with the Constitution (Article V, Section IV,
17 paragraph 1) the agency is allocated to the Department of Law and
18 Public Safety but, notwithstanding said allocation, the agency shall
19 be independent of any supervision or control by the department or
20 the Attorney General or any other officer of the department.]⁴

21 b. The chief executive officer of the Victims of Crime
22 Compensation Agency shall be the executive director, who shall be
23 appointed by the Governor, with the advice and consent of the
24 Senate. The executive director shall serve at the pleasure of the
25 Governor. The Governor may appoint an acting executive director
26 to serve as chief executive officer of the Victims of Crime
27 Compensation Agency, who may be the person serving as chairman
28 of the Victims of Crime Compensation Board on the effective date
29 of P.L. , c. (C.) (pending before the Legislature as this bill),
30 and who shall serve as the executive director of the Victims of
31 Crime Compensation Agency until his successor is appointed and
32 qualifies. The executive director shall, in consultation with the
33 Review Board established pursuant to subsection c. of this section,
34 develop, establish and supervise all practices and procedures of the
35 agency.

36 c. There is hereby established in the Victims of Crime
37 Compensation Agency the Victims of Crime Compensation Review
38 Board which shall be composed of five citizens, to be appointed by
39 the Governor, with the advice and consent of the Senate, one of
40 whom shall be designated chairman by, and serve as such at the
41 pleasure of, the Governor. At least one member of the board shall
42 be an attorney admitted to the practice of law in the State of New
43 Jersey and who shall have practiced law in the courts of New Jersey
44 for a minimum of five years. The purpose of the Victims of Crime
45 Compensation Review Board shall be:

46 (1) to hear appeals of decisions of the Victims of Crime
47 Compensation Agency involving issues of victim compensation;

1 (2) to consult with the executive director in developing,
2 establishing and supervising all practices and procedures of the
3 agency;

4 (3) to review individual and supplemental awards to a victim or
5 a victim's family in excess of \$10,000 in the aggregate, and awards
6 of attorney fees for legal representation to victims;

7 (4) to review, on at least a bi-monthly basis, information
8 detailing the aggregate claims received and paid by the agency, and
9 the operations of the agency; and

10 (5) to review and, if appropriate, approve any rules and
11 regulations, standards, and maximum rates and service limitations
12 for reimbursement proposed by the agency.

13 d. All the functions of the Violent Crimes Compensation Board
14 and the Victims of Crime Compensation Board are continued in the
15 Victims of Crime Compensation Agency and the Victims of Crime
16 Compensation Review Board. Whenever in any law, rule,
17 regulation, judicial or administrative procedure or otherwise,
18 reference is made to the Violent Crime Compensation Board or to
19 the Victims of Crime Compensation Board, the same shall mean
20 and refer to the Victims of Crime Compensation Agency or the
21 Victims of Crime Compensation Review Board, as the case may be.
22

23 3. (New section) The Violent Crimes Compensation Board
24 established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) is
25 abolished and the terms of the persons serving as members of that
26 board on the effective date of P.L. , c. (C.)(pending before
27 the Legislature as this bill) shall cease and determine as of that
28 effective date³; provided, however, the person serving as chairman
29 of that board on the effective date of P.L. , c. (C.)(pending
30 before the Legislature as this bill) shall serve as the executive
31 director of the Victims of Crime Compensation Agency, created
32 pursuant to section 2 of P.L. , c. (C.)(now pending before the
33 Legislature as this bill), until his successor is appointed and
34 qualifies³.
35

36 4. (New section) The term of office of each member of the
37 Victims of Crime Compensation ³**[Hearing]Review³** Board shall be
38 three years and until the member's successor is appointed and
39 qualifies, except that of the members first appointed one shall be
40 appointed for a term of one year, two for terms of two years and
41 two for terms of three years. All vacancies, except through the
42 expiration of term, shall be filled for the unexpired term only.

43 Each member of the board shall be eligible for reappointment
44 and any member of the board may be removed by the Governor for
45 inefficiency, neglect of duty or malfeasance in office.

46 The members of the board shall serve without compensation.
47

48 5. Section 5 of P.L.1971, c.317 (C.52:4B-5) is amended to read

1 as follows:

2 5. The **[board]** agency is authorized to appoint and fix the
3 duties and compensation of such officers, ³**[attorneys,]**³ examiners,
4 and other experts as may be necessary for carrying out its functions
5 under this act, and the **[board]** agency may, subject to Title **[11 of**
6 **the Revised Statutes]**^{11A} of the New Jersey Statutes, "Civil
7 Service," appoint and fix the duties and compensation of such other
8 assistants and employees as are necessary. The compensation fixed
9 pursuant to this section shall be within the limits of the funds
10 appropriated or otherwise made available to the agency for that
11 purpose.

12 (cf: P.L.1971, c.317, s.5)

13

14 6. Section 11 of P.L.1995, c.135 (C.52:4B-5.1) is amended to
15 read as follows:

16 11. The Victims of Crime Compensation **[Board]** Agency is
17 authorized to obtain direct access to criminal history records
18 maintained by the State Bureau of Identification in the Division of
19 the State Police and is hereby designated a criminal justice agency
20 for that purpose.

21 (cf: P.L.1995, c.135, s.11)

22

23 7. Section 6 of P.L.1971, c.317 (C.52:4B-6) is amended to read
24 as follows:

25 6. The principal office of the **[board]** agency shall be in
26 **[Trenton]** ³**[Newark]**³**Trenton**³, New Jersey, but the **[board]**
27 agency may sit and conduct its affairs in any place.

28 (cf: P.L.1971, c.317, s.6)

29

30 8. Section 7 of P.L.1971, c.317 (C.52:4B-7) is amended to read
31 as follows:

32 7. Hearings **[upon applications for compensation under this act]**
33 on appeals from decisions of the Victims of Crime Compensation
34 Agency involving issues of victim compensation shall be conducted
35 by the Victims of Crime Compensation ³**[Hearing]**³**Review**³ **Board**
36 in the following manner:

37 a. Upon an application made to the board under the provisions
38 of **[this act]** P.L.1971, c.317, the board shall fix a time and place
39 for a hearing on such application and shall cause notice thereof to
40 be given to the applicant;

41 b. For the purpose of carrying out the provisions of **[this act]**
42 P.L.1971, c.317, the board, or any member thereof, may hold such
43 hearings, sit and act at such times and places, and take such
44 testimony as the board or such member may deem advisable. Any
45 member of the board may administer oaths or affirmations to
46 witnesses. The board shall have full powers of subpoena and
47 compulsion of attendance of witnesses and production of

1 documents, except that no subpoena shall be issued except under
2 the signature of a member of the board, and application to any court
3 for aid in enforcing such subpoena may be made in the name of the
4 board by any member thereof. Subpoenas shall be served by any
5 person designated by the board;

6 c. In any case in which the person entitled to make an application
7 is a child, the application may be made on his behalf by his parent
8 【or】 guardian, or advocate. In any case in which the person
9 entitled to make an application is mentally incompetent, the
10 application may be made on his behalf by his guardian, advocate, or
11 such other individual authorized to administer his estate;

12 d. Any person having a substantial interest in a proceeding may
13 appear, produce evidence and cross-examine witnesses in person or
14 by his attorney.

15 e. The board may receive in evidence any statement, document,
16 information, or matter that may in the opinion of the board
17 contribute to its functions under 【this act】 P.L.1971, c.317, but the
18 board shall not be bound by the rules of evidence.

19 f. If any person has been convicted of any offense with respect
20 to an act or omission on which a claim under 【this act】 P.L.1971,
21 c.317 is based, proof of that conviction shall be taken as conclusive
22 evidence that the offense has been committed, unless an appeal or
23 any proceeding with regard thereto is pending.

24 (cf: P.L.1971, c.317, s.7)

25

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

28 8. a. ³(1)³ The ¹【board】 ¹agency¹ may, as a part of any order
29 entered under 【this act】 P.L.1971, c.317, determine and allow
30 reasonable attorney fees and costs, which shall not exceed 15% of
31 the amount awarded as compensation under section 10 of 【this act】
32 P.L.1971, c.317, to be paid in addition to the amount of such
33 compensation, to the attorney representing the applicant 【, and it】.
34 Notwithstanding the provisions of this subsection, no award for
35 ³【attorneys】attorney³ fees shall be less than \$300 ³, unless the
36 agency determines that the attorney has not acted diligently or in
37 good faith representing the claimant³.

38 ³【b.】 (2)³ Where the ¹【board】 agency¹ enters an order denying
39 compensation, it may, nevertheless allow ³【attorneys】attorney³ fees
40 of \$300 to the attorney representing the claimant if the ¹【board】
41 agency¹ determines that the attorney ³【has reasonably cooperated
42 and complied with all requests of the ¹【board】 agency¹】 has acted
43 diligently or in good faith representing the claimant³.

44 ³(3) It shall be unlawful for any such attorney to ask for,
45 contract for or receive any larger sum than the amount so allowed
46 under paragraph (1) or (2) of this subsection.³

1 ³[c.]b.³ The '[board] agency' may allow payment up to a
 2 maximum of \$1,000, at an hourly rate to be fixed by the '[board,
 3 but not less than \$125 per hour,] agency' to an attorney who
 4 provides legal assistance to a victim in ³[explaining and enforcing
 5 the victim's rights in the criminal justice system as well as assisting
 6 the victim in surrogate and custody or guardianship matters
 7 provided that the attorney has been certified by the '[board]
 8 agency' as having successfully completed an attorney training
 9 program sponsored by the '[board] agency'] any legal matter,
 10 other than a decision of the Victims of Crime Compensation
 11 Agency involving victim compensation or any related appeal,
 12 arising from or related to having been the victim of an offense
 13 specified in section 11 of P.L.1971, c.317 provided that the victim
 14 is otherwise eligible to make a claim for compensation. Payment
 15 under this subsection may be made if and only to the extent that the
 16 amount of such payment does not, when combined with the
 17 amounts paid or payable to the victim under an order for
 18 compensation, exceed the \$25,000 limitation on compensation set
 19 forth in section 18 of P.L.1971, c.317 (C.52:4B-18), and requests
 20 for payment under this subsection shall be subject to the five year
 21 time limitation set forth in section 18 of P.L.1971, c.317 (C.52:4B-
 22 18)³.

23 ³[d. It shall be unlawful for any such attorney to ask for, contract
 24 for or receive any larger sum than the amount so allowed under
 25 subsections a. and b. of this section.]³

26 (cf: P.L.1971, c.317, s.8)

27

28 10. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
 29 read as follows:

30 19. a. [Within 180 days of the effective date of this act, the]
 31 The Victims of Crime Compensation [Board] Agency, after
 32 consultation with the Attorney General, the Department of
 33 Corrections, and the Administrative Office of the Courts, on behalf
 34 of the county probation divisions and the municipal court clerks,
 35 shall continue to develop [a] the existing uniform system for
 36 recording all information necessary to ensure proper identification,
 37 tracking, collection and disposition of moneys owed for:

38 (1) assessments imposed pursuant to section 2 of P.L.1979, c.396
 39 (C.2C:43-3.1);

40 (2) fines and restitutions imposed in accordance with provisions
 41 of Title 2C of the New Jersey Statutes;

42 (3) fees imposed pursuant to N.J.S.2C:35-20;

43 (4) penalties imposed pursuant to N.J.S.2C:35-15.

44 b. The Victims of Crime Compensation [Board] Agency shall
 45 use the moneys deposited in the Criminal Disposition and Revenue
 46 Collection Fund to defray the costs incurred by the [board] agency
 47 in developing, implementing, operating and improving the

1 **[board's] agency's** component of the uniform system for tracking
2 and collecting revenues described in subsection a. of this section.

3 c. The Juvenile Justice Commission established pursuant to
4 section 2 of P.L.1995, c.284 (C.52:17B-170), the Department of
5 Corrections, and the Administrative Office of the Courts, on behalf
6 of the county probation divisions and the municipal court clerks,
7 shall file such reports with the Victims of Crime Compensation
8 **[Board] Agency** as required for the operation of the uniform
9 system described in subsection a. of this section.

10 d. The Victims of Crime Compensation **[Board] Agency** shall
11 report annually to the Governor, the Attorney General, the
12 Administrative Director of the Administrative Office of the Courts,
13 the Commissioner of the Department of Corrections, the Juvenile
14 Justice Commission and the Legislature on the development,
15 implementation, improvement and effectiveness of the uniform
16 system and on moneys received, deposited and identified as
17 receivable.

18 (cf: P.L.1995, c.281, s.4)

19

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

22 9. In the performance of its functions, the **[board] agency** is
23 authorized to make rules and regulations prescribing the procedures
24 to be followed in the filing of applications and the proceedings
25 under **[this act] P.L.1971, c.317**, and such other matters as the
26 **[board] agency** deems appropriate.

27 In determining the amounts of compensation payable pursuant to
28 **[this act] P.L.1971, c.317**, the **[board] agency** shall insofar as
29 practicable formulate standards for uniform application of this act
30 and shall take into consideration rates and amounts of compensation
31 payable for injuries and death under other laws of this State and of
32 the United States and the availability of funds appropriated for the
33 purposes of **[this act]P.L.1971, c.317**.

34 The **[board] agency** shall establish maximum rates and service
35 limitations for reimbursement for medical and medical related
36 expenses, including counseling. In establishing these rates, the
37 **[board] agency** shall reflect the medical fee schedules for health
38 care providers established by the Commissioner of Banking and
39 Insurance pursuant to the provisions of section 10 of P.L.1988,
40 c.119 (C.39:6A-4.6). A medical service provider who accepts
41 payment from the **[board] agency** for a service shall accept the
42 **[board's] agency's** rates as payment in full and shall not accept any
43 payment on account of the service from any other source if the total
44 of payments accepted would exceed the maximum rate set by the
45 **[board] agency** for that service.

46 ³All standards formulated and maximum rates and service
47 limitations for reimbursement established by the agency shall be

1 subject to the prior review and approval of the Review Board.³

2 (cf: P.L.1999, c.113, s.1)

3

4 12. Section 10 of P.L.1971, c.317 (C.52:4B-10) is amended to
5 read as follows:

6 10. In any case in which a person is injured or killed by any act
7 or omission of any other person which is within the description of
8 the offenses listed in section 11 of **[this act]** P.L.1971, c.317, the
9 **[board]** agency may, upon application **[and the concurrence of a**
10 **majority of the members thereof]**, order the payment of
11 compensation in accordance with the provisions of **[this act]**
12 P.L.1971, c.317:

13 a. to or on behalf of the victim,

14 b. in the case of the personal injury of the victim, where the
15 compensation is for pecuniary loss suffered or expenses incurred by
16 any person responsible for the maintenance of the victim, to that
17 person, or

18 c. in the case of the death of the victim, to or for the benefit of
19 the dependents of the deceased victim, or any one or more of such
20 dependents.

21 In determining whether to make an order under this section, the
22 **[board]** agency may consider any circumstances it determines to be
23 relevant, including provocation, consent or the behavior of the
24 victim which directly or indirectly contributed to his injury or
25 death, the prior case history, if any, of the victim and any other
26 relevant matters.

27 An order may be made under this section whether or not any
28 person is prosecuted or convicted of any offense arising out of such
29 act or omission. Upon application made by an appropriate
30 prosecuting authority, the **[board]** agency may suspend proceedings
31 under **[this act]** P.L.1971, c.317 for such period as it deems
32 appropriate on the ground that a prosecution for an offense arising
33 out of such act or omission has been commenced or is imminent.

34 For the purposes of **[this act]** P.L.1971, c.317, a person shall be
35 deemed to have intended an act or omission notwithstanding that by
36 reason of age, insanity or otherwise, he was legally incapable of
37 forming a criminal intent.

38 (cf: P.L.1971, c.317, s.10)

39

40 13. Section 1 of P.L.1981, c.258 (C.52:4B-10.1) is amended to
41 read as follows:

42 1. a. The Victims of Crime Compensation **[Board]** Agency
43 may make one or more emergency awards to any applicant for
44 compensation pending final determination of a case, when it
45 determines that compensation is likely to be provided and that the
46 applicant will suffer undue hardship if funds are not made
47 immediately available. The amount of any one emergency award

1 shall not exceed ~~[\$500.00]~~ \$2,500 with the total amount of each
2 such award made to an individual applicant not to exceed
3 ~~[\$1,500.00]~~ \$5,000. Any emergency awards made to an applicant
4 shall be deducted from the final amount of compensation provided
5 to an applicant by the ~~[board]~~ agency. If the amount of
6 compensation made by the ~~[board]~~ agency to an applicant is less
7 than the sum provided to the applicant through emergency grants,
8 the applicant shall pay to the ~~[board]~~ agency an amount of money
9 equal to the difference. If the ~~[board]~~ agency determines that an
10 applicant who has received emergency awards shall receive no
11 compensation, the applicant shall repay to the ~~[board]~~ agency the
12 total amount of all emergency awards which he received.

13 b. In addition to any emergency award made pursuant to the
14 provisions of subsection a. of this section, the Victims of Crime
15 Compensation ~~[Board]~~ Agency may make an emergency award in
16 an amount not to exceed \$200.00 for compensation for funds stolen
17 from a victim in connection with any of the incidents specified in
18 section 11 of P.L.1971, c.317 (C.52:4B-11) except paragraph 11 of
19 subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11),
20 burglary, whether or not the victim suffered personal injury, under
21 the following circumstances:

22 (1) The victim is 60 years of age or older or is disabled as
23 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
24 416(i);

25 (2) The victim's income does not exceed the limits adopted by
26 the State Department of Human Services as the standard of need for
27 the General Assistance Program;

28 (3) The funds stolen exceed \$50.00;

29 (4) The victim establishes:

30 (a) that the victim has filed a police report indicating, among
31 other things, the amount stolen;

32 (b) that the victim has cooperated with investigative and
33 prosecuting authorities; and

34 (c) the source of the funds stolen; and

35 (5) The ~~[board]~~ agency is satisfied that there are no other
36 sources available to provide the victim with funds necessary to
37 cover immediate costs of essential shelter, food or medical
38 expenses, and that, but for the victim's loss, the victim would
39 otherwise have had the funds to pay such costs.

40 c. The ~~[board]~~ agency shall direct that any funds awarded
41 pursuant to this act be expended solely to cover the costs
42 established pursuant to paragraph (5) of subsection b. of this
43 section.

44 d. ~~[A person shall not receive an emergency award pursuant to~~
45 ~~this act on more than two occasions, or receive more than one such~~
46 ~~award within a period of 36 consecutive months.] (Deleted by~~
47 ~~amendment, P.L. , c.) (pending before the Legislature as this~~

1 bill).

2 (cf: P.L.1995, c.135, s.2)

3

4 14. Section 3 of P.L.1995, c.135 (C.52:4B-10.2) is amended to
5 read as follows:

6 3. In addition to ordering the payment of compensation for
7 personal injury or death which resulted from the incidents specified
8 in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of
9 Crime Compensation **[Board]** Agency may order the payment of
10 compensation for funds in connection with those incidents to
11 compensate certain victims, whether or not those victims suffered
12 personal injury, as specified in paragraphs (1) through (5) of
13 subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an
14 amount not to exceed **'[\$200.00] \$200'**.

15 (cf: P.L.1995, c.135, s.3)

16

17 15. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
18 read as follows:

19 11. The **[board]** agency may order the payment of compensation
20 in accordance with the provisions of **[this act]** P.L.1971, c. 317 for
21 personal injury or death which resulted from:

22 a. an attempt to prevent the commission of crime or to arrest a
23 suspected criminal or in aiding or attempting to aid a police officer
24 so to do, or

25 b. the commission or attempt to commit any of the following
26 offenses:

27 (1) aggravated assault;

28 (2) (Deleted by amendment, P.L.1995, c.135).

29 (3) threats to do bodily harm;

30 (4) lewd, indecent, or obscene acts;

31 (5) indecent acts with children;

32 (6) kidnapping;

33 (7) murder;

34 (8) manslaughter;

35 (9) aggravated sexual assault, sexual assault, aggravated
36 criminal sexual contact, criminal sexual contact;

37 (10) any other crime involving violence including domestic
38 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or
39 section 3 of P.L.1991, c.261 (C.2C:25-19);

40 (11) burglary;

41 (12) tampering with a cosmetic, drug or food product;

42 (13) a violation of human trafficking, section 1 of P.L.2005, c.77
43 (C.2C:13-8); or

44 c. the commission of a violation of R.S.39:4-50, section 5 of
45 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236
46 (C.12:7-34.19) or section 3 of P.L.1952, c.157 (C.12:7-46); or

47 d. theft of an automobile pursuant to N.J.S.2C:20-2, eluding a
48 law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2

1 or unlawful taking of a motor vehicle pursuant to subsection b., c.
2 or d. of N.J.S.2C:20-10 where injuries to the victim occur in the
3 course of operating an automobile in furtherance of the offense.
4 (cf: P.L.2005, c.77, s.4)

5
6 16. Section 12 of P.L.1971, c.317 (C.52:4B-12) is amended to
7 read as follows:

8 12. The **【board】** agency may order the payment of
9 compensation under this act for:

10 a. expenses actually and reasonably incurred as a result of the
11 personal injury or death of the victim, including out-of-pocket
12 losses which shall mean unreimbursed and unreimbursable expenses
13 or indebtedness reasonably incurred for medical care or other
14 services necessary as a result of the injury upon which such
15 application is based,

16 b. loss of earning power as a result of total or partial incapacity
17 of such victim,

18 c. pecuniary loss to the dependents of the deceased victim, and

19 d. any other pecuniary loss resulting from the personal injury or
20 death of the victim which the **【board】** agency determines to be
21 reasonable.

22 (cf: P.L.1995, c.135, s.5)

23
24 17. Section 13 of P.L.1971, c.317 (C.52:4B-13) is amended to
25 read as follows:

26 13. To assist the **【board】** agency in determining the nature,
27 extent or cause of personal injury or cause of death compensable
28 under **【this act】** P.L.1971, c.317, the **【board】** agency shall maintain
29 a **【panel】** directory of impartial medical experts. **【The specialties**
30 **to be represented on the panel and the number of experts in each**
31 **specialty shall be determined jointly by the Medical Society of**
32 **New Jersey and the board. The experts to serve on the panel in the**
33 **several specialties shall be designated by the Medical Society of**
34 **New Jersey.】**

35 (cf: P.L.1971, c.317, s.13)

36
37 18. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
38 read as follows:

39 18. No order for the payment of compensation shall be made
40 under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the
41 application has been made within two years after the date of the
42 personal injury or death or after that date upon determination by the
43 **【board】** agency that good cause exists for the delayed filing, and
44 the personal injury or death was the result of an offense listed in
45 section 11 of P.L.1971, c.317 (C.52:4B-11) which had been
46 reported to the police or other appropriate law enforcement agency
47 within three months after its occurrence or reasonable discovery.

1 The **[board]** agency will make its determination regarding the
2 application within six months of acknowledgment by the **[board]**
3 agency of receipt of the completed application and any and all
4 necessary supplemental information.

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

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

19 No compensation shall be awarded if:

20 a. Compensation to the victim proves to be substantial unjust
21 enrichment to the offender or if the victim did not cooperate with
22 the reasonable requests of law enforcement authorities unless the
23 victim demonstrates a compelling health or safety reason for not
24 cooperating; or

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

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

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

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

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

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

45 Except as provided herein, no compensation shall be awarded
46 under **[this act]** P.L.1971, c.317 in an amount in excess of
47 **['\$25,000.00]** \$25,000¹, and all payments shall be made in a lump

1 sum, except that in the case of death or protracted disability the
2 award may provide for periodic payments to compensate for loss of
3 earnings or support. Five years after the entry of an initial
4 determination order, a claim for compensation expires and no
5 further order is to be entered with regard to the claim except for
6 requests for payment of specific out-of-pocket expenses received by
7 the Victims of Crime Compensation **[Board]** Agency prior to the
8 expiration of the five-year period except in those cases determined
9 by the **[board]** agency to be catastrophic in nature. No award made
10 pursuant to **[this act]** P.L.1971, c.317 shall be subject to execution
11 or attachment other than for expenses resulting from the injury
12 which is the basis of the claim.

