

1. *§52:4B-1. Short title*
2. *§ 52:4B-2. Definitions*
3. *§ 52:4B-3. Violent Crimes Compensation Board [Repealed]*
4. *§ 52:4B-3.1. Board designation changed [Repealed]*
5. *§ 52:4B-3.2. Victims of Crime Compensation Office*
6. *§ 52:4B-3.3. Violent Crimes Compensation Board abolished*
7. *§ 52:4B-3.4. Victims of Crime Compensation Review Board, members, terms, no compensation*
8. *§ 52:4B-4. Terms of members, appointment, salary, full-time [Repealed]*
9. *§ 52:4B-4.1. Tenure of member with 10 years of service [Repealed]*
10. *§ 52:4B-5. Employment of experts, assistants and employees*
11. *§ 52:4B-5.1. Access to criminal history records*
12. *§ 52:4B-6. Principal office; place to conduct affairs*
13. *§ 52:4B-7. Hearings by review board*
14. *§ 52:4B-8. Attorney fees and costs*
15. *§ 52:4B-8.1. Development of an informational tracking system*
16. *§ 52:4B-9. Rules and regulations; determination of compensation*
17. *§ 52:4B-10. Persons entitled to compensation; order*
18. *§ 52:4B-10.1. Emergency award*
19. *§ 52:4B-10.2. Additional compensation*
20. *§ 52:4B-11. Victim compensation*
21. *§ 52:4B-12. Losses or expenses reimbursable*
22. *§ 52:4B-12.1. Payment for relocation of certain witnesses of crimes.*
23. *§ 52:4B-13. Directory of impartial medical experts*
24. *§ 52:4B-14. Reports of treatment or examination of injured person or decedent [Repealed]*
25. *§ 52:4B-15. Order for appointment of impartial medical experts; direction of examination; report [Repealed]*
26. *§ 52:4B-16. Notice of examination; time of report; expert as witness at hearing [Repealed]*
27. *§ 52:4B-17. Fees of designated expert [Repealed]*
28. *§ 52:4B-18. Compensation for criminal injuries; statute of limitations for claims*
29. *§ 52:4B-18.1. Increased compensation applicability*
30. *§ 52:4B-18.2. Supplemental awards for rehabilitative assistance to certain crime victims*
31. *§ 52:4B-19. Determination of amount of compensation*
32. *§ 52:4B-20. Subrogation of agency to cause of action of victim against person responsible for personal injury or death; liens*
33. *§ 52:4B-21. Severability*
34. *§ 52:4B-22. Information booklets, pamphlets*
35. *§ 52:4B-23. Failure to give notice; immunity from liability; non-alteration of requirements*
36. *§ 52:4B-24. Senior citizens' public awareness program*
37. *§ 52:4B-25. Victim counseling service*
38. *§ 52:4B-25.1. Child and family counseling unit*
39. *§ 52:4B-25.2. Payment for certain victim counseling services*

40. *§ 52:4B-25.3. Rules, regulations*

- 41. *§ 52:4B-26. Repealed by P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*
- 42. *§ 52:4B-27. Repealed by P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*
- 43. *§ 52:4B-33. Repealed by P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*
- 44. *§ 52:4B-32. Repealed by P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*
- 45. *§ 52:4B-31. Repealed by P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*
- 46. *§ 52:4B-29. Repealed by P.L. 2003 c. 190, § 11, effective Oct. 15, 2003.*
- 47. *§ 52:4B-28. Repealed by P.L. 2003 c. 190, § 11, effective Oct. 15, 2003.*
- 48. *§ 52:4B-30. Repealed by P.L. 2003 c. 190, § 11, effective Oct. 15, 2003.*

52:4B-1. Short title

This act shall be known and may be cited as the “Criminal Injuries Compensation Act of 1971.”

52:4B-2. Definitions

As used in P.L.1971, c.317 [C.52:4B-1 et seq.]:

“Agency” means the Victims of Crime Compensation Agency;

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

“Dependent” means a relative of a deceased victim who was wholly or partially dependent upon the victim’s income at the time of the victim’s death and shall include the child of a victim born after the victim’s death;

“Legal assistance” means 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;

“Personal injury” means actual bodily harm and includes pregnancy and mental or nervous shock;

“Relative” of any person means the person’s spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half-brother, half-sister, or parent of the person’s spouse;

“Relevant evidence” means 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;

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

“Victim” means a person who suffers personal, physical, or psychological injury or death as a result of the conduct of another person who commits against that person any of the offenses specified in section 11 of P.L.1971, c.317 (*C.52:4B-11*) or an act by a juvenile, which if committed by an adult, would constitute a violation of any of these offenses. The term shall include, in the case of a criminal homicide or an act by a juvenile which, if committed by an adult, would constitute a criminal homicide, the spouse, parent, legal guardian, grandparent, child, sibling, domestic or civil union partner of the decedent, or parent of the decedent’s child;

“Victims of Crime Compensation Office” or “office” means the Victims of Crime Compensation Agency established pursuant to P.L.1971, c.317 (*C.52:4B-1 et seq.*) which is continued as the Victims of Crime Compensation Office pursuant to *P.L.2007, c.95 (C.52:4B-3.2 et al.)* and Reorganization Plan No. 001-2008.

