

52:4B-2; 52:4B-6; 52:4B-8 et al
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2019 **CHAPTER:** 380
NJSA: 52:4B-2; 52:4B-6; 52:4B-8 et al (Makes various changes to "Criminal Injuries Compensation Act of 1971.")
BILL NO: S498 (Substituted for A3391)
SPONSOR(S) Joseph F. Vitale and others

DATE INTRODUCED: 1/9/2018

COMMITTEE: **ASSEMBLY:** Appropriations
 SENATE: Law & Public Safety
 Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 1/13/2020
 SENATE: 6/20/2019

DATE OF APPROVAL: 1/21/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted)	Yes
S498	
SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes Appropriations
	SENATE: Yes Law & Public
Safety	Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes
A3391	
SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes Appropriations
	SENATE: No

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FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
FOLLOWING WERE PRINTED:	
To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or mailto:refdesk@njstatelib.org	
REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

RWH/JA

P.L. 2019, CHAPTER 380, *approved January 21, 2020*
Senate, No. 498 (*Second Reprint*)

1 AN ACT concerning compensation for victims of crime and
2 amending 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 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.2007,**
13 **c.95 (C.52:4B-3.2);]**

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

16 **["Dependents" "Dependent" means [such relatives] a relative**
17 **of a deceased victim [as were] who was wholly or partially**
18 **dependent upon [his] the victim's income at the time of [his] the**
19 **¹[victim's] victim's¹ death and shall include the child of [such] a**
20 **victim born after [his] the victim's death;**

21 **¹"Legal assistance" means assistance provided to a crime victim**
22 **in the enforcement of victims' rights in all courts; family law**
23 **matters, including but not limited to child protection actions,**
24 **divorce, custody, parenting time, child support, emancipation,**
25 **dependency, guardianship, and family reunification; obtaining**
26 **protective and restraining orders; employment matters, including**
27 **but not limited to wage and hour claims; accessing public benefits;**
28 **life planning; and any other situation for which an eligible crime**
29 **victim needs legal services related to the victimization.¹**

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

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

36 **¹"Relevant evidence" means evidence having a tendency in**
37 **reason to prove or disprove any fact of consequence to the**
38 **determination of the action and that is deemed to be admissible**
39 **under the rules of evidence and does not include rumor,**

**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:

¹Senate SLP committee amendments adopted October 18, 2018.

²Senate SBA committee amendments adopted June 17, 2019.

1 supposition, speculation, hearsay or opinion, except as otherwise
2 deemed admissible under the rules of evidence.¹

3 "Review Board" or "board" means the Victims of Crime
4 Compensation Review Board established by section 2 of P.L.2007,
5 c.95 (C.52:4B-3.2);

6 "Victim" means a person who [is injured or killed by any act or
7 omission of any other person which is within the description of]
8 suffers personal, physical, or psychological injury or death as a
9 result of the conduct of another person who commits²against that
10 person² any of the offenses specified in section 11 of P.L.1971,
11 c.317 (C.52:4B-11) or an act by a juvenile, which if committed by
12 an adult, would constitute a violation of any of these offenses. The
13 term shall include², in the case of a criminal homicide or an act by
14 a juvenile which, if committed by an adult, would constitute a
15 criminal homicide,² the spouse, parent, legal guardian, grandparent,
16 child, sibling, domestic or civil union partner of the decedent, or
17 parent of the decedent's child²[in the case of a criminal homicide
18 or an act by a juvenile, which if committed by an adult, would
19 constitute a criminal homicide]².

20 "Victims of Crime Compensation Office" or "office" means the
21 Victims of Crime Compensation Agency established pursuant to
22 P.L.1971, c.317 (C.52:4B-1 et seq.) which is continued as the
23 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
24 (C.52:4B-3.2 et al¹.¹) and Reorganization Plan No. 001-2008.
25 (cf: P.L.2007, c.95, s.1)

26
27 2. Section 6 of P.L.1971, c.317 (C.52:4B-6) is amended to read
28 as follows:

29 6. The principal office of the [agency] Victims of Crime
30 Compensation Office shall be in [Trenton] Newark, New Jersey,
31 but the [agency] office may sit and conduct its affairs in any place.
32 (cf: P.L.2007, c.95, s.7)

33
34 3. Section 8 of P.L.1971, c.317 (C.52:4B-8) is amended to read
35 as follows:

36 8. a. (1) The [agency] Victims of Crime Compensation Office
37 may, as a part of any order entered under P.L.1971, c.317 (C.52:4B-
38 1 et seq.), determine and allow reasonable attorney fees and costs,
39 which shall not exceed [15%] 15 percent of the amount awarded as
40 compensation under section 10 of P.L.1971, c.317 (C.52:4B-10), to
41 be paid in addition to the amount of [such] this compensation, to
42 the attorney representing the applicant. Notwithstanding the
43 provisions of this subsection, [no] an award for attorney fees shall
44 not be less than [300] \$500, unless the [agency] office
45 determines that the attorney has not acted diligently or in good faith
46 representing the claimant.

1 (2) **【Where the agency】** If the office enters an order denying
2 compensation, it may nevertheless allow attorney fees of **【\$300】**
3 \$500 to the attorney representing the claimant if the **【agency】**
4 office determines that the attorney has acted diligently or in good
5 faith representing the claimant.

6 (3) It shall be unlawful for any **【such】** attorney to ask for,
7 contract for, or receive any larger sum than the amount **【so】**
8 allowed under paragraph (1) or (2) of this subsection.

9 b. The **【agency】** office may allow payment up to a maximum
10 of **【\$3,000】** ²**【\$6,000】** \$10,000², at an hourly rate of \$275 or more
11 to be fixed by the **【agency】** office, to an attorney who provides
12 legal assistance to a victim in any legal matter ¹arising out of the
13 victimization¹, other than a decision of the Victims of Crime
14 Compensation **【Agency】** Office involving victim compensation or
15 any related appeal, arising from or related to having been the victim
16 of an offense specified in section 11 of P.L.1971, c.317 (C.52B:4-
17 11), provided that the victim is otherwise eligible to ¹**【make a claim**
18 **for】** receive¹ compensation. **【Payment under this subsection may**
19 **be made if and only to the extent that the amount of such payment**
20 **does not, when combined with the amounts paid or payable to the**
21 **victim under an order for compensation, exceed the \$25,000**
22 **limitation on compensation set forth in section 18 of P.L.1971,**
23 **c.317 (C.52:4B-18), and requests for payment under this subsection**
24 **shall be subject to the five-year time limitation set forth in section**
25 **18 of P.L.1971, c.317 (C.52:4B-18).】** ²Payment pursuant to this
26 subsection shall be subject to the limitation on compensation set
27 forth in section 18 of P.L.1971, c.317 (C.52:4B-18).²
28 (cf: P.L.2015, c.190, s.1)
29

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

32 10. In any case in which a person ²**【is injured or killed by any**
33 **act or omission of any other】** suffers personal, physical, or
34 psychological injury or death as a result of the conduct of another
35 person who commits an offense against that² person which is within
36 the description of the offenses listed in section 11 of P.L.1971,
37 c.317 (C.52B:4-11), the **【agency】** office may, upon application,
38 order the payment of compensation in accordance with the
39 provisions of P.L.1971, c.317 (C.52B:4-1 et seq.):

40 a. to or on behalf of the victim,

41 b. in the case of the personal ², physical, or psychological²
42 injury of the victim, where the compensation is for pecuniary loss
43 suffered or expenses incurred by any person responsible for the
44 maintenance of the victim, to that person, or

1 c. in the case of the death of the victim, to or for the benefit of
2 the dependents of the deceased victim, or any one or more of
3 **【such】** the dependents.

4 In determining whether to make an order under this section, the
5 **【agency】** office may consider any ¹**【circumstances it determines to**
6 **be relevant, including provocation, consent, or the behavior of the**
7 **victim which directly or indirectly contributed to】** facts that provide
8 relevant evidence ²**【that】** as to whether ²**the victim contributed to**¹
9 **【his】** the victim's injury or death ¹**【, the prior case history, if any,**
10 **of the victim, and any other relevant matters】** and ²**【that】** as to
11 whether ²**the victim's conduct was the proximate cause of the**
12 victim's injury or death¹. Notwithstanding any other provision of
13 P.L.1971, c.317 (52B:4-1 et seq.) to the contrary, the office is
14 authorized to make a limited award for funeral benefits, mental
15 health counseling, loss of support for dependent children, and
16 attorneys' fees in any case ¹**【of criminal homicide, including a**
17 **case】**¹ in which it is determined that the victim's conduct was ¹**【a**
18 **the**¹ contributing factor to the victim's death.

19 An order may be made under this section whether or not any
20 person is prosecuted or convicted of any offense arising out of such
21 act or omission. Upon application made by an appropriate
22 prosecuting authority, the **【agency】** office may suspend
23 proceedings under P.L.1971, c.317 (C.52B:4-1 et seq.) for **【such】**
24 the period **【as】** it deems appropriate on the ground that a
25 prosecution for an offense arising out of **【such】** the act or omission
26 has been commenced or is imminent.

27 ¹**【For the purposes of P.L.1971, c.317 (C.52B:4-1 et seq.), a**
28 **person shall be deemed to have intended an act or omission**
29 **notwithstanding that by reason of age, insanity, or otherwise, 【he】**
30 **the person was legally incapable of forming a criminal intent.】**¹
31 (cf: P.L.2007, c.95, s.12)

32
33 5. Section 1 of P.L.1981, c.258 (C.52:4B-10.1) is amended to
34 read as follows:

35 1. a. The Victims of Crime Compensation **【Agency】** Office
36 may make one or more emergency awards to any applicant for
37 compensation pending final determination of a case, when it
38 determines that compensation is likely to be provided and that the
39 applicant will suffer undue hardship if funds are not made
40 immediately available. The amount of any one emergency award
41 shall not exceed **【\$2,500 with the total amount of each such award**
42 **made to an individual applicant not to exceed \$5,000】** \$7,500. Any
43 emergency awards made to an applicant shall be deducted from the
44 final amount of compensation provided to an applicant by the
45 **【agency】** office. If the amount of compensation made by the
46 **【agency】** office to an applicant is less than the sum provided to the

1 applicant through emergency grants, the applicant shall pay to the
2 **【agency】 office** an amount of money equal to the difference. If the
3 **【agency】 office** determines that an applicant who has received
4 emergency awards shall receive no compensation, the applicant
5 shall repay to the **【agency】 office** the total amount of all emergency
6 awards which **【he】 the applicant** received.

7 b. In addition to any emergency award made pursuant to the
8 provisions of subsection a. of this section, the **【Victims of Crime**
9 **Compensation Agency】 office** may make an emergency award in an
10 amount not to exceed **【\$200.00】 \$1,000** for compensation for funds
11 stolen from a victim in connection with any of the incidents
12 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) except
13 burglary pursuant to paragraph **【11】 (11)** of subsection b. of section
14 11 of P.L.1971, c.317 (C.52:4B-11), **【burglary,】** whether or not the
15 victim suffered personal injury, under the following circumstances:

16 (1) The victim is 60 years of age or older or is disabled as
17 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
18 416(i);

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

22 3) ²**【(The funds stolen exceed **【\$50.00】 \$50;】 (Deleted by**
23 amendment, P.L. _____, c. _____) (pending before the Legislature as this
24 bill)²**

25 (4) The victim establishes:

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

28 (b) that the victim has cooperated with investigative and
29 prosecuting authorities; and

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

31 (5) The **【agency】 office** is satisfied that there are no other
32 sources available to provide the victim with funds necessary to
33 cover immediate costs of essential shelter, food, or medical
34 expenses, and that, but for the victim's loss, the victim would
35 otherwise have had the funds to pay **【such】 these** costs.

36 c. The **【agency】 office** shall direct that any funds awarded
37 pursuant to this act be expended solely to cover the costs
38 established pursuant to paragraph (5) of subsection b. of this
39 section.

40 d. (Deleted by amendment, P.L.2007, c.95).

41 (cf: P.L.2007, c.95, s.13)

42

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

45 3. In addition to ordering the payment of compensation for
46 personal injury or death which resulted from the incidents specified
47 in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of

1 Crime Compensation **【Agency】** Office may order the payment of
2 compensation for funds in connection with those incidents to
3 compensate certain victims, whether or not those victims suffered
4 personal injury, as specified in paragraphs (1) through (5) of
5 subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an
6 amount not to exceed **【\$200】** \$1,000.
7 (cf: P.L.2007, c.95, s.14)

8
9 7. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
10 read as follows:

11 11. The **【agency】** Victims of Crime Compensation Office may
12 order the payment of compensation in accordance with the
13 provisions of P.L.1971, c.317 (C.52B:4-1 et seq.) for personal
14 injury or death which resulted from:

15 a. an attempt to prevent the commission of crime or to arrest a
16 suspected criminal or in aiding or attempting to aid a police officer
17 **【so】** to do so; or

18 b. the commission or attempt to commit any of the following
19 offenses:

20 (1) aggravated assault;

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

22 (3) threats to do bodily harm;

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

24 (5) indecent acts with children;

25 (6) kidnapping;

26 (7) murder;

27 (8) manslaughter;

28 (9) aggravated sexual assault, sexual assault, aggravated
29 criminal sexual contact, criminal sexual contact;

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

33 (11) burglary;

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

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

37 c. the commission of a violation of R.S.39:4-50, section 5 of
38 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236
39 (C.12:7-34.19),₂ or section 3 of P.L.1952, c.157 (C.12:7-46); or

40 d. theft of an automobile pursuant to N.J.S.2C:20-2, eluding a
41 law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2
42 or unlawful taking of a motor vehicle pursuant to subsection b., c.,₂
43 or d. of N.J.S.2C:20-10 where injuries to the victim occur in the
44 course of operating an automobile in furtherance of the offense; or

45 e. the commission of a violation of N.J.S.2C:16-1, bias
46 intimidation; or

1 f. simple assault pursuant to N.J.S.2C:12-1²[,] or² disorderly
2 conduct pursuant to N.J.S.2C:33-2 ²[, or harassment pursuant to
3 N.J.S.2C:33-4]²; or

4 g. ²[leaving] a motor vehicle accident resulting in injury or
5 death where the driver of the vehicle left² the scene of ²[an] the²
6 accident ²[pursuant to] in violation of² R.S.39:4-129.