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

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

18 (cf: P.L.1999, c.166, s.1)

19

20 19. Section 3 of P.L.1982, c.192 (C.52:4B-18.1) is amended to
21 read as follows:

22 3. The increase in compensation to a maximum of **[\$25,000.00]**
23 \$25,000 provided for in **[this amendatory and supplementary act]**
24 P.L.1982, c. 192 shall apply only to crimes committed after the
25 effective date of **[this act]** P.L.1982, c. 192 when personal injury
26 or death occurs.

27 (cf: P.L.1982, c.192, s.3)

28

29 20. Section 2 of P.L.1999, c.166 (C.52:4B-18.2) is amended to
30 read as follows:

31 2. a. In addition to any award granted pursuant to section 18 of
32 P.L.1971, c.317 (C.52:4B-18), the Victims of Crime Compensation
33 **[Board]** Agency may make one or more supplemental awards for
34 the purpose of providing rehabilitative assistance to catastrophically
35 injured crime victims or other persons entitled to compensation
36 under section 10 of P.L.1971, c.317 (C.52:4B-10).

37 b. The rehabilitative assistance which the supplemental award
38 may cover can include, but is not limited to, any of the following
39 services not covered by the original award of compensation or by
40 other sources provided that the **[board]** agency determines that the
41 services are reasonable and necessary:

42 (1) Surgical and therapeutic procedures;

43 (2) Rehabilitative physical and occupational therapy designed to
44 restore an optimum function level;

45 (3) Prescription drugs and medical supplies;

46 (4) Cognitive and psychological therapy;

47 (5) Home health assistance;

1 (6) Vehicle modifications;

2 (7) Driver training;

3 (8) Wheelchair, braces, splints, crutches, walkers, shower or
4 commode chair and any other personal adaptive equipment required
5 to meet individual disability needs;

6 (9) Structural modifications to living environment designed to
7 provide accessibility and to maximize independence;

8 (10) Dependent care as needed.

9 c. The Victims of Crime Compensation **【Board】** Agency is
10 authorized to make rules and regulations prescribing the procedures
11 to be followed in qualifying for a supplemental award. The **【board】**
12 agency is also authorized to establish a cap on the total amount of
13 supplemental awards to be made in a year and a cap on the amount
14 which a person may receive as a supplemental award, which
15 personal cap shall not be less than \$25,000.

16 d. The payment of any supplemental award granted under the
17 provisions of this section shall be approved by the **【board】** agency
18 for payment out of funds appropriated for the administration of
19 P.L.1971, c.371 (C.52:4B-1 et seq.), the "Criminal Injuries
20 Compensation Act of 1971."

21 e. A catastrophically injured crime victim who received a
22 compensation award prior to the enactment of this section may
23 apply for a supplemental award pursuant to the provisions of this
24 section. A denial by the **【board】** agency of an application made
25 pursuant to the provisions of this subsection shall not be subject to
26 appeal.

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

32 (cf: P.L.1999, c.166, s.2)

33

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

36 19. In determining the amount of compensation to be allowed by
37 order, the **【board】** agency shall take into consideration amounts
38 received or receivable from any other source or sources by the
39 victim or his dependents as a result of the offense or occurrence
40 giving rise to the application.

41 Each order for compensation made by the **【board】** agency shall
42 be filed with the Director of the Division of Budget and Accounting
43 and shall constitute authority for payment by the State Treasurer to
44 the person or persons named therein of the amounts specified in
45 such order.

46 (cf: P.L.1971, c.317, s.19)

47

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

1 read as follows:

2 20. ¹a. ¹ Whenever an order for the payment of compensation is
3 or has been made for personal injury or death resulting from an act
4 or omission constituting an offense under this act, the **[board]**
5 agency shall, upon payment of the amount of the order, be
6 subrogated to the cause of action of the applicant against the person
7 or persons responsible for such personal injury or death ¹**[and] to**
8 recover such payments. ³**[The]**With the consent of the board, the³
9 agency also¹ shall be entitled to bring an action against such person
10 or persons for the amount of the damage sustained by the applicant
11 ¹**[and in] . In**¹ the event that ¹**[more is recovered and collected in**
12 any such action] the amount paid in satisfaction of a judgment
13 entered pursuant to this section is more¹ than the amount paid by
14 reason of the order for payment of compensation, the **[board]**
15 agency shall pay the balance to the applicant.

16 ¹**[An order for the payment of compensation entered pursuant to**
17 this section and docketed with the Clerk of the Superior Court shall
18 be a lien against the net proceeds of any settlement negotiated prior
19 or subsequent to the filing of a lawsuit, civil judgment or civil
20 arbitration award. The lien shall have priority over all other levies
21 and garnishments against the net proceeds of any settlement
22 negotiated prior or subsequent to the filing of a lawsuit, civil
23 judgment or civil arbitration award unless otherwise provided by
24 the Superior Court. The lien shall not have priority over levies to
25 recover unpaid income taxes owed to the State or a judgment for
26 child support entered pursuant to section 1 of P.L.1988, c.111
27 (C.2A:17-56.23a)]

28 b. If a judgment is entered in favor of the agency pursuant to
29 subsection a. of this section to recover payments made to the
30 applicant pursuant to order for payment of compensation, the
31 judgment shall constitute a lien on any and all real and personal
32 property or income which the person or persons responsible for the
33 personal injury or death has or may acquire an interest, including
34 the net proceeds, after the payment of fees and costs, of any
35 settlement negotiated prior or subsequent to the filing of a lawsuit,
36 any civil judgment, any civil arbitration award and any inheritance
37 payable to the person or persons responsible for the personal injury
38 or death. The lien shall have priority over all other levies and
39 garnishments against the net proceeds of actions identified in this
40 section unless otherwise provided by the Superior Court. The lien
41 shall not have priority over levies to recover unpaid income taxes
42 owed to the State or a judgment for child support entered pursuant
43 to section 1 of P.L.1988, c.111 (C.2A:17-56.23a).

44 c. All judgments and other related papers required for the
45 purposes of this section shall be received and recorded by the clerk
46 of the Superior Court without payment of fees.

1 d. To discharge or otherwise compromise any lien or liens
2 arising pursuant to this section, the agency shall file with the clerk
3 of the Superior Court a duly acknowledged certificate setting forth
4 the fact that the agency desires to discharge or amend the lien of
5 record.

6 e. Any person desiring to secure immediate discharge of any lien
7 arising pursuant to this section may deposit with the court cash in
8 an amount sufficient to cover the amount of the lien or post a bond
9 in an amount and with sureties approved by the court. Upon proper
10 notice to the agency of such deposit or bond, a satisfaction of the
11 lien shall be filed at once with the clerk of the Superior Court.

12 f. Any person affected in any manner, whether directly or
13 indirectly by any lien arising under this section, and desiring to
14 examine the validity of the lien or the facts and circumstances
15 surrounding the entry of the lien, may do so in an action brought in
16 the county where the lien was filed. The action shall be brought
17 against the agency claiming the lien, and the court may proceed in
18 the action in a summary manner and enter such judgment as it may
19 deem appropriate¹.

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

21
22 23. Section 21 of P.L.1971, c.317 (C.52:4B-21) is amended to
23 read as follows:

24 21. If any section or sections of **[this act]** P.L.1971, c.317 or
25 any provision thereof shall be declared to be unconstitutional,
26 invalid or inoperative in whole or in part, such section or provision
27 shall, to the extent that it is not unconstitutional, invalid or
28 inoperative be enforced and effectuated and no such determination
29 shall be deemed to invalidate or make ineffectual the remaining
30 provisions of the sections of **[this act]** P.L.1971, c.317.

31 (cf: P.L.1971, c.317, s.21)

32
33 24. Section 1 of P.L.1981, c.256 (C.52:4B-22) is amended to
34 read as follows:

35 1. a. Every State, county, and municipal police department and
36 hospital or other place of emergency medical care shall have
37 available and shall post in a public place information booklets,
38 pamphlets or other pertinent written information, to be supplied by
39 the **[Violent Crimes]** Victims of Crime Compensation **[Board]**
40 Agency, relating to the availability of crime victims' compensation
41 including all necessary application blanks required to be filed with
42 the **[board]** agency.

43 b. Included in the information supplied by the **[Violent Crimes]**
44 Victims of Crime Compensation **[Board]** Agency shall be
45 information for victims of sexual offenses. This information shall
46 contain the location of rape crisis centers in all geographical areas
47 throughout the State and shall instruct victims of sexual offenses

1 that if a rape crisis center is not available in a victim's immediate
2 geographical area, the victim may contact the appropriate county
3 victim-witness coordinator appointed by the Chief of the Office of
4 Victim-Witness Advocacy established pursuant to P.L.1985, c. 404
5 (C.52:4B-39 et seq.). Unless the victim requires immediate medical
6 attention, this information shall be personally conveyed to the
7 victim of a sexual offense by a representative of the hospital or
8 place of emergency care before a medical examination of the victim
9 is conducted, or by a representative of the police department before
10 the victim's statement is taken, to afford the victim the opportunity
11 to arrange to have assistance from the rape crisis center or county
12 victim-witness coordinator during these procedures. Hospitals shall
13 be held harmless from suits emanating from a hospital's carrying
14 out the obligation to convey information to victims of sexual
15 offenses.

16 "Rape crisis center" means an office, institution or center
17 offering assistance to victims of sexual offenses through crisis
18 intervention, medical and legal information and follow-up
19 counseling.

20 c. Every police department shall, upon the filing of a report of a
21 violent crime, make available to any victim information concerning
22 crime victims' compensation.
23 (cf: P.L.1987, c.327, s.1)

24
25 25. Section 2 of P.L.1981, c.256 (C.52:4B-23) is amended to
26 read as follows:

27 2. No cause of action against the State, any county, or any
28 municipality, or any employee thereof, shall arise out of a failure to
29 give the notice required by section 1 of P.L.1981, c.256 (C.52:4B-
30 22), nor shall any such failure be deemed or construed to effect or
31 alter any time limitation or other requirement contained in **[this**
32 **act]** P.L.1971, c.317 for the filing or payment of a claim hereunder.
33 (cf: P.L.1981, c.256, s.2)

34
35 26. Section 3 of P.L.1981, c.396 (C.52:4B-24) is amended to
36 read as follows:

37 3. The **[board]** agency shall undertake a special senior citizens'
38 public awareness program to make brochures and applications for
39 claim forms available to senior citizens.
40 (cf: P.L.1981, c.396, s.3)

41
42 27. Section 2 of P.L.1982, c.192 (C.52:4B-25) is amended to
43 read as follows:

44 2. a. The **[Violent Crimes]** Victims of Crime Compensation
45 **[Board]** Agency shall establish a victim ³**[mental health]**³
46 counseling service which shall identify and develop sources to
47 provide ³**[mental health]**³ counseling to victims as defined in **[the**

1 act to which this act is a supplement] P.L.1971, c.317. ³The
 2 service shall provide assistance to victims without charge, which
 3 assistance shall include information and advice relative to filing a
 4 claim with the board, emergency food and clothing, employment
 5 opportunities, referral to other social service agencies, and in
 6 obtaining legal advice or representation.³ The service shall be
 7 conducted at such locations within the State as the [board] agency
 8 deems advisable.

9 b. The [board] agency is authorized to appoint such personnel
 10 for the service as may be necessary to carry out its functions.
 11 Appointments made pursuant to this subsection shall be within the
 12 funds appropriated or otherwise made available to the agency for
 13 this purpose.

14 c. [The service shall provide assistance to victims without
 15 charge, which assistance shall include information and advice
 16 relative to filing a claim with the board, emergency food and
 17 clothing, employment opportunities, referral to other social service
 18 agencies, and in obtaining legal advice or representation.] (Deleted
 19 by amendment, P.L. , c. .)

20 d. ³[The victim mental health counseling service shall operate
 21 under the direction of the director of counseling, who shall be
 22 appointed by the executive director of the agency. The director of
 23 counseling shall have a minimum of five years of experience in
 24 mental health counseling for crime victims. The appointment made
 25 pursuant to this subsection shall be within the limits of the funds
 26 appropriated or otherwise made available to the agency for this
 27 purpose.] The agency may also identify and develop sources to
 28 provide mental health counseling to victims, and provide victims
 29 with such information as may be appropriate through its victim
 30 counseling service.³

31 (cf: P.L.1982, c.192, s.2)

32

33 28. Section 1 of P.L.1989, c.322 (C.52:4B-25.1) is amended to
 34 read as follows:

35 1. a. In addition to the victim ³[mental health]³ counseling
 36 service established pursuant to section 2 of P.L.1982, c.192
 37 (C.52:4B-25), the [Violent Crimes] Victims of Crimes
 38 Compensation [Board] Agency shall establish a specialized child
 39 and family counseling unit. This unit shall be under the direction of
 40 [a person appointed by a chairman of the Violent Crimes
 41 Compensation Board whose training or experience includes the
 42 handling of child abuse cases] ³[the director of counseling
 43 appointed pursuant to subsection d. of section 2 of P.L.1982, c.192
 44 (C.52:4B-25)]a person appointed by the executive director whose
 45 training or experience includes the handling of child abuse cases³.

46 b. The [board] agency is authorized to appoint such personnel

1 for the child and family counseling unit as may be necessary to
2 carry out its functions. Appointments made pursuant to this
3 subsection shall be within the limits of the funds appropriated or
4 otherwise made available to the agency for that purpose.

5 c. The child and family counseling unit may be principally
6 located in any place as the **[board]** agency deems advisable, but
7 shall be available to lend assistance to child victims in every county
8 in this State.

9 (cf: P.L.1989, c.322, s.1)

10
11 29. Section 1 of P.L.1985, c.404 (C.52:4B-39) is amended to
12 read as follows:

13 1. As used in **[this act]** P.L.1985, c.404:

14 a. "Victim" means a person who suffers personal physical or
15 psychological injury or death or incurs loss of or injury to personal
16 or real property as a result of a crime committed against that person.

17 b. **["Board"]** Agency means the **[Violent Crimes]** Victims of
18 Crime Compensation [Board] Agency in the Department of ⁴**[Law**
19 **and Public Safety]** the Treasury⁴ .

20 (cf: P.L.1985, c.404, s.1)

21
22 30. Section 2 of P.L.1985, c.404 (C.52:4B-40) is amended to
23 read as follows:

24 2. There is established under the jurisdiction of the **[Violent**
25 **Crimes]** Victims of Crime Compensation [Board] Agency in the
26 Department of ⁴**[Law and Public Safety]** the Treasury⁴ an Office of
27 Victim-Witness Assistance under the supervision of the Director of
28 the Office of Victim-Witness Assistance.

29 (cf: P.L.1985, c.404, s.2)

30
31 31. (New section) The Office of Victim-Witness Assistance
32 shall operate under the direction of the director of the Office of
33 Victim-Witness Assistance, who shall be appointed by the
34 executive director of the agency. The Director of the Office of
35 Victim-Witness Assistance shall have a minimum of five years of
36 experience in crime victim direct services and advocacy. The
37 appointment made pursuant to this section shall be within the limits
38 of the funds appropriated or otherwise made available to the agency
39 for this purpose.

40
41 32. Section 4 of P.L.1985, c.404 (C.52:4B-42) is amended to
42 read as follows:

43 4. The victim-witness rights information program shall:

44 a. Provide victims or their representatives with information
45 about the availability of social and medical services, especially
46 emergency and social services available in the victim's immediate
47 geographical area;

1 b. Provide victims or their representatives with information
 2 about possible compensation under the "Criminal Injuries
 3 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.)
 4 and of the sentencing court's authority to order restitution under
 5 chapter 43 of Title 2C of the New Jersey Statutes;

6 c. Provide victims or their representatives with information
 7 about how to contact the appropriate county office of victim-
 8 witness advocacy and the appropriate county prosecutor's office;

9 d. Provide a 24-hour toll-free hotline telephone number for
 10 victims and witnesses to call with inquiries concerning the
 11 information and services available pursuant to this act;

12 e. Provide victims and witnesses with a detailed description of
 13 the rights established under the Crime Victim's Bill of Rights
 14 created by P.L.1985, c.249 (C.52:4B-34 et seq.) and Article I,
 15 paragraph 22 of the New Jersey Constitution;

16 f. Gather available information from victim assistance programs
 17 throughout the country and make that information available to the
 18 Office of Victim-Witness Advocacy, police agencies, hospitals,
 19 prosecutors' offices, the courts, and other agencies that provide
 20 assistance to victims of crimes; **[and]**

21 g. Sponsor conferences to bring together personnel working in
 22 the field of victim assistance and compensation to exchange
 23 methods and procedures for improving and expanding services to
 24 victims;

25 h. Provide assistance to victims without charge, which assistance
 26 shall include information and advice relative to filing a claim with
 27 the board, emergency food and clothing, employment opportunities,
 28 referral to other social service agencies, and in obtaining legal
 29 advice or representation; and

30 i. Conduct training programs for attorneys and victim service
 31 providers³, and, under such circumstances as the ¹**[Executive**
 32 Director] executive director¹ shall deem in the best interests of
 33 crime victims, seek leave to appear as amicus curiae in certain
 34 actions where the rights of crime victims are affected. The Victims
 35 of Crime Compensation Agency shall , subject to the Rules of
 36 Court, be deemed to have standing to appear in the criminal and
 37 civil courts of the State of New Jersey to assert the rights of crime
 38 victims in the position of amicus curiae]³.

39 (cf: P.L.1985, c.404, s.4)

40
 41 33. The following sections are repealed:

42 Sections 3, 4, 14, 15, 16 and 17 of P.L.1971, c.317 ¹**[;]**¹
 43 (C.52:4B-3, 52:4B-4 and 52:4B-14 through 52:4B-17)¹;¹

44 Section 4 of P.L.1981, c.396 (C.52:4B-4.1); and

45 Section 12 of P.L.1995, c.135 (C.52:4B-3.1).

46
 47 34. This act shall take effect on the first day of the second
 48 month after enactment.

1

2

3

Revises statutes governing compensation for victims of crime.

ASSEMBLY, No. 2322

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 6, 2006

Sponsored by:

Assemblyman **PETER J. BARNES, JR.**

District 18 (Middlesex)

Assemblyman **GORDON M. JOHNSON**

District 37 (Bergen)

SYNOPSIS

Revises statutes governing compensation for victims of crime.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/10/2006)

1 AN ACT concerning victims of crime and amending, supplementing
2 and repealing various parts of the statutory law.

3

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

6

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

9 2. As used in [this act] P.L.1971, c.317:

10 "Agency" means the Victims of Crime Compensation Agency;

11 "Board" means the Victims of Crime Compensation Hearing
12 Board established by section 2 of P.L. c. (C.) (pending
13 before the Legislature as this bill);

14 "Child" means an unmarried person who is under 21 years of age
15 and includes a stepchild or an adopted child;

16 ["Board" means the Violent Crimes Compensation Board
17 established by this act;]

18 "Dependents" means such relatives of a deceased victim as were
19 wholly or partially dependent upon his income at the time of his
20 death and shall include the child of such victim born after his death;

21 "Family relationship group" of any person means:

22 (1) any person related to such person within the third degree of
23 consanguinity or affinity,

24 (2) any person living in the same household as such person, or

25 (3) any person maintaining a sexual relationship, whether illicit
26 or not, with such person or with any member of the family of such
27 person;

28 "Personal injury" means actual bodily harm and includes
29 pregnancy and mental or nervous shock;

30 "Relative" of any person means his spouse, parent, grandparent,
31 stepfather, stepmother, child, grandchild, brother, sister, half
32 brother, half sister, or spouse's parents;

33 ["Family relationship group" of any person means:

34 (1) any person related to such person within the third degree of
35 consanguinity or affinity,

36 (2) any person living in the same household as such person, or

37 (3) any person maintaining a sexual relationship, whether illicit
38 or not, with such person or with any member of the family of such
39 person;]

40 "Victim" means a person who is injured or killed by any act or
41 omission of any other person which is within the description of any
42 of the offenses specified in section 11 of [this act] P.L.1971, c 317.
43 (cf: P.L.1971, c.317, s.2)

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 2. (New section) a. There is hereby established in the Executive
2 Branch of the State Government the Victims of Crime
3 Compensation Agency. For the purposes of complying with the
4 Constitution (Article V, Section IV, paragraph 1) the agency is
5 allocated to the Department of Law and Public Safety but,
6 notwithstanding said allocation, the agency shall be independent of
7 any supervision or control by the department or the Attorney
8 General or any other officer of the department.

9 b. The chief executive officer of the Victims of Crime
10 Compensation Agency shall be the executive director, who shall be
11 appointed by the Governor, with the advice and consent of the
12 Senate. The executive director shall serve at the pleasure of the
13 Governor. The executive director shall develop, establish and
14 supervise all practices and procedures of the agency and shall be the
15 final authority on all matters of victim compensation.

16 c. There is hereby established in the Victims of Crime
17 Compensation Agency the Victims of Crime Compensation Hearing
18 Board which shall be composed of 5 citizens, to be appointed by the
19 Governor, with the advice and consent of the Senate, one of whom
20 shall be designated chairman by, and serve as such at the pleasure
21 of, the Governor. At least two members of the board shall be
22 attorneys admitted to the practice of law in the State of New Jersey
23 and who shall have practiced law in the courts of New Jersey for a
24 minimum of five years. The purpose of the Victims of Crime
25 Compensation Hearing Board shall be:

26 (1) to hear appeals of decisions of the Victims of Crime
27 Compensation Agency involving issues of victim compensation;
28 and

29 (2) to serve as an advisory board under such conditions and
30 circumstances as the agency shall deem appropriate and necessary.

31 d. All the functions of the Violent Crimes Compensation Board
32 and the Victims of Crime Compensation Board are continued in the
33 Victims of Crime Compensation Agency. Whenever in any law,
34 rule, regulation, judicial or administrative procedure or otherwise,
35 reference is made to the Violent Crime Compensation Board or to
36 the Victims of Crime Compensation Board, the same shall mean
37 and refer to the Victims of Crime Compensation Agency.

38
39 3. (New section) The Violent Crimes Compensation Board
40 established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) is
41 abolished and the terms of the persons serving as members of that
42 board on the effective date of P.L. , c. (C.)(pending before
43 the Legislature as this bill) shall cease and determine as of that
44 effective date; provided, however, the person serving as chairman
45 of that board on the effective date of P.L. , c. (C.)(pending
46 before the Legislature as this bill) shall serve as the executive
47 director of the Victims of Crime Compensation Agency, created
48 pursuant to section 2 of P.L. , c. (C.)(now pending before the

1 Legislature as this bill), until his successor is appointed and
2 qualifies.

3
4 4. (New section) The term of office of each member of the
5 Victims of Crime Compensation Hearing Board shall be three years
6 and until the member's successor is appointed and qualifies, except
7 that of the members first appointed one shall be appointed for a
8 term of one year, two for terms of two years and two for terms of
9 three years. All vacancies, except through the expiration of term,
10 shall be filled for the unexpired term only.

11 Each member of the board shall be eligible for reappointment
12 and any member of the board may be removed by the Governor for
13 inefficiency, neglect of duty or malfeasance in office.

14 The members of the board shall serve without compensation.

15

16 5. Section 5 of P.L.1971, c.317 (C.52:4B-5) is amended to read
17 as follows:

18 5. The [board] agency is authorized to appoint and fix the duties
19 and compensation of such officers, attorneys, examiners, and other
20 experts as may be necessary for carrying out its functions under this
21 act, and the [board] agency may, subject to Title [11 of the Revised
22 Statutes]11A of the New Jersey Statutes, "Civil Service," appoint
23 and fix the duties and compensation of such other assistants and
24 employees as are necessary. The compensation fixed pursuant to
25 this section shall be within the limits of the funds appropriated or
26 otherwise made available to the agency for that purpose.