52:4B-3. Violent Crimes Compensation Board [Repealed]

52:4B-3.1. Board designation changed [Repealed]

52:4B-3.2. Victims of Crime Compensation Office

- a. There is hereby established in the Department of Law and Public Safety the Victims of Crime Compensation Office.
- b. The chief executive officer of the Victims of Crime Compensation Office shall be the director, who shall be appointed by the Governor, with the advice and consent of the Senate. The director shall serve at the pleasure of the Governor. The Governor may appoint an acting director to serve as chief executive officer of the Victims of Crime Compensation Office, who may be the person serving as chairman of the Victims of Crime Compensation Board on the effective date [Aug. 1, 2007] of *P.L.2007, c.95 (C.52:4B-3.2, et al.)*, and who shall serve as the director of the Victims of Crime Compensation Office until a successor is appointed and qualifies. The director shall, in consultation with the Review Board established pursuant to subsection c. of this section, develop, establish and supervise all practices and procedures of the office.
- c. There is hereby established in the Victims of Crime Compensation Office the Victims of Crime Compensation Review Board which shall be composed of five citizens, to be appointed by the Governor, with the advice and consent of the Senate, one of whom shall be designated chairman by, and serve as such at the pleasure of, the Governor. Three members of the board shall, by training or experience, have expertise in the rights of crime victims. One member of the board shall have direct knowledge or experience related to the trauma of criminal victimization and one member shall be an attorney admitted to the practice of law in the State of New Jersey and who shall have practiced law in the courts of New Jersey for a minimum of five years. The purpose of the Victims of Crime Compensation Review Board shall be:
 - (1) to hear appeals of decisions of the Victims of Crime Compensation Office involving issues of victim compensation;
 - (2) to consult with the director in developing, establishing and supervising all practices and procedures of the office;
 - (3) to review individual and supplemental awards to a victim or a victim's family in excess of \$10,000 in the aggregate, and awards of attorney fees for legal representation to victims;
 - (4) to review, on at least a bi-monthly basis, information detailing the aggregate claims received and paid by the office, and the operations of the office; and
 - (5) to review and, if appropriate, approve any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the office.
- d. All the functions of the Violent Crimes Compensation Board and the Victims of Crime Compensation Board are continued in the Victims of Crime Compensation Office and the Victims of Crime Compensation Review Board. Whenever in any law, rule, regulation, judicial or administrative procedure or otherwise, reference is made to the Violent Crimes Compensation Board or to the Victims of Crime Compensation Board, the same shall mean and refer to the Victims of Crime Compensation Office or the Victims of Crime

Compensation Review Board, as the case may be.

52:4B-3.3. Violent Crimes Compensation Board abolished

The Violent Crimes Compensation Board established pursuant to section 3 of P.L.1971, c.317 (*C.52:4B-3*) is abolished and the terms of the persons serving as members of that board on the effective date [Aug. 1, 2007] of *P.L.2007, c.95 (C.52:4B-3.2 et al.)* shall cease and determine as of that effective date.

52:4B-3.4. Victims of Crime Compensation Review Board, members, terms, no compensation

The term of office of each member of the Victims of Crime Compensation Review Board shall be three years and until the member's successor is appointed and qualifies, except that of the members first appointed one shall be appointed for a term of one year, two for terms of two years and two for terms of three years. All vacancies, except through the expiration of term, shall be filled for the unexpired term only.

Each member of the board shall be eligible for reappointment and any member of the board may be removed by the Governor for inefficiency, neglect of duty or malfeasance in office.

The members of the board shall serve without compensation.

52:4B-4. Terms of members, appointment, salary, full-time [Repealed]

52:4B-4.1. Tenure of member with 10 years of service [Repealed]

52:4B-5. Employment of experts, assistants and employees

The agency is authorized to appoint and fix the duties and compensation of such officers, examiners, and other experts as may be necessary for carrying out its functions under this act, and the agency may, subject to Title 11A of the New Jersey Statutes, "Civil Service," appoint and fix the duties and compensation of such other assistants and employees as are necessary. The compensation fixed pursuant to this section shall be within the limits of the funds appropriated or otherwise made available to the agency for that purpose.

