

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS65464-RVz-17A* (04/19)

Short Title: Victims' Compensation Changes. (Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

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

"(1) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, medically-related property, and other remedial treatment and care.

Allowable expense includes a total charge not in excess of ~~three thousand five hundred dollars (\$3,500)~~ five thousand dollars (\$5,000) for expenses related to funeral, cremation, and burial, including transportation of a body, but excluding expenses for flowers, gravestone, and other items not directly related to the funeral service.

Allowable expense for medical care, counseling, rehabilitation, medically-related property, and other remedial treatment and care of a victim shall be limited to sixty-six and two-thirds percent (66 2/3%) of the amount usually charged by the provider for the treatment or care. If the provider is one that accepts Medicare, Medicaid, or similar government funding, then the provider shall accept the compensation paid under such program as allowable expense pursuant to this subdivision. By accepting the compensation paid as allowable expense pursuant to this subdivision, the provider agrees that the compensation is payment in full for the treatment or care and shall not charge or

1 otherwise hold a claimant financially responsible for the cost of
2 services in addition to the amount of allowable expense."

3 **SECTION 2.** G.S. 15B-4(a) reads as rewritten:

4 "(a) Subject to the limitations in G.S. 15B-22, compensation for criminally
5 injurious conduct shall be awarded to a claimant if substantial evidence establishes that
6 the requirements for an award have been met. Compensation shall only be paid for
7 economic loss and not for noneconomic detriment or loss. The Commission shall follow
8 the rules of liability applicable to civil tort law in North Carolina."

9 **SECTION 3.** G.S. 15B-11(c) reads as rewritten:

10 "(c) A claim may be denied, an award of compensation may be reduced, and a
11 claim that has already been decided may be reconsidered upon finding that the claimant
12 or victim, without good cause, has not fully cooperated with appropriate law
13 enforcement agencies or in the prosecution of criminal cases with regard to the
14 criminally injurious conduct that is the basis for the award."

15 **SECTION 4.** This act becomes effective July 1, 2006, and applies to claims
16 filed on or after that date.