

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 374

Short Title: Modify Victims Compensation Act/AB.

(Public)

Sponsors: Representatives Baddour; Bonner, Bowie, Braswell, Buchanan, Cole, Dedmon, Earle, Goodwin, Gulley, Hackney, Hardy, Hightower, R. Hunter, Jeffus, Luebke, McAllister, McCrary, Mercer, Miller, Moore, Morris, Mosley, Nesbitt, Rayfield, Redwine, Russell, Saunders, Sexton, Smith, Sutton, Warner, Warwick, Watson, Wilkins, and Yongue.

Referred to: Judiciary II.

March 3, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO
2 INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS AND TO MAKE
3 VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM
4 ELIGIBLE FOR COMPENSATION.
5

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 reasonably
9 needed products, services, and accommodations, including those for
10 medical care, rehabilitation, medically related property, and other
11 remedial treatment and care.

12 Allowable expense includes a total charge not in excess of ~~two~~
13 ~~thousand dollars (\$2,000)~~ three thousand five hundred dollars (\$3,500) for
14 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."

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

25 Section 4. This act is effective when it becomes law and applies to claims
26 arising from criminally injurious conduct that occurred on or after April 1, 1997.