

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 403  
Judiciary II Committee Substitute Adopted 4/6/09

Short Title: Victims Compensation Amendment.

(Public)

Sponsors:

Referred to:

March 5, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO PROVIDE  
3 THAT CRIMINALLY INJURIOUS CONDUCT INCLUDES BOTH FELONY AND  
4 MISDEMEANOR DEATH BY VEHICLE AND TO PROVIDE THAT ECONOMIC  
5 LOSS FOR WHICH COMPENSATION MAY BE AWARDED INCLUDES THE COST  
6 OF GRIEF COUNSELING FOR THE SPOUSE AND CHILDREN OF THE DECEASED  
7 VICTIM AND APPROPRIATE FUNDS FOR IMPLEMENTATION.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 15B-2(5) reads as rewritten:

10 "(5) "Criminally injurious conduct" means conduct that by its nature poses a  
11 substantial threat of personal injury or death, and is punishable by fine or  
12 imprisonment or death, or would be so punishable but for the fact that the  
13 person engaging in the conduct lacked the capacity to commit the crime  
14 under the laws of this State. Criminally injurious conduct includes conduct  
15 that amounts to an offense involving impaired driving as defined in  
16 G.S. 20-4.01(24a), and conduct that amounts to a violation of G.S. 20-166 if  
17 the victim was a pedestrian or was operating a vehicle moved solely by  
18 human power or a mobility impairment device. For purposes of this Article,  
19 a mobility impairment device is a device that is designed for and intended to  
20 be used as a means of transportation for a person with a mobility  
21 impairment, is suitable for use both inside and outside a building, and whose  
22 maximum speed does not exceed 12 miles per hour when the device is being  
23 operated by a person with a mobility impairment. Criminally injurious  
24 conduct includes the offenses of felony and misdemeanor death by vehicle  
25 under G.S. 20-141.4, but does not include any other conduct arising out of  
26 the ownership, maintenance, or use of a motor vehicle when the conduct is  
27 punishable only as a violation of other provisions of Chapter 20 of the  
28 General Statutes. Criminally injurious conduct shall also include an act of  
29 terrorism, as defined in 18 U.S.C. § 2331, that is committed outside of the  
30 United States against a citizen of this State."

31 **SECTION 2.** G.S. 15B-2(10) reads as rewritten:

32 "(10) "Economic loss" means economic detriment consisting only of allowable  
33 expense, work loss, replacement services loss, and household support loss. If  
34 criminally injurious conduct causes death, economic loss includes a  
35 dependent's economic loss and a dependent's replacement service ~~loss~~. loss,  
36 and also includes the cost of grief counseling for the spouse and children of



1                    the deceased victim. Noneconomic detriment is not economic loss, but  
2                    economic loss may be caused by pain and suffering or physical impairment."  
3                    **SECTION 3.** There is appropriated from the General Fund to the Department of  
4 Crime Control and Public Safety for the Crime Victims Compensation Fund the sum of one  
5 million dollars (\$1,000,000) to implement the provisions of Section 2 of this act.  
6                    **SECTION 4.** This act becomes effective July 1, 2009, and applies to pending  
7 claims and claims filed on or after that date.