

ASSEMBLY, No. 3883

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 23, 2020

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

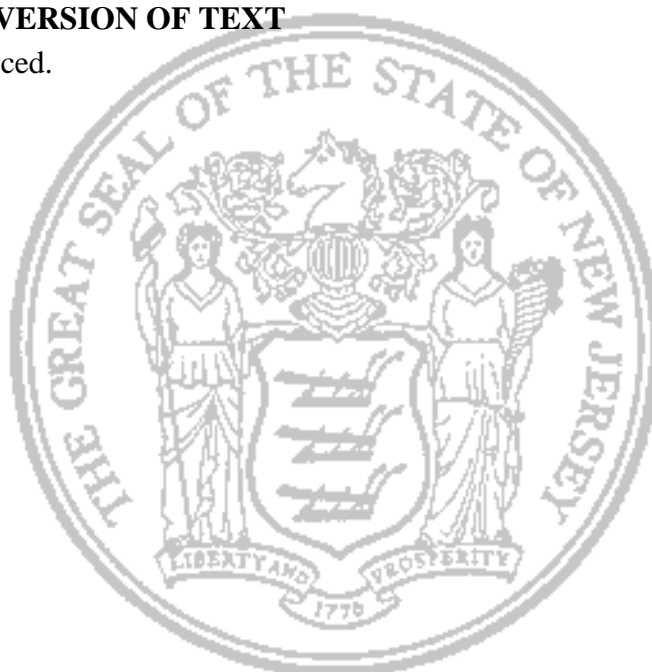
Assemblywoman Reynolds-Jackson, Assemblyman Conaway,
Assemblywomen Swain and Tucker

SYNOPSIS

Prohibits VCCO from denying award of compensation to victims with certain outstanding warrants and charges.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning compensation for victims of crime and
2 amending P.L.1971, c.317.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

9 10. In any case in which a person suffers personal, physical, or
10 psychological injury or death as a result of the conduct of another
11 person who commits an offense against that person which is within
12 the description of the offenses listed in section 11 of P.L.1971,
13 c.317 (C.52:4B-11), the office may, upon application, order the
14 payment of compensation in accordance with the provisions of
15 P.L.1971, c.317 (C.52:4B-1 et seq.):

16 a. to or on behalf of the victim,

17 b. in the case of the personal, physical, or psychological injury
18 of the victim, where the compensation is for pecuniary loss suffered
19 or expenses incurred by any person responsible for the maintenance
20 of the victim, to that person, or

21 c. in the case of the death of the victim, to or for the benefit of
22 the dependents of the deceased victim, or any one or more of the
23 dependents.

24 In determining whether to make an order under this section, the
25 office may consider any facts that provide relevant evidence as to
26 whether the victim contributed to the victim's injury or death and as
27 to whether the victim's conduct was the proximate cause of the
28 victim's injury or death. Notwithstanding any other provision of
29 P.L.1971, c.317 (C.52:4B-1 et seq.) to the contrary, the office is
30 authorized to make a limited award for funeral benefits, mental
31 health counseling, loss of support for dependent children, and
32 attorneys' fees in any case in which it is determined that the victim's
33 conduct was the contributing factor to the victim's death.

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

41 The office shall not deny an order of payment of compensation
42 based solely on the grounds that there is an outstanding court-
43 ordered warrant for the arrest of a victim for a traffic-related
44 violation, petty disorderly persons offense, disorderly persons
45 offense, or crime of the fourth degree or that there are criminal

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 charges pending against the victim resulting from the filing of a
2 criminal complaint or return of an indictment against the victim for
3 a petty disorderly persons offense, disorderly persons offense, or
4 crime of the fourth degree.

5 (cf: P.L.2019, c.380, s.4)

6
7 2. This act shall take effect immediately.
8
9

10 STATEMENT
11

12 This bill prohibits the Victims of Crime Compensation Office
13 (VCCO) from denying a victim an award of compensation based
14 solely on the grounds that there are certain outstanding warrants for
15 the victim's arrest or charges against the victim.

16 The VCCO currently has regulatory authority pursuant to
17 subsection (i) of N.J.A.C.13:75-2.1 to deny a claim for
18 compensation by a victim or claimant and close the case if: 1) there
19 is an active court-ordered bench warrant for the victim, or 2)
20 criminal charges are pending against the victim based on a criminal
21 complaint or an indictment. The regulation specifies that a victim
22 or claimant may petition the VCCO to reopen the claim for
23 compensation if verification is provided to the VCCO that the
24 warrant, complaint, or indictment that was the basis for the denial
25 has been dismissed. This bill removes this regulatory bar to an
26 award of compensation if the warrant is for a traffic-related
27 violation, petty disorderly persons offense, disorderly persons
28 offense, or crime of the fourth degree and if the indictment or
29 criminal charges are for a petty disorderly persons offense,
30 disorderly persons offense, or crime of the fourth degree.

31 According to the VCCO's latest available annual report in 2017,
32 the most common reason the VCCO denied an award was because
33 of outstanding warrants or criminal charges pending against the
34 victim. It is the sponsor's understanding that outstanding warrants
35 and criminal charges delay the approval process by resulting in
36 denials of initial applications that are unrelated to the incident of
37 victimization.