

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 931  
HOUSE BILL 72

AN ACT TO PROVIDE ASSISTANCE FOR VICTIMS OF RAPE AND SEX OFFENSES.

The General Assembly of North Carolina enacts:

**Section 1.** This act shall be known and may be cited as the Assistance Act for Victims of Rape and Sex Offenses.

**Sec. 2.** Article 11, Chapter 143B of the General Statutes, is hereby amended by adding a new Part 3A as follows:

"PART 3A.

"Assistance Program for Victims of Rape and Sex Offenses.

**"§ 143B-480.1. Assistance Program for Victims of Rape and Sex Offenses.** — There is established an Assistance Program for Victims of Rape and Sex Offenses, hereinafter referred to as the 'Program'. The Governor's Crime Commission shall administer and implement the Program and shall have authority over all assistance awarded through the Program. The Governor's Crime Commission shall promulgate rules and guidelines for the Program.

**"§ 143B-480.2. Victim assistance.** — (a) Only victims who have reported the following crimes are eligible for assistance under this Program: first-degree rape as defined in G.S. 14-27.2, second-degree rape as defined in G.S. 14-27.3, first-degree sexual offense as defined in G.S. 14-27.4, second-degree sexual offense as defined in G.S. 14-27.5, or attempted first-degree or second-degree rape or attempted first-degree or second-degree sexual offense as defined in G.S. 14-27.6. Assistance is limited to immediate and short-term medical expenses, not to exceed five hundred dollars (\$500.00), incurred by the victim during the medical examination and treatment and medical procedures to collect evidence which follow the attack.

(b) Assistance for medical expenses authorized under this section is to be paid directly to the attending hospital and physicians upon the filing of the proper forms in the manner prescribed in the guidelines promulgated by the Governor's Crime Commission together with a certified copy of the police report.

(c) Assistance shall not be awarded unless the rape, attempted rape, sexual offense, or attempted sexual offense was reported to a law enforcement officer within 72 hours after its occurrence or the Governor's Crime Commission finds there was good cause for the failure to report within that time.

(d) Upon an adverse determination by the Governor's Crime Commission on a claim for medical expenses, a victim is entitled to judicial review of that decision. The person seeking review shall file a petition in the Superior Court of Wake County.

**"§ 143B-480.3. Reduction of benefits; restitution; actions.** — (a) Assistance shall be reduced or denied to the extent the medical expenses are recouped through a public or private insurance plan or other victim benefit source.

(b) The Program shall be an eligible recipient for restitution or reparation under G.S. 15A-1021, G.S. 15A-1343, G.S. 148-33.1, G.S. 148-33.2, G.S. 148-57.1, and any other applicable statutes.

(c) When any victim who:

(1) has received assistance under this Part;

- (2) brings an action for damages arising out of the rape, attempted rape, sexual offense, or attempted sexual offense for which she received that assistance; and
- (3) recovers damages including the expenses for which she was awarded assistance, the court shall make as part of its judgment an order for reimbursement to the Program of the amount of any assistance awarded less reasonable expenses allocated by the court to that recovery."

**Sec. 3.** G.S. 143B-479(a) is amended by inserting the following new subsection (10) and renumbering the present subsections accordingly:

"(10) Administer the Assistance Program for Victims of Rape and Sex Offenses in accordance with G.S. 143B-480.1 et seq."

**Sec. 4.** Funds appropriated to the Department of Crime Control and Public Safety, including those designated as matching contribution grants under the State Aid for the Governor's Crime Commission Program, may be used for the implementation of this act.

**Sec. 5.** This act shall not apply to any rape, attempted rape, sexual offense, or attempted sexual offense which occurs prior to the effective date of this act.

**Sec. 6.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1981.