52:4B-5.1. Access to criminal history records

The Victims of Crime Compensation Agency is authorized to obtain direct access to criminal history records maintained by the State Bureau of Identification in the Division of the State Police and is hereby designated a criminal justice agency for that purpose.

52:4B-6. Principal office; place to conduct affairs

The principal office of the Victims of Crime Compensation Office shall be in Newark, New Jersey, but the office may sit and conduct its affairs in any place.

52:4B-7. Hearings by review board

Hearings on appeals from decisions of the Victims of Crime Compensation Agency involving issues of victim compensation shall be conducted by the Victims of Crime Compensation Review Board in the following manner:

- a. Upon an application made to the board under the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 [*C.52:4B-1* et seq.], the board shall fix a time and place for a hearing on the application and shall cause notice thereof to be given to the applicant.
- b. For the purpose of carrying out the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317, the board, or any member thereof, may hold hearings, sit, and act at times and places, and take testimony as the board or any member may deem advisable. Any member of the board may administer oaths or affirmations to witnesses. The board shall have full powers of subpoena and compulsion of attendance of witnesses and production of documents, except that no subpoena shall be issued except under the signature of a member of the board, and application to any court for aid in enforcing the subpoena may be made in the name of the board by any member thereof. Subpoenas shall be served by any person designated by the board.
- c. In any case in which the person entitled to make an application is a child, the application may be made on the person's behalf by the person's parent, guardian, or advocate. In any case in which the person entitled to make an application is incapacitated, the application may be made on the person's behalf by the guardian, advocate, or other individual authorized to administer the person's estate.
- d. Any person having a substantial interest in a proceeding may appear, produce evidence, and cross-examine witnesses in person or by attorney.
- e. The board may receive in evidence any statement, document, information, or matter that may in the opinion of the board contribute to its functions under the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317, but the board shall not be bound by the rules of evidence.
- f. If any person has been convicted of any offense with respect to an act or omission on which a claim under the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or any proceeding with regard thereto is pending.

52:4B-8. Attorney fees and costs

- a.
 - (1) The Victims of Crime Compensation Office may, as a part of any order entered under P.L.1971, c.317 (*C.52:4B-1* et seq.), determine and allow reasonable attorney fees and costs, which shall not exceed 15 percent of the amount awarded as compensation under section 10 of P.L.1971, c.317 (*C.52:4B-10*), to be paid in addition to the amount of this compensation, to the attorney representing the applicant. Notwithstanding the provisions of this subsection, an award for attorney fees shall not be less than \$500, unless the office determines that the attorney has not acted diligently or in good faith

representing the claimant.

(2) If the office enters an order denying compensation, it may nevertheless allow attorney fees of \$500 to the attorney representing the claimant if the office determines that the attorney has acted diligently or in good faith representing the claimant.

(3) It shall be unlawful for any attorney to ask for, contract for, or receive any larger sum than the amount allowed under paragraph (1) or (2) of this subsection.

b. The office may allow payment up to a maximum of \$10,000, at an hourly rate of \$275 or more to be fixed by the office, to an attorney who provides legal assistance to a victim in any legal matter arising out of the victimization, other than a decision of the Victims of Crime Compensation Office involving victim compensation or any related appeal, arising from or related to having been the victim of an offense specified in section 11 of P.L.1971, c.317 (*C.52:4B-11*), provided that the victim is otherwise eligible to receive compensation. Payment pursuant to this subsection shall be subject to the limitation on compensation set forth in section 18 of P.L.1971, c.317 (*C.52:4B-18*).

52:4B-8.1. Development of an informational tracking system

a. The Victims of Crime Compensation Agency, after consultation with the Attorney General, the Department of Corrections, and the Administrative Office of the Courts, on behalf of the county probation divisions and the municipal court clerks, shall continue to develop the existing uniform system for recording all information necessary to ensure proper identification, tracking, collection and disposition of moneys owed for:

(1) assessments imposed pursuant to section 2 of P.L.1979, c.396 (*C.2C:43-3.1*);

(2) fines and restitutions imposed in accordance with provisions of Title 2C of the New Jersey Statutes;

(3) fees imposed pursuant to *N.J.S.2C:35-20*;

(4) penalties imposed pursuant to *N.J.S.2C:35-15*.

b. The Victims of Crime Compensation Agency shall use the moneys deposited in the Criminal Disposition and Revenue Collection Fund to defray the costs incurred by the agency in developing, implementing, operating and improving the agency's component of the uniform system for tracking and collecting revenues described in subsection a. of this section.

c. The Juvenile Justice Commission established pursuant to section 2 of *P.L.1995, c.284 (C.52:17B-170)*, the Department of Corrections, and the Administrative Office of the Courts, on behalf of the county probation divisions and the municipal court clerks, shall file such reports with the Victims of Crime Compensation Agency as required for the operation of the uniform system described in subsection a. of this section.

d. The Victims of Crime Compensation Agency shall report annually to the Governor, the Attorney General, the Administrative Director of the Administrative Office of the Courts, the Commissioner of the Department of Corrections, the Juvenile Justice Commission and the Legislature on the development,

implementation, improvement and effectiveness of the uniform system and on moneys received, deposited and identified as receivable.

