SENATE, No. 2609

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 25, 2020

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning compensation for victims of crime 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:

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. 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 such 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.

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

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 <u>thus</u> is new matter.

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

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

2. This act shall take effect immediately.

STATEMENT

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

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

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