7 (cf: P.L.2007, c.303, s.3)

8

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

11 18. **[No]** An order for the payment of compensation shall not be
12 made under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the
13 application has been made within **[three]** five years after the date of
14 the personal injury or death or after that date upon determination by
15 the office that good cause exists for the delayed filing, and the
16 personal injury or death was the result of an offense listed in section
17 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the
18 police or other appropriate law enforcement agency within nine
19 months after its occurrence or reasonable discovery. If the victim is
20 under 18 years of age, the **[three-year]** five-year limit on filing
21 shall commence on the day the victim turns 18 years old. For the
22 purposes of this section, "good cause" shall include, but not be
23 limited to, instances where the victim or the victim's dependents
24 were not appropriately informed of the benefits offered by the
25 office as required by law. The office will make its determination
26 regarding the application within **[six months]** 90 days of
27 acknowledgment by the office of receipt of the completed
28 application and any and all necessary supplemental information ²,
29 provided that this period may be extended for good cause if an
30 administrative denial would otherwise result². Notwithstanding this
31 time period, the office shall reimburse the claimant or pay to any
32 third-party service provider the amount claimed to be due and
33 owing within 30 days after eligibility has been determined and the
34 amount submitted for payment has been determined by the office to
35 be fair and reasonable.

36 In determining the amount of an award, the office shall
37 determine whether, because of **[his]** the victim's conduct, the
38 victim of such crime contributed to the infliction of **[his]** the
39 victim's injury, and the office shall reduce the amount of the award
40 or reject the application altogether, in accordance with **[such]** the
41 determination**[; provided, however, that the]** , except that the office
42 is authorized to make a limited award for funeral benefits, mental
43 health counseling, loss of support for dependent children, and
44 attorneys' fees in cases of criminal homicide when it is determined
45 that the victim's conduct was a contributing factor to the victim's
46 death. The office shall not consider any conduct of the victim

1 contributory toward **【his】** the victim's injury, if the record indicates
2 **【such】** the conduct occurred during efforts by the victim to prevent
3 a crime or apprehend a person who had committed a crime in **【his】**
4 the victim's presence or had in fact committed a crime.

5 The office may **【deny or】** reduce an award where the victim has
6 not paid in full any payments owed on assessments imposed
7 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution
8 ordered following conviction for a crime and the office may deduct
9 any amount due for these assessments or restitution from an award
10 of compensation and make payments to satisfy these obligations
11 prior to making any payments of compensation to the victim.

12 No compensation shall be awarded if:

13 a. Compensation to the victim proves to be substantial unjust
14 enrichment to the offender or if the victim did not cooperate with
15 the reasonable requests of law enforcement authorities unless the
16 victim demonstrates a compelling health or safety reason for not
17 cooperating; or

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

19 c. The victim was guilty of a violation of subtitle 10 or 12 of
20 Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which
21 caused or contributed to **【his】** the victim's injuries; or

22 d. The victim was injured as a result of the operation of a
23 motor vehicle, except as provided in subsection c. or d. of section
24 11 of P.L.1971, c.317 (C.52:4B-11), boat, or airplane unless the
25 **【same】** vehicle, boat, or airplane was used as a weapon in a
26 deliberate attempt to run the victim down; or

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

35 f. **【The victim has been convicted of a crime and incarcerated;**
36 **or】** (Deleted by amendment, P.L. , c.) (pending before the
37 Legislature as this bill)

38 g. **【The victim sustained the injury during the period of**
39 **incarceration immediately following conviction for a crime.】**
40 (Deleted by amendment, P.L. , c.) (pending before the
41 Legislature as this bill)

42 Except as provided **【herein】** in this section, ²**【no】**²
43 compensation shall ²not² be awarded under P.L.1971, c.317
44 (C.52B:4-1 et seq.) in an amount in excess of \$25,000, and all
45 payments shall be made in a lump sum, except that in the case of
46 death or protracted disability the award may provide for periodic
47 payments to compensate for loss of earnings or support.

1 **【**Ten years after the entry of an initial determination order, a
2 claim for compensation expires and no further order is to be entered
3 with regard to the claim except:

4 (1) for requests for payment of specific out-of-pocket expenses
5 received by the Victims of Crime Compensation Office prior to the
6 expiration of the ten-year period;

7 (2) in those cases determined by the office to be catastrophic in
8 nature; and

9 (3) for requests for payment of expenses that were incurred only
10 after the expiration of the ten-year period.**】**

11 **【No】** An award made pursuant to P.L.1971, c.317 (C.52B:4-1 et
12 seq.) shall not be subject to execution or attachment other than for
13 expenses resulting from the injury which is the basis of the claim.

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

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

19 (cf: P.L.2011, c.165, s.1)

20

21 9. This act shall take effect on the first day of the seventh
22 month next following enactment, but the Director of the Victims of
23 Crime Compensation Office may take any anticipatory
24 administrative action in advance as shall be necessary to implement
25 the provisions of this act.

26

27

28

29

30 Makes various changes to “Criminal Injuries Compensation Act
31 of 1971.”

SENATE, No. 498

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator O'Scanlon

SYNOPSIS

Makes various changes to “Criminal Injuries Compensation Act of 1971.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/19/2018)

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

16 **["Dependents"]** **"Dependent"** means **[such relatives]** **a relative**
17 **of a deceased victim [as were] who was** wholly or partially
18 **dependent upon [his] the victim's** income at the time of **[his] the**
19 **victim's** death and shall include the child of **[such] a** victim born
20 after **[his] the victim's** death;

21 "Personal injury" means actual bodily harm and includes
22 pregnancy and mental or nervous shock;

23 "Relative" of any person means **[his] the person's** spouse,
24 parent, grandparent, stepfather, stepmother, child, grandchild,
25 brother, sister, half brother, half sister, or **[spouse's parents]** **parent**
26 **of the person's spouse;**

27 **"Review Board" or "board" means the Victims of Crime**
28 **Compensation Review Board established by section 2 of P.L.2007,**
29 **c.95 (C.52:4B-3.2);**

30 "Victim" means a person who **[is injured or killed by any act or**
31 **omission of any other person which is within the description of]**
32 **suffers personal, physical, or psychological injury or death as a**
33 **result of the conduct of another person who commits** any of the
34 offenses specified in section 11 of P.L.1971, c.317 (C.52:4B-11) or
35 **an act by a juvenile, which if committed by an adult, would**
36 **constitute a violation of any of these offenses. The term shall**
37 **include the spouse, parent, legal guardian, grandparent, child,**
38 **sibling, domestic or civil union partner of the decedent, or parent of**
39 **the decedent's child in the case of a criminal homicide or an act by**
40 **a juvenile, which if committed by an adult, would constitute a**
41 **criminal homicide.**

42 **"Victims of Crime Compensation Office" or "office" means the**
43 **Victims of Crime Compensation Agency established pursuant to**
44 **P.L.1971, c.317 (C.52:4B-1 et seq.) which is continued as 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.

1 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
2 (C.52:4B-3.2 et al) and Reorganization Plan No. 001-2008.
3 (cf: P.L.2007, c.95, s.1)
4

5 2. 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 **【agency】** Victims of Crime
8 Compensation Office shall be in **【Trenton】** Newark, New Jersey,
9 but the **【agency】** office may sit and conduct its affairs in any place.
10 (cf: P.L.2007, c.95, s.7)
11

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

14 8. a. (1) The **【agency】** Victims of Crime Compensation Office
15 may, as a part of any order entered under P.L.1971, c.317 (C.52:4B-
16 1 et seq.), determine and allow reasonable attorney fees and costs,
17 which shall not exceed **【15%】** 15 percent of the amount awarded as
18 compensation under section 10 of P.L.1971, c.317 (C.52:4B-10), to
19 be paid in addition to the amount of **【such】** this compensation, to
20 the attorney representing the applicant. Notwithstanding the
21 provisions of this subsection, **【no】** an award for attorney fees shall
22 not be less than **【\$300】** \$500, unless the **【agency】** office
23 determines that the attorney has not acted diligently or in good faith
24 representing the claimant.

25 (2) **【Where the agency】** If the office enters an order denying
26 compensation, it may nevertheless allow attorney fees of **【\$300】**
27 \$500 to the attorney representing the claimant if the **【agency】**
28 office determines that the attorney has acted diligently or in good
29 faith representing the claimant.

30 (3) It shall be unlawful for any **【such】** attorney to ask for,
31 contract for, or receive any larger sum than the amount **【so】**
32 allowed under paragraph (1) or (2) of this subsection.

33 b. The **【agency】** office may allow payment up to a maximum
34 of **【\$3,000】** \$6,000, at an hourly rate of \$275 or more to be fixed by
35 the **【agency】** office, to an attorney who provides legal assistance to
36 a victim in any legal matter, other than a decision of the Victims of
37 Crime Compensation **【Agency】** Office involving victim
38 compensation or any related appeal, arising from or related to
39 having been the victim of an offense specified in section 11 of
40 P.L.1971, c.317 (C.52B:4-11), provided that the victim is otherwise
41 eligible to make a claim for compensation. **【Payment under this**
42 subsection may be made if and only to the extent that the amount of
43 such payment does not, when combined with the amounts paid or
44 payable to the victim under an order for compensation, exceed the
45 \$25,000 limitation on compensation set forth in section 18 of
46 P.L.1971, c.317 (C.52:4B-18), and requests for payment under this

1 subsection shall be subject to the five-year time limitation set forth
2 in section 18 of P.L.1971, c.317 (C.52:4B-18)].

3 (cf: P.L.2015, c.190, s.1)

4

5 4. 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 P.L.1971, c.317 (C.52B:4-11),
10 the **[agency]** office may, upon application, order the payment of
11 compensation in accordance with the provisions of P.L.1971, c.317
12 (C.52B:4-1 et seq.):

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
20 **[such]** the dependents.

21 In determining whether to make an order under this section, the
22 **[agency]** office 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]** the victim's
25 injury or death, the prior case history, if any, of the victim, and any
26 other relevant matters. Notwithstanding any other provision of
27 P.L.1971, c.317 (52B:4-1 et seq.) to the contrary, the office is
28 authorized to make a limited award for funeral benefits, mental
29 health counseling, loss of support for dependent children, and
30 attorneys' fees in any case of criminal homicide, including a case in
31 which it is determined that the victim's conduct was a contributing
32 factor to the victim's death.

33 An order may be made under this section whether or not any
34 person is prosecuted or convicted of any offense arising out of such
35 act or omission. Upon application made by an appropriate
36 prosecuting authority, the **[agency]** office may suspend
37 proceedings under P.L.1971, c.317 (C.52B:4-1 et seq.) for **[such]**
38 the period **[as]** it deems appropriate on the ground that a
39 prosecution for an offense arising out of **[such]** the act or omission
40 has been commenced or is imminent.

41 For the purposes of P.L.1971, c.317 (C.52B:4-1 et seq.), a person
42 shall be deemed to have intended an act or omission
43 notwithstanding that by reason of age, insanity, or otherwise, **[he]**
44 the person was legally incapable of forming a criminal intent.

45 (cf: P.L.2007, c.95, s.12)

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

3 1. a. The Victims of Crime Compensation **【Agency】 Office**
4 may make one or more emergency awards to any applicant for
5 compensation pending final determination of a case, when it
6 determines that compensation is likely to be provided and that the
7 applicant will suffer undue hardship if funds are not made
8 immediately available. The amount of any one emergency award
9 shall not exceed **【\$2,500 with the total amount of each such award**
10 **made to an individual applicant not to exceed \$5,000】** \$7,500. Any
11 emergency awards made to an applicant shall be deducted from the
12 final amount of compensation provided to an applicant by the
13 **【agency】 office**. If the amount of compensation made by the
14 **【agency】 office** to an applicant is less than the sum provided to the
15 applicant through emergency grants, the applicant shall pay to the
16 **【agency】 office** an amount of money equal to the difference. If the
17 **【agency】 office** determines that an applicant who has received
18 emergency awards shall receive no compensation, the applicant
19 shall repay to the **【agency】 office** the total amount of all emergency
20 awards which **【he】 the applicant** received.

21 b. In addition to any emergency award made pursuant to the
22 provisions of subsection a. of this section, the **【Victims of Crime**
23 **Compensation Agency】 office** may make an emergency award in an
24 amount not to exceed **【\$200.00】** \$1,000 for compensation for funds
25 stolen from a victim in connection with any of the incidents
26 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) except
27 burglary pursuant to paragraph **【11】 (11)** of subsection b. of section
28 11 of P.L.1971, c.317 (C.52:4B-11), **【burglary,】** whether or not the
29 victim suffered personal injury, under the following circumstances:

30 (1) The victim is 60 years of age or older or is disabled as
31 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
32 416(i);

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

36 (3) The funds stolen exceed **【\$50.00】** \$50;

37 (4) The victim establishes:

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

40 (b) that the victim has cooperated with investigative and
41 prosecuting authorities; and

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

43 (5) The **【agency】 office** is satisfied that there are no other
44 sources available to provide the victim with funds necessary to
45 cover immediate costs of essential shelter, food, or medical

1 expenses, and that, but for the victim's loss, the victim would
2 otherwise have had the funds to pay **【such】** these costs.

3 c. The **【agency】** office shall direct that any funds awarded
4 pursuant to this act be expended solely to cover the costs
5 established pursuant to paragraph (5) of subsection b. of this
6 section.

7 d. (Deleted by amendment, P.L.2007, c.95).
8 (cf: P.L.2007, c.95, s.13)
9

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

12 3. In addition to ordering the payment of compensation for
13 personal injury or death which resulted from the incidents specified
14 in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of
15 Crime Compensation **【Agency】** Office may order the payment of
16 compensation for funds in connection with those incidents to
17 compensate certain victims, whether or not those victims suffered
18 personal injury, as specified in paragraphs (1) through (5) of
19 subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an
20 amount not to exceed **【\$200】** \$1,000.