52:4B-9. Rules and regulations; determination of compensation

In the performance of its functions, the agency is authorized to make rules and regulations prescribing the procedures to be followed in the filing of applications and the proceedings under P.L.1971, c.317 [C.52:4B-1 et seq.], and such other matters as the agency deems appropriate.

In determining the amounts of compensation payable pursuant to P.L.1971, c.317, the agency shall insofar as practicable formulate standards for uniform application of this act and shall take into consideration rates and amounts of compensation payable for injuries and death under other laws of this State and of the United States and the availability of funds appropriated for the purposes of P.L.1971, c.317.

The agency shall establish maximum rates and service limitations for reimbursement for medical and medical related expenses, including counseling. In establishing these rates, the agency shall reflect the medical fee schedules for health care providers established by the Commissioner of Banking and Insurance pursuant to the provisions of section 10 of *P.L. 1988, c. 119 (C.39:6A-4.6)*. A medical service provider who accepts payment from the agency for a service shall accept the agency's rates as payment in full and shall not accept any payment on account of the service from any other source if the total of payments accepted would exceed the maximum rate set by the agency for that service.

All standards formulated and maximum rates and service limitations for reimbursement established by the agency shall be subject to the prior review and approval of the Review Board.

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

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.

52:4B-10.1. Emergency award

a. The Victims of Crime Compensation Office may make one or more emergency awards to any applicant for compensation pending final determination of a case, when it determines that compensation is likely to be provided and that the applicant will suffer undue hardship if funds are not made immediately available. The amount of any one emergency award shall not exceed \$7,500. Any emergency awards made to an applicant shall be deducted from the final amount of compensation provided to an applicant by the office. If the amount of compensation made by the office to an applicant is less than the sum provided to the applicant through emergency grants, the applicant shall pay to the office an amount of money equal to the difference. If the office determines that an applicant who has received emergency awards shall receive no compensation, the applicant shall repay to the office the total amount of all emergency awards which the applicant received.

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

- (1) The victim is 60 years of age or older or is disabled as defined pursuant to the federal Social Security Act, *42 U.S.C. § 416(i)*;
- (2) The victim's income does not exceed the limits adopted by the State Department of Human Services as the standard of need for the General Assistance Program;
- (3) (Deleted by amendment, *P.L.2019, c.380*)
- (4) The victim establishes:
 - (a) that the victim has filed a police report indicating, among other things, the amount stolen;
 - (b) that the victim has cooperated with investigative and prosecuting authorities; and
 - (c) the source of the funds stolen; and
- (5) The office is satisfied that there are no other sources available to provide the victim with funds

necessary to cover immediate costs of essential shelter, food, or medical expenses, and that, but for the victim's loss, the victim would otherwise have had the funds to pay these costs.

- c. The office shall direct that any funds awarded pursuant to this act be expended solely to cover the costs established pursuant to paragraph (5) of subsection b. of this section.
- d. (Deleted by amendment, *P.L.2007, c.95*).

52:4B-10.2. Additional compensation

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

52:4B-11. Victim compensation

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

- a. an attempt to prevent the commission of crime or to arrest a suspected criminal or in aiding or attempting to aid a police officer to do so; or
- b. the commission or attempt to commit any of the following offenses:
 - (1) aggravated assault;
 - (2) (Deleted by amendment, *P.L. 1995, c. 135*).
 - (3) threats to do bodily harm;
 - (4) lewd, indecent, or obscene acts;
 - (5) indecent acts with children;
 - (6) kidnapping;
 - (7) murder;
 - (8) manslaughter;
 - (9) aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact;
 - (10) any other crime involving violence including domestic violence as defined by section 3 of P.L.1981, c.426 (*C.2C:25-3*) or section 3 of *P.L. 1991, c.261 (C.2C:25-19)*;
 - (11) burglary;
 - (12) tampering with a cosmetic, drug or food product;

