

exposure to a communicable disease because the presence in the community of that family member in need of care by the employee would jeopardize the health of others, the date of the recommendation, the probable duration of the condition, and medical or other facts within the health care provider or public health authority's knowledge regarding the condition.

(c) (No change.)

(a)

**DIVISION OF CRIMINAL JUSTICE
VICTIMS OF CRIME COMPENSATION OFFICE
Rules Relating to the Practice and Procedure Before
the New Jersey Victims of Crime Compensation
Office**

**Proposed Amendments: N.J.A.C. 13:75-1.4, 2.1, 2.6,
3.1, 4.1, 4.2, 4.3, 4.5, 4.6, 4.7, 4.8, 4.10, 5.1, 5.2, 6.1,
7.1, and 7.2**

Proposed New Rules: N.J.A.C. 13:75-5.3 and 8

Authorized By: Victims of Crime Compensation Office, Mary Ellen Bonsper, Acting VCCO Director.

Authority: N.J.S.A. 52:4B-1 et seq., specifically 52:4B-9.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2021-018.

Submit comments by April 30, 2021, to:

Mary Ellen Bonsper, Acting VCCO Director
Victims of Crime Compensation Office
50 Park Place
Newark, New Jersey 07102
or electronically at: MaryEllen.Bonsper@njvictims.org.

The agency proposal follows:

Summary

The Victims of Crime Compensation Office (Office), pursuant to its rulemaking authority at N.J.S.A. 52:4B-1 et seq., proposes to amend N.J.A.C. 13:75 to comport with legislative changes made to the Criminal Injuries Compensation Act of 1971, N.J.S.A. 52:4B-1 et seq. (Act), pursuant to P.L. 2019, c. 380 (legislative amendments).

The proposed amendments make available new kinds of assistance, such as the expansion of legal services provided to crime victims, expenses particular to victims of human trafficking, increase emergency awards, lengthen the period in which victims can file claims, and allow some limited awards where previously no award was available for homicide survivors. Also, in compliance with P.L. 2019, c. 380, the amendments allow an award to be reduced or denied in some instances where the victim was the proximate cause of their injuries; provided there is relevant evidence in support of the determination.

The Office proposes to amend N.J.A.C. 13:75-1.4, 2.1, 2.6, 3.1, 4.1, 4.2, 4.3, 4.5, 4.6, 4.7, 4.8, 4.10, 5.1, 5.2, 6.1, 7.1, and 7.2. The Office also proposes new N.J.A.C. 13:75-5.3, which provides for de minimis awards under certain circumstances. In addition to technical and grammatical changes throughout the chapter, the Office proposes other changes, that will provide victims with necessary assistance.

At N.J.A.C. 13:75-1.4, Definitions, the Office proposes to amend the definitions of "dependent," "direct victim," and "relative"; add the definitions of "legal assistance" and "relevant evidence"; replace the definition of "victim" to comport with the legislative amendments made to those definitions; and delete the definition of "homicide survivor." In homicide cases only, the definition of "direct victim" has been expanded to include spouse, parent, legal guardian, grandparent, child, sibling, domestic or civil union partner of the decedent, or the parent of the decedent's child. Because the definition of direct victim has been expanded to include persons previously categorized as secondary victims in relation to some awards, the rulemaking deletes the limitation that, in cases of homicide, a secondary victim survivor shall be treated as a direct

victim for purposes of counseling only. "Legal assistance" would be defined as "assistance provided to a crime victim in the enforcement of victims' rights in all: 1. courts; 2. family law matters, including, but not limited to, child protection actions, divorce, custody, parenting time, child support, emancipation, dependency, guardianship, and family reunification; 3. obtaining protective and restraining orders; 4. employment matters, including, but not limited to, wage and hour claims; 5. accessing public benefits; 6. life planning; and 7. any other situation for which an eligible crime victim needs legal services related to the victimization. "Relevant evidence" would be defined as evidence having a tendency to prove or disprove any fact of consequence to the determination of the action and that is deemed to be admissible under the rules of evidence. N.J.R.E. § 402. Relevant evidence does not include rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence. The definition of "victim" would be expanded, in line with P.L. 2019, c. 380, to include a person who suffers personal, physical, or psychological injury or death as a result of the conduct of another person who commits against that person any of the offenses specified at N.J.S.A. 52:4B-11, or an act by a juvenile that, if committed by an adult, would constitute a violation of any of these offenses. As provided by the Act, the term would include, in the case of a criminal homicide or an act by a juvenile that, if committed by an adult, would constitute a criminal homicide, the spouse, parent, legal guardian, grandparent, child, sibling, domestic or civil union partner of the decedent, or parent of the decedent's child. The term would also include direct witnesses of crimes who suffered personal, physical, or psychological injury or death as a result of a crime.

