

CHAPTER 235

AN ACT concerning victim compensation and amending P.L.1971, c.317.

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

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

C.52:4B-10 Persons entitled to compensation; order.

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

- a. to or on behalf of the victim,
- b. in the case of the personal, physical, or psychological injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person, or
- c. in the case of the death of the victim, to or for the benefit of the dependents of the deceased victim, or any one or more of the dependents.

In determining whether to make an order under this section, the office may consider any facts that provide relevant evidence as to whether the victim contributed to the victim's injury or death and as to whether the victim's conduct was the proximate cause of the victim's injury or death; provided, however, there shall be a presumption that the office will order the payment of compensation. Notwithstanding any other provision of P.L.1971, c.317 (C.52:4B-1 et seq.) to the contrary, the office 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 that the victim's conduct was the contributing factor to the victim's death.

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

2. This act shall take effect immediately.

Approved January 8, 2024.