21 (cf: P.L.2007, c.95, s.14)
22

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

25 11. The **【agency】** Victims of Crime Compensation Office may
26 order the payment of compensation in accordance with the
27 provisions of P.L.1971, c.317 (C.52B:4-1 et seq.) for personal
28 injury or death which resulted from:

29 a. an attempt to prevent the commission of crime or to arrest a
30 suspected criminal or in aiding or attempting to aid a police officer
31 **【so】** to do so; or

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

34 (1) aggravated assault;

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

36 (3) threats to do bodily harm;

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

38 (5) indecent acts with children;

39 (6) kidnapping;

40 (7) murder;

41 (8) manslaughter;

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

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

47 (11) burglary;

- 1 (12) tampering with a cosmetic, drug or food product;
- 2 (13) a violation of human trafficking, section 1 of P.L.2005, c.77
- 3 (C.2C:13-8); 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),² 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.,²
- 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; or
- 12 e. the commission of a violation of N.J.S.2C:16-1, bias
- 13 intimidation; or
- 14 f. simple assault pursuant to N.J.S.2C:12-1, disorderly conduct
- 15 pursuant to N.J.S.2C:33-2, or harassment pursuant to N.J.S.2C:33-
- 16 4; or
- 17 g. leaving the scene of an accident pursuant to R.S.39:4-129.
- 18 (cf: P.L.2007, c.303, s.3)

19

20 8. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to

21 read as follows:

22 18. ~~【No】~~ An order for the payment of compensation shall not be

23 made under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the

24 application has been made within ~~【three】~~ five years after the date of

25 the personal injury or death or after that date upon determination by

26 the office that good cause exists for the delayed filing, and the

27 personal injury or death was the result of an offense listed in section

28 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the

29 police or other appropriate law enforcement agency within nine

30 months after its occurrence or reasonable discovery. If the victim is

31 under 18 years of age, the ~~【three-year】~~ five-year limit on filing

32 shall commence on the day the victim turns 18 years old. For the

33 purposes of this section, "good cause" shall include, but not be

34 limited to, instances where the victim or the victim's dependents

35 were not appropriately informed of the benefits offered by the

36 office as required by law. The office will make its determination

37 regarding the application within ~~【six months】~~ 90 days of

38 acknowledgment by the office of receipt of the completed

39 application and any and all necessary supplemental information.

40 Notwithstanding this time period, the office shall reimburse the

41 claimant or pay to any third-party service provider the amount

42 claimed to be due and owing within 30 days after eligibility has

43 been determined and the amount submitted for payment has been

44 determined by the office to be fair and reasonable.

45 In determining the amount of an award, the office shall

46 determine whether, because of ~~【his】~~ the victim's conduct, the

47 victim of such crime contributed to the infliction of ~~【his】~~ the

1 victim's injury, and the office shall reduce the amount of the award
2 or reject the application altogether, in accordance with **[such]** the
3 determination**];** provided, however, that the **]** , except that the office
4 is authorized to make a limited award for funeral benefits, mental
5 health counseling, loss of support for dependent children, and
6 attorneys' fees in cases of criminal homicide when it is determined
7 that the victim's conduct was a contributing factor to the victim's
8 death. The office shall not consider any conduct of the victim
9 contributory toward **[his]** the victim's injury, if the record indicates
10 **[such]** the conduct occurred during efforts by the victim to prevent
11 a crime or apprehend a person who had committed a crime in **[his]**
12 the victim's presence or had in fact committed a crime.

13 The office may **[deny or]** reduce an award where the victim has
14 not paid in full any payments owed on assessments imposed
15 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution
16 ordered following conviction for a crime and the office may deduct
17 any amount due for these assessments or restitution from an award
18 of compensation and make payments to satisfy these obligations
19 prior to making any payments of compensation to the victim.

20 No compensation shall be awarded if:

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

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

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

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

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

43 f. **[The victim has been convicted of a crime and incarcerated;**
44 **or]** (Deleted by amendment, P.L. , c.) (pending before the
45 Legislature as this bill)

46 g. **[The victim sustained the injury during the period of**
47 **incarceration immediately following conviction for a crime.]**

1 (Deleted by amendment, P.L. _____, c. _____) (pending before the
2 Legislature as this bill)

3 Except as provided **【herein】** in this section, no compensation
4 shall be awarded under P.L.1971, c.317 (C.52B:4-1 et seq.) in an
5 amount in excess of \$25,000, and all payments shall be made in a
6 lump sum, except that in the case of death or protracted disability
7 the award may provide for periodic payments to compensate for
8 loss of earnings or support.

9 **【Ten years after the entry of an initial determination order, a**
10 **claim for compensation expires and no further order is to be entered**
11 **with regard to the claim except:**

12 (1) for requests for payment of specific out-of-pocket expenses
13 received by the Victims of Crime Compensation Office prior to the
14 expiration of the ten-year period;

15 (2) in those cases determined by the office to be catastrophic in
16 nature; and

17 (3) for requests for payment of expenses that were incurred only
18 after the expiration of the ten-year period.】

19 **【No】** An award made pursuant to P.L.1971, c.317 (C.52B:4-1 et
20 seq.) shall not be subject to execution or attachment other than for
21 expenses resulting from the injury which is the basis of the claim.

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

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

27 (cf: P.L.2011, c.165, s.1)

28

29 9. This act shall take effect on the first day of the seventh month
30 next following enactment, but the Director of the Victims of Crime
31 Compensation Office may take any anticipatory administrative
32 action in advance as shall be necessary to implement the provisions
33 of this act.

34

35

36

STATEMENT

37

38 This bill makes several revisions to the “Criminal Injuries
39 Compensation Act of 1971,” this State’s law which governs
40 compensation to crime victims for certain expenses they incur as a
41 result of a crime.

42 The bill expands the definition of a “victim” under the act to
43 conform it to the definition of a victim under the Crime Victim’s
44 Bill of Rights. The definition also is expanded to include the parent
45 of a child of the decedent so that the surviving parent of a child who
46 is not married to the decedent may apply for compensation for the
47 decedent’s child.

1 The bill also establishes that the principal office of the Victims
2 of Crime Compensation Office (VCCO), the agency responsible for
3 administering the provisions of the act, is to be located in Newark,
4 rather than Trenton. The main office of the VCCO currently is
5 located in Newark, with an ancillary office located in Trenton.

6 Attorneys' fees that may be awarded by the VCCO also are
7 increased under the bill. Currently, an attorney representing a
8 victim before the VCCO may be paid up to 15 percent of the total
9 amount of compensation paid to the victim, but not less than \$300.
10 This minimum amount is increased to \$500 under the bill. Under
11 current law, the VCCO also may allow a payment of up \$3,000 at
12 an hourly rate it sets (currently \$125) to an attorney who provides
13 legal assistance to a victim in any legal matter, including domestic
14 violence, victims' rights assistance, family law issues, and landlord
15 tenant matters. The bill would increase this payment to up to
16 \$6,000 at an hourly rate of at least \$275. The \$25,000 cap on the
17 combined award and payment of attorneys' fees is removed, as is
18 the five-year limit on payments.

19 The bill further authorizes the VCCO to provide to a homicide
20 victim's spouse, child, parent, or domestic partner a limited award
21 for funeral benefits, mental health counseling, loss of support for
22 dependent children, and attorneys' fees even if the victim's conduct
23 was a contributing factor to his or her death. The bill also increases
24 the maximum amount of an emergency award from \$5,000 to
25 \$7,500 and increases the maximum award to compensate for funds
26 stolen from a victim from \$200 to \$1,000.

27 Under the bill, the list of crimes for which a victim is eligible
28 for compensation is expanded to include simple assault, disorderly
29 conduct, harassment, and leaving the scene of an accident. The bill
30 also increases the time limit on filing a claim from three to five
31 years after the injury or death; reduces the time frame within which
32 the VCCO is to make a determination of eligibility for
33 compensation from six months to 90 days; requires that payment be
34 made to the victim and third-party vendors within 30 days of a
35 determination of eligibility; removes the VCCO's option to deny an
36 award based on the victim's failure to pay certain assessments to
37 the VCCO; authorizes the VCCO to deduct from an award any
38 amount due for these assessments or restitution; authorizes the
39 VCCO to award compensation to an incarcerated victim; and
40 removes the 10-year expiration date on claims.

41 Finally, the bill makes technical changes to the act to conform
42 with the provisions of Reorganization Plan No. 001-2008, pursuant
43 to which the "Victims of Crime Compensation Agency" was
44 renamed the "Victims of Crime Compensation Office."

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 498

STATE OF NEW JERSEY

DATED: JANUARY 6, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 498 (2R).

This bill revises several provisions of the “Criminal Injuries Compensation Act of 1971,” this State’s law governing payment of compensation to crime victims for certain expenses they incur as a result of a crime.

The bill clarifies those victims who are entitled to compensation from the VCCO. Currently, payment may be ordered to a person who is injured or killed by the act or omission of another that constitutes a qualifying crime. As amended, the VCCO may order the payment of compensation to a person who suffers personal, physical, or psychological injury or death resulting from another person’s conduct constituting a qualifying crime.

The bill expands the definition of a “victim” under the act to conform it to the definition of a victim under the Crime Victim’s Bill of Rights. The definition also is expanded to include the parent of a child of the decedent so that the surviving parent of a child who is not married to the decedent may apply for compensation for the decedent’s child.

The bill also establishes that the principal office of the Victims of Crime Compensation Office (VCCO), the agency responsible for administering the provisions of the act, is to be located in Newark, rather than Trenton. The main office of the VCCO currently is located in Newark, with an ancillary office located in Trenton.

Attorneys’ fees that may be awarded by the VCCO also are increased under the amended bill. Currently, an attorney representing a victim before the VCCO may be paid up to 15 percent of the total amount of compensation paid to the victim, but not less than \$300. This minimum amount is increased to \$500 under the bill. Under current law, the VCCO also may allow a payment of up to \$3,000 at an hourly rate it sets (currently \$125) to an attorney who provides legal assistance to a victim in any legal matter. The amended bill would increase this payment to up to \$10,000 at an hourly rate of at least \$275 in a legal matter arising out of the victimization. Legal assistance includes assisting a crime victim in enforcing his or her rights in all courts, family law matters,

obtaining protective and restraining orders, employment matters, accessing public benefits, and life planning. As amended, the \$25,000 cap on the combined award and payment of attorneys' fees that was removed in the bill as introduced, is reinstated (the five-year limit on payments remains).

The bill clarifies that in determining whether to order compensation, the VCCO is to consider any facts that provide relevant evidence that the victim contributed to his or her injury or death and that the victim's conduct was the proximate cause of the injury or death. The amended bill defines relevant evidence as evidence having a tendency in reason to prove or disprove any fact of consequence to the determination of the action and is deemed to be admissible under the rules of evidence and does not include rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence. Under the amended bill, the VCCO is authorized to make a limited award to for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys' fees in any case in which it is determined the victim's conduct was the contributing factor to his or her death. The provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission is removed under the amended bill.

The bill also increases the maximum amount of an emergency award from \$5,000 to \$7,500 and increases the maximum award to compensate for funds stolen from a victim from \$200 to \$1,000.

Under the amended bill, the list of crimes for which a victim is eligible for compensation is expanded to include simple assault, disorderly conduct, harassment, and leaving the scene of an accident. The bill also increases the time limit on filing a claim from three to five years after the injury or death; reduces the time frame within which the VCCO is to make a determination of eligibility for compensation from six months to 90 days (as amended, this 90-day limit may be extended for good cause if the order would otherwise be administratively denied); requires that payment be made to the victim and third-party vendors within 30 days of a determination of eligibility; removes the VCCO's option to deny an award based on the victim's failure to pay certain assessments to the VCCO; authorizes the VCCO to deduct from an award any amount due for these assessments or restitution; authorizes the VCCO to award compensation to an incarcerated victim; and removes the 10-year expiration date on claims.

Finally, the bill makes technical changes to the act to conform to the provisions of Reorganization Plan No. 001-2008, pursuant to which the "Victims of Crime Compensation Agency" was renamed the "Victims of Crime Compensation Office."

As reported by the committee, Senate Bill No. 498 (2R) is identical to the Assembly Committee Substitute for Assembly Bill No. 3391, which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds the annual State expenditure increases associated with the legislation to be indeterminate. There is no data with which to evaluate the impact on the Victim of Crimes Compensation Office (VCCO) resulting from additional administrative activity and the payment of additional claims.

The VCCO may experience a workload increase from reviewing and processing additional claims due to expanding the definition of a victim and increasing the timeframe in which victims have to file a claim. The bill also increases the maximum amount that may be awarded for legal fees of \$10,000; the current limit is \$3,000. Although the services and financial reimbursements may increase, the cap on a victim's awards remains at \$25,000.

The bill requires the principal office of the VCCO to be located in Newark, New Jersey. Currently, it has an office in Newark and another in Trenton. The OLS does not have information as to whether the Trenton office may be closed, which would result in cost savings.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 498

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 498.

As amended and reported by the committee, this bill makes several revisions to the “Criminal Injuries Compensation Act of 1971,” this State’s law which governs compensation to crime victims for certain expenses they incur as a result of a crime.

The amended bill expands the definition of a “victim” under the act to conform it to the definition of a victim under the Crime Victim’s Bill of Rights. The definition also is expanded to include the parent of a child of the decedent so that the surviving parent of a child who is not married to the decedent may apply for compensation for the decedent’s child.

The amended bill also establishes that the principal office of the Victims of Crime Compensation Office (VCCO), the agency responsible for administering the provisions of the act, is to be located in Newark, rather than Trenton. The main office of the VCCO currently is located in Newark, with an ancillary office located in Trenton.

Attorneys’ fees that may be awarded by the VCCO also are increased under the amended bill. Currently, an attorney representing a victim before the VCCO may be paid up to 15 percent of the total amount of compensation paid to the victim, but not less than \$300. This minimum amount is increased to \$500 under the bill. Under current law, the VCCO also may allow a payment of up \$3,000 at an hourly rate it sets (currently \$125) to an attorney who provides legal assistance to a victim in any legal matter. The amended bill would increase this payment to up to \$6,000 at an hourly rate of at least \$275 in a legal matter arising out of the victimization. Under the amended bill, legal assistance includes assisting a crime victim in enforcing his or her rights in all courts, family law matters, obtaining protective and restraining orders, employment matters, accessing public benefits, and life planning. The \$25,000 cap on the combined award and payment of attorneys’ fees is removed, as is the five-year limit on payments.