27 (cf: P.L.1971, c.317, s.5)

28

29 6. Section 11 of P.L.1995, c.135 (C.52:4B-5.1) is amended to
30 read as follows:

31 11. The Victims of Crime Compensation [Board] Agency is
32 authorized to obtain direct access to criminal history records
33 maintained by the State Bureau of Identification in the Division of
34 the State Police and is hereby designated a criminal justice agency
35 for that purpose.

36 (cf: P.L.1995, c.135, s.11)

37

38 7. Section 6 of P.L.1971, c.317 (C.52:4B-6) is amended to read
39 as follows:

40 6. The principal office of the [board] agency shall be in
41 [Trenton] Newark, New Jersey, but the [board] agency may sit and
42 conduct its affairs in any place.

43 (cf: P.L.1971, c.317, s.6)

44

45 8. Section 7 of P.L.1971, c.317 (C.52:4B-7) is amended to read
46 as follows:

1 7. Hearings [upon applications for compensation under this act]
2 on appeals from decisions of the Victims of Crime Compensation
3 Agency involving issues of victim compensation shall be conducted
4 by the Victims of Crime Compensation Hearing Board in the
5 following manner:

6 a. Upon an application made to the board under the provisions
7 of [this act] P.L.1971, c.317, the board shall fix a time and place
8 for a hearing on such application and shall cause notice thereof to
9 be given to the applicant;

10 b. For the purpose of carrying out the provisions of [this act]
11 P.L.1971, c.317, the board, or any member thereof, may hold such
12 hearings, sit and act at such times and places, and take such
13 testimony as the board or such member may deem advisable. Any
14 member of the board may administer oaths or affirmations to
15 witnesses. The board shall have full powers of subpoena and
16 compulsion of attendance of witnesses and production of
17 documents, except that no subpoena shall be issued except under
18 the signature of a member of the board, and application to any court
19 for aid in enforcing such subpoena may be made in the name of the
20 board by any member thereof. Subpoenas shall be served by any
21 person designated by the board;

22 c. In any case in which the person entitled to make an application
23 is a child, the application may be made on his behalf by his parent
24 [or] a guardian, or advocate. In any case in which the person
25 entitled to make an application is mentally incompetent, the
26 application may be made on his behalf by his guardian, advocate, or
27 such other individual authorized to administer his estate;

28 d. Any person having a substantial interest in a proceeding may
29 appear, produce evidence and cross-examine witnesses in person or
30 by his attorney.

31 e. The board may receive in evidence any statement, document,
32 information, or matter that may in the opinion of the board
33 contribute to its functions under [this act] P.L.1971, c.317, but the
34 board shall not be bound by the rules of evidence.

35 f. If any person has been convicted of any offense with respect
36 to an act or omission on which a claim under [this act] P.L.1971,
37 c.317 is based, proof of that conviction shall be taken as conclusive
38 evidence that the offense has been committed, unless an appeal or
39 any proceeding with regard thereto is pending.

40 (cf: P.L.1971, c.317, s.7)

41
42 9. Section 8 of P.L.1971, c.317 (C.52:4B-8) is amended to read
43 as follows:

44 8. a. The board may, as a part of any order entered under [this
45 act] P.L.1971, c.317, determine and allow reasonable attorney fees

1 and costs, which shall not exceed 15% of the amount awarded as
2 compensation under section 10 of [this act] P.L.1971, c.317, to be
3 paid in addition to the amount of such compensation, to the attorney
4 representing the applicant [, and it]. Notwithstanding the provisions
5 of this subsection, no award for attorneys fees shall be less than
6 \$300.

7 b. Where the board enters an order denying compensation, it
8 may, nevertheless allow attorneys fees of \$300 to the attorney
9 representing the claimant if the board determines that the attorney
10 has reasonably cooperated and complied with all requests of the
11 board.

12 c. The board may allow payment up to a maximum of \$1,000, at
13 an hourly rate to be fixed by the board, but not less than \$125 per
14 hour, to an attorney who provides legal assistance to a victim in
15 explaining and enforcing the victim's rights in the criminal justice
16 system as well as assisting the victim in surrogate and custody or
17 guardianship matters provided that the attorney has been certified
18 by the board as having successfully completed an attorney training
19 program sponsored by the board.

20 d. It shall be unlawful for any such attorney to ask for, contract
21 for or receive any larger sum than the amount so allowed under
22 subsections a. and b. of this section.

23 (cf: P.L.1971, c.317, s.8)

24

25 10. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
26 read as follows:

27 19. a. [Within 180 days of the effective date of this act, the] The
28 Victims of Crime Compensation [Board] Agency, after consultation
29 with the Attorney General, the Department of Corrections, and the
30 Administrative Office of the Courts, on behalf of the county
31 probation divisions and the municipal court clerks, shall continue to
32 develop [a] the existing uniform system for recording all
33 information necessary to ensure proper identification, tracking,
34 collection and disposition of moneys owed for:

35 (1) assessments imposed pursuant to section 2 of P.L.1979, c.396
36 (C.2C:43-3.1);

37 (2) fines and restitutions imposed in accordance with provisions
38 of Title 2C of the New Jersey Statutes;

39 (3) fees imposed pursuant to N.J.S.2C:35-20;

40 (4) penalties imposed pursuant to N.J.S.2C:35-15.

41 b. The Victims of Crime Compensation [Board] Agency shall
42 use the moneys deposited in the Criminal Disposition and Revenue
43 Collection Fund to defray the costs incurred by the [board] agency
44 in developing, implementing, operating and improving the [board's]
45 agency's component of the uniform system for tracking and

1 collecting revenues described in subsection a. of this section.

2 c. The Juvenile Justice Commission established pursuant to
3 section 2 of P.L.1995, c.284 (C.52:17B-170), the Department of
4 Corrections, and the Administrative Office of the Courts, on behalf
5 of the county probation divisions and the municipal court clerks,
6 shall file such reports with the Victims of Crime Compensation
7 [Board] Agency as required for the operation of the uniform system
8 described in subsection a. of this section.

9 d. The Victims of Crime Compensation [Board] Agency shall
10 report annually to the Governor, the Attorney General, the
11 Administrative Director of the Administrative Office of the Courts,
12 the Commissioner of the Department of Corrections, the Juvenile
13 Justice Commission and the Legislature on the development,
14 implementation, improvement and effectiveness of the uniform
15 system and on moneys received, deposited and identified as
16 receivable.

17 (cf: P.L.1995, c.281, s.4)

18

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

21 9. In the performance of its functions, the [board] agency is
22 authorized to make rules and regulations prescribing the procedures
23 to be followed in the filing of applications and the proceedings
24 under [this act] P.L.1971, c.317, and such other matters as the
25 [board] agency deems appropriate.

26 In determining the amounts of compensation payable pursuant to
27 [this act] P.L.1971, c.317, the [board] agency shall insofar as
28 practicable formulate standards for uniform application of this act
29 and shall take into consideration rates and amounts of compensation
30 payable for injuries and death under other laws of this State and of
31 the United States and the availability of funds appropriated for the
32 purposes of [this act] P.L.1971, c.317.

33 The [board] agency shall establish maximum rates and service
34 limitations for reimbursement for medical and medical related
35 expenses, including counseling. In establishing these rates, the
36 [board] agency shall reflect the medical fee schedules for health
37 care providers established by the Commissioner of Banking and
38 Insurance pursuant to the provisions of section 10 of P.L.1988,
39 c.119 (C.39:6A-4.6). A medical service provider who accepts
40 payment from the [board] agency for a service shall accept the
41 [board's] agency's rates as payment in full and shall not accept any
42 payment on account of the service from any other source if the total
43 of payments accepted would exceed the maximum rate set by the
44 [board] agency for that service.

1 (cf: P.L.1999, c.113, s.1)

2

3 12. Section 10 of P.L.1971, c.317 (C.52:4B-10) is amended to
4 read as follows:

5 10. In any case in which a person is injured or killed by any act
6 or omission of any other person which is within the description of
7 the offenses listed in section 11 of [this act] P.L.1971, c.317, the
8 [board] agency may, upon application [and the concurrence of a
9 majority of the members thereof], order the payment of
10 compensation in accordance with the provisions of [this act]
11 P.L.1971, c.317:

12 a. to or on behalf of the victim,

13 b. in the case of the personal injury of the victim, where the
14 compensation is for pecuniary loss suffered or expenses incurred by
15 any person responsible for the maintenance of the victim, to that
16 person, or

17 c. in the case of the death of the victim, to or for the benefit of
18 the dependents of the deceased victim, or any one or more of such
19 dependents.

20 In determining whether to make an order under this section, the
21 [board] agency may consider any circumstances it determines to be
22 relevant, including provocation, consent or the behavior of the
23 victim which directly or indirectly contributed to his injury or
24 death, the prior case history, if any, of the victim and any other
25 relevant matters.

26 An order may be made under this section whether or not any
27 person is prosecuted or convicted of any offense arising out of such
28 act or omission. Upon application made by an appropriate
29 prosecuting authority, the [board] agency may suspend proceedings
30 under [this act] P.L.1971, c.317 for such period as it deems
31 appropriate on the ground that a prosecution for an offense arising
32 out of such act or omission has been commenced or is imminent.

33 For the purposes of [this act] P.L.1971, c.317, a person shall be
34 deemed to have intended an act or omission notwithstanding that by
35 reason of age, insanity or otherwise, he was legally incapable of
36 forming a criminal intent.

37 (cf: P.L.1971, c.317, s.10)

38

39 13. Section 1 of P.L.1981, c.258 (C.52:4B-10.1) is amended to
40 read as follows:

41 1. a. The Victims of Crime Compensation [Board] Agency may
42 make one or more emergency awards to any applicant for
43 compensation pending final determination of a case, when it
44 determines that compensation is likely to be provided and that the
45 applicant will suffer undue hardship if funds are not made

1 immediately available. The amount of any one emergency award
2 shall not exceed [\$500.00] \$2,500 with the total amount of each
3 such award made to an individual applicant not to exceed
4 [\$1,500.00] \$5,000. Any emergency awards made to an applicant
5 shall be deducted from the final amount of compensation provided
6 to an applicant by the [board] agency. If the amount of
7 compensation made by the [board] agency to an applicant is less
8 than the sum provided to the applicant through emergency grants,
9 the applicant shall pay to the [board] agency an amount of money
10 equal to the difference. If the [board] agency determines that an
11 applicant who has received emergency awards shall receive no
12 compensation, the applicant shall repay to the [board] agency the
13 total amount of all emergency awards which he received.

14 b. In addition to any emergency award made pursuant to the
15 provisions of subsection a. of this section, the Victims of Crime
16 Compensation [Board] Agency may make an emergency award in
17 an amount not to exceed \$200.00 for compensation for funds stolen
18 from a victim in connection with any of the incidents specified in
19 section 11 of P.L.1971, c.317 (C.52:4B-11) except paragraph 11 of
20 subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11),
21 burglary, whether or not the victim suffered personal injury, under
22 the following circumstances:

23 (1) The victim is 60 years of age or older or is disabled as
24 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
25 416(i);

26 (2) The victim's income does not exceed the limits adopted by
27 the State Department of Human Services as the standard of need for
28 the General Assistance Program;

29 (3) The funds stolen exceed \$50.00;

30 (4) The victim establishes:

31 (a) that the victim has filed a police report indicating, among
32 other things, the amount stolen;

33 (b) that the victim has cooperated with investigative and
34 prosecuting authorities; and

35 (c) the source of the funds stolen; and

36 (5) The [board] agency is satisfied that there are no other sources
37 available to provide the victim with funds necessary to cover
38 immediate costs of essential shelter, food or medical expenses, and
39 that, but for the victim's loss, the victim would otherwise have had
40 the funds to pay such costs.

41 c. The [board] agency shall direct that any funds awarded
42 pursuant to this act be expended solely to cover the costs
43 established pursuant to paragraph (5) of subsection b. of this
44 section.

45 d. [A person shall not receive an emergency award pursuant to

1 this act on more than two occasions, or receive more than one such
2 award within a period of 36 consecutive months.] (Deleted by
3 amendment, P.L. , c.) (pending before the Legislature as this
4 bill).

5 (cf: P.L.1995, c.135, s.2)

6

7 14. Section 3 of P.L.1995, c.135 (C.52:4B-10.2) is amended to
8 read as follows:

9 3. In addition to ordering the payment of compensation for
10 personal injury or death which resulted from the incidents specified
11 in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of
12 Crime Compensation [Board] Agency may order the payment of
13 compensation for funds in connection with those incidents to
14 compensate certain victims, whether or not those victims suffered
15 personal injury, as specified in paragraphs (1) through (5) of
16 subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an
17 amount not to exceed \$200.00.

18 (cf: P.L.1995, c.135, s.3)

19

20 15. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
21 read as follows:

22 11. The [board] agency may order the payment of compensation
23 in accordance with the provisions of [this act] P.L.1971, c. 317 for
24 personal injury or death which resulted from:

25 a. an attempt to prevent the commission of crime or to arrest a
26 suspected criminal or in aiding or attempting to aid a police officer
27 so to do, or

28 b. the commission or attempt to commit any of the following
29 offenses:

30 (1) aggravated assault;

31 (2) (Deleted by amendment, P.L.1995, c.135).

32 (3) threats to do bodily harm;

33 (4) lewd, indecent, or obscene acts;

34 (5) indecent acts with children;

35 (6) kidnapping;

36 (7) murder;

37 (8) manslaughter;

38 (9) aggravated sexual assault, sexual assault, aggravated
39 criminal sexual contact, criminal sexual contact;

40 (10) any other crime involving violence including domestic
41 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or
42 section 3 of P.L.1991, c.261 (C.2C:25-19);

43 (11) burglary;

44 (12) tampering with a cosmetic, drug or food product;

45 (13) a violation of human trafficking, section 1 of P.L.2005, c.77
46 (C.2C:13-8); or

47 c. the commission of a violation of R.S.39:4-50, section 5 of

1 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236
2 (C.12:7-34.19) or section 3 of P.L.1952, c.157 (C.12:7-46); or

3 d. theft of an automobile pursuant to N.J.S.2C:20-2, eluding a
4 law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2
5 or unlawful taking of a motor vehicle pursuant to subsection b., c.
6 or d. of N.J.S.2C:20-10 where injuries to the victim occur in the
7 course of operating an automobile in furtherance of the offense.
8 (cf: P.L.2005, c.77, s.4)

9

10 16. Section 12 of P.L.1971, c.317 (C.52:4B-12) is amended to
11 read as follows:

12 12. The [board] agency may order the payment of compensation
13 under this act for:

14 a. expenses actually and reasonably incurred as a result of the
15 personal injury or death of the victim, including out-of-pocket
16 losses which shall mean unreimbursed and unreimbursable expenses
17 or indebtedness reasonably incurred for medical care or other
18 services necessary as a result of the injury upon which such
19 application is based,

20 b. loss of earning power as a result of total or partial incapacity
21 of such victim,

22 c. pecuniary loss to the dependents of the deceased victim, and

23 d. any other pecuniary loss resulting from the personal injury or
24 death of the victim which the [board] agency determines to be
25 reasonable.

26 (cf: P.L.1995, c.135, s.5)

27

28 17. Section 13 of P.L.1971, c.317 (C.52:4B-13) is amended to
29 read as follows:

30 13. To assist the [board] agency in determining the nature,
31 extent or cause of personal injury or cause of death compensable
32 under [this act] P.L.1971, c.317, the [board] agency shall maintain a
33 [panel] directory of impartial medical experts. [The specialties to
34 be represented on the panel and the number of experts in each
35 specialty shall be determined jointly by the Medical Society of
36 New Jersey and the board. The experts to serve on the panel in the
37 several specialties shall be designated by the Medical Society of
38 New Jersey.]

39 (cf: P.L.1971, c.317, s.13)

40

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

43 18. No order for the payment of compensation shall be made
44 under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the
45 application has been made within two years after the date of the
46 personal injury or death or after that date upon determination by the

1 [board] agency that good cause exists for the delayed filing, and the
2 personal injury or death was the result of an offense listed in section
3 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the
4 police or other appropriate law enforcement agency within three
5 months after its occurrence or reasonable discovery. The [board]
6 agency will make its determination regarding the application within
7 six months of acknowledgment by the [board] agency of receipt of
8 the completed application and any and all necessary supplemental
9 information.

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

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

24 No compensation shall be awarded if:

25 a. Compensation to the victim proves to be substantial unjust
26 enrichment to the offender or if the victim did not cooperate with
27 the reasonable requests of law enforcement authorities unless the
28 victim demonstrates a compelling health or safety reason for not
29 cooperating; or

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

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

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

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

46 f. The victim has been convicted of a crime and is still

1 incarcerated; or

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

4 Except as provided herein, no compensation shall be awarded
5 under [this act] P.L.1971, c.317 in an amount in excess of
6 \$25,000.00, and all payments shall be made in a lump sum, except
7 that in the case of death or protracted disability the award may
8 provide for periodic payments to compensate for loss of earnings or
9 support. Five years after the entry of an initial determination order,
10 a claim for compensation expires and no further order is to be
11 entered with regard to the claim except for requests for payment of
12 specific out-of-pocket expenses received by the Victims of Crime
13 Compensation [Board] Agency prior to the expiration of the five-
14 year period except in those cases determined by the [board] agency
15 to be catastrophic in nature. No award made pursuant to [this act]
16 P.L.1971, c.317 shall be subject to execution or attachment other
17 than for expenses resulting from the injury which is the basis of the
18 claim.

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

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

24 (cf: P.L.1999, c.166, s.1)

25

26 19. Section 3 of P.L.1982, c.192 (C.52:4B-18.1) is amended to
27 read as follows:

28 3. The increase in compensation to a maximum of [\$25,000.00]
29 \$25,000 provided for in [this amendatory and supplementary act]
30 P.L.1982, c. 192 shall apply only to crimes committed after the
31 effective date of [this act] P.L.1982, c. 192 when personal injury or
32 death occurs.

33 (cf: P.L.1982, c.192, s.3)

34

35 20. Section 2 of P.L.1999, c.166 (C.52:4B-18.2) is amended to
36 read as follows:

37 2. a. In addition to any award granted pursuant to section 18 of
38 P.L.1971, c.317 (C.52:4B-18), the Victims of Crime Compensation
39 [Board] Agency 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
42 under section 10 of P.L.1971, c.317 (C.52:4B-10).

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

1 other sources provided that the [board] agency determines that the
2 services are reasonable and necessary:

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

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

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

29 e. A catastrophically injured crime victim who received a
30 compensation award prior to the enactment of this section may
31 apply for a supplemental award pursuant to the provisions of this
32 section. A denial by the [board] agency of an application made
33 pursuant to the provisions of this subsection shall not be subject to
34 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 (cf: P.L.1999, c.166, s.2)

41

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

44 19. In determining the amount of compensation to be allowed by
45 order, the [board] agency shall take into consideration amounts
46 received or receivable from any other source or sources by the

1 victim or his dependents as a result of the offense or occurrence
2 giving rise to the application.

3 Each order for compensation made by the [board] agency shall
4 be filed with the Director of the Division of Budget and Accounting
5 and shall constitute authority for payment by the State Treasurer to
6 the person or persons named therein of the amounts specified in
7 such order.

8 (cf: P.L.1971, c.317, s.19)

9

10 22. Section 20 of P.L.1971, c.317 (C.52:4B-20) is amended to
11 read as follows:

12 20. Whenever an order for the payment of compensation is or
13 has been made for personal injury or death resulting from an act or
14 omission constituting an offense under this act, the [board] agency
15 shall, upon payment of the amount of the order, be subrogated to
16 the cause of action of the applicant against the person or persons
17 responsible for such personal injury or death and shall be entitled to
18 bring an action against such person or persons for the amount of the
19 damage sustained by the applicant and in the event that more is
20 recovered and collected in any such action than the amount paid by
21 reason of the order for payment of compensation, the [board]
22 agency shall pay the balance to the applicant.

23 An order for the payment of compensation entered pursuant to
24 this section and docketed with the Clerk of the Superior Court shall
25 be a lien against the net proceeds of any settlement negotiated prior
26 or subsequent to the filing of a lawsuit, civil judgment or civil
27 arbitration award. The lien shall have priority over all other levies
28 and garnishments against the net proceeds of any settlement
29 negotiated prior or subsequent to the filing of a lawsuit, civil
30 judgment or civil arbitration award unless otherwise provided by
31 the Superior Court. The lien shall not have priority over levies to
32 recover unpaid income taxes owed to the State or a judgment for
33 child support entered pursuant to section 1 of P.L.1988, c.111
34 (C.2A:17-56.23a).

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

36

37 23. Section 21 of P.L.1971, c.317 (C.52:4B-21) is amended to
38 read as follows:

39 21. If any section or sections of [this act] P.L.1971, c.317 or any
40 provision thereof shall be declared to be unconstitutional, invalid or
41 inoperative in whole or in part, such section or provision shall, to
42 the extent that it is not unconstitutional, invalid or inoperative be
43 enforced and effectuated and no such determination shall be
44 deemed to invalidate or make ineffectual the remaining provisions
45 of the sections of [this act] P.L.1971, c.317.

46 (cf: P.L.1971, c.317, s.21)

1

2 24. Section 1 of P.L.1981, c.256 (C.52:4B-22) is amended to
3 read as follows:

4 1. a. Every State, county, and municipal police department and
5 hospital or other place of emergency medical care shall have
6 available and shall post in a public place information booklets,
7 pamphlets or other pertinent written information, to be supplied by
8 the [Violent Crimes] Victims of Crime Compensation [Board]
9 Agency, relating to the availability of crime victims' compensation
10 including all necessary application blanks required to be filed with
11 the [board] agency.

12 b. Included in the information supplied by the [Violent Crimes]
13 Victims of Crime Compensation [Board] Agency shall be
14 information for victims of sexual offenses. This information shall
15 contain the location of rape crisis centers in all geographical areas
16 throughout the State and shall instruct victims of sexual offenses
17 that if a rape crisis center is not available in a victim's immediate
18 geographical area, the victim may contact the appropriate county
19 victim-witness coordinator appointed by the Chief of the Office of
20 Victim-Witness Advocacy established pursuant to P.L.1985, c. 404
21 (C. 52:4B-39 et seq.). Unless the victim requires immediate
22 medical attention, this information shall be personally conveyed to
23 the victim of a sexual offense by a representative of the hospital or
24 place of emergency care before a medical examination of the victim
25 is conducted, or by a representative of the police department before
26 the victim's statement is taken, to afford the victim the opportunity
27 to arrange to have assistance from the rape crisis center or county
28 victim-witness coordinator during these procedures. Hospitals shall
29 be held harmless from suits emanating from a hospital's carrying
30 out the obligation to convey information to victims of sexual
31 offenses.

32 "Rape crisis center" means an office, institution or center
33 offering assistance to victims of sexual offenses through crisis
34 intervention, medical and legal information and follow-up
35 counseling.

36 c. Every police department shall, upon the filing of a report of a
37 violent crime, make available to any victim information concerning
38 crime victims' compensation.

39 (cf: P.L.1987, c.327, s.1)

40

41 25. Section 2 of P.L.1981, c.256 (C.52:4B-23) is amended to
42 read as follows:

43 2. No cause of action against the State, any county, or any
44 municipality, or any employee thereof, shall arise out of a failure to
45 give the notice required by section 1 of P.L.1981, c.256 (C.52:4B-
46 22), nor shall any such failure be deemed or construed to effect or
47 alter any time limitation or other requirement contained in [this act]

1 P.L.1971, c.317 for the filing or payment of a claim hereunder.
2 (cf: P.L.1981, c.256, s.2)

3

4 26. Section 3 of P.L.1981, c.396 (C.52:4B-24) is amended to
5 read as follows:

6 3. The [board] agency shall undertake a special senior citizens'
7 public awareness program to make brochures and applications for
8 claim forms available to senior citizens.