The Office also proposes to amend N.J.A.C. 13:75-2.1(b), to include simple assault and disorderly conduct. The Act, as amended, now prohibits the Office from denying an award for unpaid assessments or restitution, but the Office may reduce the award instead to satisfy assessments or restitution owed by the victim or claimant. This statutory change is reflected in the proposed amendments to Subchapter 2. Specifically, the Office proposes to delete existing subsections (c) and (j), as the substance of this subsection is incorporated elsewhere in the section. Recodified subsection (g) would be amended to no longer allow the Office to deny a claim where the victim has not fully paid assessments or restitution following a criminal conviction. Under the amendment, the Office will have the authority to deduct and satisfy these obligations from an award of compensation and make payments towards those obligations prior to providing payments to the victim. Recodified subsection (h) would be amended to allow the Office to make an award due to emergent need despite the presence of warrants for indicatable offenses. The amendments also ensure that compensation for emergency housing in order to protect the victim's physical safety shall never be denied due to a victim's criminal status. The proposed amendments also removes the Office's ability to withhold payment to crime victims for active criminal charges. Proposed new N.J.A.C. 13:75-2.1(j)6 would state that, in determining whether to limit or deny an award, the Office may consider any facts that provide relevant evidence as to whether a victim's conduct was the proximate cause of a victim's injury or death. Relevant evidence shall not include rumor, supposition, speculation, hearsay or opinion, except when admissible under the rules of evidence.

Proposed amendments at N.J.A.C. 13:75-2.6 would no longer require a preponderance of the credible evidence to support an application. The burden of proof will now be met by presenting credible evidence to support the application. At subsection (b), the amendment would narrow the scope of evidence to be included under this subsection to relevant evidence.

The Office proposes to amend Subchapter 3, Filing Claims, to extend the time for filing a claim from three to five years after the incident, to allow a delayed filing where the victim or their dependents were not properly informed of the benefits offered by the Office, and to provide victims the option to report an incident not only to the police, but to another appropriate law enforcement agency.

The Office proposes to amend Subchapter 4, Compensation Benefits, to allow an award to be reduced or denied where the victim was the proximate cause of their injuries, except in homicide cases where the Office may still make limited awards for certain expenses. The expiration dates for submitting additional expenses after the first claim payment is

also amended; with expenses submitted for claims filed on or after August 1, 2020, having no time limitation. Additionally, the amendments serve to expand the compensation for certain expenses and increase the rates at which attorneys are paid. Consistent with P.L. 2019, c. 380, proposed new N.J.A.C. 13:75-4.2(c) would provide that the Office will make its determination regarding the application within 90 days of receiving an application and any and all necessary information. This period may be extended for good cause, if an administrative closure would otherwise result. The Office shall reimburse the claimant or pay any third-party service provider the amount claimed within 30 days after eligibility has been determined, once the amount has been determined to be fair and reasonable. N.J.A.C. 13:75-4.6 would be amended to delineate some of the compelling health and safety reasons for non-cooperation with law enforcement. These reasons include traumatic stress, fear of retribution, fear of law enforcement, mental health crisis, or other compelling reason. At N.J.A.C. 13:75-4.7, the proposed deletion and replacement of paragraph (d)2 would remove the requirement that the security deposit be reimbursed to the Office. In the event that a victim is unable to relocate due to home ownership or other personal circumstances, the Office may apply the \$3,000 in moving expenses towards the victim's purchase of a security system, new locks, or other reasonable home security devices needed for protecting the health and safety of the victim and their family.

The Office proposes to amend Subchapter 5, Emergency Awards (including proposed new N.J.A.C. 13:75-5.3), to increase the allowable amount of an emergency award, a de minimis award, and an emergency award for stolen funds. The amendments also allow for certain victims who were not personally injured by an incident to be granted a de minimis award.

The Office proposes to amend Subchapter 6, Catastrophic Claims, by allowing victims to appeal a denial of an application for catastrophic claims.

The Office proposes to amend Subchapter 7, Hearing Procedures, to allow victims to provide electronic notice to the Office when requesting a hearing, and to appear virtually at a hearing. It would also allow the Office to close a hearing to the public where it is in the safety interests of a victim.

Lastly, proposed new Subchapter 8, Human Trafficking, provides that additional compensation may be awarded for human trafficking victims for certain expenses that are incurred as a result of their victimization.

