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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE  
VICTIMS OF CRIME COMPENSATION OFFICE**

49 N.J.R. 2776(a)

**Proposed Amendments: N.J.A.C. 13:75-4.4, 4.7, 4.8, 4.9, and 4.10**

[Click here to view Interested Persons Statement](#)

**Rules Relating to the Practice and Procedure Before the New Jersey Victims of Crime Compensation Office**

Authorized By: Victims of Crime Compensation Office, Alvin Ricardo Little, Executive Director.

Authority: N.J.S.A. 52:4B-1 et seq., specifically 52:4B-9.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-189.

Submit comments by October 20, 2017, to:

Alvin Ricardo Little, Executive Director  
Victims of Crime Compensation Office  
50 Park Place  
Newark, New Jersey 07102  
or electronically at: [vccoregs@njvictims.org](mailto:vccoregs@njvictims.org)

The agency proposal follows:

**Summary**

In an effort to account for cost of living increases that have occurred over the past several years, the Victims of Crime Compensation Office (Office), pursuant to its rulemaking authority found at N.J.S.A. 52:4B-1 et seq., proposes to amend several sections of N.J.A.C. 13:75-4, Compensation Benefits, to increase the compensation benefits available to a victim and all other claimants for certain expenses incurred as a result of injury or death to a victim. Although the proposed amendments increase benefit amounts for certain expenses incurred by victims or other claimants, it does not increase or affect the statutorily prescribed \$ 25,000 aggregate award amount available for any given case.

The Office proposes to amend N.J.A.C. 13:75-4.4(b), 4.7(a) and (d), 4.8(b), 4.9, and 4.10(b) and (c). The funding for the proposed amendments is currently available through the Office's various statutory funding sources and will not require additional State or Federal appropriations. Further, the proposed amendments will not increase administrative, enforcement, or oversight costs.

Under N.J.A.C. 13:75-4.4(b), the Office may provide up to \$ 12,500 to a victim for unreimbursed and unreimbursable counseling expenses. This compensation benefit, which has not been increased since 2003, is inadequate in addressing the needs of victims that may require long-term counseling services. The Office proposes to amend this benefit amount to up to \$ 20,000 to help meet the increasing cost of counseling services required by some victims.

Under N.J.A.C. 13:75-4.7(d), the Office may award up to \$ 2,500 for expenses resulting from the necessary relocation of a victim and his/her family. This award amount, which has not been increased since 2003, has proven to be insufficient to meet the needs of victims who must relocate. The Office proposes to amend this award amount to up to \$ 3,000 to help victims defray costs associated with relocation. The Office also proposes to amend N.J.A.C. 13:75-4.7(a) to include reference to crime witnesses and their family members to make the rule consistent with the recent amendments to N.J.S.A. 52:4B-10 and 12, which make such persons eligible for relocation awards from the Office.

Under N.J.A.C. 13:75-4.8(b), a claimant may be reimbursed up to \$ 1,000 for reasonable expenses associated with transportation that is incidental to treating or caring for a victim or attending a victim's funeral. Currently, claimants may be awarded \$ 200.00 per person to attend an out-of-State funeral. This award amount has been stagnant since 1991, and has not met the rising cost of travel related expenses incurred by claimants. The Office proposes to amend the total award amount to up to \$ 3,000, allowing for \$ 500.00 per person to attend an out-of-State funeral.

Under N.J.A.C. 13:75-4.9, funeral award amounts involving the death of a victim may not exceed \$ 5,000. This award amount has not been increased since 2001. Due to the increased cost of funerals in the last decade and a half, families of deceased victims incur significant out-of-pocket funeral expenses that far exceed this \$ 5,000 award. The Office proposes to amend this award amount to up to \$ 7,500 to help defray funeral expenses incurred by a victim's family.

Under N.J.A.C. 13:75-4.10(b), the Office may award up to \$ 1,000 in attorney fees to a victim who has retained an attorney to assist with any legal matter, other than a decision of the Office, arising from or related to having been a victim of an offense for which compensation from the Office is sought. The Office proposes to amend this compensation amount to up to \$ 3,000 to reflect the recent amendment to N.J.S.A. 52:4B-8, which increased the maximum amount payable for attorney fees from \$ 1,000 to \$ 3,000.