- (13) a violation of human trafficking, section 1 of *P.L.2005, c.77 (C.2C:13-8)*; or
- c. the commission of a violation of *R.S.39:4-50*, section 5 of *P.L. 1990, c.103 (C.39:3-10.13)*, section 19 of *P.L.1954, c.236 (C.12:7-34.19)*, or section 3 of *P.L.1952, c.157 (C.12:7-46)*; or
- d. theft of an automobile pursuant to *N.J.S.2C:20-2*, eluding a law enforcement officer pursuant to subsection b. of *N.J.S.2C:29-2* or unlawful taking of a motor vehicle pursuant to subsection b., c., or d. of *N.J.S.2C:20-10* where injuries to the victim occur in the course of operating an automobile in furtherance of the offense; or
- e. the commission of a violation of *N.J.S.2C:16-1*, bias intimidation; or
- f. simple assault pursuant to *N.J.S.2C:12-1* or disorderly conduct pursuant to *N.J.S.2C:33-2*; or
- g. a motor vehicle accident resulting in injury or death where the driver of the vehicle left the scene of the accident in violation of *R.S.39:4-129*.

52:4B-12. Losses or expenses reimbursable

The agency may order the payment of compensation under this act for:

- a. expenses actually and reasonably incurred as a result of the personal injury or death of the victim, including out-of-pocket losses which shall mean unreimbursed and un-reimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such application is based,
- b. loss of earning power as a result of total or partial incapacity of such victim,
- c. pecuniary loss to the dependents of the deceased victim, and
- d. any other pecuniary loss resulting from the personal injury or death of the victim which the agency determines to be reasonable.

52:4B-12.1. Payment for relocation of certain witnesses of crimes.

Notwithstanding the provisions of section 10 of *P.L.1971, c.317 (C.52:4B-10)* or the provisions of section 12 of *P.L.1971, c.317 (C.52:4B-12)*, the Victims of Crime Compensation Office may, upon application, order the payment of relocation expenses for a witness and the family of the witness. As used in this section, "witness" means a person who witnessed the commission of any of the offenses listed under section 11 of *P.L.1971, c.317 (C.52:4B-11)* and who has been threatened as a result

52:4B-13. Directory of impartial medical experts

To assist the agency in determining the nature, extent or cause of personal injury or cause of death compensable under *P.L.1971, c.317 [C.52:4B-1 et seq.]*, the agency shall maintain a directory of impartial medical experts.

52:4B-14. Reports of treatment or examination of injured person or decedent

[Repealed]

52:4B-15. Order for appointment of impartial medical experts; direction of examination; report [Repealed]

52:4B-16. Notice of examination; time of report; expert as witness at hearing [Repealed]

52:4B-17. Fees of designated expert [Repealed]

52:4B-18. Compensation for criminal injuries; statute of limitations for claims

An order for the payment of compensation shall not be made under section 10 of P.L.1971, c.317 (*C.52:4B-10*) unless the application has been made within five years after the date of the personal injury or death or after that date upon determination by the office that good cause exists for the delayed filing, and the personal injury or death was the result of an offense listed in section 11 of P.L.1971, c.317 (*C.52:4B-11*) which had been reported to the police or other appropriate law enforcement agency within nine months after its occurrence or reasonable discovery. If the victim is under 18 years of age, the five-year limit on filing shall commence on the day the victim turns 18 years old. For the purposes of this section, "good cause" shall include, but not be limited to, instances where the victim or the victim's dependents were not appropriately informed of the benefits offered by the office as required by law. The office will make its determination regarding the application within 90 days of acknowledgment by the office of receipt of the completed application and any and all necessary supplemental information, provided that this period may be extended for good cause if an administrative denial would otherwise result. Notwithstanding this time period, the office shall reimburse the claimant or pay to any third-party service provider the amount claimed to be due and owing within 30 days after eligibility has been determined and the amount submitted for payment has been determined by the office to be fair and reasonable.

In determining the amount of an award, the office shall determine whether, because of the victim's conduct, the victim of such crime contributed to the infliction of the victim's injury, and the office shall reduce the amount of the award or reject the application altogether, in accordance with the determination, except that 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 cases of criminal homicide when it is determined that the victim's conduct was a contributing factor to the victim's death. The office shall not consider any conduct of the victim contributory toward the victim's injury, if the record indicates the conduct occurred during efforts by the victim to prevent a crime or apprehend a person who had committed a crime in the victim's presence or had in fact committed a crime.

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

compensation to the victim.

