

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1481*

Short Title: Victims' Compensation Changes.

(Public)

Sponsors: Senators Kinnaird; Apodaca, Presnell, and Snow.

Referred to: Judiciary II.

May 18, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS'
3 COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE
4 CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT
5 COMMITTEE.

6 The General Assembly of North Carolina enacts:

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

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

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

17 Allowable expense for medical care, counseling, rehabilitation,
18 medically-related property, and other remedial treatment and care of a
19 victim shall be limited to sixty-six and two-thirds percent (66 2/3%) of
20 the amount usually charged by the provider for the treatment or care. If
21 the provider is one that accepts Medicare, Medicaid, or similar
22 government funding, then the provider shall accept the compensation
23 paid under such program as allowable expense pursuant to this
24 subdivision. By accepting the compensation paid as allowable expense
25 pursuant to this subdivision, the provider agrees that the compensation
26 is payment in full for the treatment or care and shall not charge or
27 otherwise hold a claimant financially responsible for the cost of
28 services in addition to the amount of allowable expense."

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

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

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

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

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