

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 272
PROPOSED COMMITTEE SUBSTITUTE S272-PCS85159-TG-5

Short Title: Victims' Compensation Law Changes.-AB

(Public)

Sponsors:

Referred to:

March 9, 2011

1 AN ACT TO CLARIFY THE ROLE OF CHARITABLE DONATIONS AND WRITE-OFFS
2 AS COLLATERAL SOURCES FOR CRIME VICTIMS COMPENSATION, TO
3 MODIFY THE SCOPE OF DEPENDENT'S ECONOMIC LOSS FOR CRIME VICTIMS
4 COMPENSATION, TO CLARIFY THE CONFIDENTIALITY OF CRIME VICTIMS
5 COMPENSATION COMMISSION RECORDS, AND TO REQUIRE SUSPENSION OF
6 CRIME VICTIMS COMPENSATION PROCEEDINGS UPON REQUEST OF THE
7 ATTORNEY GENERAL.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 15B-2 reads as rewritten:

10 **"§ 15B-2. Definitions.**

11 As used in this Article, the following definitions apply, unless the context requires
12 otherwise:

13 ...

14 (3) Collateral source. – A source of benefits or advantages for economic loss
15 otherwise compensable that the victim or claimant has received or that is
16 readily available to the victim or the claimant from any of the following
17 sources:

- 18 a. The offender.
19 b. The government of the United States or any of its agencies, a state or
20 any of its political subdivisions, or an instrumentality of two or more
21 states.
22 c. Social Security, Medicare, or Medicaid.
23 d. State-required, temporary, nonoccupational disability insurance.
24 e. Worker's compensation.
25 f. Wage continuation programs of any employer.
26 g. Proceeds of a contract of insurance payable to the victim for loss that
27 the victim sustained because of the criminally injurious conduct.
28 h. A contract providing prepaid hospital and other health care services,
29 or benefits for disability.
30 i. A contract of insurance that will pay for expenses directly related to a
31 funeral, cremation, and burial, including transportation of a body.
32 j. A charitable gift or donation by a third party, including a charity care
33 write-off of expenses by a medical provider, regardless of whether
34 the gift or donation is subsequently rescinded.



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1 ...
2 (7) Dependent's economic loss. – Loss after a victim's death of contributions of
3 things of economic value to his dependents, not including services they
4 would have received from the victim if he had not suffered the fatal injury,
5 less expenses of the dependents avoided by reason of the victim's death.
6 Dependent's economic loss will be limited to a 26-week period commencing
7 from the date of the injury, and compensation shall not exceed three hundred
8 dollars (\$300.00) per week.

9"

10 **SECTION 2.** G.S. 15B-8.1(b) reads as rewritten:

11 "(b) All medical information relating to the mental, physical, or emotional condition of a
12 victim or claimant and all law enforcement records and information and any juvenile records
13 shall be held confidential by the Commission and Director. All personal information, as that
14 term is defined in 18 U.S.C. § 2725(3), of victims and claimants and all information concerning
15 the disposition of claims for compensation, except for the total amount awarded a victim or
16 claimant, shall be held confidential by the Commission and Director. Except for information
17 held confidential under this subsection, the records of the Division shall be open to public
18 inspection."

19 **SECTION 3.** G.S. 15B-11(f) is repealed.

20 **SECTION 4.** G.S. 15B-14(b) reads as rewritten:

21 "(b) Upon a request of the Attorney General, the proceedings in a claim for an award of
22 compensation ~~may~~ shall be suspended pending disposition of a criminal prosecution that has
23 been commenced or is imminent."

24 **SECTION 5.** This act becomes effective July 1, 2011, and applies to claims
25 submitted on or after that date.