No compensation shall be awarded if:

- a. Compensation to the victim proves to be substantial unjust enrichment to the offender or if the victim did not cooperate with the reasonable requests of law enforcement authorities unless the victim demonstrates a compelling health or safety reason for not cooperating; or
- b. (Deleted by amendment, *P.L. 1990, c.64.*)
- c. The victim was guilty of a violation of subtitle 10 or 12 of Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused or contributed to the victim's injuries; or
- d. The victim was injured as a result of the operation of a motor vehicle, except as provided in subsection c. or d. of section 11 of P.L.1971, c.317 (*C.52:4B-11*), boat, or airplane unless the vehicle, boat, or airplane was used as a weapon in a deliberate attempt to run the victim down; or
- e. The victim suffered personal injury or death while an occupant of a motor vehicle or vessel where the victim knew or reasonably should have known that the driver was operating the vehicle or vessel in violation of *R.S.39:4-50*, section 5 of *P.L. 1990, c.103 (C.39:3-10.13)*, section 19 of P.L.1954, c.236 (*C.12:7-34.19*), section 3 of P.L.1952, c.157 (*C.12:7-46*), subparagraph (b) of paragraph (2) of subsection b. of *N.J.S.2C:20-2*, subsection b. of *N.J.S.2C:29-2* or subsection b., c., or d. of *N.J.S.2C:20-10* .
- f. (Deleted by amendment, *P.L.2019, c.380*)
- g. (Deleted by amendment, *P.L.2019, c.380*)

Except as provided in this section, compensation shall not be awarded under P.L.1971, c.317 (*C.52:4B-1* et seq.) in an amount in excess of \$25,000, and all payments shall be made in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support.

An award made pursuant to P.L.1971, c.317 (*C.52:4B-1* et seq.) shall not be subject to execution or attachment other than for expenses resulting from the injury which is the basis of the claim.

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

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

52:4B-18.1. Increased compensation applicability

The increase in compensation to a maximum of \$25,000 provided for in P.L.1982, c.192 shall apply only to crimes committed after the effective date of P.L.1982, c.192 when personal injury or death occurs.

52:4B-18.2. Supplemental awards for rehabilitative assistance to certain crime

victims

- a. In addition to any award granted pursuant to section 18 of P.L.1971, c.317 (*C.52:4B-18*), the Victims of Crime Compensation Agency may make one or more supplemental awards for the purpose of providing rehabilitative assistance to catastrophically injured crime victims or other persons entitled to compensation under section 10 of P.L.1971, c.317 (*C.52:4B-10*).
- b. The rehabilitative assistance which the supplemental award may cover can include, but is not limited to, any of the following services not covered by the original award of compensation or by other sources provided that the agency determines that the services are reasonable and necessary:
- (1) Surgical and therapeutic procedures;
 - (2) Rehabilitative physical and occupational therapy designed to restore an optimum function level;
 - (3) Prescription drugs and medical supplies;
 - (4) Cognitive and psychological therapy;
 - (5) Home health assistance;
 - (6) Vehicle modifications;
 - (7) Driver training;
 - (8) Wheelchair, braces, splints, crutches, walkers, shower or commode chair and any other personal adaptive equipment required to meet individual disability needs;
 - (9) Structural modifications to living environment designed to provide accessibility and to maximize independence;
 - (10) Dependent care as needed.
- c. The Victims of Crime Compensation Agency is authorized to make rules and regulations prescribing the procedures to be followed in qualifying for a supplemental award. The agency is also authorized to establish a cap on the total amount of supplemental awards to be made in a year and a cap on the amount which a person may receive as a supplemental award, which personal cap shall not be less than \$25,000.
- d. The payment of any supplemental award granted under the provisions of this section shall be approved by the agency for payment out of funds appropriated for the administration of P.L.1971, c.317 (*C.52:4B-1 et seq.*), the "Criminal Injuries Compensation Act of 1971."
- e. A catastrophically injured crime victim who received a compensation award prior to the enactment of this section may apply for a supplemental award pursuant to the provisions of this section. A denial by the agency of an application made pursuant to the provisions of this subsection shall not be subject to appeal.
- f. As used in this section, "catastrophically injured crime victim" means a person who is injured by any act or omission of another person which is within the description of the offenses specified in section 11 of P.L.1971, c.317 (*C.52:4B-11*) and who has sustained a severe long term or lifelong personal injury.

52:4B-19. Determination of amount of compensation

In determining the amount of compensation to be allowed by order, the office shall take into consideration amounts received or receivable from any other source or sources by the victim or his dependents as a result of the offense or occurrence giving rise to the application, except that life insurance payments and private donations received by the dependents of the victim shall not be considered as other sources.

Each order for compensation made by the office shall be filed with the Director of the Division of Budget and Accounting and shall constitute authority for payment by the State Treasurer to the person or persons named therein of the amounts specified in such order.

