

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 403

Short Title: Victims Compensation Amendment. (Public)

Sponsors: Senator Berger of Franklin.

Referred to: Judiciary II.

March 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO PROVIDE
3 THAT CRIMINALLY INJURIOUS CONDUCT INCLUDES BOTH FELONY AND
4 MISDEMEANOR DEATH BY VEHICLE AND TO PROVIDE THAT ECONOMIC
5 LOSS FOR WHICH COMPENSATION MAY BE AWARDED INCLUDES THE COST
6 OF GRIEF COUNSELING FOR THE SPOUSE AND CHILDREN OF THE DECEASED
7 VICTIM.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 15B-2(5) reads as rewritten:

10 "(5) "Criminally injurious conduct" means conduct that by its nature poses a
11 substantial threat of personal injury or death, and is punishable by fine or
12 imprisonment or death, or would be so punishable but for the fact that the
13 person engaging in the conduct lacked the capacity to commit the crime
14 under the laws of this State. Criminally injurious conduct includes conduct
15 that amounts to an offense involving impaired driving as defined in
16 G.S. 20-4.01(24a), and conduct that amounts to a violation of G.S. 20-166 if
17 the victim was a pedestrian or was operating a vehicle moved solely by
18 human power or a mobility impairment device. For purposes of this Article,
19 a mobility impairment device is a device that is designed for and intended to
20 be used as a means of transportation for a person with a mobility
21 impairment, is suitable for use both inside and outside a building, and whose
22 maximum speed does not exceed 12 miles per hour when the device is being
23 operated by a person with a mobility impairment. Criminally injurious
24 conduct includes the offenses of felony and misdemeanor death by vehicle
25 under G.S. 20-141.4, but does not include any other conduct arising out of
26 the ownership, maintenance, or use of a motor vehicle when the conduct is
27 punishable only as a violation of other provisions of Chapter 20 of the
28 General Statutes. Criminally injurious conduct shall also include an act of
29 terrorism, as defined in 18 U.S.C. § 2331, that is committed outside of the
30 United States against a citizen of this State."

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

32 "(10) "Economic loss" means economic detriment consisting only of allowable
33 expense, work loss, replacement services loss, and household support loss. If
34 criminally injurious conduct causes death, economic loss includes a
35 dependent's economic loss and a dependent's replacement service ~~loss~~. loss,
36 and also includes the cost of grief counseling for the spouse and children of



1 the deceased victim. Noneconomic detriment is not economic loss, but
2 economic loss may be caused by pain and suffering or physical impairment."
3 **SECTION 3.** This act becomes effective July 1, 2009, and applies to pending
4 claims and claims filed on or after that date.