

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 394

Short Title: Modify Victims Compensation Act/AB.

(Public)

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Sponsors: Senators Rand; Ballantine, Cooper, Gulley, Hartsell, Miller, Perdue, Plyler, Reeves, Soles, and Warren.

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Referred to: Judiciary.

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March 17, 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."

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

18 "(5) 'Criminally injurious conduct' means conduct ~~which~~ that by its nature  
19 poses a substantial threat of personal injury or death, and is punishable

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

20 Section 3. This act is effective when it becomes law and applies to claims  
21 arising from criminally injurious conduct that occurred on or after September 1, 1997.