52:4B-20. Subrogation of agency to cause of action of victim against person responsible for personal injury or death; liens

a. Whenever an order for the payment of compensation is or has been made for personal injury or death resulting from an act or omission constituting an offense under this act, the agency shall, upon payment of the amount of the order, be subrogated to the cause of action of the applicant against the person or persons responsible for such personal injury or death to recover such payments. With the consent of the board, the agency also shall be entitled to bring an action against such person or persons for the amount of the damage sustained by the applicant. In the event that the amount paid in satisfaction of a judgment entered pursuant to this section is more than the amount paid by reason of the order for payment of compensation, the agency shall pay the balance to the applicant.

b. If a judgment is entered in favor of the agency pursuant to subsection a. of this section to recover payments made to the applicant pursuant to order for payment of compensation, the judgment shall constitute a lien on any and all real and personal property or income in which the person or persons responsible for the personal injury or death has or may acquire an interest, including the net proceeds, after the payment of fees and costs, of any settlement negotiated prior or subsequent to the filing of a lawsuit, any civil judgment, any civil arbitration award and any inheritance payable to the person or persons responsible for the personal injury or death. The lien shall have priority over all other levies and garnishments against the net proceeds of actions identified in this section unless otherwise provided by the Superior Court. The lien shall not have priority over levies to recover unpaid income taxes owed to the State or a judgment for child support entered pursuant to section 1 of *P.L. 1988, c. 111 (C.2A:17-56.23a)*.

c. All judgments and other related papers required for the purposes of this section shall be received and recorded by the clerk of the Superior Court without payment of fees.

d. To discharge or otherwise compromise any lien or liens arising pursuant to this section, the agency shall file with the clerk of the Superior Court a duly acknowledged certificate setting forth the fact that the agency desires to discharge or amend the lien of record.

e. Any person desiring to secure immediate discharge of any lien arising pursuant to this section may deposit with the court cash in an amount sufficient to cover the amount of the lien or post a bond in an

amount and with sureties approved by the court. Upon proper notice to the agency of such deposit or bond, a satisfaction of the lien shall be filed at once with the clerk of the Superior Court.

f. Any person affected in any manner, whether directly or indirectly by any lien arising under this section, and desiring to examine the validity of the lien or the facts and circumstances surrounding the entry of the lien, may do so in an action brought in the county where the lien was filed. The action shall be brought against the agency claiming the lien, and the court may proceed in the action in a summary manner and enter such judgment as it may deem appropriate.

52:4B-21. Severability

If any section or sections of P.L.1971, c.317 [*C.52:4B-1* et seq.] or any provision thereof shall be declared to be unconstitutional, invalid or inoperative in whole or in part, such section or provision shall, to the extent that it is not unconstitutional, invalid or inoperative be enforced and effectuated and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of the sections of P.L.1971, c.317.

52:4B-22. Information booklets, pamphlets

a. Every State, county, and municipal police department and hospital or other place of emergency medical care shall have available and shall post in a public place information booklets, pamphlets or other pertinent written information, to be supplied by the Victims of Crime Compensation Agency, relating to the availability of crime victims' compensation including all necessary application blanks required to be filed with the agency.

b. Included in the information supplied by the Victims of Crime Compensation Agency shall be information for victims of sexual offenses. This information shall contain the location of rape crisis centers in all geographical areas throughout the State and shall instruct victims of sexual offenses that if a rape crisis center is not available in a victim's immediate geographical area, the victim may contact the appropriate county victim-witness coordinator appointed by the Chief of the Office of Victim-Witness Advocacy established pursuant to P.L.1985, c.404 (*C.52:4B-39* et seq.). The information shall also provide that victims will not be charged any fee for services that are directly associated with a forensic sexual assault examination, including routine medical screening, medications for prophylaxis of sexually transmitted infections, pregnancy tests, emergency contraception, supplies, equipment and use of space.

Unless the victim requires immediate medical attention, this information shall be personally conveyed to the victim of a sexual offense by a representative of the hospital or place of emergency care before a medical examination of the victim is conducted, or by a representative of the police department before the victim's statement is taken, to afford the victim the opportunity to arrange to have assistance from the rape crisis center or county victim-witness coordinator during these procedures. Hospitals shall be held harmless from suits emanating from a hospital's carrying out the obligation to convey information to victims of sexual offenses.

“Rape crisis center” means an office, institution or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information and follow-up counseling.

c. Every police department shall, upon the filing of a report of a violent crime, make available to any victim information concerning crime victims’ compensation.

52:4B-23. Failure to give notice; immunity from liability; non alteration of requirements

No cause of action against the State, any county, or any municipality, or any employee thereof, shall arise out of a failure to give the notice required by section 1 of P.L.1981, c.256 (*C.52:4B-22*), nor shall any such failure be deemed or construed to effect or alter any time limitation or other requirement contained in P.L.1971, c.317 [*C.52:4B-1* et seq.] for the filing or payment of a claim hereunder.