The amended bill clarifies that in determining whether to order compensation, the VCCO is to consider any facts that provide

relevant evidence that the victim contributed to his or her injury or death and that the victim's conduct was the proximate cause of the injury or death. The amended bill defines relevant evidence as evidence having a tendency in reason to prove or disprove any fact of consequence to the determination of the action and is deemed to be admissible under the rules of evidence and does not include rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence. Under the amended bill, the VCCO is authorized to make a limited award to for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys' fees in any case in which it is determined the victim's conduct was the contributing factor to his or her death. The provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission is removed under the amended bill.

The amended bill also increases the maximum amount of an emergency award from \$5,000 to \$7,500 and increases the maximum award to compensate for funds stolen from a victim from \$200 to \$1,000.

Under the amended bill, the list of crimes for which a victim is eligible for compensation is expanded to include simple assault, disorderly conduct, harassment, and leaving the scene of an accident. The bill also increases the time limit on filing a claim from three to five years after the injury or death; reduces the time frame within which the VCCO is to make a determination of eligibility for compensation from six months to 90 days; requires that payment be made to the victim and third-party vendors within 30 days of a determination of eligibility; removes the VCCO's option to deny an award based on the victim's failure to pay certain assessments to the VCCO; authorizes the VCCO to deduct from an award any amount due for these assessments or restitution; authorizes the VCCO to award compensation to an incarcerated victim; and removes the 10-year expiration date on claims.

Finally, the bill makes technical changes to the act to conform with the provisions of Reorganization Plan No. 001-2008, pursuant to which the "Victims of Crime Compensation Agency" was renamed the "Victims of Crime Compensation Office."

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) clarify that an attorney may receive payment from the VCCO for providing the victim legal assistance in any legal matter *arising out of the victimization*;

2) define “legal assistance” as assistance provided to a crime victim in the enforcement of victims’ rights in all courts; family law matters, including but not limited to child protection actions, divorce, custody, parenting time, child support, emancipation, dependency, guardianship, and family reunification; obtaining protective and restraining orders; employment matters, including but not limited to wage and hour claims; accessing public benefits; life planning; and any other situation for which an eligible crime victim needs legal services related to the victimization;

3) clarify that in determining whether to order compensation to an eligible victim, the VCCO is to consider any facts that provide relevant evidence that the victim contributed to his or her injury or death and that the victim’s conduct was the proximate cause of the injury or death; under current law, the VCCO may consider any circumstances it determines to be relevant, including provocation, consent, or the behavior of the victim which directly or indirectly contributed to the victim’s injury or death, the prior case history, if any, of the victim and any other relevant matters;

4) define “relevant evidence” as evidence having a tendency in reason to prove or disprove any fact of consequence to the determination of the action and that is deemed to be admissible under the rules of evidence and does not include rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence;

5) remove the provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission; and

6) clarify certain other provisions.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 498

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2018

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The amended bill also establishes that the principal office of the Victims of Crime Compensation Office (VCCO), the agency responsible for administering the provisions of the act, is to be located in Newark, rather than Trenton. The main office of the VCCO currently is located in Newark, with an ancillary office located in Trenton.

Attorneys’ fees that may be awarded by the VCCO also are increased under the amended bill. Currently, an attorney representing a victim before the VCCO may be paid up to 15 percent of the total amount of compensation paid to the victim, but not less than \$300. This minimum amount is increased to \$500 under the bill. Under current law, the VCCO also may allow a payment of up \$3,000 at an hourly rate it sets (currently \$125) to an attorney who provides legal assistance to a victim in any legal matter. The amended bill would increase this payment to up to \$6,000 at an hourly rate of at least \$275 in a legal matter arising out of the victimization. Under the amended bill, legal assistance includes assisting a crime victim in enforcing his or her rights in all courts, family law matters, obtaining protective and restraining orders, employment matters, accessing public benefits, and life planning. The \$25,000 cap on the combined award and payment of attorneys’ fees is removed, as is the five-year limit on payments.

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relevant evidence that the victim contributed to his or her injury or death and that the victim's conduct was the proximate cause of the injury or death. The amended bill defines relevant evidence as evidence having a tendency in reason to prove or disprove any fact of consequence to the determination of the action and is deemed to be admissible under the rules of evidence and does not include rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence. Under the amended bill, the VCCO is authorized to make a limited award to for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys' fees in any case in which it is determined the victim's conduct was the contributing factor to his or her death. The provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission is removed under the amended bill.

The amended bill also increases the maximum amount of an emergency award from \$5,000 to \$7,500 and increases the maximum award to compensate for funds stolen from a victim from \$200 to \$1,000.

Under the amended bill, the list of crimes for which a victim is eligible for compensation is expanded to include simple assault, disorderly conduct, harassment, and leaving the scene of an accident. The bill also increases the time limit on filing a claim from three to five years after the injury or death; reduces the time frame within which the VCCO is to make a determination of eligibility for compensation from six months to 90 days; requires that payment be made to the victim and third-party vendors within 30 days of a determination of eligibility; removes the VCCO's option to deny an award based on the victim's failure to pay certain assessments to the VCCO; authorizes the VCCO to deduct from an award any amount due for these assessments or restitution; authorizes the VCCO to award compensation to an incarcerated victim; and removes the 10-year expiration date on claims.

Finally, the bill makes technical changes to the act to conform with the provisions of Reorganization Plan No. 001-2008, pursuant to which the "Victims of Crime Compensation Agency" was renamed the "Victims of Crime Compensation Office."

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) clarify that an attorney may receive payment from the VCCO for providing the victim legal assistance in any legal matter *arising out of the victimization*;

2) define “legal assistance” as assistance provided to a crime victim in the enforcement of victims’ rights in all courts; family law matters, including but not limited to child protection actions, divorce, custody, parenting time, child support, emancipation, dependency, guardianship, and family reunification; obtaining protective and restraining orders; employment matters, including but not limited to wage and hour claims; accessing public benefits; life planning; and any other situation for which an eligible crime victim needs legal services related to the victimization;

3) clarify that in determining whether to order compensation to an eligible victim, the VCCO is to consider any facts that provide relevant evidence that the victim contributed to his or her injury or death and that the victim’s conduct was the proximate cause of the injury or death; under current law, the VCCO may consider any circumstances it determines to be relevant, including provocation, consent, or the behavior of the victim which directly or indirectly contributed to the victim’s injury or death, the prior case history, if any, of the victim and any other relevant matters;

4) define “relevant evidence” as evidence having a tendency in reason to prove or disprove any fact of consequence to the determination of the action and that is deemed to be admissible under the rules of evidence and does not include rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence;

5) remove the provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission; and

6) clarify certain other provisions.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 498

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 25, 2019

SUMMARY

- Synopsis:** Makes various changes to “Criminal Injuries Compensation Act of 1971.”
- Type of Impact:** Annual State Expenditure Increase; General Fund.
- Agencies Affected:** Department of Law and Public Safety

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds the annual State expenditure increases associated with this proposed legislation to be indeterminate. There is no data with which to evaluate the impact on the Victims of Crime Compensation Office (VCCO) resulting from additional administrative activity and the payment of additional claims.
- The VCCO may experience a workload increase from reviewing and processing additional claims due to expanding the definition of a victim and increasing the time frame in which victims have to file a claim. The bill also increases the maximum amount that may be awarded for legal fees to \$10,000; the current limit is \$3,000. Although the services and financial reimbursements may increase, the cap on a victim’s awards remains at \$25,000.
- The bill requires the principal office of the VCCO to be located in Newark, New Jersey. Currently it has an office in Newark and another in Trenton. The OLS does not have information as to whether the Trenton office may be closed, which would result in cost savings.

BILL DESCRIPTION

This bill makes several revisions to the “Criminal Injuries Compensation Act of 1971” that is the State’s law which governs compensation to crime victims for certain expenses they incur as a result of a crime.

The bill expands the definition of a “victim” under the act to conform to the definition of a victim under the Crime Victim’s Bill of Rights and is expanded to include the parent of a child of the decedent so that the surviving parent of a child who is not married to the decedent may apply for compensation for the decedent’s child.

The bill also establishes that the principal office of the VCCO to be located in Newark, rather than Trenton. The main office of the VCCO currently is located in Newark, with an ancillary office located in Trenton.

Attorneys’ fees that may be awarded by the VCCO also are increased under the bill. Currently, an attorney representing a victim before the VCCO may be paid up to 15 percent of the total amount of compensation paid to the victim, but not less than \$300. This minimum amount is increased to \$500 under the bill. Under current law, the VCCO also may allow a payment of up to \$3,000 at an hourly rate it sets (currently \$125) to an attorney who provides legal assistance to a victim in any legal matter. The bill increases this payment to up to \$10,000 at an hourly rate of at least \$275 in a legal matter arising out of the victimization. Under the bill, legal assistance includes assisting a crime victim in enforcing his or her rights in all courts, family law matters, obtaining protective and restraining orders, employment matters, accessing public benefits, and life planning. The cap on the five-year limit on payments was removed.

The bill clarifies that in determining whether to order compensation, the VCCO is to consider any facts that provide relevant evidence that the victim contributed to his or her injury or death and that the victim’s conduct was the proximate cause of the injury or death. Under the bill, the VCCO is authorized to make a limited award for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys’ fees in any case in which it is determined the victim’s conduct was the contributing factor to his or her death. The provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission is removed under the bill.

The bill also increases the maximum amount of an emergency award from \$5,000 to \$7,500 and increases the maximum award to compensate for funds stolen from a victim from \$200 to \$1,000. The list of crimes for which a victim is eligible for compensation is also expanded to include simple assault, disorderly conduct, and leaving the scene of an accident. The bill increases the time limit on filing a claim from three to five years after the injury or death; reduces the time frame within which the VCCO is to make a determination of eligibility for compensation from six months to 90 days; requires that payment be made to the victim and third-party vendors within 30 days of a determination of eligibility; removes the VCCO’s option to deny an award based on the victim’s failure to pay certain assessments to the VCCO; authorizes the VCCO to deduct from an award any amount due for these assessments or restitution; authorizes the VCCO to award compensation to an incarcerated victim; and removes the 10-year expiration date on claims.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the annual State expenditure increases associated with this bill to be indeterminate as there is no data with which to evaluate the impact on the VCCO resulting from additional administrative expenses and the payment of additional claims.

VCCO Expenditures: The VCCO may experience a workload increase as a result of increased claims due to expanding the definition of a victim and increasing the time frame in which victims have to file a claim. Depending on the resource allocation policies of the VCCO, the added responsibilities may or may not augment State administrative expenditures.

The bill increases the maximum amount that the VCCO may award for legal fees to \$10,000; the current limit is \$3,000. Although the services and financial reimbursements may increase, the cap on victim's awards remains at \$25,000.

The bill requires the principal office of the VCCO to be located in Newark, New Jersey. Currently the VCCO has an office in Newark and another in Trenton, and the OLS does not have information as to whether the Trenton office may be closed, which would result in cost savings.

VCCO Background: The VCCO is the payer of last resort and will award compensation for the balance of crime-related expenses not reimbursed first from other sources such as medical insurance or disability benefits. Currently, VCCO compensation benefits may be awarded up to a maximum of \$25,000 per claim (\$10,000 for crimes before December 5, 1982). According to the VCCO's 2017 Annual Report, in FY 2017, the VCCO awarded \$8.3 million to victims of crime, received 3,619 applications, and processed 4,042 claims.

The VCCO is funded by penalties assessed in both municipal and Superior Court. Additional funding comes from the Federal Victims of Crime Act compensation grant, State appropriations, and the commissary surcharge on all items purchased in the Department of Corrections facilities.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3391

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 15, 2018

Sponsored by:

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

SYNOPSIS

Makes various changes to “Criminal Injuries Compensation Act of 1971.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/18/2018)

1 AN ACT concerning compensation for victims of crime and
2 amending 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 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.2007,**
13 **c.95 (C.52:4B-3.2);]**

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

16 **["Dependents" "Dependent" means [such relatives] a relative**
17 **of a deceased victim [as were] who was wholly or partially**
18 **dependent upon [his] the victim's income at the time of [his] the**
19 **victim's death and shall include the child of [such] a victim born**
20 **after [his] the victim's death;**

21 "Personal injury" means actual bodily harm and includes
22 pregnancy and mental or nervous shock;

23 "Relative" of any person means **[his] the person's** spouse,
24 parent, grandparent, stepfather, stepmother, child, grandchild,
25 brother, sister, half brother, half sister, or **[spouse's parents] parent**
26 **of the person's spouse;**

27 **"Review Board" or "board" means the Victims of Crime**
28 **Compensation Review Board established by section 2 of P.L.2007,**
29 **c.95 (C.52:4B-3.2);**

30 "Victim" means a person who **[is injured or killed by any act or**
31 **omission of any other person which is within the description of]**
32 **suffers personal, physical, or psychological injury or death as a**
33 **result of the conduct of another person who commits any of the**
34 **offenses specified in section 11 of P.L.1971, c.317 (C.52:4B-11) or**
35 **an act by a juvenile, which if committed by an adult, would**
36 **constitute a violation of any of these offenses. The term shall**
37 **include the spouse, parent, legal guardian, grandparent, child,**
38 **sibling, domestic or civil union partner of the decedent, or parent of**
39 **the decedent's child in the case of a criminal homicide or an act by**
40 **a juvenile, which if committed by an adult, would constitute a**
41 **criminal homicide.**

42 **"Victims of Crime Compensation Office" or "office" means the**
43 **Victims of Crime Compensation Agency established pursuant to**
44 **P.L.1971, c.317 (C.52:4B-1 et seq.) which is continued as 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.

1 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
2 (C.52:4B-3.2 et al) and Reorganization Plan No. 001-2008.

3 (cf: P.L.2007, c.95, s.1)

4

5 2. 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 **【agency】** Victims of Crime
8 Compensation Office shall be in **【Trenton】** Newark, New Jersey,
9 but the **【agency】** office may sit and conduct its affairs in any place.
10 (cf: P.L.2007, c.95, s.7)

11

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

14 8. a. (1) The **【agency】** Victims of Crime Compensation
15 Office may, as a part of any order entered under P.L.1971, c.317
16 (C.52:4B-1 et seq.), determine and allow reasonable attorney fees
17 and costs, which shall not exceed **【15%】** 15 percent of the amount
18 awarded as compensation under section 10 of P.L.1971, c.317
19 (C.52:4B-10), to be paid in addition to the amount of **【such】** this
20 compensation, to the attorney representing the applicant.
21 Notwithstanding the provisions of this subsection, **【no】** an award
22 for attorney fees shall not be less than **【\$300】** \$500, unless the
23 **【agency】** office determines that the attorney has not acted
24 diligently or in good faith representing the claimant.

