

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 374  
Senate Appropriations Committee Substitute Adopted 6/4/97

Short Title: Modify Victims Compensation Act/AB.

(Public)

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Sponsors:

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Referred to:

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March 3, 1997

A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO  
3 INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS, TO MAKE  
4 VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM  
5 ELIGIBLE FOR COMPENSATION, AND TO PROVIDE THAT COLLATERAL  
6 SOURCES FOR THE PAYMENT OF FUNERAL EXPENSES SHALL NOT  
7 CONSTITUTE GROUNDS FOR DENIAL OR REDUCTION OF AN AWARD OF  
8 COMPENSATION.

9 The General Assembly of North Carolina enacts:

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

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

15 Allowable expense includes a total charge not in excess of ~~two~~  
16 ~~thousand dollars (\$2,000)~~ three thousand five hundred dollars (\$3,500) for  
17 expenses related to funeral, cremation, and burial, including  
18 transportation of a body, but excluding expenses for flowers,  
19 gravestone, and other items not directly related to the funeral service."

1 Section 2. G.S. 15B-2(5) reads as rewritten:

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

23 Section 3. G.S. 15B-11(d) reads as rewritten:

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

27 An award that has been approved shall nevertheless be denied or reduced to the extent  
28 that the economic loss upon which the claim is based is or will be recouped from a  
29 collateral source. If an award is reduced or a claim is denied because of the expected  
30 recoupment of all or part of the economic loss of the claimant from a collateral source,  
31 the amount of the award or the denial of the claim shall be conditioned upon the  
32 claimant's economic loss being recouped by the collateral source. If it is thereafter  
33 determined that the claimant will not receive all or part of the expected recoupment, the  
34 claim shall be reopened and an award shall be approved in an amount equal to the amount  
35 of expected recoupment that it is determined the claimant will not receive from the  
36 collateral source, subject to the limitations set forth in subsections (f) and (g). The  
37 existence of a collateral source that would pay expenses directly related to a funeral,  
38 cremation, and burial, including transportation of a body, shall not constitute grounds for  
39 the denial or reduction of an award of compensation."

40 Section 4. No additional funds shall be appropriated to implement this act as  
41 provided in G.S. 15B-22.

42 Section 5. This act is effective when it becomes law and applies to claims  
43 arising from criminally injurious conduct that occurred on or after April 1, 1997.