

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS35094-MA-42 (12/09)

Short Title: Victims' Compensation Law Changes.-AB

(Public)

Sponsors: Senator Brunstetter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF DEPENDENT FOR THE PURPOSES OF
CRIME VICTIMS' COMPENSATION, TO CLARIFY CONFIDENTIALITY OF CRIME
VICTIMS COMPENSATION COMMISSION RECORDS, TO REQUIRE SUSPENSION
OF THE PAYMENT OF BENEFITS UPON REQUEST OF THE ATTORNEY
GENERAL, AND TO CLARIFY THE HANDLING OF WRITE-OFFS FOR CLAIMS
HANDLED BY THE CRIME VICTIMS COMPENSATION COMMISSION.

The General Assembly of North Carolina enacts:

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

"§ 15B-2. Definitions.

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

...

(6) **Dependent.** – An individual wholly ~~or substantially~~ dependent upon the victim for care and support and includes a child of the victim born after his death.

(7) ~~Dependent's economic loss. — Loss after a victim's death of contributions of things of economic value to his dependents, not including services they would have received from the victim if he had not suffered the fatal injury, less expenses of the dependents avoided by reason of the victim's death.~~

...."

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

"(b) ~~All medical information relating to the mental, physical, or emotional condition of a victim or claimant and all law enforcement records and information and any juvenile records shall be held confidential by the Commission and Director. Except for information held confidential under this subsection, the records of the Division shall be open to public inspection.~~ All records of the Division shall be open to public inspection. Information that is not public record shall be kept confidential by the Commission and the Director and disclosed only to victims and claimants and includes the following:

(1) All medical information relating to the mental, physical, or emotional condition of a victim or claimant.

(2) All law enforcement records.

(3) All juvenile records.

(4) All personal information, as that term is defined in 18 U.S.C. § 2725(3), of victims and claimants.



1 (5) All information concerning the disposition of claims for compensation,
2 except for the total amount awarded a victim or claimant."

3 **SECTION 3.** G.S. 15B-14(b) reads as rewritten:

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

7 **SECTION 4.** G.S. 15B-16 reads as rewritten:

8 "**§ 15B-16. Manner of payment; non-assignability and ~~exemptions.~~exemptions; refunds;**
9 **negotiations; write-offs.**

10 (a) The Director shall pay award payments directly to the service provider on behalf of
11 the claimant. Eligible out-of-pocket costs borne by the claimant shall be paid directly to the
12 victim only if such costs can be documented and verified.

13 (b) Upon request of the claimant, future economic loss, other than allowable expense,
14 may be commuted to a lump sum only on a finding that:

15 (1) The award in a lump sum will promote the interests of the claimant; or

16 (2) The present value of all future economic loss other than allowable expense
17 does not exceed one thousand dollars (\$1,000).

18 (c) An award for future economic loss payable in installments may be made only for a
19 period as to which future economic loss can reasonably be determined. An award for future
20 economic loss payable in installments may be reconsidered and modified upon a finding that a
21 material and substantial change of circumstances has occurred.

22 (d) An order on reconsideration of an award may not require refund of amounts
23 previously paid unless the award was obtained by fraud.

24 (e) The Director, even after an award made by the Commission, may negotiate with any
25 service provider in order to obtain a reduction of the amount claimed by the provider in
26 exchange for a full release of any claim against a claimant.

27 (f) Providers who write off bills to a victim or a claimant may not at any time after the
28 write-off seek reimbursement from the Commission, the Director, the victim, or the claimant
29 for the amount written off."

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