25 (2) **【Where the agency】** If the office enters an order denying
26 compensation, it may nevertheless allow attorney fees of **【\$300】**
27 \$500 to the attorney representing the claimant if the **【agency】**
28 office determines that the attorney has acted diligently or in good
29 faith representing the claimant.

30 (3) It shall be unlawful for any **【such】** attorney to ask for,
31 contract for, or receive any larger sum than the amount **【so】**
32 allowed under paragraph (1) or (2) of this subsection.

33 b. The **【agency】** office may allow payment up to a maximum
34 of **【\$3,000】** \$6,000, at an hourly rate of \$275 or more to be fixed by
35 the **【agency】** office, to an attorney who provides legal assistance to
36 a victim in any legal matter, other than a decision of the Victims of
37 Crime Compensation **【Agency】** Office involving victim
38 compensation or any related appeal, arising from or related to
39 having been the victim of an offense specified in section 11 of
40 P.L.1971, c.317 (C.52B:4-11), provided that the victim is otherwise
41 eligible to make a claim for compensation. **【Payment under this**
42 subsection may be made if and only to the extent that the amount of
43 such payment does not, when combined with the amounts paid or
44 payable to the victim under an order for compensation, exceed the
45 \$25,000 limitation on compensation set forth in section 18 of
46 P.L.1971, c.317 (C.52:4B-18), and requests for payment under this

1 subsection shall be subject to the five-year time limitation set forth
2 in section 18 of P.L.1971, c.317 (C.52:4B-18)].

3 (cf: P.L.2015, c.190, s.1)

4

5 4. 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 P.L.1971, c.317 (C.52B:4-11),
10 the [agency] office may, upon application, order the payment of
11 compensation in accordance with the provisions of P.L.1971, c.317
12 (C.52B:4-1 et seq.):

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
20 [such] the dependents.

21 In determining whether to make an order under this section, the
22 [agency] office 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] the victim's
25 injury or death, the prior case history, if any, of the victim, and any
26 other relevant matters. Notwithstanding any other provision of
27 P.L.1971, c.317 (52B:4-1 et seq.) to the contrary, the office is
28 authorized to make a limited award for funeral benefits, mental
29 health counseling, loss of support for dependent children, and
30 attorneys' fees in any case of criminal homicide, including a case in
31 which it is determined that the victim's conduct was a contributing
32 factor to the victim's death.

33 An order may be made under this section whether or not any
34 person is prosecuted or convicted of any offense arising out of such
35 act or omission. Upon application made by an appropriate
36 prosecuting authority, the [agency] office may suspend
37 proceedings under P.L.1971, c.317 (C.52B:4-1 et seq.) for [such]
38 the period [as] it deems appropriate on the ground that a
39 prosecution for an offense arising out of [such] the act or omission
40 has been commenced or is imminent.

41 For the purposes of P.L.1971, c.317 (C.52B:4-1 et seq.), a person
42 shall be deemed to have intended an act or omission
43 notwithstanding that by reason of age, insanity, or otherwise, [he]
44 the person was legally incapable of forming a criminal intent.

45 (cf: P.L.2007, c.95, s.12)

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

3 1. a. The Victims of Crime Compensation **【Agency】 Office**
4 may make one or more emergency awards to any applicant for
5 compensation pending final determination of a case, when it
6 determines that compensation is likely to be provided and that the
7 applicant will suffer undue hardship if funds are not made
8 immediately available. The amount of any one emergency award
9 shall not exceed **【\$2,500 with the total amount of each such award**
10 **made to an individual applicant not to exceed \$5,000】** \$7,500. Any
11 emergency awards made to an applicant shall be deducted from the
12 final amount of compensation provided to an applicant by the
13 **【agency】 office**. If the amount of compensation made by the
14 **【agency】 office** to an applicant is less than the sum provided to the
15 applicant through emergency grants, the applicant shall pay to the
16 **【agency】 office** an amount of money equal to the difference. If the
17 **【agency】 office** determines that an applicant who has received
18 emergency awards shall receive no compensation, the applicant
19 shall repay to the **【agency】 office** the total amount of all emergency
20 awards which **【he】 the applicant** received.

21 b. In addition to any emergency award made pursuant to the
22 provisions of subsection a. of this section, the **【Victims of Crime**
23 **Compensation Agency】 office** may make an emergency award in an
24 amount not to exceed **【\$200.00】** \$1,000 for compensation for funds
25 stolen from a victim in connection with any of the incidents
26 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) except
27 burglary pursuant to paragraph **【11】 (11)** of subsection b. of section
28 11 of P.L.1971, c.317 (C.52:4B-11), **【burglary,】** whether or not the
29 victim suffered personal injury, under the following circumstances:

30 (1) The victim is 60 years of age or older or is disabled as
31 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
32 416(i);

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

36 (3) The funds stolen exceed **【\$50.00】** \$50;

37 (4) The victim establishes:

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

40 (b) that the victim has cooperated with investigative and
41 prosecuting authorities; and

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

43 (5) The **【agency】 office** is satisfied that there are no other
44 sources available to provide the victim with funds necessary to
45 cover immediate costs of essential shelter, food, or medical

1 expenses, and that, but for the victim's loss, the victim would
2 otherwise have had the funds to pay **【such】** these costs.

3 c. The **【agency】** office shall direct that any funds awarded
4 pursuant to this act be expended solely to cover the costs
5 established pursuant to paragraph (5) of subsection b. of this
6 section.

7 d. (Deleted by amendment, P.L.2007, c.95).
8 (cf: P.L.2007, c.95, s.13)

9
10 6. Section 3 of P.L.1995, c.135 (C.52:4B-10.2) is amended to
11 read as follows:

12 3. In addition to ordering the payment of compensation for
13 personal injury or death which resulted from the incidents specified
14 in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of
15 Crime Compensation **【Agency】** Office may order the payment of
16 compensation for funds in connection with those incidents to
17 compensate certain victims, whether or not those victims suffered
18 personal injury, as specified in paragraphs (1) through (5) of
19 subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an
20 amount not to exceed **【\$200】** \$1,000.

21 (cf: P.L.2007, c.95, s.14)

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

25 11. The **【agency】** Victims of Crime Compensation Office may
26 order the payment of compensation in accordance with the
27 provisions of P.L.1971, c.317 (C.52B:4-1 et seq.) for personal
28 injury or death which resulted from:

29 a. an attempt to prevent the commission of crime or to arrest a
30 suspected criminal or in aiding or attempting to aid a police officer
31 **【so】** to do so; or

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

34 (1) aggravated assault;

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

36 (3) threats to do bodily harm;

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

38 (5) indecent acts with children;

39 (6) kidnapping;

40 (7) murder;

41 (8) manslaughter;

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

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

47 (11) burglary;

- 1 (12) tampering with a cosmetic, drug or food product;
2 (13) a violation of human trafficking, section 1 of P.L.2005, c.77
3 (C.2C:13-8); 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; or
12 e. the commission of a violation of N.J.S.2C:16-1, bias
13 intimidation; or
14 f. simple assault pursuant to N.J.S.2C:12-1, disorderly conduct
15 pursuant to N.J.S.2C:33-2, or harassment pursuant to N.J.S.2C:33-
16 4; or
17 g. leaving the scene of an accident pursuant to R.S.39:4-129.
18 (cf: P.L.2007, c.303, s.3)

19
20 8. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
21 read as follows:

22 18. **[No]** An order for the payment of compensation shall not be
23 made under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the
24 application has been made within **[three]** five years after the date of
25 the personal injury or death or after that date upon determination by
26 the office that good cause exists for the delayed filing, and the
27 personal injury or death was the result of an offense listed in section
28 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the
29 police or other appropriate law enforcement agency within nine
30 months after its occurrence or reasonable discovery. If the victim is
31 under 18 years of age, the **[three-year]** five-year limit on filing
32 shall commence on the day the victim turns 18 years old. For the
33 purposes of this section, "good cause" shall include, but not be
34 limited to, instances where the victim or the victim's dependents
35 were not appropriately informed of the benefits offered by the
36 office as required by law. The office will make its determination
37 regarding the application within **[six months]** 90 days of
38 acknowledgment by the office of receipt of the completed
39 application and any and all necessary supplemental information.
40 Notwithstanding this time period, the office shall reimburse the
41 claimant or pay to any third-party service provider the amount
42 claimed to be due and owing within 30 days after eligibility has
43 been determined and the amount submitted for payment has been
44 determined by the office to be fair and reasonable.

45 In determining the amount of an award, the office shall
46 determine whether, because of **[his]** the victim's conduct, the
47 victim of such crime contributed to the infliction of **[his]** the

1 victim's injury, and the office shall reduce the amount of the award
2 or reject the application altogether, in accordance with **[such]** the
3 determination**;** provided, however, that the **]** , except that the office
4 is authorized to make a limited award for funeral benefits, mental
5 health counseling, loss of support for dependent children, and
6 attorneys' fees in cases of criminal homicide when it is determined
7 that the victim's conduct was a contributing factor to the victim's
8 death. The office shall not consider any conduct of the victim
9 contributory toward **[his]** the victim's injury, if the record indicates
10 **[such]** the conduct occurred during efforts by the victim to prevent
11 a crime or apprehend a person who had committed a crime in **[his]**
12 the victim's presence or had in fact committed a crime.

13 The office may **[deny or]** reduce an award where the victim has
14 not paid in full any payments owed on assessments imposed
15 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution
16 ordered following conviction for a crime and the office may deduct
17 any amount due for these assessments or restitution from an award
18 of compensation and make payments to satisfy these obligations
19 prior to making any payments of compensation to the victim.

20 No compensation shall be awarded if:

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

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

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

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

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

43 f. **[The victim has been convicted of a crime and incarcerated;**
44 **or]** (Deleted by amendment, P.L. , c.) (pending before the
45 Legislature as this bill)

46 g. **[The victim sustained the injury during the period of**
47 **incarceration immediately following conviction for a crime.]**

1 (Deleted by amendment, P.L. , c.) (pending before the
2 Legislature as this bill)

3 Except as provided **【herein】** in this section, no compensation
4 shall be awarded under P.L.1971, c.317 (C.52B:4-1 et seq.) in an
5 amount in excess of \$25,000, and all payments shall be made in a
6 lump sum, except that in the case of death or protracted disability
7 the award may provide for periodic payments to compensate for
8 loss of earnings or support.

9 **【Ten years after the entry of an initial determination order, a**
10 **claim for compensation expires and no further order is to be entered**
11 **with regard to the claim except:**

12 (1) for requests for payment of specific out-of-pocket expenses
13 received by the Victims of Crime Compensation Office prior to the
14 expiration of the ten-year period;

15 (2) in those cases determined by the office to be catastrophic in
16 nature; and

17 (3) for requests for payment of expenses that were incurred only
18 after the expiration of the ten-year period.】

19 **【No】** An award made pursuant to P.L.1971, c.317 (C.52B:4-1 et
20 seq.) shall not be subject to execution or attachment other than for
21 expenses resulting from the injury which is the basis of the claim.

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

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

27 (cf: P.L.2011, c.165, s.1)

28

29 9. This act shall take effect on the first day of the seventh
30 month next following enactment, but the Director of the Victims of
31 Crime Compensation Office may take any anticipatory
32 administrative action in advance as shall be necessary to implement
33 the provisions of this act.

34

35

36

STATEMENT

37

38 This bill makes several revisions to the “Criminal Injuries
39 Compensation Act of 1971,” this State’s law which governs
40 compensation to crime victims for certain expenses they incur as a
41 result of a crime.

42 The bill expands the definition of a “victim” under the act to
43 conform it to the definition of a victim under the Crime Victim’s
44 Bill of Rights. The definition also is expanded to include the parent
45 of a child of the decedent so that the surviving parent of a child who
46 is not married to the decedent may apply for compensation for the
47 decedent’s child.

1 The bill also establishes that the principal office of the Victims
2 of Crime Compensation Office (VCCO), the agency responsible for
3 administering the provisions of the act, is to be located in Newark,
4 rather than Trenton. The main office of the VCCO currently is
5 located in Newark, with an ancillary office located in Trenton.

6 Attorneys' fees that may be awarded by the VCCO also are
7 increased under the bill. Currently, an attorney representing a
8 victim before the VCCO may be paid up to 15 percent of the total
9 amount of compensation paid to the victim, but not less than \$300.
10 This minimum amount is increased to \$500 under the bill. Under
11 current law, the VCCO also may allow a payment of up to \$3,000 at
12 an hourly rate it sets (currently \$125) to an attorney who provides
13 legal assistance to a victim in any legal matter, including domestic
14 violence, victims' rights assistance, family law issues, and landlord
15 tenant matters. The bill would increase this payment to up to
16 \$6,000 at an hourly rate of at least \$275. The \$25,000 cap on the
17 combined award and payment of attorneys' fees is removed, as is
18 the five-year limit on payments.

19 The bill further authorizes the VCCO to provide to a homicide
20 victim's spouse, child, parent, or domestic partner a limited award
21 for funeral benefits, mental health counseling, loss of support for
22 dependent children, and attorneys' fees even if the victim's conduct
23 was a contributing factor to his or her death. The bill also increases
24 the maximum amount of an emergency award from \$5,000 to
25 \$7,500 and increases the maximum award to compensate for funds
26 stolen from a victim from \$200 to \$1,000.

27 Under the bill, the list of crimes for which a victim is eligible
28 for compensation is expanded to include simple assault, disorderly
29 conduct, harassment, and leaving the scene of an accident. The bill
30 also increases the time limit on filing a claim from three to five
31 years after the injury or death; reduces the time frame within which
32 the VCCO is to make a determination of eligibility for
33 compensation from six months to 90 days; requires that payment be
34 made to the victim and third-party vendors within 30 days of a
35 determination of eligibility; removes the VCCO's option to deny an
36 award based on the victim's failure to pay certain assessments to
37 the VCCO; authorizes the VCCO to deduct from an award any
38 amount due for these assessments or restitution; authorizes the
39 VCCO to award compensation to an incarcerated victim; and
40 removes the 10-year expiration date on claims.

