

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-183
HOUSE BILL 2060**

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, AND TO MAKE OTHER CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION.

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

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

"(3) "Collateral source" means a source of benefits or advantages for economic loss otherwise compensable that the victim or claimant has received or that is readily available to ~~him~~ the victim or the claimant from any of the following sources:

- a. ~~The offender;~~ offender.
- b. The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more ~~states;~~ states.
- c. ~~Social security, medicare, and medicaid;~~ Security, Medicare, or Medicaid.
- d. State-required, temporary, nonoccupational disability ~~insurance;~~ insurance.
- e. Worker's ~~compensation;~~ compensation.
- f. Wage continuation programs of any ~~employer;~~ employer.
- g. Proceeds of a contract of insurance payable to the victim for loss that ~~he~~ the victim sustained because of the criminally injurious ~~conduct;~~ conduct.

- h. A contract providing prepaid hospital and other health care services, or benefits for disability.
- i. A contract of insurance that will pay for expenses directly related to a funeral, cremation, and burial, including transportation of a body."

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

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

SECTION 4. G.S. 15B-11(c) reads as rewritten:

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

SECTION 5. G.S. 15B-11(d) reads as rewritten:

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

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

SECTION 6. This act becomes effective July 1, 2006, and applies to claims filed on or after that date.

In the General Assembly read three times and ratified this the 18th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 6:06 p.m. this 1st day of August, 2006