9 (cf: P.L.1981, c.396, s.3)

10

11 27. Section 2 of P.L.1982, c.192 (C.52:4B-25) is amended to
12 read as follows:

13 2. a. The [Violent Crimes] Victims of Crime Compensation
14 [Board] Agency shall establish a victim mental health counseling
15 service which shall identify and develop sources to provide mental
16 health counseling to victims as defined in [the act to which this act
17 is a supplement] P.L.1971, c.317. The service shall be conducted at
18 such locations within the State as the [board] agency deems
19 advisable.

20 b. The [board] agency is authorized to appoint such personnel
21 for the service as may be necessary to carry out its functions.
22 Appointments made pursuant to this subsection shall be within the
23 funds appropriated or otherwise made available to the agency for
24 this purpose.

25 c. [The service shall provide assistance to victims without
26 charge, which assistance shall include information and advice
27 relative to filing a claim with the board, emergency food and
28 clothing, employment opportunities, referral to other social service
29 agencies, and in obtaining legal advice or representation.] (Deleted
30 by amendment, P.L. , c. .)

31 d. The victim mental health counseling service shall operate
32 under the direction of the director of counseling, who shall be
33 appointed by the executive director of the agency. The director of
34 counseling shall have a minimum of five years of experience in
35 mental health counseling for crime victims. The appointment made
36 pursuant to this subsection shall be within the limits of the funds
37 appropriated or otherwise made available to the agency for this
38 purpose.

39 (cf: P.L.1982, c.192, s.2)

40

41 28. Section 1 of P.L.1989, c.322 (C.52:4B-25.1) is amended to
42 read as follows:

43 1. a. In addition to the victim mental health counseling service
44 established pursuant to section 2 of P.L.1982, c.192 (C.52:4B-25),
45 the [Violent Crimes] Victims of Crimes Compensation [Board]

1 Agency shall establish a specialized child and family counseling
2 unit. This unit shall be under the direction of [a person appointed
3 by a chairman of the Violent Crimes Compensation Board whose
4 training or experience includes the handling of child abuse cases]
5 the director of counseling appointed pursuant to subsection d. of
6 section 2 of P.L.1982, c.192 (C.52:4B-25).

7 b. The [board] agency is authorized to appoint such personnel
8 for the child and family counseling unit as may be necessary to
9 carry out its functions. Appointments made pursuant to this
10 subsection shall be within the limits of the funds appropriated or
11 otherwise made available to the agency for that purpose.

12 c. The child and family counseling unit may be principally
13 located in any place as the [board] agency deems advisable, but
14 shall be available to lend assistance to child victims in every county
15 in this State.

16 (cf: P.L.1989, c.322, s.1)

17

18 29. Section 1 of P.L.1985, c. 404 (C.52:4B-39) is amended to
19 read as follows:

20 1. As used in [this act] P.L.1985, c.404:

21 a. "Victim" means a person who suffers personal physical or
22 psychological injury or death or incurs loss of or injury to personal
23 or real property as a result of a crime committed against that person.

24 b. ["Board"] Agency means the [Violent Crimes] Victims of
25 Crime Compensation [Board] Agency in the Department of Law
26 and Public Safety.

27 (cf: P.L.1985, c.404, s.1)

28

29 30. Section 2 of P.L.1985, c.404 (C.52:4B-40) is amended to
30 read as follows:

31 2. There is established under the jurisdiction of the [Violent
32 Crimes] Victims of Crime Compensation [Board] Agency in the
33 Department of Law and Public Safety an Office of Victim-Witness
34 Assistance under the supervision of the Director of the Office of
35 Victim-Witness Assistance.

36 (cf: P.L.1985, c.404, s.2)

37

38 31. (New section) The Office of Victim-Witness Assistance
39 shall operate under the direction of the director of the Office of
40 Victim-Witness Assistance, who shall be appointed by the
41 executive director of the agency. The Director of the Office of
42 Victim-Witness Assistance shall have a minimum of five years of
43 experience in crime victim direct services and advocacy. The
44 appointment made pursuant to this section shall be within the limits
45 of the funds appropriated or otherwise made available to the agency

1 for this purpose.

2

3 32. Section 4 of P.L.1985, c.404 (C.52:4B-42) is amended to
4 read as follows:

5 4. The victim-witness rights information program shall:

6 a. Provide victims or their representatives with information
7 about the availability of social and medical services, especially
8 emergency and social services available in the victim's immediate
9 geographical area;

10 b. Provide victims or their representatives with information
11 about possible compensation under the "Criminal Injuries
12 Compensation Act of 1971," P.L. 1971, c. 317 (C. 52:4B-1 et seq.)
13 and of the sentencing court's authority to order restitution under
14 chapter 43 of Title 2C of the New Jersey Statutes;

15 c. Provide victims or their representatives with information
16 about how to contact the appropriate county office of victim-
17 witness advocacy and the appropriate county prosecutor's office;

18 d. Provide a 24-hour toll-free hotline telephone number for
19 victims and witnesses to call with inquiries concerning the
20 information and services available pursuant to this act;

21 e. Provide victims and witnesses with a detailed description of
22 the rights established under the Crime Victim's Bill of Rights
23 created by P.L. 1985, c. 249 (C. 52:4B-34 et seq.) and Article I,
24 paragraph 22 of the New Jersey Constitution;

25 f. Gather available information from victim assistance programs
26 throughout the country and make that information available to the
27 Office of Victim-Witness Advocacy, police agencies, hospitals,
28 prosecutors' offices, the courts, and other agencies that provide
29 assistance to victims of crimes; [and]

30 g. Sponsor conferences to bring together personnel working in
31 the field of victim assistance and compensation to exchange
32 methods and procedures for improving and expanding services to
33 victims;

34 h. Provide assistance to victims without charge, which
35 assistance shall include information and advice relative to filing a
36 claim with the board, emergency food and clothing, employment
37 opportunities, referral to other social service agencies, and in
38 obtaining legal advice or representation; and

39 i. Conduct training programs for attorneys and victim service
40 providers, and, under such circumstances as the Executive Director
41 shall deem in the best interests of crime victims, seek leave to
42 appear as amicus curiae in certain actions where the rights of crime
43 victims are affected. The Victims of Crime Compensation Agency
44 shall, subject to the Rules of Court, be deemed to have standing to
45 appear in the criminal and civil courts of the State of New Jersey to
46 assert the rights of crime victims in the position of amicus curiae.

47 (cf: P.L.1985, c.404, s.4)

48

1 33. The following sections are repealed:
2 Sections 3, 4, 14, 15, 16 and 17 of P.L.1971, c. 317; (C.52:4B-3,
3 52:4B-4 and 52:4B-14 through 52:4B-17)
4 Section 4 of P.L.1981, c.396 (C.52:4B-4.1); and
5 Section 12 of P.L.1995, c.135 (C.52:4B-3.1).

6
7 34. This act shall take effect on the first day of the second
8 month after enactment.

9

10

11

STATEMENT

12

13 This bill transfers the duties and responsibilities of the Victims
14 of Crime Compensation Board (VCCB) to a new executive agency
15 to be known as the Victims of Crime Compensation Agency.

16 The executive director of the agency is to be appointed by the
17 Governor, with the advice and consent of the Senate and will serve
18 at the pleasure of the Governor. The executive director will be
19 responsible for developing, establishing and supervising all the
20 agency's practices and procedures of the agency. The executive
21 director would have final authority on all matters of victim
22 compensation.

23 The bill also establishes within the Victims of Crime
24 Compensation Agency a Victims of Crime Compensation Hearing
25 Board. The board is to be composed of 5 citizens, appointed by the
26 Governor with the advice and consent of the Senate. At least two
27 members of the board must be attorneys licensed in this State and
28 have five years experience. The board members are to serve two-
29 year terms, but may be reappointed. The board members would not
30 be compensated and would not be eligible for tenure after serving
31 for 10 years, as they are under current law.

32 The purpose of the Victims of Crime Compensation Hearing
33 Board under the bill is to be limited to: (1) hearing appeals from
34 decisions of the Victims of Crime Compensation Agency involving
35 issues of victim compensation; and (2) serving as an advisory board
36 under such conditions and circumstances as the agency shall deem
37 appropriate and necessary.

38 The bill also:

39 1) specifies that the principal office of the Victims of Crime
40 Compensation Agency is to be located in Newark rather than in
41 Trenton as is specified under current law;

42 2) increases fees for attorneys who represent crime victims;

43 3) establishes liens on the net proceeds of settlements, judgments
44 or awards;

45 4) changes the title of the current victim counseling service
46 under the VCCB to the "victim mental health counseling service,"
47 which will be responsible for identifying and developing sources of
48 mental health counseling under the direction of a director of

1 counseling appointed by agency's executive director;
2 5) directs that the current specialized child and family counseling
3 unit currently under the VCCB be under the direction of the director
4 of counseling of the victim mental health counseling service;
5 6) provides for the executive director of the Victims of Crime
6 Compensation Agency to appoint the Director of the Office of
7 Victim-Witness Assistance;
8 7) expands the functions of the victim-witness rights information
9 program to include providing certain free information to victims,
10 training attorneys and victim service providers and appearing as
11 amicus curiae in victim's rights cases;
12 8) repeals provisions requiring submission of injured person's or
13 decedent's medical reports to the VCCB and the VCCB's authority
14 to require examination by impartial medical experts;
15 9) increases the amounts that may be provided as emergency
16 awards, specifying that the maximum amount of any one emergency
17 award may not exceed \$2,500, with a maximum of \$5,000 to any
18 one individual; and
19 10) specifically abolishes the Violent Crimes Compensation
20 Board, later renamed the Victims of Crimes Compensation Board,
21 and terminates the current members' terms, with the exception of
22 the current chairman who is designated to serve as the executive
23 director of the new agency until his successor is appointed and
24 qualified.
25 New Jersey and New York are the only two states in which
26 members of victims compensation boards are fully paid. In the
27 approximately 20 other states where these boards have been
28 established, they are staffed by volunteers. It is the sponsor's belief
29 that the savings to the State that would result from a volunteer
30 board as established under this bill would be close to a half-million
31 dollars.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2322

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 2006

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2322.

As amended and reported by the committee, Assembly Bill No. 2322 transfers the duties and responsibilities of the Victims of Crime Compensation Board (VCCB) to a new executive agency to be known as the Victims of Crime Compensation Agency.

The executive director of the agency is to be appointed by the Governor with the advice and consent of the Senate and will serve at the pleasure of the Governor. The executive director will be responsible for developing, establishing and supervising all the agency's practices and procedures of the agency. The executive director would have final authority on all matters of victim compensation.

The amended bill also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Hearing Board. The board is to be composed of five citizens appointed by the Governor with the advice and consent of the Senate. At least two members of the board must be attorneys licensed in this State and have five years experience. The board members are to serve two-year terms, but may be reappointed. The board members would not be compensated and would not be eligible for tenure after serving for 10 years, as they are under current law.

The purpose of the Victims of Crime Compensation Hearing Board under the amended bill is to be limited to: (1) hearing appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation; and (2) serving as an advisory board under such conditions and circumstances as the agency shall deem appropriate and necessary.

The amended bill also:

- 1) specifies that the principal office of the Victims of Crime Compensation Agency is to be located in Newark rather than in Trenton as is specified under current law;
- 2) increases fees for attorneys who represent crime victims;
- 3) establishes liens on the net proceeds of settlements, judgments or awards;

4) changes the title of the current victim counseling service under the VCCB to the "victim mental health counseling service," which will be responsible for identifying and developing sources of mental health counseling under the direction of a director of counseling appointed by agency's executive director;

5) directs that the current specialized child and family counseling unit currently under the VCCB be under the direction of the director of counseling of the victim mental health counseling service;

6) provides for the executive director of the Victims of Crime Compensation Agency to appoint the Director of the Office of Victim-Witness Assistance;

7) expands the functions of the victim-witness rights information program to include providing certain free information to victims, training attorneys and victim service providers and appearing as amicus curiae in victim's rights cases;

8) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;

9) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, with a maximum of \$5,000 to any one person; and

10) specifically abolishes the Violent Crimes Compensation Board, later renamed the Victims of Crimes Compensation Board, and terminates the current members' terms, with the exception of the current chairman who is designated to serve as the executive director of the new agency until his successor is appointed and qualified.

According to the sponsor's statement, New Jersey and New York are the only two states in which members of victims compensation boards are fully paid. In the approximately 20 other states where these boards have been established, they are staffed by volunteers. It is the sponsor's belief that the savings to the State that would result from a volunteer board as established under this bill would be close to a half-million dollars.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify the lien procedures and clarify that the lien is against the person responsible for causing injury or death to the victim; under this amendment, the VCCB would not be responsible for any fees; the amended bill continues to specify that these liens do not have priority over levies for unpaid income taxes or child support judgments;

(2) clarify that the agency, not the board, is responsible for determining attorney fees;

(3) remove the provision specifying that the hourly rate, as fixed by the agency, paid to attorneys who provide legal assistance to victims should be no less than \$125 per hour; and

(4) make technical corrections to the bill.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2322

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2006

The Assembly Budget Committee reports favorably Assembly Bill No. 2322 (1R) with committee amendments.

Assembly Bill No. 2322 (1R), as amended, transfers the duties and responsibilities of the Victims of Crime Compensation Board (VCCB) to a new executive agency to be known as the Victims of Crime Compensation Agency.

The bill, as amended, directs that the executive director of the agency will be appointed by the Governor with the advice and consent of the Senate and will serve at the pleasure of the Governor. The executive director will be responsible for developing, establishing and supervising all the agency's practices and procedures of the agency. The executive director will have final authority on all matters of victim compensation.

The amended bill also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Hearing Board. The board will be composed of five citizens appointed by the Governor with the advice and consent of the Senate. At least two members of the board must be attorneys licensed in this State and have five years experience. The board members are to serve two-year terms, but may be reappointed. The board members will not be compensated and will not be eligible for tenure after serving for 10 years, as they are under current law.

The purpose of the Victims of Crime Compensation Hearing Board under the amended bill is limited to: (1) hearing appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation; and (2) serving as an advisory board under such conditions and circumstances as the agency shall deem appropriate and necessary.

The amended bill also:

1) specifies that the principal office of the Victims of Crime Compensation Agency will be located in Newark, rather than in Trenton as is specified under current law;

2) increases fees for attorneys who represent crime victims;

3) establishes liens on the net proceeds of settlements, judgments or awards;

4) changes the title of the current victim counseling service under the VCCB to the "victim mental health counseling service," which will be responsible for identifying and developing sources of mental health counseling under the direction of a director of counseling appointed by agency's executive director;

5) directs that the current specialized child and family counseling unit currently under the VCCB be under the direction of the director of counseling of the victim mental health counseling service;

6) provides for the executive director of the Victims of Crime Compensation Agency to appoint the Director of the Office of Victim-Witness Assistance;

7) expands the functions of the victim-witness rights information program to include providing certain free information to victims, training attorneys and victim service providers and appearing as amicus curiae in victim's rights cases;

8) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;

9) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, with a maximum of \$5,000 to any one person; and

10) specifically abolishes the Violent Crimes Compensation Board, later renamed the Victims of Crimes Compensation Board, and terminates the current members' terms, with the exception of the current chairman who is designated to serve as the executive director of the new agency until his successor is appointed and qualified.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the potential cost savings of eliminating the positions of four paid board members at \$447,610 or more annually. The OLS further notes that there may be additional costs associated with the provision to increase fees for attorneys who represent crime victims; however, the bill provides authority to establish liens on the net proceeds of settlements, judgments or awards, which may increase revenue.

The current VCCB is supported through Direct State Services appropriations, penalties assessed on criminals, a 10 percent surcharge on items sold in the commissaries of State and county correctional facilities, and federal crime victim grants. The estimated VCCB budget in FY 2006 is \$16.8 million: \$5.6 million State appropriated; \$7 million in anticipated federal funds; and \$4.2 million in other estimated funds. In FY 2006, the VCCB is expected to compensate over 3,100 claimants.

COMMITTEE AMENDMENTS:

The amendment requires the executive director to consult with the Victims of Crime Compensation Hearing Board in developing, establishing and supervising all practices and procedures of the Victims of Crime Compensation Agency.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 2322

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2322 (2R).

This bill as amended, transfers the duties and responsibilities of the Victims of Crime Compensation Board (VCCB) to a new executive agency to be known as the Victims of Crime Compensation Agency.

The bill directs that the executive director of the agency will be appointed by the Governor with the advice and consent of the Senate and will serve at the pleasure of the Governor. The executive director, in consultation with the Victims of Crime Compensation Review Board, will be responsible for developing, establishing and supervising all the agency's practices and procedures. The Governor may appoint an acting executive director when the law takes effect until the qualification of the person to be nominated with advice and consent.

The bill also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Review Board. The board will be composed of five citizens appointed by the Governor with the advice and consent of the Senate. At least one member of the board must be an attorney licensed in this State and have five years experience. The board members are to serve three year terms, but may be reappointed. See section 4.

The purpose of the Victims of Crime Compensation Review Board set forth in section 2 of the bill is to:

- (1) hear appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation;
- (2) consult with the executive director in developing, establishing and supervising all practices and procedures of the agency;
- (3) to review individual and supplemental awards to a victim or a victim's family in excess of \$10,000 in the aggregate, and awards of attorney fees for legal representation to victims;
- (4) to review, on at least a bi-monthly basis, information detailing the aggregate claims received and paid by the agency, and the operations of the agency; and

(5) to review and, if appropriate, approve any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the agency.

The bill revises the statutes concerning the VCCB. Some of the changes to be noted include:

- 1) increases fees for attorneys who represent crime victims (section 9);
- 2) establishes liens on the net proceeds of settlements, judgments or awards (section 22);
- 3) provides for the executive director of the Victims of Crime Compensation Agency to appoint the Director of the Office of Victim-Witness Assistance (section 31);
- 4) expands the functions of the victim-witness rights information program to include providing certain free information to victims and training attorneys and victim service providers (section 32);
- 5) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;
- 6) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, with a maximum of \$5,000 to any one person (section 13); and
- (7) specifically abolishes the current Victims of Crimes Compensation Board, and terminates the current members' terms (section 3).

As amended, this bill is identical to the Senate Committee Substitute for Senate, No. 218.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

ASSEMBLY, No. 2322

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2322 (3R) with committee amendments.

Assembly Bill No. 2322 (3R), as amended, transfers the duties and responsibilities of the Victims of Crime Compensation Board (VCCB) to a new executive agency to be known as the Victims of Crime Compensation Agency in the Department of the Treasury.

The bill directs that the executive director of the agency will be appointed by the Governor with the advice and consent of the Senate and will serve at the pleasure of the Governor. The executive director, in consultation with the Victims of Crime Compensation Review Board, will be responsible for developing, establishing and supervising all the agency's practices and procedures. The Governor may appoint an acting executive director when the law takes effect until the qualification of the person to be nominated with advice and consent.

The bill also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Review Board. The board will be composed of five citizens appointed by the Governor with the advice and consent of the Senate. At least one member of the board must be an attorney licensed in this State and have five years experience. The board members are to serve three year terms, but may be reappointed. See section 4.

The purpose of the Victims of Crime Compensation Review Board set forth in section 2 of the bill is to:

(1) hear appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation;

(2) consult with the executive director in developing, establishing and supervising all practices and procedures of the agency;

(3) to review individual and supplemental awards to a victim or a victim's family in excess of \$10,000 in the aggregate, and awards of attorney fees for legal representation to victims;

(4) to review, on at least a bi-monthly basis, information detailing the aggregate claims received and paid by the agency, and the operations of the agency; and

(5) to review and, if appropriate, approve any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the agency.

The bill revises the statutes concerning the VCCB. Some of the changes to be noted include:

1) increases fees for attorneys who represent crime victims (section 9);

2) establishes liens on the net proceeds of settlements, judgments or awards (section 22);

3) provides for the executive director of the Victims of Crime Compensation Agency to appoint the Director of the Office of Victim-Witness Assistance (section 31);

4) expands the functions of the victim-witness rights information program to include providing certain free information to victims and training attorneys and victim service providers (section 32);

5) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;

6) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, with a maximum of \$5,000 to any one person (section 13); and

(7) specifically abolishes the current Victims of Crimes Compensation Board, and terminates the current members' terms (section 3).

As amended and reported, this bill is identical to the Senate Committee Substitute for Senate Bill No. 218, as amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments locate the Victims of Crime Compensation Agency and the Office of Victim-Witness Assistance as agencies within the Department of the Treasury.

The committee amendments also remove the definition of "family relationship group" because the definition is no longer needed. This term was appropriately deleted from the statutes governing the VCCB in 1990 in order to comply with federal requirements to ensure that victims of domestic violence and drunk driving are not excluded from eligibility for compensation.

FISCAL IMPACT:

The Office of Legislative Services estimates the potential cost savings of this bill could be between \$286,963 and \$449,284 annually for the allotted four board member positions. OLS recognizes that one board member position is currently vacant and additional expenditures may occur based on an increased allowance for attorney fees. OLS allotted \$50,000 in the estimate as a minimal increase in fees for attorneys who represent crime victims.

The Victims of Crime Compensation Board consists of one chairman and four appointed members. One of the appointed positions has remained vacant for the past year. As of 2006, each of the three remaining board members earned an annual average of \$112,321 and the chairman earned \$116,061. The chairman would be replaced with an executive director whose salary presumably would be comparable to that of the chairman.

The Governor's FY 2008 Budget Recommendations propose decreasing the VCCB budget by \$400,000 in expectation of the passage of this bill.

FISCAL NOTE
 [Second Reprint]
ASSEMBLY, No. 2322
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JUNE 26, 2006

SUMMARY

Synopsis: Revises statutes governing compensation for victims of crime.

Type of Impact: Cost Savings. General Fund.

Agencies Affected: Department of Law and Public Safety; Victims of Crime Compensation Board.

Executive Estimate

| Fiscal Impact | <u>FY 2007</u> | <u>FY 2008</u> | <u>FY 2009</u> |
|----------------------|-----------------------|-----------------------|-----------------------|
| State Cost | (\$447,000) | (\$447,000) | (\$447,000) |

- The Office of Legislative Services **concurs** with the Executive estimate regarding the potential cost savings of this bill. The OLS further notes that there may be additional costs associated with the provision to increase fees for attorneys who represent crime victims; however, the bill provides authority to establish liens on the net proceeds of settlements, judgments or awards, which may increase revenue.
- In FY 2006, four board member positions and one chairman earned \$554,728 to oversee an estimated 50 Victims of Crime Compensation Board (VCCB) employees.
- Renames the “Victims of Crime Compensation Board” the “Victims of Crime Compensation Agency.” Abolishes the paid board and replaces it with a volunteer citizen hearing board.
- Increases fees for attorneys who represent crime victims.
- Establishes liens on the net proceeds of settlements, judgments or awards.
- Increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, from \$500, with a maximum of \$5,000, from \$1,500, to any one individual.

BILL DESCRIPTION

Assembly Bill No. 2322 (2R) of 2006 revises statutes governing compensation for the victims of crime. This bill transfers the duties and responsibilities of the VCCB to a new executive agency to be known as the Victims of Crime Compensation Agency.

The executive director, appointed by the Governor, will be responsible for developing, establishing and supervising agency practices and procedures and have final authority on all matters of victim compensation.

The bill also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Hearing Board. The board is to be composed of five volunteer citizens, two of whom must be State-licensed attorneys. The board members would not be compensated and would not be eligible for tenure after serving for 10 years, as they are under current law.

The purpose of the Victims of Crime Compensation Hearing Board under the bill is to be limited to: (1) hearing appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation; and (2) serving as an advisory board under such conditions and circumstances as the agency shall deem appropriate and necessary.

