

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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HOUSE BILL 2151

Short Title: Victims Comp./Funds Protected.

(Public)

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Sponsors: Representative Stam.

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Referred to: Judiciary.

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May 29, 1990

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT VICTIMS ARE ELIGIBLE FOR COMPENSATION  
2 FROM THE VICTIMS COMPENSATION FUND AS REQUIRED TO RECEIVE  
3 FEDERAL FUNDS.  
4

5 Whereas, on December 11, 1989, the Director of the United States  
6 Department of Justice's Office for Victims of Crime notified the Governor that North  
7 Carolina's statute on victims' compensation contained language that could be construed  
8 as biased against those victims of crimes of domestic violence; and

9 Whereas, the federal Victims of Crime Act prohibits this discrimination; and

10 Whereas, unless North Carolina's statute on victims' compensation is  
11 amended to remove this apparent bias, federal funds due to be received by October 1,  
12 1990, will not be received; and

13 Whereas, the loss of these federal funds would result in a cost to the State and  
14 its victims of crimes of four hundred thousand dollars (\$400,000) for the 1990-91 fiscal  
15 year and of millions of dollars in years to come; Now, therefore,  
16 The General Assembly of North Carolina enacts:

17 Section 1. G.S. 15B-11(a) reads as rewritten:

18 "(a) An award of compensation will be denied if:

- 19 (1) The claimant fails to file his application for an award within one year  
20 after the date of the criminally injurious conduct that caused the injury  
21 or death for which he seeks the award;
- 22 (2) The economic loss is incurred after one year from the date of the  
23 criminally injurious conduct that caused the injury or death for which  
24 the victim seeks the award;

- 1           (3) The criminally injurious conduct was not reported to a law  
2 enforcement officer or agency within 72 hours of its occurrence, and  
3 there was no good cause for the delay;
- 4           (4) The award would benefit the ~~offender, his accomplice, a spouse of or a~~  
5 ~~person living in the same household with the offender or his~~  
6 ~~accomplice, or a parent, child, brother, or sister of the offender or his~~  
7 ~~accomplice, offender or his accomplice,~~ unless a determination is  
8 made that the interests of justice require that an award be approved in a  
9 particular case; or
- 10          (5) The criminally injurious conduct occurred while the victim was  
11 confined in any State, county, or city prison, correctional, youth  
12 services, or juvenile facility, or local confinement facility, or half-way  
13 house, group home, or similar facility."
- 14          Sec. 2. This act shall become effective October 1, 1990, and applies to  
15 criminally injurious conduct occurring on or after that date.