52:4B-24. Senior citizens’ public awareness program

The agency shall undertake a special senior citizens’ public awareness program to make brochures and applications for claim forms available to senior citizens.

52:4B-25. Victim counseling service

a. The Victims of Crime Compensation Office shall establish a victim counseling service which shall identify and develop sources to provide counseling to victims as defined in P.L.1971, c.317 [*C.52:4B-1* et seq.]. The service shall provide assistance to victims without charge, including information and advice relative to filing a claim with the board, emergency food and clothing, employment opportunities, referral to violence intervention programs and other social service agencies, and in obtaining legal advice or representation. The service shall be conducted at locations within the State as the office deems advisable.

b. The office is authorized to appoint personnel for the service as may be necessary to carry out its functions. Appointments made pursuant to this subsection shall be within the funds appropriated or otherwise made available to the agency for this purpose.

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

d. The office may also identify and develop sources to provide mental health counseling to victims, and provide victims with information as may be appropriate through its victim counseling service.

52:4B-25.1. Child and family counseling unit

a. In addition to the victim counseling service established pursuant to section 2 of P.L.1982, c.192 (*C.52:4B-25*), the Victims of Crimes Compensation Agency shall establish a specialized child and family counseling unit. This unit shall be under the direction of a person appointed by the executive director whose

training or experience includes the handling of child abuse cases.

b. The agency is authorized to appoint such personnel for the child and family counseling unit as may be necessary to carry out its functions. Appointments made pursuant to this subsection shall be within the limits of the funds appropriated or otherwise made available to the agency for that purpose.

c. The child and family counseling unit may be principally located in any place as the agency deems advisable, but shall be available to lend assistance to child victims in every county in this State.

52:4B-25.2. Payment for certain victim counseling services

a. In the event that a person is the victim of a firearm or stabbing injury incurred during the course of an offense described in subsection b. of section 11 of P.L.1971, c.317 (*C.52:4B-11*), and the person receives counseling in connection with the injury, the entity providing counseling services may directly bill the Victims of Crime Compensation Office for the counseling services, provided that:

(1) the counseling was provided by a licensed psychiatrist, psychologist, social worker, or therapist, or by a peer or support counselor or other individual authorized by the Victims of Crime Compensation Office to provide such counseling while under the supervision of a licensed professional;

(2) the person providing the counseling is affiliated with the hospital where the victim received treatment for the injury or is affiliated with a hospital-based or hospital-linked violence intervention program recognized by the Victims of Crime Compensation Office;

(3) the victim reported the injury to law enforcement within nine months after its occurrence or reasonable discovery, except that, notwithstanding the requirements of section 18 of P.L.1971, c.317 (*C.52:4B-18*), a report made after such time shall not be deemed to bar a claim for compensation for counseling services if the victim was admitted to the hospital for the injury and the victim consents to the hospital releasing records of the admission to the Victims of Crime Compensation Office;

(4) the victim has consented in writing to the entity directly billing the Victims of Crime Compensation Office pursuant to this section; and

(5) the victim has filed a claim with the Victims of Crime Compensation Office that is deemed eligible for counseling services pursuant to P.L.1971, c.317 (*C.52:4B-1 et seq.*).

Compensation to be paid for counseling services provided under this section shall be determined in accordance with the provisions of subsection b. of this section and section 19 of P.L.1971, c.317 (*C.52:4B-19*).

b. The Victims of Crime Compensation Office shall establish by regulation the maximum amount of compensation that may be directly billed pursuant to subsection a. of this section, which in any case shall not exceed \$1,000 in connection with a given injury.

c. An entity that directly bills for counseling services pursuant to subsection a. of this section shall not bill the victim or any other person or entity in any amount for any counseling services for which it received compensation from the Victims of Crime Compensation Office pursuant to this section.

52:4B-25.3. Rules, regulations

The Victims of Crime Compensation Office may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (*C.52:14B-1 et seq.*), adopt such rules and regulations as may be necessary to implement the provisions of this act.

52:4B-26. Repealed by *P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*

52:4B-27. Repealed by *P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*

52:4B-33. Repealed by *P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*

52:4B-32. Repealed by *P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*

52:4B-31. Repealed by *P.L. 2003, c. 190, § 11, effective Oct. 15, 2003.*

52:4B-29. Repealed by *P.L. 2003 c. 190, § 11, effective Oct. 15, 2003.*

52:4B-28. Repealed by *P.L. 2003 c. 190, § 11, effective Oct. 15, 2003.*

52:4B-30. Repealed by *P.L. 2003 c. 190, § 11, effective Oct. 15, 2003.*