The bill also:

1) specifies that the principal office of the Victims of Crime Compensation Agency is to be located in Newark rather than in Trenton as is specified under current law;

2) increases fees for attorneys who represent crime victims;

3) establishes liens on the net proceeds of settlements, judgments or awards;

4) changes the title of the current victim counseling service under the VCCB to the "victim mental health counseling service," which will be responsible for identifying and developing sources of mental health counseling;

5) directs that the current specialized child and family counseling unit currently under the VCCB be under the direction of the director of counseling of the victim mental health counseling service;

6) provides for the executive director of the Victims of Crime Compensation Agency to appoint the Director of the Office of Victim-Witness Assistance;

7) expands the functions of the victim-witness rights information program to include providing certain free information to victims, training attorneys and victim service providers and appearing as amicus curiae in victim's rights cases;

8) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;

9) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, with a maximum of \$5,000 to any one individual; and

10) specifically abolishes the Violent Crimes Compensation Board, later renamed the Victims of Crimes Compensation Board, and terminates the current members' terms, with the exception of the current chairman who is designated to serve as the executive director of the new agency until the successor is appointed and qualified.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The VCCB estimates this bill would save the State \$447,000 annually while improving the agency's ability to provide services to crime victims.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate regarding the potential cost savings of this bill. The OLS further notes that there may be additional costs associated with the provision to increase fees for attorneys who represent crime victims; however, the bill provides authority to establish liens on the net proceeds of settlements, judgments or awards, which may increase revenue.

The VCCB consists of one chairman and four appointed board members. As of 2006, there were three board member positions filled earning \$337,610, however a potential savings of \$447,610 could occur by eliminating these four paid board positions. The chairman earns an estimated \$107,118. Under this bill, the chairman would be replaced with an executive director whose salary presumably would be comparable to that of the current chairman. Currently, the four board member positions and one chairman oversee an estimated 50 employee positions.

According to the sponsor, New Jersey and New York are the only two states in which members of victims compensation boards are fully paid. In the approximately 31 other states where these boards have been established, members are minimally paid or are volunteers.

The VCCB is supported through Direct State Services appropriations, penalties assessed on criminals, a 10 percent surcharge on items sold in the commissaries of State and county correctional facilities, and federal crime victim grants. The estimated VCCB budget in FY 2006 is \$16.8 million: \$5.6 million State appropriated; \$7 million in anticipated federal funds; and \$4.2 million in other estimated funds. In FY 2006, the VCCB is expected to compensate over 3,100 claimants.

Section: Law and Public Safety
Analyst: Kristin A. Brunner
Associate Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2322
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: MARCH 24, 2006

SUMMARY

Synopsis: Revises statutes governing compensation for victims of crime.

Type of Impact: Expenditure decrease. General Fund.

Agencies Affected: Department of Law and Public Safety; Victims of Crime Compensation Board.

Office of Legislative Services Estimate

| Fiscal Impact | <u>FY 2007</u> | <u>FY 2008</u> | <u>FY 2009</u> |
|----------------------|-----------------------|-----------------------|-----------------------|
| State Savings | \$447,610 | \$447,610 | \$447,610 |

- The Office of Legislative Services (OLS) estimates the potential cost savings of this bill could be \$447,610 annually. The OLS further notes that there may be additional costs associated with the provision to increase fees for attorneys who represent crime victims; however, the bill provides authority to establish liens on the net proceeds of settlements, judgments or awards, which may increase revenue.
- In FY 2006, four board member positions and one chairman earned \$554,728 to oversee an estimated 50 Victims of Crime Compensation Board (VCCB) employees.
- Renames the “Victims of Crime Compensation Board” the “Victims of Crime Compensation Agency.” Abolishes the paid board and replaces it with a volunteer citizen hearing board.
- Increases fees for attorneys who represent crime victims.
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- Increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, from \$500, with a maximum of \$5,000, from \$1,500, to any one individual.

BILL DESCRIPTION

Assembly Bill No. 2322 of 2006 revises statutes governing compensation for the victims of crime. This bill transfers the duties and responsibilities of the VCCB to a new executive agency to be known as the Victims of Crime Compensation Agency.

The executive director, appointed by the Governor, will be responsible for developing, establishing and supervising agency practices and procedures and have final authority on all matters of victim compensation.

The bill also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Hearing Board. The board is to be composed of five volunteer citizens, two of whom must be State-licensed attorneys. The board members would not be compensated and would not be eligible for tenure after serving for 10 years, as they are under current law.

The purpose of the Victims of Crime Compensation Hearing Board under the bill is to be limited to: (1) hearing appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation; and (2) serving as an advisory board under such conditions and circumstances as the agency shall deem appropriate and necessary.

The bill also:

1) specifies that the principal office of the Victims of Crime Compensation Agency is to be located in Newark rather than in Trenton as is specified under current law;

2) increases fees for attorneys who represent crime victims;

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5) directs that the current specialized child and family counseling unit currently under the VCCB be under the direction of the director of counseling of the victim mental health counseling service;

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8) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;

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10) specifically abolishes the Violent Crimes Compensation Board, later renamed the Victims of Crimes Compensation Board, and terminates the current members' terms, with the exception of the current chairman who is designated to serve as the executive director of the new agency until the successor is appointed and qualified.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the potential cost savings of this bill could be over \$447,610 annually. The OLS further notes that there may be additional costs associated with the provision to increase fees for attorneys who represent crime victims; however, the bill provides authority to establish liens on the net proceeds of settlements, judgments or awards, which may increase revenue.

The VCCB consists of one chairman and four appointed board members. As of 2006, there were three board member positions filled earning \$337,610, however a potential savings of \$447,610 could occur by eliminating these four paid board positions. The chairman earns an estimated \$107,118. Under this bill, the chairman would be replaced with an executive director whose salary presumably would be comparable to that of the current chairman. Currently, the four board member positions and one chairman oversee an estimated 50 employee positions.

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Section: Law and Public Safety
Analyst: Kristen Brunner
Associate Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

SENATE, No. 218

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Revises and updates statutes governing compensation for victims of crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/27/2006)

S218 KARCHER, WEINBERG

2

1 AN ACT concerning victims of crime and amending, supplementing
2 and repealing various parts of the statutory law.

3

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

6

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

9 2. As used in [this act] P.L.1971, c.317:

10 "Agency" means the Victims of Crime Compensation Agency;

11 "Board" means the Victims of Crime Compensation Hearing
12 Board established by section 2 of P.L. c. (C.) (now
13 pending before the Legislature as this bill);

14 "Child" means an unmarried person who is under 21 years of age
15 and includes a stepchild or an adopted child;

16 ["Board" means the Violent Crimes Compensation Board
17 established by this act;]

18 "Dependents" means such relatives of a deceased victim as were
19 wholly or partially dependent upon his income at the time of his
20 death and shall include the child of such victim born after his death;

21 "Family relationship group" of any person means:

22 (1) any person related to such person within the third degree of
23 consanguinity or affinity,

24 (2) any person living in the same household as such person, or

25 (3) any person maintaining a sexual relationship, whether illicit
26 or not, with such person or with any member of the family of such
27 person;

28 "Personal injury" means actual bodily harm and includes
29 pregnancy and mental or nervous shock;

30 "Relative" of any person means his spouse, parent, grandparent,
31 stepfather, stepmother, child, grandchild, brother, sister, half
32 brother, half sister, or spouse's parents;

33 ["Family relationship group" of any person means:

34 (1) any person related to such person within the third degree of
35 consanguinity or affinity,

36 (2) any person living in the same household as such person, or

37 (3) any person maintaining a sexual relationship, whether illicit
38 or not, with such person or with any member of the family of such
39 person;]

40 "Victim" means a person who is injured or killed by any act or
41 omission of any other person which is within the description of any
42 of the offenses specified in section 11 of [this act] P.L.1971, c.317.
43 (cf: P.L.1971, c.317, s.2)

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 2. (New section) a. There is hereby established in the Executive
2 Branch of the State Government the Victims of Crime
3 Compensation Agency. For the purposes of complying with the
4 Constitution (Article V, Section IV, paragraph 1) the agency is
5 allocated to the Department of Law and Public Safety but,
6 notwithstanding said allocation, the agency shall be independent of
7 any supervision or control by the department or the Attorney
8 General or any other officer of the department.

9 b. The chief executive officer of the Victims of Crime
10 Compensation Agency shall be the executive director, who shall be
11 appointed by the Governor, with the advice and consent of the
12 Senate. The executive director shall serve at the pleasure of the
13 Governor. The executive director shall develop, establish and
14 supervise all practices and procedures of the agency and shall be the
15 final authority on all matters of victim compensation.

16 c. There is hereby established in the Victims of Crime
17 Compensation Agency the Victims of Crime Compensation Hearing
18 Board which shall be composed of 5 citizens, to be appointed by the
19 Governor, with the advice and consent of the Senate, one of whom
20 shall be designated chairman by, and serve as such at the pleasure
21 of, the Governor. At least two members of the board shall be
22 attorneys admitted to the practice of law in the State of New Jersey
23 and who shall have practiced law in the courts of New Jersey for a
24 minimum of five years. The purpose of the Victims of Crime
25 Compensation Hearing Board shall be:

26 (1) to hear appeals of decisions of the Victims of Crime
27 Compensation Agency involving issues of victim compensation;
28 and

29 (2) to serve as an advisory board to the executive director under
30 such conditions and circumstances as the executive director shall
31 deem appropriate and necessary.

32 d. All the functions of the Violent Crimes Compensation Board
33 and the Victims of Crime Compensation Board are continued in the
34 Victims of Crime Compensation Agency. Whenever in any law,
35 rule, regulation, judicial or administrative procedure or otherwise,
36 reference is made to the Violent Crime Compensation Board or to
37 the Victims of Crime Compensation Board, the same shall mean
38 and refer to the Victims of Crime Compensation Agency.

39
40 3. (New section) The Violent Crimes Compensation Board
41 established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) is
42 abolished and the terms of the persons serving as members of that
43 board on the effective date of P.L. , c. (C.)(now pending
44 before the Legislature as this bill) shall cease and determine as of
45 that effective date; provided, however, the person serving as
46 chairman of that board on the effective date of P.L. , c.
47 (C.)(now pending before the Legislature as this bill) shall serve
48 as the executive director of the Victims of Crime Compensation

1 Agency, created pursuant to section 2 of P.L. , c. (C.)(now
2 pending before the Legislature as this bill), until his successor is
3 appointed and qualifies.

4
5 4. (New section) The term of office of each member of the
6 Victims of Crime Compensation Hearing Board shall be three years
7 and until the member's successor is appointed and qualifies, except
8 that of the members first appointed one shall be appointed for a
9 term of one year, two for terms of two years and two for terms of
10 three years. All vacancies, except through the expiration of term,
11 shall be filled for the unexpired term only.

12 Each member of the board shall be eligible for reappointment
13 and any member of the board may be removed by the Governor for
14 inefficiency, neglect of duty or malfeasance in office.

15 The members of the board shall serve without compensation.

16
17 5. Section 5 of P.L.1971, c.317 (C.52:4B-5) is amended to read
18 as follows:

19 5. The [board] agency is authorized to appoint and fix the duties
20 and compensation of such officers, attorneys, examiners, and other
21 experts as may be necessary for carrying out its functions under this
22 act, and the [board] agency may, subject to Title [11 of the Revised
23 Statutes]11A of the New Jersey Statutes, "Civil Service," appoint
24 and fix the duties and compensation of such other assistants and
25 employees as are necessary. The compensation fixed pursuant to
26 this section shall be within the limits of the funds appropriated or
27 otherwise made available to the agency for that purpose.

28 (cf: P.L.1971, c.317, s.5)

29

30 6. Section 11 of P.L.1995, c.135 (C.52:4B-5.1) is amended to
31 read as follows:

32 11. The Victims of Crime Compensation [Board] Agency is
33 authorized to obtain direct access to criminal history records
34 maintained by the State Bureau of Identification in the Division of
35 the State Police and is hereby designated a criminal justice agency
36 for that purpose.

37 (cf: P.L.1995, c.135, s.11)

38

39 7. Section 6 of P.L.1971, c.317 (C.52:4B-6) is amended to read
40 as follows:

41 6. The principal office of the [board] agency shall be in [Trenton]
42 Newark, New Jersey, but the [board] agency may sit and conduct its
43 affairs in any place.

44 (cf: P.L.1971, c.317, s.6)

45

46 8. Section 7 of P.L.1971, c.317 (C.52:4B-7) is amended to read

1 as follows:

2 7. Hearings [upon applications for compensation under this act]
3 on appeals from decisions of the Victims of Crime Compensation
4 Agency involving issues of victim compensation shall be conducted
5 by the Victims of Crime Compensation Hearing Board in the
6 following manner:

7 a. Upon an application made to the board under the provisions
8 of [this act] P.L.1971, c.317, the board shall fix a time and place
9 for a hearing on such application and shall cause notice thereof to
10 be given to the applicant;

11 b. For the purpose of carrying out the provisions of [this act]
12 P.L.1971, c.317, the board, or any member thereof, may hold such
13 hearings, sit and act at such times and places, and take such
14 testimony as the board or such member may deem advisable. Any
15 member of the board may administer oaths or affirmations to
16 witnesses. The board shall have full powers of subpoena and
17 compulsion of attendance of witnesses and production of
18 documents, except that no subpoena shall be issued except under
19 the signature of a member of the board, and application to any
20 court for aid in enforcing such subpoena may be made in the name
21 of the board by any member thereof. Subpoenas shall be served by
22 any person designated by the board;

23 c. In any case in which the person entitled to make an
24 application is a child, the application may be made on his behalf by
25 his parent or guardian. In any case in which the person entitled to
26 make an application is mentally incompetent, the application may
27 be made on his behalf by his guardian or such other individual
28 authorized to administer his estate;

29 d. Any person having a substantial interest in a proceeding may
30 appear, produce evidence and cross-examine witnesses in person or
31 by his attorney.

32 e. The board may receive in evidence any statement, document,
33 information, or matter that may in the opinion of the board
34 contribute to its functions under [this act] P.L.1971, c.317, but the
35 board shall not be bound by the rules of evidence.

36 f. If any person has been convicted of any offense with respect
37 to an act or omission on which a claim under [this act] P.L.1971,
38 c.317 is based, proof of that conviction shall be taken as conclusive
39 evidence that the offense has been committed, unless an appeal or
40 any proceeding with regard thereto is pending.

41 (cf: P.L.1971, c.317, s.7)

42

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

45 8. a. The board may, as a part of any order entered under [this

1 act] P.L.1971, c.317, determine and allow reasonable attorney fees
2 and costs, which shall not exceed 15% of the amount awarded as
3 compensation under section 10 of this act, to be paid in addition to
4 the amount of such compensation, to the attorney representing the
5 applicant [, and it]. Notwithstanding the provisions of this
6 subsection, no award for attorneys fees shall be less than \$300.

7 b. Where the board enters an order denying compensation, it
8 may, nevertheless allow attorneys fees of \$300 to the attorney
9 representing the claimant if the board determines that the attorney
10 has reasonably cooperated and complied with all requests of the
11 board.

12 c. The board may allow payment up to a maximum of \$1,000, at
13 an hourly rate to be fixed by the board, but not less than \$125 per
14 hour, to an attorney who provides legal assistance to a victim in
15 explaining and enforcing the victim's rights in the criminal justice
16 system as well as assisting the victim in surrogate and custody or
17 guardianship matters provided that the attorney has been certified
18 by the board as having successfully completed an attorney training
19 program sponsored by the board.

20 d. It shall be unlawful for any such attorney to ask for, contract
21 for or receive any larger sum than the amount so allowed under
22 subsections a. and b. of this section.

23 (cf: P.L.1971, c.317, s.8)

24

25 10. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
26 read as follows:

27 19. a. [Within 180 days of the effective date of this act, the] The
28 Victims of Crime Compensation [Board] Agency, after consultation
29 with the Attorney General, the Department of Corrections, and the
30 Administrative Office of the Courts, on behalf of the county
31 probation divisions and the municipal court clerks, shall continue to
32 develop [a] the existing uniform system for recording all
33 information necessary to ensure proper identification, tracking,
34 collection and disposition of moneys owed for:

35 (1) assessments imposed pursuant to section 2 of P.L.1979,
36 c.396 (C.2C:43-3.1);

37 (2) fines and restitutions imposed in accordance with provisions
38 of Title 2C of the New Jersey Statutes;

39 (3) fees imposed pursuant to N.J.S.2C:35-20;

40 (4) penalties imposed pursuant to N.J.S.2C:35-15.

41 b. The Victims of Crime Compensation [Board] Agency shall
42 use the moneys deposited in the Criminal Disposition and Revenue
43 Collection Fund to defray the costs incurred by the [board] agency
44 in developing, implementing, operating and improving the [board's]
45 agency's component of the uniform system for tracking and

1 collecting revenues described in subsection a. of this section.

2 c. The Juvenile Justice Commission established pursuant to
3 section 2 of P.L.1995, c.284 (C.52:17B-170), the Department of
4 Corrections, and the Administrative Office of the Courts, on behalf
5 of the county probation divisions and the municipal court clerks,
6 shall file such reports with the Victims of Crime Compensation
7 [Board] Agency as required for the operation of the uniform system
8 described in subsection a. of this section.

9 d. The Victims of Crime Compensation [Board] Agency shall
10 report annually to the Governor, the Attorney General, the
11 Administrative Director of the Administrative Office of the Courts,
12 the Commissioner of the Department of Corrections, the Juvenile
13 Justice Commission and the Legislature on the development,
14 implementation, improvement and effectiveness of the uniform
15 system and on moneys received, deposited and identified as
16 receivable.

17 (cf: P.L.1995, c.281, s.4)

18

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

21 9. In the performance of its functions, under the authority of
22 the executive director, the [board] agency is authorized to make
23 rules and regulations prescribing the procedures to be followed in
24 the filing of applications and the proceedings under [this act]
25 P.L.1971, c.317, and such other matters as the [board] agency
26 deems appropriate.

27 In determining the amounts of compensation payable pursuant to
28 [this act] P.L.1971, c.317, the [board] agency shall insofar as
29 practicable formulate standards for uniform application of this act
30 and shall take into consideration rates and amounts of compensation
31 payable for injuries and death under other laws of this State and of
32 the United States and the availability of funds appropriated for the
33 purposes of [this act]P.L.1971, c.317.

34 The [board] agency shall establish maximum rates and service
35 limitations for reimbursement for medical and medical related
36 expenses, including counseling. In establishing these rates, the
37 [board] agency shall reflect the medical fee schedules for health
38 care providers established by the Commissioner of Banking and
39 Insurance pursuant to the provisions of section 10 of P.L.1988,
40 c.119 (C.39:6A-4.6). A medical service provider who accepts
41 payment from the [board] agency for a service shall accept the
42 [board's] agency's rates as payment in full and shall not accept any
43 payment on account of the service from any other source if the total

1 of payments accepted would exceed the maximum rate set by the
2 [board] agency for that service.
3 (cf: P.L.1999, c.113, s.1)
4

5 12. Section 10 of P.L.1971, c.317 (C.52:4B-10) is amended to
6 read as follows:

7 10. In any case in which a person is injured or killed by any act
8 or omission of any other person which is within the description of
9 the offenses listed in section 11 of [this act] P.L.1971, c.317, the
10 [board] agency may, upon application [and the concurrence of a
11 majority of the members thereof], order the payment of
12 compensation in accordance with the provisions of [this act]
13 P.L.1971, c.317:

- 14 a. to or on behalf of the victim,
15 b. in the case of the personal injury of the victim, where the
16 compensation is for pecuniary loss suffered or expenses incurred
17 by any person responsible for the maintenance of the victim, to that
18 person, or
19 c. in the case of the death of the victim, to or for the benefit of
20 the dependents of the deceased victim, or any one or more of such
21 dependents.

22 In determining whether to make an order under this section, the
23 [board] agency may consider any circumstances it determines to be
24 relevant, including provocation, consent or the behavior of the
25 victim which directly or indirectly contributed to his injury or
26 death, the prior case history, if any, of the victim and any other
27 relevant matters.

28 An order may be made under this section whether or not any
29 person is prosecuted or convicted of any offense arising out of such
30 act or omission. Upon application made by an appropriate
31 prosecuting authority, the [board] agency may suspend proceedings
32 under [this act] P.L.1971, c.317 for such period as it deems
33 appropriate on the ground that a prosecution for an offense arising
34 out of such act or omission has been commenced or is imminent.

35 For the purposes of [this act] P.L.1971, c.317, a person shall be
36 deemed to have intended an act or omission notwithstanding that by
37 reason of age, insanity or otherwise, he was legally incapable of
38 forming a criminal intent.

39 (cf: P.L.1971, c.317, s.10)
40

41 13. Section 1 of P.L.1981, c.258 (C.52:4B-10.1) is amended to
42 read as follows:

43 1. a. The Victims of Crime Compensation [Board] Agency may
44 make one or more emergency awards to any applicant for

1 compensation pending final determination of a case, when it
2 determines that compensation is likely to be provided and that the
3 applicant will suffer undue hardship if funds are not made
4 immediately available. The amount of any one emergency award
5 shall not exceed [~~\$500.00~~] \$2,500 with the total amount of each
6 such award made to an individual applicant not to exceed
7 [~~\$1,500.00~~] \$5,000. Any emergency awards made to an applicant
8 shall be deducted from the final amount of compensation provided
9 to an applicant by the [board] agency. If the amount of
10 compensation made by the [board] agency to an applicant is less
11 than the sum provided to the applicant through emergency grants,
12 the applicant shall pay to the [board] agency an amount of money
13 equal to the difference. If the [board] agency determines that an
14 applicant who has received emergency awards shall receive no
15 compensation, the applicant shall repay to the [board] agency the
16 total amount of all emergency awards which he received.

17 b. In addition to any emergency award made pursuant to the
18 provisions of subsection a. of this section, the Victims of Crime
19 Compensation [Board] Agency may make an emergency award in
20 an amount not to exceed \$200.00 for compensation for funds stolen
21 from a victim in connection with any of the incidents specified in
22 section 11 of P.L.1971, c.317 (C.52:4B-11) except paragraph 11 of
23 subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11),
24 burglary, whether or not the victim suffered personal injury, under
25 the following circumstances:

26 (1) The victim is 60 years of age or older or is disabled as
27 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
28 416(i);

29 (2) The victim's income does not exceed the limits adopted by
30 the State Department of Human Services as the standard of need for
31 the General Assistance Program;

32 (3) The funds stolen exceed \$50.00;

33 (4) The victim establishes:

34 (a) that the victim has filed a police report indicating, among
35 other things, the amount stolen;

36 (b) that the victim has cooperated with investigative and
37 prosecuting authorities; and

38 (c) the source of the funds stolen; and

39 (5) The [board] agency is satisfied that there are no other
40 sources available to provide the victim with funds necessary to
41 cover immediate costs of essential shelter, food or medical
42 expenses, and that, but for the victim's loss, the victim would
43 otherwise have had the funds to pay such costs.

1 c. The [board] agency shall direct that any funds awarded
2 pursuant to this act be expended solely to cover the costs
3 established pursuant to paragraph (5) of subsection b. of this
4 section.

5 d. [A person shall not receive an emergency award pursuant to
6 this act on more than two occasions, or receive more than one such
7 award within a period of 36 consecutive months.] (Deleted by
8 amendment, P.L. , c.) (now pending before the Legislature as
9 this bill).

10 (cf: P.L.1995, c.135, s.2)

11

12 14. Section 3 of P.L.1995, c.135 (C.52:4B-10.2) is amended to
13 read as follows:

14 3. In addition to ordering the payment of compensation for
15 personal injury or death which resulted from the incidents specified
16 in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of
17 Crime Compensation [Board] Agency may order the payment of
18 compensation for funds in connection with those incidents to
19 compensate certain victims, whether or not those victims suffered
20 personal injury, as specified in paragraphs (1) through (5) of
21 subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an
22 amount not to exceed \$200.00.