41 Finally, the bill makes technical changes to the act to conform
42 with the provisions of Reorganization Plan No. 001-2008, pursuant
43 to which the "Victims of Crime Compensation Agency" was
44 renamed the "Victims of Crime Compensation Office."

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3391

STATE OF NEW JERSEY

DATED: JANUARY 6, 2020

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3391.

This Assembly Committee substitute for Assembly Bill No. 3391 makes various changes to the “Criminal Injuries Compensation Act of 1971,” which governs the payment of compensation to crime victims in this State for certain expenses they incur as a result of a crime.

The committee substitute clarifies those victims who are entitled to compensation from the Victims of Crime Compensation Office (VCCO), the agency responsible for administering the provisions of the Criminal Injuries Compensation Act. Currently, payment may be ordered to a person who is injured or killed as a result of a crime enumerated in the act, including but not limited to murder, manslaughter, aggravated assault, kidnapping, sexual assault, and burglary. Under the committee substitute, the VCCO may order the payment of compensation to a person who suffers personal, physical, or psychological injury or death resulting from another person’s conduct constituting an enumerated crime. The committee substitute also expands the enumerated crimes to include simple assault, disorderly conduct, and leaving the scene of an accident.

The committee substitute expands the definition of a “victim” under the act to conform it to the definition of a victim under the Crime Victim’s Bill of Rights. The definition also is expanded to include the parent of a child of the decedent so that a surviving parent who was not married to the decedent may apply for compensation for the decedent’s child.

The committee substitute also establishes that the principal office of the VCCO is to be located in Newark, rather than Trenton. The main office of the VCCO currently is located in Newark, with an ancillary office located in Trenton.

Attorneys’ fees that may be awarded by the VCCO are increased under the committee substitute. Currently, an attorney representing a victim before the VCCO may be paid up to 15 percent of the total amount of compensation paid to the victim, but not less than \$300. This minimum amount is increased to \$500 under the committee substitute. Under current law, the VCCO also may allow a payment

of up to \$3,000 at an hourly rate it sets (currently \$125) to an attorney who provides legal assistance to a victim in any legal matter. The committee substitute would increase this payment to up to \$10,000 at an hourly rate of at least \$275 in a legal matter arising out of the victimization. As defined by the committee substitute, legal assistance includes assisting a crime victim in enforcing his or her rights in all courts, family law matters, obtaining protective and restraining orders, employment matters, accessing public benefits, and life planning. Current law imposes a \$25,000 cap on an order of compensation, which includes any award, as well as attorneys' fees. The current three year limit on applying for an award is extended to five years in the committee substitute.

The committee substitute clarifies that in determining whether to order compensation, the VCCO is to consider any facts that provide relevant evidence that the victim contributed to his or her injury or death and that the victim's conduct was the proximate cause of the injury or death. The committee substitute defines relevant evidence as evidence having a tendency in reason to prove or disprove any fact of consequence to the determination of the action and is deemed to be admissible under the rules of evidence and excludes rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence. Under the committee substitute, the VCCO is authorized to make a limited award for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys' fees in any case in which it is determined the victim's conduct was the contributing factor to his or her death. The committee substitute removes the current provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission.

The committee substitute also increases the maximum amount of an emergency award from \$5,000 to \$7,500 and increases the maximum award to compensate for funds stolen from a victim from \$200 to \$1,000.

The committee substitute further reduces the time frame within which the VCCO is to make a determination of eligibility for compensation from six months to 90 days, but the 90-day limit may be extended for good cause if the order would otherwise be administratively denied; requires that payment be made to the victim and third-party vendors within 30 days of a determination of eligibility; removes the VCCO's option to deny an award based on the victim's failure to pay certain assessments to the VCCO; authorizes the VCCO to deduct from an award any amount due for these assessments or restitution; authorizes the VCCO to award compensation to a victim incarcerated for a crime; and removes the 10-year expiration date on claims.

Finally, the committee substitute makes technical changes to the act to conform to the provisions of Reorganization Plan No. 001-2008, pursuant to which the “Victims of Crime Compensation Agency” was renamed the “Victims of Crime Compensation Office.”

This Assembly Committee Substitute for Assembly Bill No. 3391 is identical to Senate Bill No. 498 (2R), also reported by the committee on this same date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds the annual State expenditure increases associated with the legislation to be indeterminate. There is no data with which to evaluate the impact on the Victim of Crimes Compensation Office (VCCO) resulting from additional administrative activity and the payment of additional claims.

The VCCO may experience a workload increase from reviewing and processing additional claims due to expanding the definition of a victim and increasing the timeframe in which victims have to file a claim. The bill also increases the maximum amount that may be awarded for legal fees of \$10,000; the current limit is \$3,000. Although the services and financial reimbursements may increase, the cap on a victim’s awards remains at \$25,000.

The bill requires the principal office of the VCCO to be located in Newark, New Jersey. Currently, it has an office in Newark and another in Trenton. The OLS does not have information as to whether the Trenton office may be closed, which would result in cost savings.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3391
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JANUARY 14, 2020

SUMMARY

Synopsis: Makes various changes to “Criminal Injuries Compensation Act of 1971.”

Type of Impact: Annual State Expenditure Increase; General Fund.

Agencies Affected: Department of Law and Public Safety

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds the annual State expenditure increases associated with this bill to be indeterminate. There is no data with which to evaluate the cost impact on the Victims of Crime Compensation Office (VCCO) resulting from additional administrative activity and the payment of additional claims.
- The VCCO may experience a workload increase from reviewing and processing additional claims due to expanding the definition of a victim and increasing the time frame in which victims have to file a claim. The bill also increases the maximum amount that may be awarded for legal fees to \$10,000; the current limit is \$3,000. Although the services rendered and financial reimbursements may increase, the cap on a victim’s awards remains at \$25,000.
- The bill requires the principal office of the VCCO to be located in Newark, New Jersey. Currently it has an office in Newark and another in Trenton. The OLS does not have information as to whether the Trenton office may be closed, which would result in cost savings.

BILL DESCRIPTION

This bill makes several revisions to the “Criminal Injuries Compensation Act of 1971” that is the State’s law which governs compensation to crime victims for certain expenses they incur as a result of a crime.

The bill expands the definition of a “victim” under the act to conform to the definition of a victim under the Crime Victim’s Bill of Rights and is expanded to include the parent of a child of the decedent so that the surviving parent of a child who is not married to the decedent may apply for compensation for the decedent’s child.

The bill also establishes that the principal office of the VCCO to be located in Newark, rather than Trenton. The main office of the VCCO currently is located in Newark, with an ancillary office located in Trenton.

Attorneys’ fees that may be awarded by the VCCO also are increased under the bill. Currently, an attorney representing a victim before the VCCO may be paid up to 15 percent of the total amount of compensation paid to the victim, but not less than \$300. This minimum amount is increased to \$500 under the bill. Under current law, the VCCO also may allow a payment of up to \$3,000 at an hourly rate it sets (currently \$125) to an attorney who provides legal assistance to a victim in any legal matter. The bill increases this payment to up to \$10,000 at an hourly rate of at least \$275 in a legal matter arising out of the victimization. Under the bill, legal assistance includes assisting a crime victim in enforcing his or her rights in all courts, family law matters, obtaining protective and restraining orders, employment matters, accessing public benefits, and life planning. The cap on the five-year limit on payments was removed.

The bill clarifies that in determining whether to order compensation, the VCCO is to consider any facts that provide relevant evidence that the victim contributed to his or her injury or death and that the victim’s conduct was the proximate cause of the injury or death. Under the bill, the VCCO is authorized to make a limited award for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys’ fees in any case in which it is determined the victim’s conduct was the contributing factor to his or her death. The provision that a person legally incapable of forming criminal intent due to age or insanity could be deemed to have intended an act or omission is removed under the bill.

The bill also increases the maximum amount of an emergency award from \$5,000 to \$7,500 and increases the maximum award to compensate for funds stolen from a victim from \$200 to \$1,000. The list of crimes for which a victim is eligible for compensation is also expanded to include simple assault, disorderly conduct, and leaving the scene of an accident. The bill increases the time limit on filing a claim from three to five years after the injury or death; reduces the time frame within which the VCCO is to make a determination of eligibility for compensation from six months to 90 days; requires that payment be made to the victim and third-party vendors within 30 days of a determination of eligibility; removes the VCCO’s option to deny an award based on the victim’s failure to pay certain assessments to the VCCO; authorizes the VCCO to deduct from an award any amount due for these assessments or restitution; authorizes the VCCO to award compensation to an incarcerated victim; and removes the 10-year expiration date on claims.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the annual State expenditure increases associated with this bill to be indeterminate as there is no data with which to evaluate the impact on the VCCO resulting from additional administrative expenses and the payment of additional claims.

VCCO Expenditures: The VCCO may experience a workload increase as a result of increased claims due to expanding the definition of a victim and increasing the time frame in which victims have to file a claim. Depending on the resource allocation policies of the VCCO, the added responsibilities may or may not augment State administrative expenditures.

The bill increases the maximum amount that the VCCO may award for legal fees to \$10,000; the current limit is \$3,000. Although the services and financial reimbursements may increase, the cap on victim's awards remains at \$25,000.

The bill requires the principal office of the VCCO to be located in Newark, New Jersey. Currently the VCCO has an office in Newark and another in Trenton, and the OLS does not have information as to whether the Trenton office may be closed, which would result in cost savings.

VCCO Background: The VCCO is the payer of last resort and will award compensation for the balance of crime-related expenses not reimbursed first from other sources such as medical insurance or disability benefits. Currently, VCCO compensation benefits may be awarded up to a maximum of \$25,000 per claim (\$10,000 for crimes before December 5, 1982). According to the VCCO's 2017 Annual Report, in FY 2017, the VCCO awarded \$8.3 million to victims of crime, received 3,619 applications, and processed 4,042 claims.

The VCCO is funded by penalties assessed in both municipal and Superior Court. Additional funding comes from the Federal Victims of Crime Act compensation grant, State appropriations, and the commissary surcharge on all items purchased in the Department of Corrections facilities.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

01/21/2020

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-62/A-2478 (Singleton, Oroho/DeAngelo, Houghtaling, Space) – Requires certain contractors to register under "The Public Works Contractor Registration Act"

S-358/A-4587 (Rice/Sumter, Reynolds-Jackson) – Establishes database with certain information about individuals elected to public office in this State

S-376/A-3839 (Madden, Gopal/Moriarty, Lagana, Mukherji, Murphy) – Eliminates eligibility time limit on tuition benefits for spouses of certain public safety workers killed in performance of their duties

S-497/A-4626 (Vitale, Madden/Mosquera, McKnight, Vainieri Huttle) – Allows certain prior statements by children to be admitted into evidence in child abuse and termination of parental rights cases

S-498/ACS for A-3391 (Vitale, Oroho/DeCroce, Johnson, DiMaso) – Makes various changes to "Criminal Injuries Compensation Act of 1971"

S-521/A-4378 (T. Kean, C.A. Brown, Pou, Ruiz/Caputo, Mukherji, Vainieri Huttle) – Requires NJ State Council on Arts to establish "Artist District" designation and select certain municipalities or areas within municipalities for such designation

S-589/ACS for A-422 (Weinberg/Mosquera, Jones, Moriarty) – Requires Secretary of State to establish secure Internet website for online voter registration; authorizes use of digitized signatures from New Jersey Motor Vehicle Commission's database

S-700/A-3836 (Ruiz, Cunningham/Schaer, Mukherji, Jasey) – "Higher Education Citizenship Equality Act"; defines domicile for dependent students for purpose of eligibility for State student grants and scholarships, and resident tuition rate

S-721/A-1751 (Greenstein, Cunningham, Diegnan/Quijano, Benson) – Authorizes use of certain electric school buses

S-758/A-1987 (Cunningham, Cruz-Perez/Sumter, Mukherji, Quijano) – Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes

S-765/A-541 (Cunningham, T. Kean, Ruiz/Mazzeo, Jasey, Vainieri Huttle, Sumter, Benson) – Prohibits Higher Education Student Assistance Authority from referring defaulted loans under New Jersey College Loans to Assist State Students (NJCLASS) Loan Program for certain actions if authority and borrower have entered into settlement agreement

S-782/A-1110 (Sarlo, Scutari/Downey, Houghtaling, Dancer) – Increases workers' compensation for loss of hand or foot

S-834 wGR/A-4186 (Scutari, Greenstein/Jones, Pintor Marin) – Prohibits resale of non-prescription diabetes test devices by pharmacists

S-939/A-3331 (Pou/Vainieri Huttle, Lopez, McKnight) – Requires forms and materials for individuals with developmental disabilities to be available in languages other than English

S-974/A-3040 (Singleton, T. Kean/Vainieri Huttle, Timberlake, Mosquera) – Requires newborn infants be screened for spinal muscular atrophy

