

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 26

Judiciary I Committee Substitute Adopted 3/23/89

Short Title: Compensation for DWI Victims.

(Public)

Sponsors:

Referred to:

January 18, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCLUDE VICTIMS INJURED BY DRIVING WHILE IMPAIRED OFFENDERS, TO LIMIT RECOVERY TO ECONOMIC LOSS, AND TO PROVIDE COMPENSATION TO RESIDENTS WHO ARE INJURED IN A STATE THAT DOES NOT HAVE A CRIME VICTIMS COMPENSATION PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15B-2(5) reads as rewritten:

"(5) 'Criminally injurious conduct' means conduct ~~that occurs or is attempted in this State~~ which by its nature poses a substantial threat of personal injury or death, and is punishable by fine or imprisonment or death, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this State. Criminally injurious conduct includes conduct which amounts to an offense involving impaired driving as defined in G.S. 20-4.01(24a) but does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle when the conduct is punishable only as a violation of other provisions of Chapter 20 of the General Statutes."

Sec. 2. G.S. 15B-4 reads as rewritten:

**"§ 15B-4. Award of compensation.**

(a) Subject to the limitations in G.S. 15B-22, compensation for criminally injurious conduct shall be awarded to a claimant if substantial evidence establishes that the requirements for an award have been met. Compensation shall only be paid for

1 economic loss and not for noneconomic loss. The Commission shall follow the rules of  
2 liability applicable to civil tort law in North Carolina.

3 (b) Compensation shall only be awarded for criminally injurious conduct that  
4 occurs or is attempted in this State except that criminally injurious conduct that occurs  
5 or is attempted against a resident of this State while in another state which does not have  
6 a victims compensation program of any type may be a basis of compensation."

7 Sec. 2. This act is effective upon ratification.