23 (cf: P.L.1995, c.135, s.3)

24

25 15. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
26 read as follows:

27 11. The [board] agency may order the payment of compensation
28 in accordance with the provisions of [this act] P.L.1971, c.317 for
29 personal injury or death which resulted from:

30 a. an attempt to prevent the commission of crime or to arrest a
31 suspected criminal or in aiding or attempting to aid a police officer
32 so to do, or

33 b. the commission or attempt to commit any of the following
34 offenses:

35 (1) aggravated assault;

36 (2) (Deleted by amendment, P.L.1995, c.135).

37 (3) threats to do bodily harm;

38 (4) lewd, indecent, or obscene acts;

39 (5) indecent acts with children;

40 (6) kidnapping;

41 (7) murder;

42 (8) manslaughter;

43 (9) aggravated sexual assault, sexual assault, aggravated
44 criminal sexual contact, criminal sexual contact;

45 (10) any other crime involving violence including domestic
46 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3)or

1 section 3 of P.L.1991, c.261 (C.2C:25-19);
2 (11) burglary;
3 (12) tampering with a cosmetic, drug or food product; or
4 c. the commission of a violation of R.S.39:4-50, section 5 of
5 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236
6 (C.12:7-34.19) or section 3 of P.L.1952, c.157 (C.12:7-46); or
7 d. theft of an automobile pursuant to N.J.S.2C:20-2, eluding a
8 law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2
9 or unlawful taking of a motor vehicle pursuant to subsection b., c.
10 or d. of N.J.S.2C:20-10 where injuries to the victim occur in the
11 course of operating an automobile in furtherance of the offense.
12 (cf: P.L.1995, c.135, s.4)

13
14 16. Section 12 of P.L.1971, c.317 (C.52:4B-12) is amended to
15 read as follows:

16 12. The [board] agency may order the payment of compensation
17 under this act for:

18 a. expenses actually and reasonably incurred as a result of the
19 personal injury or death of the victim, including out-of-pocket
20 losses which shall mean unreimbursed and unreimbursable expenses
21 or indebtedness reasonably incurred for medical care or other
22 services necessary as a result of the injury upon which such
23 application is based,

24 b. loss of earning power as a result of total or partial incapacity
25 of such victim,

26 c. pecuniary loss to the dependents of the deceased victim, and

27 d. any other pecuniary loss resulting from the personal injury or
28 death of the victim which the [board] agency determines to be
29 reasonable.

30 (cf: P.L.1995, c.135, s.5)

31
32 17. Section 13 of P.L.1971, c.317 (C.52:4B-13) is amended to
33 read as follows:

34 13. To assist the [board] agency in determining the nature,
35 extent or cause of personal injury or cause of death compensable
36 under [this act] P.L.1971, c.317, the [board] agency shall maintain a
37 [panel] directory of impartial medical experts. [The specialties to
38 be represented on the panel and the number of experts in each
39 specialty shall be determined jointly by the Medical Society of
40 New Jersey and the board. The experts to serve on the panel in the
41 several specialties shall be designated by the Medical Society of
42 New Jersey.]

43 (cf: P.L.1971, c.317, s.13)

44
45 18. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
46 read as follows:

1 18. No order for the payment of compensation shall be made
2 under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the
3 application has been made within two years after the date of the
4 personal injury or death or after that date upon determination by the
5 [board] agency that good cause exists for the delayed filing, and the
6 personal injury or death was the result of an offense listed in section
7 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the
8 police or other appropriate law enforcement agency within three
9 months after its occurrence or reasonable discovery. The [board]
10 agency will make its determination regarding the application within
11 six months of acknowledgment by the [board] agency of receipt of
12 the completed application and any and all necessary supplemental
13 information.

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

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

28 No compensation shall be awarded if:

29 a. Compensation to the victim proves to be substantial unjust
30 enrichment to the offender or if the victim did not cooperate with
31 the reasonable requests of law enforcement authorities unless the
32 victim demonstrates a compelling health or safety reason for not
33 cooperating; or

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

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

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

42 e. The victim suffered personal injury or death while an
43 occupant of a motor vehicle or vessel where the victim knew or
44 reasonably should have known that the driver was operating the
45 vehicle or vessel in violation of R.S.39:4-50, section 5 of P.L.1990,

1 c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19),
2 section 3 of P.L.1952, c.157 (C.12:7-46), subparagraph (b) of
3 paragraph (2) of subsection b. of N.J.S.2C:20-2, subsection b. of
4 N.J.S.2C:29-2 or subsection b., c. or d. of N.J.S.2C:20-10; or

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

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

9 Except as provided herein, no compensation shall be awarded
10 under [this act] P.L.1971, c.317 in an amount in excess of
11 \$25,000.00, and all payments shall be made in a lump sum, except
12 that in the case of death or protracted disability the award may
13 provide for periodic payments to compensate for loss of earnings or
14 support. Five years after the entry of an initial determination order,
15 a claim for compensation expires and no further order is to be
16 entered with regard to the claim except for requests for payment of
17 specific out-of-pocket expenses received by the Victims of Crime
18 Compensation [Board] Agency prior to the expiration of the five-
19 year period except in those cases determined by the [board] agency
20 to be catastrophic in nature. No award made pursuant to [this act]
21 P.L.1971, c.317 shall be subject to execution or attachment other
22 than for expenses resulting from the injury which is the basis of the
23 claim.

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

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

29 (cf: P.L.1999, c.166, s.1)

30

31 19. Section 3 of P.L.1982, c.192 (C.52:4B-18.1) is amended to
32 read as follows:

33 3. The increase in compensation to a maximum of [\$25,000.00]
34 \$25,000 provided for in [this amendatory and supplementary act]
35 P.L.1982, c. 192 shall apply only to crimes committed after the
36 effective date of [this act] P.L.1982, c.192 when personal injury or
37 death occurs.

38 (cf: P.L.1982, c.192, s.3)

39

40 20. Section 2 of P.L.1999, c.166 (C.52:4B-18.2) is amended to
41 read as follows:

42 2. a. In addition to any award granted pursuant to section 18 of
43 P.L.1971, c.317 (C.52:4B-18), the Victims of Crime Compensation
44 [Board] Agency may make one or more supplemental awards for
45 the purpose of providing rehabilitative assistance to catastrophically

1 injured crime victims or other persons entitled to compensation
2 under section 10 of P.L.1971, c.317 (C.52:4B-10).

3 b. The rehabilitative assistance which the supplemental award
4 may cover can include, but is not limited to, any of the following
5 services not covered by the original award of compensation or by
6 other sources provided that the [board] agency determines that the
7 services are reasonable and necessary:

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

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

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

34 e. A catastrophically injured crime victim who received a
35 compensation award prior to the enactment of this section may
36 apply for a supplemental award pursuant to the provisions of this
37 section. A denial by the [board] agency of an application made
38 pursuant to the provisions of this subsection shall not be subject to
39 appeal.

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

45 (cf: P.L.1999, c.166, s.2)

46

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

3 19. In determining the amount of compensation to be allowed by
4 order, the [board] agency shall take into consideration amounts
5 received or receivable from any other source or sources by the
6 victim or his dependents as a result of the offense or occurrence
7 giving rise to the application.

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

13 (cf: P.L.1971, c.317, s.19)

14

15 22. Section 20 of P.L.1971, c.317 (C.52:4B-20) is amended to
16 read as follows:

17 20. Whenever an order for the payment of compensation is or has
18 been made for personal injury or death resulting from an act or
19 omission constituting an offense under this act, the [board] agency
20 shall, upon payment of the amount of the order, be subrogated to
21 the cause of action of the applicant against the person or persons
22 responsible for such personal injury or death and shall be entitled
23 to bring an action against such person or persons for the amount of
24 the damage sustained by the applicant and in the event that more is
25 recovered and collected in any such action than the amount paid by
26 reason of the order for payment of compensation, the [board]
27 agency shall pay the balance to the applicant.

28 An order for the payment of compensation entered pursuant to
29 this section and docketed with the Clerk of the Superior Court shall
30 be a lien against the net proceeds of any settlement negotiated prior
31 or subsequent to the filing of a lawsuit, civil judgment or civil
32 arbitration award. The lien shall have priority over all other levies
33 and garnishments against the net proceeds of any settlement
34 negotiated prior or subsequent to the filing of a lawsuit, civil
35 judgment or civil arbitration award unless otherwise provided by
36 the Superior Court. The lien shall not have priority over levies to
37 recover unpaid income taxes owed to the State or a judgment for
38 child support entered pursuant to P.L.1988, c.111 (C.2A:17-
39 56.23a).

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

41

42 23. Section 21 of P.L.1971, c.317 (C.52:4B-21) is amended to
43 read as follows:

44 21. If any section or sections of [this act] P.L.1971, c.317 or any
45 provision thereof shall be declared to be unconstitutional, invalid or
46 inoperative in whole or in part, such section or provision shall, to

1 the extent that it is not unconstitutional, invalid or inoperative be
2 enforced and effectuated and no such determination shall be
3 deemed to invalidate or make ineffectual the remaining provisions
4 of the sections of [this act] P.L.1971, c.317.
5 (cf: P.L.1971, c.317, s.21)
6

7 24. Section 1 of P.L.1981, c.256 (C.52:4B-22) is amended to
8 read as follows:

9 1. a. Every State, county, and municipal police department and
10 hospital or other place of emergency medical care shall have
11 available and shall post in a public place information booklets,
12 pamphlets or other pertinent written information, to be supplied by
13 the Violent Crimes Compensation [Board] Agency, relating to the
14 availability of crime victims' compensation including all necessary
15 application blanks required to be filed with the [board] agency.

16 b. Included in the information supplied by the Violent Crimes
17 Compensation [Board] Agency shall be information for victims of
18 sexual offenses. This information shall contain the location of rape
19 crisis centers in all geographical areas throughout the State and
20 shall instruct victims of sexual offenses that if a rape crisis center is
21 not available in a victim's immediate geographical area, the victim
22 may contact the appropriate county victim-witness coordinator
23 appointed by the Chief of the Office of Victim-Witness Advocacy
24 established pursuant to P.L.1985, c. 404 (C. 52:4B-39 et seq.).
25 Unless the victim requires immediate medical attention, this
26 information shall be personally conveyed to the victim of a sexual
27 offense by a representative of the hospital or place of emergency
28 care before a medical examination of the victim is conducted, or by
29 a representative of the police department before the victim's
30 statement is taken, to afford the victim the opportunity to arrange to
31 have assistance from the rape crisis center or county victim-witness
32 coordinator during these procedures. Hospitals shall be held
33 harmless from suits emanating from a hospital's carrying out the
34 obligation to convey information to victims of sexual offenses.

35 "Rape crisis center" means an office, institution or center
36 offering assistance to victims of sexual offenses through crisis
37 intervention, medical and legal information and follow-up
38 counseling.

39 c. Every police department shall, upon the filing of a report of a
40 violent crime, make available to any victim information concerning
41 crime victims' compensation.
42 (cf: P.L.1987, c.327, s.1)
43

44 25. Section 2 of P.L.1981, c.256 (C.52:4B-23) is amended to
45 read as follows:

46 2. No cause of action against the State, any county, or any

1 municipality, or any employee thereof, shall arise out of a failure to
2 give the notice required by section 1 of P.L.1981, c.256 (C.52:4B-
3 22), nor shall any such failure be deemed or construed to effect or
4 alter any time limitation or other requirement contained in [this act]
5 P.L.1971, c.317 for the filing or payment of a claim hereunder.
6 (cf: P.L.1981, c.256, s.2)

7
8 26. Section 3 of P.L.1981, c.396 (C.52:4B-24) is amended to
9 read as follows:

10 3. The [board] agency shall undertake a special senior citizens'
11 public awareness program to make brochures and applications for
12 claim forms available to senior citizens.
13 (cf: P.L.1981, c.396, s.3)

14
15 27. Section 2 of P.L.1982, c.192 (C.52:4B-25) is amended to
16 read as follows:

17 2. a. The Violent Crimes Compensation [Board] Agency shall
18 establish a victim mental health counseling service which shall
19 identify and develop sources to provide mental health counseling to
20 victims as defined in [the act to which this act is a supplement]
21 P.L.1971, c.317. The service shall be conducted at such locations
22 within the State as the [board] agency deems advisable.

23 b. The [board] agency is authorized to appoint such personnel
24 for the service as may be necessary to carry out its functions.

25 c. [The service shall provide assistance to victims without
26 charge, which assistance shall include information and advice
27 relative to filing a claim with the board, emergency food and
28 clothing, employment opportunities, referral to other social service
29 agencies, and in obtaining legal advice or representation.] (Deleted
30 by amendment, P.L. , c. .)

31 d. The victim mental health counseling service shall operate
32 under the direction of the director of counseling, who shall be
33 appointed by the executive director of the agency. The director of
34 counseling shall have a minimum of five years of experience in
35 mental health counseling for crime victims.

36 (cf: P.L.1982, c.192, s.2)

37
38 28. Section 1 of P.L.1989, c.322 (C.52:4B-25.1) is amended to
39 read as follows:

40 1. a. In addition to the victim mental health counseling service
41 established pursuant to section 2 of P.L.1982, c.192 (C.52:4B-25),
42 the Violent Crimes Compensation [Board] Agency shall establish a
43 specialized child and family counseling unit. This unit shall be
44 under the direction of [a person appointed by a chairman of the

1 Violent Crimes Compensation Board whose training or experience
2 includes the handling of child abuse cases] the director of
3 counseling appointed pursuant to section 2 of P.L.1982, c.192
4 (C.52:4B-25).

5 b. The [board] agency is authorized to appoint such personnel
6 for the child and family counseling unit as may be necessary to
7 carry out its functions.

8 c. The child and family counseling unit may be principally
9 located in any place as the [board] agency deems advisable, but
10 shall be available to lend assistance to child victims in every county
11 in this State.

12 (cf: P.L.1989, c.322, s.1)

13

14 29. Section 1 of P.L.1985, c. 404 (C.52:4B-39) is amended to
15 read as follows:

16 1. As used in [this act] P.L.1985, c.404:

17 a. "Victim" means a person who suffers personal physical or
18 psychological injury or death or incurs loss of or injury to personal
19 or real property as a result of a crime committed against that person.

20 b. ["Board"] Agency means the [Violent Crimes] Victims of Crime
21 Compensation [Board] Agency in the Department of Law and
22 Public Safety.

23 (cf: P.L.1985, c.404, s.1)

24

25 30. Section 2 of P.L.1985, c.404 (C.52:4B-40) is amended to
26 read as follows:

27 2. There is established under the jurisdiction of the [Violent
28 Crimes] Victims of Crime Compensation [Board] Agency in the
29 Department of Law and Public Safety an Office of Victim-Witness
30 Assistance under the supervision of the Director of the Office of
31 Victim-Witness Assistance.

32 (cf: P.L.1985, c.404, s.2)

33

34 31. (New section) The Office of Victim-Witness Assistance
35 shall operate under the direction of the director of the Office of
36 Victim-Witness Assistance, who shall be appointed by the
37 executive director of the agency. The Director of the Office of
38 Victim-Witness Assistance shall have a minimum of five years of
39 experience in crime victim direct services and advocacy.

40

41 32. Section 4 of P.L.1985, c.404 (C.52:4B-42) is amended to
42 read as follows:

43 4. The victim-witness rights information program shall:

44 a. Provide victims or their representatives with information
45 about the availability of social and medical services, especially

- 1 emergency and social services available in the victim's immediate
2 geographical area;
- 3 b. Provide victims or their representatives with information
4 about possible compensation under the "Criminal Injuries
5 Compensation Act of 1971," P.L. 1971, c. 317 (C. 52:4B-1 et seq.)
6 and of the sentencing court's authority to order restitution under
7 chapter 43 of Title 2C of the New Jersey Statutes;
- 8 c. Provide victims or their representatives with information
9 about how to contact the appropriate county office of victim-
10 witness advocacy and the appropriate county prosecutor's office;
- 11 d. Provide a 24-hour toll-free hotline telephone number for
12 victims and witnesses to call with inquiries concerning the
13 information and services available pursuant to this act;
- 14 e. Provide victims and witnesses with a detailed description of
15 the rights established under the Crime Victim's Bill of Rights
16 created by P.L. 1985, c. 249 (C. 52:4B-34 et seq.) and Article I,
17 paragraph 22 of the New Jersey Constitution;
- 18 f. Gather available information from victim assistance programs
19 throughout the country and make that information available to the
20 Office of Victim-Witness Advocacy, police agencies, hospitals,
21 prosecutors' offices, the courts, and other agencies that provide
22 assistance to victims of crimes; [and]
- 23 g. Sponsor conferences to bring together personnel working in
24 the field of victim assistance and compensation to exchange
25 methods and procedures for improving and expanding services to
26 victims;
- 27 h. Provide assistance to victims without charge, which
28 assistance shall include information and advice relative to filing a
29 claim with the board, emergency food and clothing, employment
30 opportunities, referral to other social service agencies, and in
31 obtaining legal advice or representation; and
- 32 i. Conduct training programs for attorneys and victim service
33 providers, and, under such circumstances as the Executive Director
34 shall deem in the best interests of crime victims, seek leave to
35 appear as amicus curiae in certain actions where the rights of crime
36 victims are affected. The Victims of Crime Compensation Agency
37 shall be deemed to have standing to appear in the criminal and civil
38 courts of the State of New Jersey to assert the rights of crime
39 victims in the position of amicus curiae.

40 (cf: P.L.1985, c.404, s.4)

41

- 42 33. The following are repealed:
43 Sections 3, 4, 14, 15, 16 and 17 of P.L.1971, c.317;
44 Section 4 of P.L.1981, c.396; and
45 Section 12 of P.L.1995, c.135.

46

- 47 34. This act shall take effect on the first day of the seventh

1 month following enactment.

2

3

4

STATEMENT

5

6 This bill would transfer the duties and responsibilities of the
7 Victims of Crime Compensation Board (VCCB) to a new executive
8 agency to be known as the Victims of Crime Compensation
9 Agency. The executive director of the agency is to be appointed by
10 the Governor, with the advice and consent of the Senate and will
11 serve at the pleasure of the Governor. The executive director will be
12 responsible for developing, establishing and supervising all the
13 agency's practices and procedures of the agency. The executive
14 director would have final authority on all matters of victim
15 compensation under the bill.

16 The bill also establishes within the Victims of Crime
17 Compensation Agency a Victims of Crime Compensation Hearing
18 Board. The board is to be composed of 5 citizens, appointed by the
19 Governor with the advice and consent of the Senate. At least two
20 members of the board must be attorneys licensed in this State and
21 have five years experience. The board members are to serve two-
22 year terms, but may be reappointed. Under the bill, board members
23 would not be compensated and would not be eligible for tenure after
24 serving for 10 years as they are under current law.

25 The purpose of the Victims of Crime Compensation Hearing
26 Board under the bill is to be limited to (1) hearing appeals from
27 decisions of the Victims of Crime Compensation Agency involving
28 issues of victim compensation; and (2) serving as an advisory board
29 to the executive director under such conditions and circumstances
30 as the executive director shall deem appropriate and necessary.

31 The bill also:

32 1) specifies that the principal office of the Victims of Crime
33 Compensation Agency is to be located in Newark rather than in
34 Trenton as is specified under current law;

35 2) increases fees for attorneys who represent crime victims;

36 3) establishes liens on the net proceeds of settlements, judgments
37 or awards;

38 4) changes the title of the current victim counseling service
39 under the VCCB to the "victim mental health counseling service,"
40 which will be responsible for identifying and developing sources of
41 mental health counseling under the direction of a director of
42 counseling appointed by agency's executive director;

43 5) directs that the current specialized child and family counseling
44 unit currently under the VCCB be under the direction of the director
45 of counseling of the victim mental health counseling service;

46 6) provides for the executive director of the Victims of Crime
47 Compensation Agency to appoint the Director of the Office of
48 Victim-Witness Assistance;

1 7) expands the functions of the victim-witness rights information
2 program to include providing certain free information to victims,
3 training attorneys and victim service providers and appearing as
4 amicus curiae in victim's rights cases;

5 8) repeals provisions requiring submission of injured person's or
6 decedent's medical reports to the VCCB and the VCCB's authority
7 to require examination by impartial medical experts;

8 9) increases the amounts that may be provided as emergency
9 awards, specifying that the maximum amount of any one award may
10 not exceed \$2,500, with a maximum of \$5,000 to any one
11 individual; and

12 10) specifically abolishes the existing Violent Crimes
13 Compensation Board and terminates the current members' terms,
14 with the exception of the current chairman who is designated to
15 serve as the executive director of the new agency until his successor
16 is appointed and qualified.

17 According to the sponsor, New Jersey and New York are the
18 only two states in which members of victims compensation boards
19 are fully paid. In the approximately 20 other states where these
20 boards have been established, they are staffed by volunteers. The
21 savings to the State that would result from a volunteer board as
22 established under this bill would be close to a half-million dollars.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 218**

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Bill No. 218.

This committee substitute transfers the duties and responsibilities of the Victims of Crime Compensation Board (VCCB) to a new executive agency to be known as the Victims of Crime Compensation Agency.

The substitute directs that the executive director of the agency will be appointed by the Governor with the advice and consent of the Senate and will serve at the pleasure of the Governor. The executive director, in consultation with the Victims of Crime Compensation Review Board, will be responsible for developing, establishing and supervising all the agency's practices and procedures. The Governor may appoint an acting executive director when the law takes effect until the qualification of the person to be nominated with advice and consent.

The substitute also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Review Board. The board will be composed of five citizens appointed by the Governor with the advice and consent of the Senate. At least one member of the board must be an attorney licensed in this State and have five years experience. The board members are to serve three year terms, but may be reappointed. See section 4.

The purpose of the Victims of Crime Compensation Review Board set forth in section 2 of the substitute is to:

- (1) hear appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation;
- (2) consult with the executive director in developing, establishing and supervising all practices and procedures of the agency;
- (3) to review individual and supplemental awards to a victim or a victim's family in excess of \$10,000 in the aggregate, and awards of attorney fees for legal representation to victims;
- (4) to review, on at least a bi-monthly basis, information detailing the aggregate claims received and paid by the agency, and the operations of the agency; and

(5) to review and, if appropriate, approve any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the agency.

The substitute revises the statutes concerning the VCCB. Some of the changes to be noted include:

- 1) increases fees for attorneys who represent crime victims (section 9);
- 2) establishes liens on the net proceeds of settlements, judgments or awards (section 22);
- 3) provides for the executive director of the Victims of Crime Compensation Agency to appoint the Director of the Office of Victim-Witness Assistance (section 31);
- 4) expands the functions of the victim-witness rights information program to include providing certain free information to victims and training attorneys and victim service providers (section 32);
- 5) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;
- 6) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, with a maximum of \$5,000 to any one person (section 13); and
- (7) specifically abolishes the current Victims of Crimes Compensation Board, and terminates the current members' terms (section 3).

This substitute is identical to Assembly, No. 2322 (3R).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 218**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Senate Budget and Appropriations Committee reports favorably the Senate Committee Substitute for Senate Bill No. 218 with committee amendments.

Senate Bill No. 218 (SCS), as amended, transfers the duties and responsibilities of the Victims of Crime Compensation Board (VCCB) to a new executive agency to be known as the Victims of Crime Compensation Agency in the Department of the Treasury.

The substitute bill, as amended, directs that the executive director of the agency will be appointed by the Governor with the advice and consent of the Senate and will serve at the pleasure of the Governor. The executive director, in consultation with the Victims of Crime Compensation Review Board, will be responsible for developing, establishing and supervising all the agency's practices and procedures. The Governor may appoint an acting executive director when the law takes effect until the qualification of the person to be nominated with advice and consent.

