

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

CHAPTER 3
HOUSE BILL 30

A BILL TO BE ENTITLED
AN ACT TO REQUIRE THE CRIME VICTIMS COMPENSATION COMMISSION
AND ITS DIRECTOR TO DENY A CLAIM OF A PERSON WHO WAS
PARTICIPATING IN A FELONY OR A NONTRAFFIC MISDEMEANOR AT
OR ABOUT THE TIME THE PERSON'S INJURY OCCURRED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15B-11 reads as rewritten:

"§ 15B-11. Grounds for denial of claim or reduction of award.

- (a) An award of compensation ~~will~~shall be denied if:
- (1) The claimant fails to file ~~his~~an application for an award within one year after the date of the criminally injurious conduct that caused the injury or death for which ~~he~~the claimant seeks the award;
 - (2) The economic loss is incurred after one year from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award, except in the case where the victim for whom compensation is sought was 10 years old or younger at the time the injury occurred. In that case an award of compensation will be denied if the economic loss is incurred after two years from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award;
 - (3) The criminally injurious conduct was not reported to a law enforcement officer or agency within 72 hours of its occurrence, and there was no good cause for the delay;
 - (4) The award would benefit the offender or ~~his~~the offender's accomplice, unless a determination is made that the interests of justice require that an award be approved in a particular case; ~~or~~
 - (5) The criminally injurious conduct occurred while the victim was confined in any State, county, or city prison, correctional, youth services, or juvenile facility, or local confinement facility, or half-way house, group home, or similar ~~facility~~facility; or
 - (6) The victim was participating in a felony or a nontraffic misdemeanor at or about the time that the victim's injury occurred.
- (b) A claim may be denied and an award of compensation may be reduced upon a finding of contributory misconduct by the claimant or a victim through whom ~~he~~the claimant claims.

(c) A claim may be denied, an award of compensation may be reduced, and a claim that has already been decided may be reconsidered upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies with regard to the criminally injurious conduct that is the basis for the award.

(d) After reaching a decision to approve an award of compensation, but before notifying the claimant, the Director shall require the claimant to submit current information as to collateral sources on forms prescribed by the Commission.

An award that has been approved shall nevertheless be denied or reduced to the extent that the economic loss upon which the claim is based is or will be recouped from a collateral source. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitations set forth in subsections (f) and (g).

(e) Compensation may not be awarded if the economic loss is less than one hundred dollars (\$100.00).

(f) Compensation for work loss, replacement services loss, dependent's economic loss, and dependent's replacement services loss may not exceed two hundred dollars (\$200.00) per week.

(g) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to, or the death of, that victim may not exceed twenty thousand dollars (\$20,000) in the aggregate in addition to allowable funeral, cremation, and burial expenses.

(h) The right to reconsider or reopen a claim does not affect the finality of its decision for the purpose of judicial review."

Sec. 2. This act is effective upon ratification and applies to victims' claims that are pending or are in litigation on or after the date of ratification.

In the General Assembly read three times and ratified this the 28th day of February, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives