

SENATE, No. 3700

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 6, 2023

Sponsored by:

Senator RENEE C. BURGESS

District 28 (Essex)

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District 29 (Essex)

Co-Sponsored by:

Senator Turner

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/2023)

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

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

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

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

16 a. to or on behalf of the victim,

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

21 c. in the case of the death of the victim, to or for the benefit of the
22 dependents of the deceased victim, or any one or more of the
23 dependents.

24 In determining whether to make an order under this section, the
25 office may consider any facts that provide relevant evidence as to
26 whether the victim contributed to the victim's injury or death and as to
27 whether the victim's conduct was the proximate cause of the victim's
28 injury or death ; provided, however, there shall be a presumption that
29 the office will order the payment of compensation. Notwithstanding
30 any other provision of P.L.1971, c.317 (C.52:4B-1 et seq.) to the
31 contrary, the office is authorized to make a limited award for funeral
32 benefits, mental health counseling, loss of support for dependent
33 children, and attorneys' fees in any case in which it is determined that
34 the victim's conduct was the contributing factor to the victim's death.

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

42 (cf: PL.2019, c.380, s.4)

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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.

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

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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;

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3) in cases of the victim's death, 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 victim's behavior 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 payment of compensation.