The substitute bill also establishes within the Victims of Crime Compensation Agency a Victims of Crime Compensation Review Board. The board will be composed of five citizens appointed by the Governor with the advice and consent of the Senate. At least one member of the board must be an attorney licensed in this State and have five years experience. The board members are to serve three year terms, but may be reappointed. See section 4.

The purpose of the Victims of Crime Compensation Review Board set forth in section 2 of the substitute is to:

- (1) hear appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation;
- (2) consult with the executive director in developing, establishing and supervising all practices and procedures of the agency;
- (3) to review individual and supplemental awards to a victim or a victim's family in excess of \$10,000 in the aggregate, and awards of attorney fees for legal representation to victims;

(4) to review, on at least a bi-monthly basis, information detailing the aggregate claims received and paid by the agency, and the operations of the agency; and

(5) to review and, if appropriate, approve any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the agency.

The substitute revises the statutes concerning the VCCB. Some of the changes to be noted include:

1) increases fees for attorneys who represent crime victims (section 9);

2) establishes liens on the net proceeds of settlements, judgments or awards (section 22);

3) provides for the executive director of the Victims of Crime Compensation Agency to appoint the Director of the Office of Victim-Witness Assistance (section 31);

4) expands the functions of the victim-witness rights information program to include providing certain free information to victims and training attorneys and victim service providers (section 32);

5) repeals provisions requiring submission of injured person's or decedent's medical reports to the VCCB and the VCCB's authority to require examination by impartial medical experts;

6) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, with a maximum of \$5,000 to any one person (section 13); and

(7) specifically abolishes the current Victims of Crimes Compensation Board, and terminates the current members' terms (section 3).

As amended and reported, the substitute is identical to Assembly, No. 2322 (3R), as amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments locate the Victims of Crime Compensation Agency and the Office of Victim-Witness Assistance as agencies within the Department of the Treasury.

The committee amendments also remove the definition of "family relationship group" because the definition is no longer needed. This term was appropriately deleted from the statutes governing the VCCB in 1990 in order to comply with federal requirements to ensure that victims of domestic violence and drunk driving are not excluded from eligibility for compensation.

FISCAL IMPACT:

The Office of Legislative Services estimates the potential cost savings of this bill could be between \$286,963 and \$449,284 annually for the allotted four board member positions. OLS recognizes that one board member position is currently vacant and additional expenditures may occur based on an increased allowance for attorney fees. OLS

allotted \$50,000 in the estimate as a minimal increase in fees for attorneys who represent crime victims.

The Victims of Crime Compensation Board consists of one chairman and four appointed members. One of the appointed positions has remained vacant for the past year. As of 2006, each of the three remaining board members earned an annual average of \$112,321 and the chairman earned \$116,061. The chairman would be replaced with an executive director whose salary presumably would be comparable to that of the chairman.

The Governor's FY 2008 Budget Recommendations propose decreasing the VCCB budget by \$400,000 in expectation of the passage of this bill.

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 218

STATE OF NEW JERSEY
212th LEGISLATURE

ADOPTED MAY 21, 2007

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

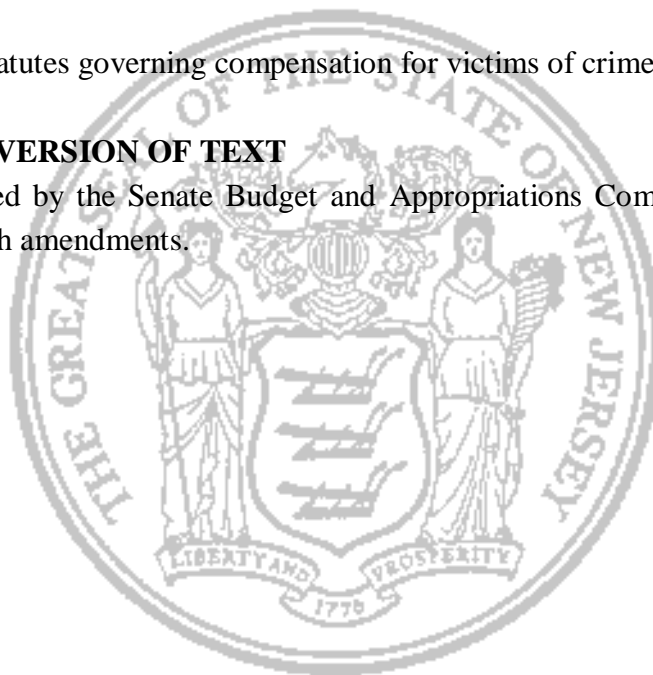
Senators Inverso and Turner

SYNOPSIS

Revises statutes governing compensation for victims of crime.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 14, 2007, with amendments.



(Sponsorship Updated As Of: 6/22/2007)

1 AN ACT concerning victims of crime and amending, supplementing
2 and repealing various parts of the statutory law.

3

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

6

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

9

2. As used in **[this act]** P.L.1971, c.317:

10 "Agency" means the Victims of Crime Compensation Agency;

11 "Review Board" or "board" means the Victims of Crime
12 Compensation Review Board established by section 2 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill);

14 "Child" means an unmarried person who is under 21 years of age
15 and includes a stepchild or an adopted child;

16 **["Board" means the Violent Crimes Compensation Board**
17 **established by this act;]**

18 "Dependents" means such relatives of a deceased victim as were
19 wholly or partially dependent upon his income at the time of his
20 death and shall include the child of such victim born after his death;

21 ¹"Family relationship group" of any person means:

22 (1) any person related to such person within the third degree of
23 consanguinity or affinity, or

24 (2) any person living in the same household as such person;]¹

25 "Personal injury" means actual bodily harm and includes
26 pregnancy and mental or nervous shock;

27 "Relative" of any person means his spouse, parent, grandparent,
28 stepfather, stepmother, child, grandchild, brother, sister, half
29 brother, half sister, or spouse's parents;

30 **["Family relationship group" of any person means:**

31 **(1) any person related to such person within the third degree of**
32 **consanguinity or affinity,**

33 **(2) any person living in the same household as such person, or**

34 **(3) any person maintaining a sexual relationship, whether illicit**
35 **or not, with such person or with any member of the family of such**
36 **person;]**

37 "Victim" means a person who is injured or killed by any act or
38 omission of any other person which is within the description of any
39 of the offenses specified in section 11 of **[this act]** P.L.1971, c 317.
40 (cf: P.L.1971, c.317, s.2)

41

42 2. (New section) a. There is hereby established in the
43 ¹**[Executive Branch of the State Government]** Department of the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted June 14, 2007.

1 Treasury¹ the Victims of Crime Compensation Agency. ¹【For the
2 purposes of complying with the Constitution (Article V, Section IV,
3 paragraph 1) the agency is allocated to the Department of Law and
4 Public Safety but, notwithstanding said allocation, the agency shall
5 be independent of any supervision or control by the department or
6 the Attorney General or any other officer of the department.】¹

7 b. The chief executive officer of the Victims of Crime
8 Compensation Agency shall be the executive director, who shall be
9 appointed by the Governor, with the advice and consent of the
10 Senate. The executive director shall serve at the pleasure of the
11 Governor. The Governor may appoint an acting executive director
12 to serve as chief executive officer of the Victims of Crime
13 Compensation Agency, who may be the person serving as chairman
14 of the Victims of Crime Compensation Board on the effective date
15 of P.L. , c. (C.) (pending before the Legislature as this bill),
16 and who shall serve as the executive director of the Victims of
17 Crime Compensation Agency until his successor is appointed and
18 qualifies. The executive director shall, in consultation with the
19 Review Board established pursuant to subsection c. of this section,
20 develop, establish and supervise all practices and procedures of the
21 agency.

22 c. There is hereby established in the Victims of Crime
23 Compensation Agency the Victims of Crime Compensation Review
24 Board which shall be composed of five citizens, to be appointed by
25 the Governor, with the advice and consent of the Senate, one of
26 whom shall be designated chairman by, and serve as such at the
27 pleasure of, the Governor. At least one member of the board shall
28 be an attorney admitted to the practice of law in the State of New
29 Jersey and who shall have practiced law in the courts of New Jersey
30 for a minimum of five years. The purpose of the Victims of Crime
31 Compensation Review Board shall be:

32 (1) to hear appeals of decisions of the Victims of Crime
33 Compensation Agency involving issues of victim compensation;

34 (2) to consult with the executive director in developing,
35 establishing and supervising all practices and procedures of the
36 agency;

37 (3) to review individual and supplemental awards to a victim or
38 a victim's family in excess of \$10,000 in the aggregate, and awards
39 of attorney fees for legal representation to victims;

40 (4) to review, on at least a bi-monthly basis, information
41 detailing the aggregate claims received and paid by the agency, and
42 the operations of the agency; and

43 (5) to review and, if appropriate, approve any rules and
44 regulations, standards, and maximum rates and service limitations
45 for reimbursement proposed by the agency.

46 d. All the functions of the Violent Crimes Compensation Board
47 and the Victims of Crime Compensation Board are continued in the

1 Victims of Crime Compensation Agency and the Victims of Crime
2 Compensation Review Board. Whenever in any law, rule,
3 regulation, judicial or administrative procedure or otherwise,
4 reference is made to the Violent Crime Compensation Board or to
5 the Victims of Crime Compensation Board, the same shall mean
6 and refer to the Victims of Crime Compensation Agency or the
7 Victims of Crime Compensation Review Board, as the case may be.

8
9 3. (New section) The Violent Crimes Compensation Board
10 established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) is
11 abolished and the terms of the persons serving as members of that
12 board on the effective date of P.L. , c. (C.) (pending before
13 the Legislature as this bill) shall cease and determine as of that
14 effective date.

15
16 4. (New section) The term of office of each member of the
17 Victims of Crime Compensation Review Board shall be three years
18 and until the member's successor is appointed and qualifies, except
19 that of the members first appointed one shall be appointed for a
20 term of one year, two for terms of two years and two for terms of
21 three years. All vacancies, except through the expiration of term,
22 shall be filled for the unexpired term only.

23 Each member of the board shall be eligible for reappointment
24 and any member of the board may be removed by the Governor for
25 inefficiency, neglect of duty or malfeasance in office.

26 The members of the board shall serve without compensation.

27
28 5. Section 5 of P.L.1971, c.317 (C.52:4B-5) is amended to read
29 as follows:

30 5. The **【board】** agency is authorized to appoint and fix the
31 duties and compensation of such officers, **【attorneys,】** examiners,
32 and other experts as may be necessary for carrying out its functions
33 under this act, and the **【board】** agency may, subject to Title **【11** of
34 the Revised Statutes】11A of the New Jersey Statutes, "Civil
35 Service," appoint and fix the duties and compensation of such other
36 assistants and employees as are necessary. The compensation fixed
37 pursuant to this section shall be within the limits of the funds
38 appropriated or otherwise made available to the agency for that
39 purpose.

40 (cf: P.L.1971, c.317, s.5)

41
42 6. Section 11 of P.L.1995, c.135 (C.52:4B-5.1) is amended to
43 read as follows:

44 11. The Victims of Crime Compensation **【Board】** Agency is
45 authorized to obtain direct access to criminal history records
46 maintained by the State Bureau of Identification in the Division of

1 the State Police and is hereby designated a criminal justice agency
2 for that purpose.

3 (cf: P.L.1995, c.135, s.11)

4

5 7. Section 6 of P.L.1971, c.317 (C.52:4B-6) is amended to read
6 as follows:

7 6. The principal office of the **[board]** agency shall be in
8 Trenton, New Jersey, but the **[board]** agency may sit and conduct
9 its affairs in any place.

10 (cf: P.L.1971, c.317, s.6)

11

12 8. Section 7 of P.L.1971, c.317 (C.52:4B-7) is amended to read
13 as follows:

14 7. Hearings **[upon applications for compensation under this**
15 **act]** on appeals from decisions of the Victims of Crime
16 Compensation Agency involving issues of victim compensation
17 shall be conducted by the Victims of Crime Compensation Review
18 Board in the following manner:

19 a. Upon an application made to the board under the provisions
20 of **[this act]** P.L.1971, c.317, the board shall fix a time and place
21 for a hearing on such application and shall cause notice thereof to
22 be given to the applicant;

23 b. For the purpose of carrying out the provisions of **[this act]**
24 P.L.1971, c.317, the board, or any member thereof, may hold such
25 hearings, sit and act at such times and places, and take such
26 testimony as the board or such member may deem advisable. Any
27 member of the board may administer oaths or affirmations to
28 witnesses. The board shall have full powers of subpoena and
29 compulsion of attendance of witnesses and production of
30 documents, except that no subpoena shall be issued except under
31 the signature of a member of the board, and application to any court
32 for aid in enforcing such subpoena may be made in the name of the
33 board by any member thereof. Subpoenas shall be served by any
34 person designated by the board;

35 c. In any case in which the person entitled to make an
36 application is a child, the application may be made on his behalf by
37 his parent **[or]** guardian, or advocate. In any case in which the
38 person entitled to make an application is mentally incompetent, the
39 application may be made on his behalf by his guardian, advocate, or
40 such other individual authorized to administer his estate;

41 d. Any person having a substantial interest in a proceeding may
42 appear, produce evidence and cross-examine witnesses in person or
43 by his attorney.

44 e. The board may receive in evidence any statement, document,
45 information, or matter that may in the opinion of the board
46 contribute to its functions under **[this act]** P.L.1971, c.317, but the
47 board shall not be bound by the rules of evidence.

1 f. If any person has been convicted of any offense with respect
2 to an act or omission on which a claim under **[this act]** P.L.1971,
3 c.317 is based, proof of that conviction shall be taken as conclusive
4 evidence that the offense has been committed, unless an appeal or
5 any proceeding with regard thereto is pending.

6 (cf: P.L.1971, c.317, s.7)

7
8 9. Section 8 of P.L.1971, c.317 (C.52:4B-8) is amended to read
9 as follows:

10 8. a. (1) The **[board]** agency may, as a part of any order
11 entered under **[this act]** P.L.1971, c.317, determine and allow
12 reasonable attorney fees and costs, which shall not exceed 15% of
13 the amount awarded as compensation under section 10 of **[this act]**
14 P.L.1971, c.317, to be paid in addition to the amount of such
15 compensation, to the attorney representing the applicant **[, and it]**.
16 Notwithstanding the provisions of this subsection, no award for
17 attorney fees shall be less than \$300, unless the agency determines
18 that the attorney has not acted diligently or in good faith
19 representing the claimant.

20 **[b.]** (2) Where the agency enters an order denying
21 compensation, it may, nevertheless allow attorney fees of \$300 to
22 the attorney representing the claimant if the agency determines that
23 the attorney has acted diligently or in good faith representing the
24 claimant.

25 (3) It shall be unlawful for any such attorney to ask for, contract
26 for or receive any larger sum than the amount so allowed under
27 paragraph (1) or (2) of this subsection.

28 **[c.]b.** The agency may allow payment up to a maximum of
29 \$1,000, at an hourly rate to be fixed by the agency to an attorney
30 who provides legal assistance to a victim in any legal matter, other
31 than a decision of the Victims of Crime Compensation Agency
32 involving victim compensation or any related appeal, arising from
33 or related to having been the victim of an offense specified in
34 section 11 of P.L.1971, c. 317 provided that the victim is otherwise
35 eligible to make a claim for compensation. Payment under this
36 subsection may be made if and only to the extent that the amount of
37 such payment does not, when combined with the amounts paid or
38 payable to the victim under an order for compensation, exceed the
39 \$25,000 limitation on compensation set forth in section 18 of
40 P.L.1971, c. 317 (C.52:4B-18), and requests for payment under this
41 subsection shall be subject to the five year time limitation set forth
42 in section 18 of P.L.1971, c. 317 (C.52:4B-18).

43 (cf: P.L.1971, c.317, s.8)

44
45 10. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
46 read as follows:

47 19. a. **[Within 180 days of the effective date of this act, the]**

1 The Victims of Crime Compensation **[Board]** Agency, after
2 consultation with the Attorney General, the Department of
3 Corrections, and the Administrative Office of the Courts, on behalf
4 of the county probation divisions and the municipal court clerks,
5 shall continue to develop **[a]** the existing uniform system for
6 recording all information necessary to ensure proper identification,
7 tracking, collection and disposition of moneys owed for:

8 (1) assessments imposed pursuant to section 2 of P.L.1979,
9 c.396 (C.2C:43-3.1);

10 (2) fines and restitutions imposed in accordance with provisions
11 of Title 2C of the New Jersey Statutes;

12 (3) fees imposed pursuant to N.J.S.2C:35-20;

13 (4) penalties imposed pursuant to N.J.S.2C:35-15.

14 b. The Victims of Crime Compensation **[Board]** Agency shall
15 use the moneys deposited in the Criminal Disposition and Revenue
16 Collection Fund to defray the costs incurred by the **[board]** agency
17 in developing, implementing, operating and improving the
18 **[board's]** agency's component of the uniform system for tracking
19 and collecting revenues described in subsection a. of this section.

20 c. The Juvenile Justice Commission established pursuant to
21 section 2 of P.L.1995, c.284 (C.52:17B-170), the Department of
22 Corrections, and the Administrative Office of the Courts, on behalf
23 of the county probation divisions and the municipal court clerks,
24 shall file such reports with the Victims of Crime Compensation
25 **[Board]** Agency as required for the operation of the uniform
26 system described in subsection a. of this section.

27 d. The Victims of Crime Compensation **[Board]** Agency shall
28 report annually to the Governor, the Attorney General, the
29 Administrative Director of the Administrative Office of the Courts,
30 the Commissioner of the Department of Corrections, the Juvenile
31 Justice Commission and the Legislature on the development,
32 implementation, improvement and effectiveness of the uniform
33 system and on moneys received, deposited and identified as
34 receivable.

35 (cf: P.L.1995, c.281, s.4)

36

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

39 9. In the performance of its functions, the **[board]** agency is
40 authorized to make rules and regulations prescribing the procedures
41 to be followed in the filing of applications and the proceedings
42 under **[this act]** P.L.1971, c.317, and such other matters as the
43 **[board]** agency deems appropriate.

44 In determining the amounts of compensation payable pursuant to
45 **[this act]** P.L.1971, c.317, the **[board]** agency shall insofar as
46 practicable formulate standards for uniform application of this act
47 and shall take into consideration rates and amounts of compensation

1 payable for injuries and death under other laws of this State and of
2 the United States and the availability of funds appropriated for the
3 purposes of **[this act]** P.L.1971, c.317.

4 The **[board]** agency shall establish maximum rates and service
5 limitations for reimbursement for medical and medical related
6 expenses, including counseling. In establishing these rates, the
7 **[board]** agency shall reflect the medical fee schedules for health
8 care providers established by the Commissioner of Banking and
9 Insurance pursuant to the provisions of section 10 of P.L.1988,
10 c.119 (C.39:6A-4.6). A medical service provider who accepts
11 payment from the **[board]** agency for a service shall accept the
12 **[board's]** agency's rates as payment in full and shall not accept any
13 payment on account of the service from any other source if the total
14 of payments accepted would exceed the maximum rate set by the
15 **[board]** agency for that service.

16 All standards formulated and maximum rates and service
17 limitations for reimbursement established by the agency shall be
18 subject to the prior review and approval of the Review Board.
19 (cf: P.L.1999, c.113, s.1)

20

21 12. Section 10 of P.L.1971, c.317 (C.52:4B-10) is amended to
22 read as follows:

23 10. In any case in which a person is injured or killed by any act
24 or omission of any other person which is within the description of
25 the offenses listed in section 11 of **[this act]** P.L.1971, c.317, the
26 **[board]** agency may, upon application **[and the concurrence of a**
27 **majority of the members thereof]**, order the payment of
28 compensation in accordance with the provisions of **[this act]**
29 P.L.1971, c.317:

30 a. to or on behalf of the victim,

31 b. in the case of the personal injury of the victim, where the
32 compensation is for pecuniary loss suffered or expenses incurred by
33 any person responsible for the maintenance of the victim, to that
34 person, or

35 c. in the case of the death of the victim, to or for the benefit of
36 the dependents of the deceased victim, or any one or more of such
37 dependents.

38 In determining whether to make an order under this section, the
39 **[board]** agency may consider any circumstances it determines to be
40 relevant, including provocation, consent or the behavior of the
41 victim which directly or indirectly contributed to his injury or
42 death, the prior case history, if any, of the victim and any other
43 relevant matters.

44 An order may be made under this section whether or not any
45 person is prosecuted or convicted of any offense arising out of such
46 act or omission. Upon application made by an appropriate

1 prosecuting authority, the **[board]** agency may suspend proceedings
2 under **[this act]** P.L.1971, c.317 for such period as it deems
3 appropriate on the ground that a prosecution for an offense arising
4 out of such act or omission has been commenced or is imminent.

5 For the purposes of **[this act]** P.L.1971, c.317, a person shall be
6 deemed to have intended an act or omission notwithstanding that by
7 reason of age, insanity or otherwise, he was legally incapable of
8 forming a criminal intent.

9 (cf: P.L.1971, c.317, s.10)

10

11 13. Section 1 of P.L.1981, c.258 (C.52:4B-10.1) is amended to
12 read as follows:

13 1. a. The Victims of Crime Compensation **[Board]** Agency
14 may make one or more emergency awards to any applicant for
15 compensation pending final determination of a case, when it
16 determines that compensation is likely to be provided and that the
17 applicant will suffer undue hardship if funds are not made
18 immediately available. The amount of any one emergency award
19 shall not exceed **[\$500.00]** \$2,500 with the total amount of each
20 such award made to an individual applicant not to exceed
21 **[\$1,500.00]** \$5,000. Any emergency awards made to an applicant
22 shall be deducted from the final amount of compensation provided
23 to an applicant by the **[board]** agency. If the amount of
24 compensation made by the **[board]** agency to an applicant is less
25 than the sum provided to the applicant through emergency grants,
26 the applicant shall pay to the **[board]** agency an amount of money
27 equal to the difference. If the **[board]** agency determines that an
28 applicant who has received emergency awards shall receive no
29 compensation, the applicant shall repay to the **[board]** agency the
30 total amount of all emergency awards which he received.

31 b. In addition to any emergency award made pursuant to the
32 provisions of subsection a. of this section, the Victims of Crime
33 Compensation **[Board]** Agency may make an emergency award in
34 an amount not to exceed \$200.00 for compensation for funds stolen
35 from a victim in connection with any of the incidents specified in
36 section 11 of P.L.1971, c.317 (C.52:4B-11) except paragraph 11 of
37 subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11),
38 burglary, whether or not the victim suffered personal injury, under
39 the following circumstances:

40 (1) The victim is 60 years of age or older or is disabled as
41 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
42 416(i);

43 (2) The victim's income does not exceed the limits adopted by
44 the State Department of Human Services as the standard of need for
45 the General Assistance Program;

46 (3) The funds stolen exceed \$50.00;

- 1 (4) The victim establishes:
- 2 (a) that the victim has filed a police report indicating, among
- 3 other things, the amount stolen;
- 4 (b) that the victim has cooperated with investigative and
- 5 prosecuting authorities; and
- 6 (c) he source of the funds stolen; and
- 7 (5) The **board** agency is satisfied that there are no other
- 8 sources available to provide the victim with funds necessary to
- 9 cover immediate costs of essential shelter, food or medical
- 10 expenses, and that, but for the victim's loss, the victim would
- 11 otherwise have had the funds to pay such costs.
- 12 c. The **board** agency shall direct that any funds awarded
- 13 pursuant to this act be expended solely to cover the costs
- 14 established pursuant to paragraph (5) of subsection b. of this
- 15 section.
- 16 d. **[A person shall not receive an emergency award pursuant to**
- 17 **this act on more than two occasions, or receive more than one such**
- 18 **award within a period of 36 consecutive months.] (Deleted by**
- 19 **amendment, P.L. , c.) (pending before the Legislature as this**
- 20 **bill).**
- 21 (cf: P.L.1995, c.135, s.2)
- 22
- 23 14. Section 3 of P.L.1995, c.135 (C.52:4B-10.2) is amended to
- 24 read as follows:
- 25 3. In addition to ordering the payment of compensation for
- 26 personal injury or death which resulted from the incidents specified
- 27 in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of
- 28 Crime Compensation **Board** Agency may order the payment of
- 29 compensation for funds in connection with those incidents to
- 30 compensate certain victims, whether or not those victims suffered
- 31 personal injury, as specified in paragraphs (1) through (5) of
- 32 subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an
- 33 amount not to exceed **[\$200.00] \$200.**
- 34 (cf: P.L.1995, c.135, s.3)
- 35
- 36 15. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
- 37 read as follows:
- 38 11. The **board** agency may order the payment of compensation
- 39 in accordance with the provisions of **[this act] P.L.1971, c. 317** for
- 40 personal injury or death which resulted from:
- 41 a. an attempt to prevent the commission of crime or to arrest a
- 42 suspected criminal or in aiding or attempting to aid a police officer
- 43 so to do, or
- 44 b. the commission or attempt to commit any of the following
- 45 offenses:
- 46 (1) aggravated assault;
- 47 (2) (Deleted by amendment, P.L.1995, c.135).

