

SENATE, No. 1209

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS

Establishes presumption that VCCO will order payment to victim of crime.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning victim compensation and amending P.L.1971,
2 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 is injured or killed by any act
10 or omission of any other person which is within the description of
11 the offenses listed in section 11 of P.L.1971, c.317, the **[agency]**
12 Victims of Crime Compensation Office may, upon application,
13 order the payment of compensation in accordance with the
14 provisions of P.L.1971, c.317:

15 a. to or on behalf of the victim,

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

20 c. in the case of the death of the victim, to or for the benefit of
21 the dependents of the deceased victim, or any one or more of
22 **[such]** those dependents.

23 In determining whether to make an order under this section, the
24 **[agency]** office may consider any circumstances it determines to be
25 relevant, including provocation, consent, or the behavior of the
26 victim which directly or indirectly contributed to **[his]** the victim's
27 injury or death, the prior case history, if any, of the victim and any
28 other relevant matters; provided, however, there shall be a
29 presumption that the office will order the payment of compensation.

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

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

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

43
44 2. This act shall take effect immediately.

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.

STATEMENT

This bill establishes a presumption that the Victims of Crime Compensation Office (VCCO) will order payment of compensation to an eligible victim of crime.

Under current law, the VCCO may order that a payment of compensation be made:

- 1) to or on behalf of the victim of the crime;
- 2) to a person responsible for the victim of crime who has suffered pecuniary loss or incurred expenses in caring for the victim; and
- 3) in cases of the death of the victim, to the victim's dependents.

In determining whether to order compensation, the VCCO is authorized to consider any relevant circumstances, including provocation, consent, or the behavior of the victim which directly or indirectly contributed to the victim's injury or death; the victim's prior case history; and other relevant matters. This bill establishes that in considering these circumstances, there is to be a presumption that the VCCO will order a payment of compensation.

The bill also 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."

According to the sponsor, the mission of the VCCO is to compensate as many victims as possible who have been injured or killed as a result of another person committing a crime. While there may be extenuating circumstances when the victim of a crime should not be compensated, this should be the exception, not the rule.