Under N.J.A.C. 13:75-4.10(c), a victim who has retained an attorney in order to obtain the services of the Office or obtain legal assistance in any legal matter related to having been a victim of an offense for which compensation is sought, may be reimbursed attorney's fees at a rate of \$ 125.00 per hour. This hourly rate has not been increased since 2003. The Office proposes to amend this hourly rate to \$ 200.00 to make its payment schedule more consistent with the hourly rate paid by other State agencies for private counsel.

The Director has determined that the comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

**Social Impact**

The Office anticipates that the proposed amendments will have a beneficial social impact for crime victims and their families. The increased compensation award amounts for certain expenses incurred by victims and other claimants will help the Office carry out its mission to provide compensation to innocent violent crime victims to help alleviate some of their financial burdens. This positive social impact will be accomplished by using funds currently available to the Office.

**Economic Impact**

The Office anticipates that the proposed amendments will have a positive economic impact on crime victims by providing victims with more financial resources to defray the cost of direct victim counseling services, relocation expenses, transportation expenses, funeral expenses, and legal services. The funding for the proposed amendments is currently available through the Office's funding sources that include penalties assessed in both municipal and Superior Court, Federal Victims of Crime Act compensation grants, State appropriations, and the commissary surcharge on all items purchased in the Department of Corrections' facilities. The proposed amendments will not require any additional State or Federal appropriations, or increase any administrative, enforcement, or oversight costs. Further, although the proposed amendments increase the benefit amounts for certain expenses associated with injury or loss, they do not increase the \$ 25,000 aggregate amount of compensable benefits available to a victim or other claimants for a given case.

**Federal Standards Statement**

A Federal standards statement is not required because there are no Federal standards or requirements applicable to the proposed amendments.

**Jobs Impact**

The proposed amendments will not increase or decrease the number of jobs in New Jersey.

**Agriculture Industry Impact**

The Director does not believe that the proposed amendments will have any impact on the agriculture industry of this State.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

**[page=2777] Housing Affordability Impact Analysis**

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey. Additionally, there is an extreme unlikelihood that the amendments would evoke a change in the average costs associated with housing because the proposed amendments concern award compensation to violent crime victims.

**Smart Growth Development Impact Analysis**

The proposed amendments will have an insignificant impact on smart growth. Additionally, there is an extreme

unlikelihood that the amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern award compensation to violent crime victims.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 4. COMPENSATION BENEFITS

##### 13:75-4.4 Medical and counseling fees

(a) (No change.)

(b) Except for cases determined to be catastrophic in nature, the maximum award for unreimbursed and unreimbursable counseling expenses shall be [\$ 12,500] **\$ 20,000**, notwithstanding the number of counseling sessions attended.

(c) (No change.)

##### 13:75-4.7 Relocation

(a) The Office may award compensation for expenses incurred as a result of the relocation of a victim and his or her family, due to the incident forming the basis of the victim's claim where the Office determines there is a need to protect the health and safety of the victim and/or his or her family and that all other statutory requirements for eligibility are met. **For purposes of this subsection, the term "victim" shall include a witness, that is, a person who witnessed the commission of any of the offenses listed under section 11 of P.L. 1971, c. 317 (N.J.S.A. 52:4B-11) and who has been threatened as a result.**

(b)-(c) (No change.)

(d) Maximum reimbursement for moving expenses shall be [\$ 2,500] **\$ 3,000**.

1.-2. (No change.)

(e)-(g) (No change.)

##### 13:75-4.8 Transportation costs

(a) (No change.)

(b) Necessary and reasonable transportation expenses, such as railroad and airfare, which are a direct result of the incident, incidental to treating and caring for the victim, or for attendance at a victim's funeral, may be reimbursed to claimant or to victim's relatives at a maximum of [\$ 200.00] **\$ 500.00** per person, up to a total amount of [\$ 1,000] **\$ 3,000**.

##### 13:75-4.9 Funeral expenses

In claims involving the death of a victim, the maximum reimbursement for funeral expenses shall be [\$ 5,000] **\$ 7,500**.

##### 13:75-4.10 Attorney fees

(a) (No change.)

(b) The Office may allow payment of an attorney fee, up to a maximum of [\$ 1,000] **\$ 3,000**, to an attorney who provides legal assistance to a victim in any legal matter, other than a decision of the Office, arising from or related to having been the victim of the offense that forms the basis of the victim's or claimant's application for compensation.

1. (No change.)

(c) Attorney fee awards made pursuant to (a) or (b) above shall be paid at the rate of [\$ 125.00] **\$ 200.00** per hour.

1.-2. (No change.)

(d) (No change.)