- 1 (3) threats to do bodily harm;
- 2 (4) lewd, indecent, or obscene acts;
- 3 (5) indecent acts with children;
- 4 (6) kidnapping;
- 5 (7) murder;
- 6 (8) manslaughter;
- 7 (9) aggravated sexual assault, sexual assault, aggravated
- 8 criminal sexual contact, criminal sexual contact;
- 9 (10) any other crime involving violence including domestic
- 10 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or
- 11 section 3 of P.L.1991, c.261 (C.2C:25-19);
- 12 (11) burglary;
- 13 (12) tampering with a cosmetic, drug or food product;
- 14 (13) a violation of human trafficking, section 1 of P.L.2005, c.77
- 15 (C.2C:13-8); or
- 16 c. the commission of a violation of R.S.39:4-50, section 5 of
- 17 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236
- 18 (C.12:7-34.19) or section 3 of P.L.1952, c.157 (C.12:7-46); or
- 19 d. theft of an automobile pursuant to N.J.S.2C:20-2, eluding a
- 20 law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2
- 21 or unlawful taking of a motor vehicle pursuant to subsection b., c.
- 22 or d. of N.J.S.2C:20-10 where injuries to the victim occur in the
- 23 course of operating an automobile in furtherance of the offense.
- 24 (cf: P.L.2005, c.77, s.4)

25
26 16. Section 12 of P.L.1971, c.317 (C.52:4B-12) is amended to
27 read as follows:

28 12. The **[board]** agency may order the payment of compensation
29 under this act for:

- 30 a. expenses actually and reasonably incurred as a result of the
- 31 personal injury or death of the victim, including out-of-pocket
- 32 losses which shall mean unreimbursed and unreimbursable expenses
- 33 or indebtedness reasonably incurred for medical care or other
- 34 services necessary as a result of the injury upon which such
- 35 application is based,
- 36 b. loss of earning power as a result of total or partial incapacity
- 37 of such victim,
- 38 c. pecuniary loss to the dependents of the deceased victim, and
- 39 d. any other pecuniary loss resulting from the personal injury
- 40 or death of the victim which the **[board]** agency determines to be
- 41 reasonable.

42 (cf: P.L.1995, c.135, s.5)

43
44 17. Section 13 of P.L.1971, c.317 (C.52:4B-13) is amended to
45 read as follows:

46 13. To assist the **[board]** agency in determining the nature,
47 extent or cause of personal injury or cause of death compensable

1 under [this act] P.L.1971, c.317, the [board] agency shall maintain
2 a [panel] directory of impartial medical experts. [The specialties
3 to be represented on the panel and the number of experts in each
4 specialty shall be determined jointly by the Medical Society of New
5 Jersey and the board. The experts to serve on the panel in the
6 several specialties shall be designated by the Medical Society of
7 New Jersey.]

8 (cf: P.L.1971, c.317, s.13)

9

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

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

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

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

39 No compensation shall be awarded if:

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

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

46 c. The victim was guilty of a violation of subtitle 10 or 12 of

1 Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which
2 caused or contributed to his injuries; or

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

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

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

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

20 Except as provided herein, no compensation shall be awarded
21 under **[this act]** P.L.1971, c.317 in an amount in excess of
22 **[\$25,000.00]** \$25,000, and all payments shall be made in a lump
23 sum, except that in the case of death or protracted disability the
24 award may provide for periodic payments to compensate for loss of
25 earnings or support. Five years after the entry of an initial
26 determination order, a claim for compensation expires and no
27 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]** Agency prior to the
30 expiration of the five-year period except in those cases determined
31 by the **[board]** agency to be catastrophic in nature. No award made
32 pursuant to **[this act]** P.L.1971, c.317 shall be subject to execution
33 or attachment other than for expenses resulting from the injury
34 which is the basis of the claim.

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

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

40 (cf: P.L.1999, c.166, s.1)

41

42 19. Section 3 of P.L.1982, c.192 (C.52:4B-18.1) is amended to
43 read as follows:

44 3. The increase in compensation to a maximum of
45 **[\$25,000.00]** \$25,000 provided for in **[this amendatory and**
46 **supplementary act]** P.L.1982, c.192 shall apply only to crimes

1 committed after the effective date of **[this act]** P.L.1982, c.192
2 when personal injury or death occurs.

3 (cf: P.L.1982, c.192, s.3)

4

5 20. Section 2 of P.L.1999, c.166 (C.52:4B-18.2) is amended to
6 read as follows:

7 2. a. In addition to any award granted pursuant to section 18 of
8 P.L.1971, c.317 (C.52:4B-18), the Victims of Crime Compensation
9 **[Board]** Agency may make one or more supplemental awards for
10 the purpose of providing rehabilitative assistance to catastrophically
11 injured crime victims or other persons entitled to compensation
12 under section 10 of P.L.1971, c.317 (C.52:4B-10).

13 b. The rehabilitative assistance which the supplemental award
14 may cover can include, but is not limited to, any of the following
15 services not covered by the original award of compensation or by
16 other sources provided that the **[board]** agency determines that the
17 services are reasonable and necessary:

- 18 (1) Surgical and therapeutic procedures;
- 19 (2) Rehabilitative physical and occupational therapy designed to
20 restore an optimum function level;
- 21 (3) Prescription drugs and medical supplies;
- 22 (4) Cognitive and psychological therapy;
- 23 (5) Home health assistance;
- 24 (6) Vehicle modifications;
- 25 (7) Driver training;
- 26 (8) Wheelchair, braces, splints, crutches, walkers, shower or
27 commode chair and any other personal adaptive equipment required
28 to meet individual disability needs;
- 29 (9) Structural modifications to living environment designed to
30 provide accessibility and to maximize independence;
- 31 (10) Dependent care as needed.

32 c. The Victims of Crime Compensation **[Board]** Agency is
33 authorized to make rules and regulations prescribing the procedures
34 to be followed in qualifying for a supplemental award. The **[board]**
35 agency is also authorized to establish a cap on the total amount of
36 supplemental awards to be made in a year and a cap on the amount
37 which a person may receive as a supplemental award, which
38 personal cap shall not be less than \$25,000.

39 d. The payment of any supplemental award granted under the
40 provisions of this section shall be approved by the **[board]** agency
41 for payment out of funds appropriated for the administration of
42 P.L.1971, c.371 (C.52:4B-1 et seq.), the "Criminal Injuries
43 Compensation Act of 1971."

44 e. A catastrophically injured crime victim who received a
45 compensation award prior to the enactment of this section may
46 apply for a supplemental award pursuant to the provisions of this
47 section. A denial by the **[board]** agency of an application made

1 pursuant to the provisions of this subsection shall not be subject to
2 appeal.

3 f. As used in this section, "catastrophically injured crime
4 victim" means a person who is injured by any act or omission of
5 another person which is within the description of the offenses
6 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) and who
7 has sustained a severe long term or life long personal injury.
8 (cf: P.L.1999, c.166, s.2)
9

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

12 19. In determining the amount of compensation to be allowed by
13 order, the **[board]** agency shall take into consideration amounts
14 received or receivable from any other source or sources by the
15 victim or his dependents as a result of the offense or occurrence
16 giving rise to the application.

17 Each order for compensation made by the **[board]** agency shall
18 be filed with the Director of the Division of Budget and Accounting
19 and shall constitute authority for payment by the State Treasurer to
20 the person or persons named therein of the amounts specified in
21 such order.

22 (cf: P.L.1971, c.317, s.19)
23

24 22. Section 20 of P.L.1971, c.317 (C.52:4B-20) is amended to
25 read as follows:

26 20. a. Whenever an order for the payment of compensation is or
27 has been made for personal injury or death resulting from an act or
28 omission constituting an offense under this act, the **[board]** agency
29 shall, upon payment of the amount of the order, be subrogated to
30 the cause of action of the applicant against the person or persons
31 responsible for such personal injury or death **[and]** to recover such
32 payments. With the consent of the board, the agency also shall be
33 entitled to bring an action against such person or persons for the
34 amount of the damage sustained by the applicant **[and in]** . In the
35 event that [more is recovered and collected in any such action] the
36 amount paid in satisfaction of a judgment entered pursuant to this
37 section is more than the amount paid by reason of the order for
38 payment of compensation, the **[board]** agency shall pay the balance
39 to the applicant.

40 b. If a judgment is entered in favor of the agency pursuant to
41 subsection a. of this section to recover payments made to the
42 applicant pursuant to order for payment of compensation, the
43 judgment shall constitute a lien on any and all real and personal
44 property or income which the person or persons responsible for the
45 personal injury or death has or may acquire an interest, including
46 the net proceeds, after the payment of fees and costs, of any
47 settlement negotiated prior or subsequent to the filing of a lawsuit,

1 any civil judgment, any civil arbitration award and any inheritance
2 payable to the person or persons responsible for the personal injury
3 or death. The lien shall have priority over all other levies and
4 garnishments against the net proceeds of actions identified in this
5 section unless otherwise provided by the Superior Court. The lien
6 shall not have priority over levies to recover unpaid income taxes
7 owed to the State or a judgment for child support entered pursuant
8 to section 1 of P.L.1988, c.111 (C.2A:17-56.23a).

9 c. All judgments and other related papers required for the
10 purposes of this section shall be received and recorded by the clerk
11 of the Superior Court without payment of fees.

12 d. To discharge or otherwise compromise any lien or liens
13 arising pursuant to this section, the agency shall file with the clerk
14 of the Superior Court a duly acknowledged certificate setting forth
15 the fact that the agency desires to discharge or amend the lien of
16 record.

17 e. Any person desiring to secure immediate discharge of any
18 lien arising pursuant to this section may deposit with the court cash
19 in an amount sufficient to cover the amount of the lien or post a
20 bond in an amount and with sureties approved by the court. Upon
21 proper notice to the agency of such deposit or bond, a satisfaction
22 of the lien shall be filed at once with the clerk of the Superior
23 Court.

24 f. Any person affected in any manner, whether directly or
25 indirectly by any lien arising under this section, and desiring to
26 examine the validity of the lien or the facts and circumstances
27 surrounding the entry of the lien, may do so in an action brought in
28 the county where the lien was filed. The action shall be brought
29 against the agency claiming the lien, and the court may proceed in
30 the action in a summary manner and enter such judgment as it may
31 deem appropriate.

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

33
34 23. Section 21 of P.L.1971, c.317 (C.52:4B-21) is amended to
35 read as follows:

36 21. If any section or sections of **[this act]** P.L.1971, c.317 or
37 any provision thereof shall be declared to be unconstitutional,
38 invalid or inoperative in whole or in part, such section or provision
39 shall, to the extent that it is not unconstitutional, invalid or
40 inoperative be enforced and effectuated and no such determination
41 shall be deemed to invalidate or make ineffectual the remaining
42 provisions of the sections of **[this act]** P.L.1971, c.317.

43 (cf: P.L.1971, c.317, s.21)

44
45 24. Section 1 of P.L.1981, c.256 (C.52:4B-22) is amended to
46 read as follows:

1 1. a. Every State, county, and municipal police department and
2 hospital or other place of emergency medical care shall have
3 available and shall post in a public place information booklets,
4 pamphlets or other pertinent written information, to be supplied by
5 the **【Violent Crimes】** Victims of Crime Compensation **【Board】**
6 Agency, relating to the availability of crime victims' compensation
7 including all necessary application blanks required to be filed with
8 the **【board】** agency.

9 b. Included in the information supplied by the **【Violent**
10 **Crimes】** Victims of Crime Compensation **【Board】** Agency shall be
11 information for victims of sexual offenses. This information shall
12 contain the location of rape crisis centers in all geographical areas
13 throughout the State and shall instruct victims of sexual offenses
14 that if a rape crisis center is not available in a victim's immediate
15 geographical area, the victim may contact the appropriate county
16 victim-witness coordinator appointed by the Chief of the Office of
17 Victim-Witness Advocacy established pursuant to P.L.1985, c. 404
18 (C. 52:4B-39 et seq.). Unless the victim requires immediate
19 medical attention, this information shall be personally conveyed to
20 the victim of a sexual offense by a representative of the hospital or
21 place of emergency care before a medical examination of the victim
22 is conducted, or by a representative of the police department before
23 the victim's statement is taken, to afford the victim the opportunity
24 to arrange to have assistance from the rape crisis center or county
25 victim-witness coordinator during these procedures. Hospitals shall
26 be held harmless from suits emanating from a hospital's carrying
27 out the obligation to convey information to victims of sexual
28 offenses.

29 "Rape crisis center" means an office, institution or center
30 offering assistance to victims of sexual offenses through crisis
31 intervention, medical and legal information and follow-up
32 counseling.

33 c. Every police department shall, upon the filing of a report of
34 a violent crime, make available to any victim information
35 concerning crime victims' compensation.

36 (cf: P.L.1987, c.327, s.1)

37
38 25. Section 2 of P.L.1981, c.256 (C.52:4B-23) is amended to
39 read as follows:

40 2. No cause of action against the State, any county, or any
41 municipality, or any employee thereof, shall arise out of a failure to
42 give the notice required by section 1 of P.L.1981, c.256 (C.52:4B-
43 22), nor shall any such failure be deemed or construed to effect or
44 alter any time limitation or other requirement contained in **【this**
45 **act】** P.L.1971, c.317 for the filing or payment of a claim hereunder.

46 (cf: P.L.1981, c.256, s.2)

1 26. Section 3 of P.L.1981, c.396 (C.52:4B-24) is amended to
2 read as follows:

3 3. The **【board】** agency shall undertake a special senior citizens'
4 public awareness program to make brochures and applications for
5 claim forms available to senior citizens.
6 (cf: P.L.1981, c.396, s.3)

7
8 27. Section 2 of P.L.1982, c.192 (C.52:4B-25) is amended to
9 read as follows:

10 2. a. The **【Violent Crimes】** Victims of Crime Compensation
11 **【Board】** Agency shall establish a victim counseling service which
12 shall identify and develop sources to provide counseling to victims
13 as defined in **【the act to which this act is a supplement】** P.L.1971,
14 c.317. The service shall provide assistance to victims without
15 charge, which assistance shall include information and advice
16 relative to filing a claim with the board, emergency food and
17 clothing, employment opportunities, referral to other social service
18 agencies, and in obtaining legal advice or representation. The
19 service shall be conducted at such locations within the State as the
20 **【board】** agency deems advisable.

21 b. The **【board】** agency is authorized to appoint such personnel
22 for the service as may be necessary to carry out its functions.
23 Appointments made pursuant to this subsection shall be within the
24 funds appropriated or otherwise made available to the agency for
25 this purpose.

26 c. **【The service shall provide assistance to victims without**
27 **charge, which assistance shall include information and advice**
28 **relative to filing a claim with the board, emergency food and**
29 **clothing, employment opportunities, referral to other social service**
30 **agencies, and in obtaining legal advice or representation.】** ~~(Deleted~~
31 ~~by amendment, P.L. , c. .)~~

32 d. The agency may also identify and develop sources to
33 provide mental health counseling to victims, and provide victims
34 with such information as may be appropriate through its victim
35 counseling service.

36 (cf: P.L.1982, c.192, s.2)

37
38 28. Section 1 of P.L.1989, c.322 (C.52:4B-25.1) is amended to
39 read as follows:

40 1. a. In addition to the victim counseling service established
41 pursuant to section 2 of P.L.1982, c.192 (C.52:4B-25), the **【Violent**
42 **Crimes】** Victims of Crimes Compensation **【Board】** Agency shall
43 establish a specialized child and family counseling unit. This unit
44 shall be under the direction of **【a person appointed by a chairman of**
45 **the Violent Crimes Compensation Board whose training or**
46 **experience includes the handling of child abuse cases】** a person

1 appointed by the executive director whose training or experience
2 includes the handling of child abuse cases.

3 b. The **【board】** agency is authorized to appoint such personnel
4 for the child and family counseling unit as may be necessary to
5 carry out its functions. Appointments made pursuant to this
6 subsection shall be within the limits of the funds appropriated or
7 otherwise made available to the agency for that purpose.

8 c. The child and family counseling unit may be principally
9 located in any place as the **【board】** agency deems advisable, but
10 shall be available to lend assistance to child victims in every county
11 in this State.

12 (cf: P.L.1989, c.322, s.1)

13

14 29. Section 1 of P.L.1985, c. 404 (C.52:4B-39) is amended to
15 read as follows:

16 1. As used in **【this act】** P.L.1985, c.404:

17 a. "Victim" means a person who suffers personal physical or
18 psychological injury or death or incurs loss of or injury to personal
19 or real property as a result of a crime committed against that person.

20 b. **【"Board"】** Agency means the **【Violent Crimes】** Victims of
21 Crime Compensation **【Board】** Agency in the Department of ¹**【Law**
22 **and Public Safety】** the Treasury¹.

23 (cf: P.L.1985, c.404, s.1)

24

25 30. Section 2 of P.L.1985, c.404 (C.52:4B-40) is amended to
26 read as follows:

27 2. There is established under the jurisdiction of the **【Violent**
28 **Crimes】** Victims of Crime Compensation **【Board】** Agency in the
29 Department of ¹**【Law and Public Safety】** the Treasury¹ an Office of
30 Victim-Witness Assistance under the supervision of the Director of
31 the Office of Victim-Witness Assistance.

32 (cf: P.L.1985, c.404, s.2)

33

34 31. (New section) The Office of Victim-Witness Assistance
35 shall operate under the direction of the director of the Office of
36 Victim-Witness Assistance, who shall be appointed by the
37 executive director of the agency. The Director of the Office of
38 Victim-Witness Assistance shall have a minimum of five years of
39 experience in crime victim direct services and advocacy. The
40 appointment made pursuant to this section shall be within the limits
41 of the funds appropriated or otherwise made available to the agency
42 for this purpose.

43

44 32. Section 4 of P.L.1985, c.404 (C.52:4B-42) is amended to
45 read as follows:

46 4. The victim-witness rights information program shall:

- 1 a. Provide victims or their representatives with information
2 about the availability of social and medical services, especially
3 emergency and social services available in the victim's immediate
4 geographical area;
- 5 b. Provide victims or their representatives with information
6 about possible compensation under the "Criminal Injuries
7 Compensation Act of 1971," P.L.1971, c. 317 (C. 52:4B-1 et seq.)
8 and of the sentencing court's authority to order restitution under
9 chapter 43 of Title 2C of the New Jersey Statutes;
- 10 c. Provide victims or their representatives with information
11 about how to contact the appropriate county office of victim-
12 witness advocacy and the appropriate county prosecutor's office;
- 13 d. Provide a 24-hour toll-free hotline telephone number for
14 victims and witnesses to call with inquiries concerning the
15 information and services available pursuant to this act;
- 16 e. Provide victims and witnesses with a detailed description of
17 the rights established under the Crime Victim's Bill of Rights
18 created by P.L.1985, c. 249 (C. 52:4B-34 et seq.) and Article I,
19 paragraph 22 of the New Jersey Constitution;
- 20 f. Gather available information from victim assistance
21 programs throughout the country and make that information
22 available to the Office of Victim-Witness Advocacy, police
23 agencies, hospitals, prosecutors' offices, the courts, and other
24 agencies that provide assistance to victims of crimes; **[and]**
- 25 g. Sponsor conferences to bring together personnel working in
26 the field of victim assistance and compensation to exchange
27 methods and procedures for improving and expanding services to
28 victims;
- 29 h. Provide assistance to victims without charge, which
30 assistance shall include information and advice relative to filing a
31 claim with the board, emergency food and clothing, employment
32 opportunities, referral to other social service agencies, and in
33 obtaining legal advice or representation; and
- 34 i. Conduct training programs for attorneys and victim service
35 providers.

36 (cf: P.L.1985, c.404, s.4)

37

38 33. The following sections are repealed:

39 Sections 3, 4, 14, 15, 16 and 17 of P.L.1971, c.317 (C.52:4B-3,
40 52:4B-4 and 52:4B-14 through 52:4B-17);

41 Section 4 of P.L.1981, c.396 (C.52:4B-4.1); and

42 Section 12 of P.L.1995, c.135 (C.52:4B-3.1).

43

44 34. This act shall take effect on the first day of the second month
45 after enactment.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 218
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JUNE 25, 2007

SUMMARY

Synopsis: Revises statutes governing compensation for victims of crime.

Type of Impact: Expenditure decrease.

Agencies Affected: Department of Law and Public Safety; Victims of Crime Compensation Board

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|---|----------------------|----------------------|
| State Savings | Estimated savings between \$316,000 and \$450,000 annually. | | |

- The Office of Legislative Services estimates the potential cost savings of this bill could be between \$316,963 and \$449,284 annually for the allotted four board member positions. OLS recognizes that one board member position is currently vacant and additional expenditures may occur based on an increased allowance for attorney fees.
- Abolishes the paid Victims of Crime Compensation Board (VCCB) and replaces it with a volunteer citizen hearing board.
- Increases fees for attorneys who represent crime victims.
- The Governor's Recommended FY07-08 Budget decreases the VCCB budget by \$400,000 in expectation of the passage of this bill.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 218 of 2006 revises statutes governing compensation for victims of crime.

This bill transfers the duties and responsibilities of the Victims of Crime Compensation Board (VCCB) to a new executive agency to be known as the Victims of Crime Compensation

Agency. An executive director will be appointed by the Governor and will be responsible for developing, establishing and supervising all the agency's practices and procedures.

The bill: 1) increases fees for attorneys who represent crime victims; 2) establishes liens on the net proceeds of settlements, judgments or awards; 3) increases the amounts that may be provided as emergency awards, specifying that the maximum amount of any one emergency award may not exceed \$2,500, up from \$500, with a maximum total amount of \$5,000, up from \$1,500, to any one individual; and 4) specifically abolishes the Violent Crimes Compensation Board, later renamed the Victims of Crimes Compensation Board, and terminates the current members' terms, with the exception of the current chairman who is designated to serve as the executive director of the new agency until his successor is appointed and qualified.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates the potential cost savings of this bill could be between \$316,963 and \$449,284 annually for the allotted four board member positions. OLS recognizes that one board member position is currently vacant and additional expenditures may occur based on an increased allowance for attorney fees. OLS allotted \$20,000 in the estimate as a minimal increase in fees for attorneys who represent crime victims.

The Victims of Crime Compensation Board consists of one chairman and four appointed members. One of the appointed positions has remained vacant for the past year. As of 2006, each of the three remaining board members earned an annual average of \$112,321 and the chairman earned \$116,061. The chairman would be replaced with an executive director whose salary presumably would be comparable to that of the chairman.

New Jersey and New York are reportedly the only two states in which members of victim compensation boards are paid for full-time work. In the approximately 20 other states where these boards have been established, members are minimally paid or are volunteers.

Section: Law and Public Safety
Analyst: Kristin A. Brunner
Associate Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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