- S-1032/A-2389 (Vitale, Gopal/Schaer, Benson, Verrelli)** – Concerns expansion of services provided by DHS mental health screening services
- S-1146/A-2365 (Codey, Rice/Vainieri Huttle, Mukherji, Downey)** – Requires hospital patient's medical record to include notation if patient is at increased risk of confusion, agitation, behavioral problems, and wandering due to dementia related disorder
- S-1298/ACS for A-2972 (A.M. Bucco, Singleton/Mazzeo, Dunn, Space)** – Permits municipalities to provide information on property tax bills concerning amount of local tax dollars saved through shared services
- S-1318/A-3156 (Ruiz, Scutari/Lampitt, Mosquera)** – Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members
- S-1505/A-1707 (Vitale/Vainieri Huttle, Lampitt, Benson, Mosquera)** – Expands membership of NJ Task Force on Child Abuse and Neglect
- S-1647/A-3181 (Diegnan, Codey/Conaway, Vainieri Huttle, Benson, Murphy)** – Prohibits use of coupons, price rebates, and price reduction promotions in sales of tobacco and vapor products
- S-1683/A-4267 (Smith, Greenstein/McKeon, Space, Wirths)** – Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries
- S-1703/A-715 (Connors, Holzapfel/Gove, Rumpf, DiMaso)** – Exempts disabled veterans from beach buggy permit fees
- S-1791/A-3414 (Weinberg/Johnson, Vainieri Huttle, Houghtaling)** – Requires employers to disclose certain wage information to employees
- S-1796/A-4693 (Addiego, Sweeney/Murphy)** – Permits school district of residence to provide aid in-lieu-of transportation to pupil attending Marine Academy of Science and Technology provided certain conditions are met
- S-1832/A-211 (Ruiz, Sarlo/Chiaravalloti, Zwicker, Pintor Marin)** – Establishes loan redemption program and tuition reimbursement program for certain teachers of science, technology, engineering, and mathematics
- S-2267/A-3616 (Sweeney, Corrado/Burzichelli, Holley, Calabrese)** – Gives State lottery winners option of remaining anonymous indefinitely
- S-2303/A-4843 (Sweeney, Ruiz, Cunningham/Wimberly, Karabinchak, Calabrese)** – Requires establishment of Work and Learn Consortiums by certain educational institutions to establish certificate and degree programs identified in high labor-demand industries
- S-2389 wGR/A-5449 (Singleton/Quijano, Downey, Houghtaling, Moriarty)** – Requires New Jersey State Board of Pharmacy to establish prescription drug pricing disclosure website and certain pharmaceutical manufacturing companies to provide prescription drug price information
- S-2428/A-4965 (Scutari/Quijano, Vainieri Huttle)** – Requires that massage and bodywork therapists and employers carry professional liability insurance
- S-2469/A-3745 (Singleton, Oroho/Wirths, Mazzeo, Space)** – Prohibits person from contracting for public work if person is federally debarred from receiving federal contract
- S-2511/A-4020 (Madden/Mazzeo, Murphy, Johnson)** – Changes title of DEP "conservation officer" to "conservation police officer"
- S-2521/A-4087 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program
- S-2522/A-4090 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Limits cross gender strip searches in

State correctional facilities

S-2532/A-4086 (Greenstein, Cruz-Perez/Vainieri Huttle, Lopez, Timberlake) – Requires correctional police officers receive 20 hours in-service training, including four hours in prevention of sexual misconduct, non-fraternization, and manipulation

S-2555/A-3990 (Gopal, Ruiz/Mukherji, Benson, Karabinchak) – Allows dependent students whose parents or guardians hold H-1B visas to qualify for in-State tuition at public institutions of higher education provided they meet certain criteria

S-2564/A-3519 (Turner, Singleton/Benson, McKnight, Jasey) – Establishes "Restorative Justice in Education Pilot Program" in Department of Education

SCS for S-2599/ACS for A-1268 (Bateman, Beach/Tucker, Conaway, Lampitt, Quijano) – Authorizes veterans' property tax exemption and veterans' property tax deduction for honorably discharged veterans of United States Armed Forces who did not serve in time of war or other emergency

S-2826/A-3274 (Greenstein/Vainieri Huttle, Dancer, Benson) – Requires institutions of higher education to offer cats and dogs no longer used for educational, research, or scientific purposes for adoption; designated the "Homes for Animal Heroes Act"

S-2849/A-4590 (A.M. Bucco/DiMaio, Caputo, Dunn) – Designates Seeing Eye® dog as State Dog

S-3036/A-1697 (Lagana, Scutari/Dancer, Downey) – Prohibits medical providers from reporting certain workers' compensation medical charges to collection and credit reporting agencies

S-3061/A-4603 (Ruiz, Greenstein/Lampitt, Mukherji, Benson) – Provides corporation business tax and gross income tax credits for businesses that participate in DOL registered apprenticeship programs; establishes grant program for tax-exempt organizations participating in DOL registered apprenticeship programs

S-3065/A-4657 (Ruiz, Singleton/Armato, Benson, Timberlake) – Establishes youth apprenticeship pilot program in Department of Education

S-3067/A-4602 (Ruiz, Singleton/Lampitt, Reynolds-Jackson, Sumter) – Establishes five year Apprentice Assistance and Support Services Pilot Program

S-3116/A-4683 (Ruiz/Speight, Munoz, Tucker) – Requires certain medical facilities to undertake end-of-life planning and training

S-3117/A-4685 (Ruiz/Speight, Pinkin, Munoz) – Requires emergency departments to take certain measures concerning palliative care for patients

S-3126/A-4107 (Gopal/Benson, DeCroce, Chiaravalloti) – Requires drivers to stop at railroad crossing when on-track equipment is approaching railroad crossing

S-3170/A-5145 (Cryan, Pou/Quijano, Milam, Land) – Increases prenotification time and requires severance pay in certain plant closings, transfers, and mass layoffs

S-3227/A-5261 (Gopal/Tully, Pinkin, Swain) – Requires restaurants to post signs advising customers to notify servers of food allergies; requires restaurant managers to complete food allergen training

S-3265/A-3178 (Turner, Codey, Vitale/Conaway, Murphy, Vainieri Huttle) – Prohibits sale or distribution of flavored vapor products

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S-3330 wGR/A-5066 (Addiego, Singleton/Jones, Vainieri Huttle, Lampitt, Murphy) – Establishes pilot program in DCF to study impact of child care services provided by community providers operating in public school facilities; requires community providers to meet certain criteria

S-3422/A-6056 (Singer, T. Kean/Houghtaling, Downey, Vainieri Huttle) – Requires declaration of Code Blue

alert when National Weather Service predicts temperatures of 32 degrees Fahrenheit or lower

S-3468/A-5105 (Sweeney, Singleton/Murphy, Karabinchak, Vainieri Huttle) – Establishes Task Force on Maximizing Employment for People with Disabilities

S-3511/A-5298 (Singer, T. Kean/Mukherji, Vainieri Huttle, Downey) – Authorizes certain health care and social service resources to be made available during Code Blue alert

S-3581/A-5963 (Singleton/Lopez, Quijano) – Prohibits certain business financing contracts that contain judgment by confession provisions

S-3685/A-5345 (Sarlo, Singleton/Mukherji, Conaway, McKnight) – Establishes program to increase participation of underrepresented students in New Jersey's science and engineering workforce

S-3756/A-6115 (Ruiz, Sarlo, O'Scanlon/Jasey, Jones, Wirths) – Requires limited purpose regional school districts to coordinate with constituent districts regarding school calendar and curriculum

S-3763/A-6116 (Addiego, Bateman, Sarlo/DeAngelo, Dancer, Space) – Renames joint meetings as regional service agencies; grandfathers existing joint meetings

S-3869/A-5561 (Sarlo/Burzichelli, Houghtaling) – Prohibits local governments from imposing fines on alarm companies in certain circumstances

S-3871/A-5427 (Bateman, Scutari/DePhillips, McKeon) – Adds member from Retired Judges Association of New Jersey to State Investment Council

SCS for S-3878/ACS for A-5394 (Ruiz, Weinberg, Cunningham/Moriarty, McKnight, Pinkin) – Reaffirms and clarifies that Attorney General and Division on Civil Rights may initiate actions in Superior Court to enforce "Law Against Discrimination"

S-3920 wGR/A-5552 (Pou/Wimberly, Sumter) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes

S-3923/A-5680 (Madden, Singleton/Giblin, Timberlake, Murphy) – Concerns labor harmony agreements for hospitality projects

SCS for S-3939 and 3944/ACS for A-5681 and 5682 (Smith, Greenstein, Bateman, Codey/Pinkin, Lopez, McKeon) – Establishes Recycling Market Development Council

S-3985/A-5663 (Smith/McKeon, Pinkin, Vainieri Huttle) – Amends "Electric Discount and Energy Competition Act" to add definition of "open access offshore wind transmission facility" and revises law concerning "qualified offshore wind projects"

S-4025/A-5695 (Pou/Wimberly, Sumter) – Makes FY 2020 language allocation of \$1,000,000 appropriated to Grants for Urban Parks to Hinchliffe Stadium in Paterson

S-4162/A-6014 (Smith, Greenstein/Vainieri Huttle, Pinkin, Houghtaling) – Establishes NJ Climate Change Resource Center at Rutgers University; appropriates up to \$500,000

S-4165/A-4364 (Rice/Giblin, Caputo, Tucker) – Expands University Hospital board of directors membership from 11 to 13 members

S-4188/A-6075 (Beach/Murphy, Dancer, Lampitt) – "Lindsay's Law"; provides tax benefits to organ and bone marrow donors and their employers, and provides paid time off to donors who are State or local government employees

S-4200/A-5855 (Ruiz, Turner/Coughlin, Lampitt, Holley) – Requires State to pay difference between federal allocation and total cost of reduced price breakfast or lunch; appropriates \$4.5 million

S-4247/A-6049 (Gopal, O'Scanlon/Conaway, Houghtaling, Downey) – Establishes criteria for distribution of Fiscal Year 2020 funding to Community Food Bank of New Jersey and partner organizations

S-4264/A-5962 (Pou/Wimberly, Sumter, Calabrese) – Designates State Highway Route 19 as "William J. Pascrell Jr. Highway"

S-4275/A-6088 (Smith, Greenstein/Burzichelli) – Allows BPU to increase cost to customers of Class I renewable energy requirement for energy years 2022 through 2024, under certain conditions

S-4276/A-6109 (Corrado, Bateman/Armato, Calabrese, Land) – Appropriates \$32,153,936 to State Agriculture Development Committee, and amends 2017 appropriations for stewardship activities, for farmland preservation purposes

S-4277/A-6112 (Greenstein, Bateman/Freiman, Danielsen, Downey) – Appropriates \$5,000,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

S-4278/A-6108 (Greenstein, Bateman/Taliaferro, Karabinchak, Kennedy) – Appropriates \$21 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

S-4279/A-6106 (Smith, Bateman/Houghtaling, Reynolds-Jackson, Pinkin) – Appropriates \$1,350,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

S-4286/A-5890 (Vitale/Swain, Jones) – Clarifies procedures concerning collection of child support on behalf of child over age 19 when court has ordered such support

S-4309/A-6107 (Turner, Cruz-Perez/Mejia, Vainieri Huttie, Zwicker) – Appropriates \$13,902,723 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

S-4310/A-6114 (Codey, Bateman/Carter, Murphy, Lopez) – Appropriates \$8,872,682 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

S-4311/A-6113 (Greenstein, Bateman/Speight, Mukherji, Verrelli) – Appropriates \$77,450,448 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

S-4312/A-6111 (Smith, Bateman/Giblin, Mazzeo, Land) – Appropriates \$36.143 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

S-4313/A-6110 (Corrado, Bateman/Moriarty, McKeon, Swain) – Appropriates \$33.915 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects

SCS for S-4315/ACS for A-6063 (Beach, Turner/Jones, Zwicker) – Creates fund to reimburse local units of government for cost of certain mail-in ballot procedures; appropriates \$3,000,000

SJR-51/AJR-189 (Rice, Turner/Verrelli, Reynolds-Jackson, Sumter) – Establishes the "New Jersey State Commission on Urban Violence"

SJR-65/AJR-90 (Weinberg, Addiego/DiMaso, Vainieri Huttie, Schepisi) – Designates March 19th "Women in Public Office Day" in New Jersey

SJR-80/AJR-121 (Lagana, Weinberg/Jones, Benson, Chiaravalloti, DeCroce) – Urges federal government to adhere to commitment to improve Northeast Corridor rail infrastructure by providing funding to complete Gateway Program

SJR-125/AJR-169 (Gopal, Codey/Wolfe, Pinkin) – Designates the second week of October of each year as "Obesity Care Week" in NJ

- A-344/S-1575 (Murphy, McKeon, Timberlake/Cruz-Perez, Singleton)** – Revises certain aspects of the New Jersey Individual Development Account Program
- A-1040/S-3928 (Houghtaling, Taliaferro/Andrzejczak)** – Establishes NJ "Landowner of the Year" award program
- A-1146/S-4330 (Wimberly, Holley/Pou, Singleton)** – Establishes "New Jersey Investing in You Promise Neighborhood Commission"
- A-1277/S-2629 (Tucker, Holley, Lopez/Singleton, Gopal)** – Requires hospitals and homeless shelters to provide information on services and resources to individuals who are homeless or military veterans
- A-1449/S-3168 (Benson, DeAngelo/Greenstein, Turner)** – Provides job security to certain organ and bone marrow donors
- A-1477/S-3228 (Chaparro, Vainieri Huttle, Benson, Jimenez, Mukherji, Downey/Gopal, Scutari)** – Establishes Statewide Hit and Run Advisory Program to facilitate apprehension of persons fleeing motor vehicle accident scene; designated as "Zackhary's Law"
- A-1478/S-1648 (Chaparro, Vainieri Huttle/Diegnan, T. Kean)** – Revises law governing theater liquor licenses
- A-1604/S-2734 (Conaway, Murphy, Jimenez/Singleton)** – "Recreational Therapists Licensing Act"
- A-1796/S-2609 (McKeon, Downey/Lagana, Gopal)** – Prevents criminal defendant from asserting "gay and transgender panic" defense to murder charge in order to reduce charge to manslaughter committed in heat of passion
- A-1924/S-2930 (Mukherji, A.M. Bucco, DeAngelo, DeCroce/Beach)** – Exempts certain honorably discharged United States military veterans from initial insurance producer licensing fee
- A-1992/S-1780 (Sumter, Benson, Vainieri Huttle, Houghtaling, Wimberly/Diegnan, Turner)** – "New Jersey Call Center Jobs Act"
- A-2183/S-1687 (Land, Johnson/Cruz-Perez, Andrzejczak)** – "Music Therapist Licensing Act"
- ACS for A-2431 wGR/SCS for S-1865 (Benson, Jimenez, DeCroce/Weinberg, T. Kean)** – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage
- ACS for A-2444 and S-2656/S-2081 (Benson, Lampitt, Pinkin, Mukherji/Turner, Singleton)** – Provides for coverage of comprehensive tobacco cessation benefits in Medicaid
- A-2767/S-2924 (Greenwald, Mosquera, McKnight/Greenstein, Singleton)** – Amends certain provisions of sexual assault statute to clarify elements necessary for conviction
- A-3312/S-1972 (Murphy, Lagana, Downey, Sumter/Gopal, Corrado)** – Requires Legislature to adopt and distribute policy prohibiting sexual harassment; requires members, officers, and employees of Legislature to complete online training on policy once every two years
- A-3670/S-995 (Benson, Giblin, Murphy/Vitale, Weinberg)** – Provides for designation of acute stroke ready hospitals, establishes Stroke Care Advisory Panel and Statewide stroke database, and requires development of emergency medical services stroke care protocols
- ACS for A-4136/SCS for S-2675 (Land, Milam/Andrzejczak, Van Drew)** – Establishes Possession In Excess of Daily Limit Vessel License for black sea bass and summer flounder; dedicates fees therefrom to marine fisheries programs
- A-4147/S-2744 (Lampitt, Houghtaling, Zwicker/Ruiz, Corrado)** – Requires school districts and nonpublic schools to conduct audit of security features of buildings, grounds, and communication systems and to submit audit to NJ Office of Homeland Security and Preparedness and DOE

- A-4150/S-2742 (Lampitt, Jones, Timberlake/Ruiz, Corrado)** – Requires meeting between student and appropriate school personnel after multiple suspensions or proposed expulsion from public school to identify behavior or health difficulties
- A-4151/S-2745 (Swain, Tully, Jasey/Ruiz, Corrado)** – Requires school security training for persons employed by public and nonpublic schools in substitute capacity and for employees and volunteers of youth programs operated in school buildings
- A-4260/S-4335 (Timberlake, Giblin, Tucker, Caputo/Pou, Scutari)** – Prohibits sale of certain toy guns and imitation firearms
- A-4370/S-2919 (Carroll/A.M. Bucco)** – Increases membership of board of trustees of Washington Association of New Jersey
- A-4377/S-2934 (Benson, Land, DeCroce/Greenstein)** – Requires DOT and OIT to develop materials concerning capabilities of airports in NJ and establishes "Public Use Airports Task Force"
- A-4517/S-4341 (Wimberly, Speight, Reynolds-Jackson/Singleton, Cunningham)** – Establishes "New Jersey Eviction Crisis Task Force"
- A-4529/S-3191 (Mazzeo, Armato/Gopal, Andrezejczak)** – Concerns reimbursements to Superstorm Sandy-impacted homeowners subjected to contractor fraud
- A-4563/S-3096 (Zwicker, Benson/Greenstein, Gill)** – Prohibits use of bots to deceive person about origin and content of communication for certain commercial or election purposes
- A-4564/S-3087 (Zwicker, Freiman/Greenstein)** – Establishes "Voting Precinct Transparency Act;" requires filing of election district, county district, and municipal ward boundary data with Secretary of State for posting and download on official website with matching election results data
- A-4699/S-2938 (Moriarty, Burzichelli, Bramnick/Turner)** – Regulates annual report filing services
- A-4803/S-4211 (Greenwald, Johnson, Pintor Marin/Cryan, Vitale)** – Authorizes certain entities to directly bill Victims of Crime Compensation Office for counseling services provided to victims of firearm and stabbing crimes
- A-4822/S-3408 (Wimberly, Tully, Swain/Singleton, Greenstein)** – Permits municipalities to lease vacant municipal land for tiny home occupancy; directs DCA to enhance regulatory guidance on acceptable tiny home construction and use
- A-4904 wGR/S-3347 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney)** – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances
- A-4954/S-3368 (Quijano, Murphy, Carter/Singleton, Greenstein)** – Revises requirements for provision of counseling and support services to emergency services personnel
- ACS for A-4972/SCS for S-1490 (Moriarty/Beach, Scutari)** – Establishes certain consumer protections related to arbitration organizations
- A-4978 wGR/S-3498 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan)** – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances
- A-5023/S-3467 (McKnight, Mukherji, Chaparro, Chiaravalloti/Cunningham)** – Exempts from DOT permitting requirements certain signs not located in protected areas that have been approved by municipality
- A-5028/S-3523 (Mukherji, Conaway, Pintor Marin/Vitale, Diegnan)** – Establishes "James Nicholas Rentas's Law," revises "New Jersey SmokeFree Air Act"
- A-5029/S-3522 (Sumter, Reynolds-Jackson, Johnson/Rice, T. Kean)** – Requires New Jersey Office on Minority and Multicultural Health to study racial disparities on sexual and reproductive health of African-American women

A-5031/S-3455 (Speight, McKnight, Timberlake/Ruiz) – Requires hospital emergency departments to ask person of childbearing age about recent pregnancy history

A-5314/S-3692 (Zwicker, Milam, Mazzeo/Cryan, Ruiz) – Requires DHS to study social isolation occurring in certain population groups

A-5344/S-3833 (Mukherji, Vainieri Huttel, Milam/Gopal, Corrado) – Establishes uniform standard for acceptable proof of veteran status for veteran's ID cards and various State and local programs

A-5388/S-3895 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires specialized in-service training regarding crime victims for police departments in certain high-crime areas

A-5389/S-3896 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires training or experience in crime victims' rights for certain members of Victims of Crime Compensation Review Board

A-5432/S-3796 (Milam, Land/Andrzejczak) – Requires DEP Commissioner to establish individual transferable quota system for menhaden purse seine fishery

A-5445/S-3909 (Swain, Tully, Spearman/T. Kean, Corrado) – Requires AG to establish program to detect fentanyl in State's illegal drug supply and make information related to presence of fentanyl available in database accessible by law enforcement

A-5511/S-1852 (Spearman, Jones, Reynolds-Jackson/Turner, Cruz-Perez) – Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike

A-5580/S-3842 (Johnson, Moriarty, Greenwald/Weinberg, Sarlo) – Extends availability period for tax credits for certain expenses incurred for production of certain film and digital media content, raises annual cap related to film production, and provides for annual administration of film tax credits

A-5583/S-3919 (Pinkin, Lopez, Mukherji/Smith, Bateman) – Prohibits sale, lease, rent, or installation of certain equipment or products containing hydrofluorocarbons or other greenhouse gases

A-5630/S-3981 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg, Corrado) – Requires Civil Service Commission to establish and maintain hotline for State employees to submit reports of workplace discrimination and harassment

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A-5667/S-3933 (Mukherji, Vainieri Huttel, Armato, DeCroce, Karabinchak/Singer, Scutari) – "Charlie's Law"; requires pharmacy practice sites and hospice programs to furnish patients with information and means to safely dispose of unused prescription drugs and medications

A-5801/S-4064 (Coughlin, Houghtaling, Verrelli/Singleton, Sweeney) – Concerns responsibility of contractors for wage claims against subcontractors

A-5817/S-4263 (Mazzeo, Armato/Cunningham, Sweeney, C.A. Brown) – Allows certain persons to qualify for casino key employee license and casino employee registration

A-5916/S-4255 (Chiaravalloti, McKnight, Karabinchak/Cunningham, Weinberg) – Authorizes DOH to notify elected officials of financial distress of certain hospitals

A-5918/SCS for S-3741 and 4253 (Chiaravalloti, McKnight/Weinberg, Cunningham, Vitale) – Expands hospital reporting requirements

A-5970/S-4201 (Lopez, Speight, Chaparro/Codey) – Amends list of environmental infrastructure projects approved for long-term funding for FY2020 to include new projects, remove certain projects, and modify estimated loan amounts for certain projects

A-5971/S-4202 (Mukherji, Pintor Marin, Spearman/Bateman, Corrado) – Authorizes NJ Infrastructure Bank to expend additional sums to make loans for environmental infrastructure projects for FY2020

A-5972/S-4203 (Pinkin, Benson, Zwicker/Greenstein, Singleton) – Makes changes to New Jersey Infrastructure Bank's enabling act

A-5977/S-4282 (Greenwald, Downey, Vainieri Huttie/Vitale, Singleton) – Provides for establishment of Regional Health Hub Program as replacement to Accountable Care Organization Demonstration Project, and designates existing accountable care organizations and look-alike organizations as Regional Health Hubs

A-6119/S-4336 (Egan, Houghtaling/Madden) – Revises "The Public Works Contractor Registration Act" and amends definition of registered apprenticeship program

AJR-35/SJR-159 (McKnight, Chaparro, Chiaravalloti, DeCroce/Cunningham, Greenstein) – Designates third full week in March as "Domestic Violence Services Awareness Week" to bring awareness of services available to domestic violence victims

AJR-103/SJR-70 (Rooney, DePhillips, Murphy/Corrado) – Permanently designates January as "NUT Carcinoma Awareness Month" in New Jersey

AJR-118/SJR-157 (McKnight, Timberlake, McKeon/Pou, Madden) – Designates April of each year as "Financial Literacy Month" in New Jersey

AJR-180/SJR-112 (DeAngelo, McKnight, Murphy/Singleton, Corrado) – Designates February in each year as "Career and Technical Education Month" in New Jersey

Governor Murphy declined to sign the following bills, meaning they expire without becoming law:

S-691/A-657 (Ruiz, Pou/Jasey, Caputo, Pintor Marin, Sumter, Wimberly) – Requires that if a school district satisfies 80% or more of the required NJ Quality Single Accountability Continuum standards in an area of district effectiveness under State intervention, the State must return that area to local control

S-1083/A-544 (Cruz-Perez, Gopal/Mazzeo, Houghtaling, Holley, Dancer) – Establishes loan program and provides corporation business tax and gross income tax credits for establishment of new vineyards and wineries

S-2421/A-1030 (Smith, Bateman/Johnson, Kennedy, Benson, DeAngelo) – Concerns installation of electric vehicle charging stations in common interest communities

S-2425/A-3851 (Singleton, Andrzejczak/Conaway) – Revises law relating to common interest communities

S-2429/A-4028 (Scutari, Pou/Bramnick, Downey) – Requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances

S-2835/A-3926 (Singleton, Ruiz/Conaway, Lampitt, Murphy) – Requires public schools to administer written screenings for depression for students in certain grades

S-2897/A-1433 (Madden, Singer/Benson, Wimberly, Carter) – Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers

S-2957/A-4712 (Stack/Mukherji, Chaparro) – Establishes five-year moratorium on conversions of certain residential rental premises in qualified counties

S-2958/A-4535 (Sarlo, Oroho/Zwicker, DePhillips, DeCroce) – Establishes the "Energy Infrastructure Public-Private Partnership Act"

S-3062/A-2049 (Ruiz, Greenstein/Howarth, Benson, Murphy) – Provides corporation business tax and gross income tax credits for businesses that employ apprentices in DOL registered apprenticeships

S-3063/A-4655 (Ruiz/Armato, Vainieri Huttie, DeAngelo) – Provides tuition fee waiver apprenticeship courses

S-3137/A-1308 (Sweeney, Oroho, Singleton/Greenwald, Milam, Land) – The "Electronic Construction Procurement Act"

S-3252/A-4713 (Greenstein, Stack/DeAngelo, Quijano) – "New Townhouse Fire Safety Act"; requires automatic fire sprinkler systems in new townhomes

S-3263/A-4837 (T. Kean, Diegnan/Vainieri Huttie, Chiaravalloti, McKnight) – Revises and updates membership and purpose of Advisory Council on the Deaf and Hard of Hearing in DHS

S-3270/A-5095 (Pou/McKeon, Freiman, DeCroce) – Establishes certain requirements for stop loss insurance offered to small employers

S-3393/ACS for A-5384 and 5157 (Sarlo, Addiego/Mazzeo, Murphy, Houghtaling, Calabrese, Armato, Dancer) – Allows certain preserved farms to hold 14 special occasion events per year; imposes further event restrictions on residentially-exposed preserved farms

S-3770/A-6118 (Sarlo, Oroho, Sweeney/Greenwald, Jones) – Establishes "New Jersey Economic and Fiscal Policy Review Commission" to provide ongoing review of State and local tax structure, economic conditions, and related fiscal issues

S-3888/A-5585 (Ruiz/Dancer, Pintor Marin) – Extends document submission deadlines under Economic Redevelopment and Growth Grant program and Urban Transit Hub Tax Credit program

S-4035/A-5702 (Pou, Singleton/Wimberly, Reynolds-Jackson, Sumter) – Makes Fiscal Year 2020 supplemental appropriation of \$1,700,000 for Thomas Edison State University

S-4281/A-6094 (Smith, Diegnan/Danielsen, Pinkin) – Requires State to sell and convey to Educational Services Commission of New Jersey certain land and improvements known as Piscataway Regional Day School

S-4331/A-4727 (Diegnan, Madden/Karabinchak, Holley, Jones) – Requires person taking written examination for permit to watch video of rights and responsibilities of driver stopped by law enforcement; requires testing on rights and responsibilities of driver stopped by law enforcement

A-491/S-4340 (Jimenez/Sacco, Stack) – Enhances PFRS accidental death pension for surviving spouse by providing for minimum of \$50,000 annually

A-1044/S-1441 (Houghtaling, Downey, DiMaio, Space/Doherty, Madden) – Requires Director of Division of Taxation to examine feasibility of centralized property tax information system to verify property taxes paid by homestead property tax reimbursement claimants

A-1045/S-2856 (Houghtaling, Downey, Dancer/Gopal, Oroho) – Clarifies sales tax collection responsibilities of horse-boarding businesses in New Jersey

A-1526/S-1048 (Zwicker, Johnson/Vitale) – Concerns payment of independent contractors

A-2731/S-3407 (Taliaferro, Space/Sweeney, Oroho) – Removes statutory limitation on number of permits that may be issued by Division of Fish and Wildlife for the taking of beaver

A-4382/S-2815 (Pinkin, Lopez, Kennedy/Beach, Smith) – Requires paint producers to implement or participate in paint stewardship program

A-4463/S-3927 (Freiman, Egan, Karabinchak/Oroho, Andrzejczak) – Establishes "Electronic Permit Processing Review System"

A-4788/S-3880 (Karabinchak, Freiman, Calabrese/Diegnan) – Establishes expedited construction inspection program

A-5072/S-3496 (Karabinchak, Johnson, Mukherji/Greenstein, Cryan) – "Defense Against Porch Pirates Act"; creates new category of theft, with penalties including mandatory restitution and community service, for taking package delivered to residence by cargo carrier

A-5446/S-3907 (Land, Reynolds-Jackson, Verrelli/T. Kean, Lagana) – Requires reporting of opioid deaths

A-5629/S-3980 (Pintor Marin, Munoz/Weinberg, Corrado) – Clarifies provisions concerning disclosure of existence and content of discrimination or harassment complaints; requires certain disclosures to person against whom complaint is made

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ACS for A-5922 and 5923/SCS for S-4223 and 4224 (Conaway, Vainieri Huttle, Lopez, Pinkin/Vitale, Sweeney) – Revises requirements for sale of tobacco and vapor products; increases penalties for prohibited sales; increases fees for cigarette and vapor business licensure

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