As the Office has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Office anticipates that the proposed amendments and new rules will have a beneficial social impact for crime victims and their families. The increased compensation award amounts for certain expenses incurred by victims and other claimants will help the Office carry out its mission to provide compensation to innocent violent crime victims to help alleviate some of their financial burdens. This positive social impact will be accomplished by using funds currently available to the Office.

Economic Impact

The Office anticipates that the proposed amendments and new rules will have a positive economic impact on crime victims by providing victims with more financial resources to defray the cost of: direct victim counseling services; relocation expenses; transportation expenses; funeral expenses; and legal services. The funding for the proposed amendments and new rules is currently available through the Office's funding sources that include penalties assessed in both Municipal and Superior Court, Federal Victims of Crime Act compensation grants, State appropriations, and the Commissary Surcharge on all items purchased in the Department of Corrections' facilities. The proposed amendments and new rules will not require any additional State or Federal appropriations, or increase any administrative, enforcement, or oversight costs. Further, although the proposed amendments and new rules increases the benefit amounts for certain expenses associated with injury or loss, they do not increase the \$25,000 aggregate amount of compensable benefits available to a victim or other claimants for a given case.

Federal Standards Statement

A Federal standards statement is not required because there are no Federal standards or requirements applicable to the subject matter of the rulemaking.

Jobs Impact

The proposed amendments and new rules will not increase or decrease the number of jobs in New Jersey.

Agriculture Industry Impact

The Acting Director does not believe that the proposed amendments and new rules will have any impact on the agriculture industry of this State.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments and new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as it only applies to individuals.

Housing Affordability Impact Analysis

The proposed amendments and new rules will have an insignificant impact on the affordability of housing in New Jersey. Additionally, there is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in the average costs associated with housing because the proposed amendments and new rules concern award compensation to violent crime victims.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have an insignificant impact on smart growth. Additionally, there is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments and new rules concern award compensation to violent crime victims.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendments and new rules will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

13:75-1.4 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

...

“Dependent[s]” means:

1. [Such] **A** relative[s] of a deceased victim [as were] **who was** wholly or partially dependent upon the **victim's** income [of the decedent] at the time of **the victim's** death and shall include the child of [such] **a** victim born after [his or her] **the victim's** death; and

2. (No change.)

“Direct victim” means the person who is injured or killed as a result of a crime. **In the case of criminal homicide, “direct victim” shall also mean the spouse, parent, legal guardian, grandparent, child, sibling, domestic or civil union partner of the decedent, or parent of the decedent's child.**

...

[“Homicide survivor” in cases of homicide, a secondary victim survivor shall be treated as a direct victim for purposes of counseling only.]

“Legal assistance” means assistance provided to a crime victim in the enforcement of victims' rights in all:

1. Courts;

2. Family law matters, including, but not limited to, child protection actions, divorce, custody, parenting time, child support, emancipation, dependency, guardianship, and family reunification;

- 3. Obtaining protective and restraining orders;
- 4. Employment matters, including, but not limited to, wage and hour claims;
- 5. Accessing public benefits;
- 6. Life planning; and
- 7. Any other situation for which an eligible crime victim needs legal services related to the victimization.

... “Relative” of any person means [his or her] **the person’s spouse, parent, grandparent, stepparent, child, grandchild, great-grandchild, brother, sister, half-brother, half-sister, or [spouse’s parents] parent of the person’s spouse.**

“**Relevant evidence**” means evidence having a tendency to prove or disprove any fact of consequence to the determination of the action and that is deemed to be admissible under the rules of evidence. It does not include rumor, supposition, speculation, hearsay, or opinion, except as otherwise deemed admissible under the rules of evidence.

... “Victim” means a person who [is injured or killed by any act or omission of any other person within the description of] **suffers personal, physical, or psychological injury or death as a result of the conduct of another person who commits against that person any of the offenses specified at N.J.S.A. 52:4B-11, or an act by a juvenile that, if committed by an adult, would constitute a violation of any of these offenses. The term shall include, in the case of a criminal homicide or an act by a juvenile that, if committed by an adult, would constitute a criminal homicide, the spouse, parent, legal guardian, grandparent, child, sibling, domestic or civil union partner of the decedent, or parent of the decedent’s child. The term shall also include direct witnesses of crimes who suffered personal, physical, or psychological injury or death as a result of a crime.**

SUBCHAPTER 2. ELIGIBILITY

13:75-2.1 Eligibility of claims

- (a) (No change.)
- (b) The Office may order the payment of compensation for personal injury or death resulting from the commission or attempt to commit any of the following offenses:
 - 1.-11. (No change.)
 - 12. Any other crime involving violence, **including, but not limited to, robbery or arson;**
 - 13.-19. (No change.)
 - 20. Assault by auto; [or]
 - 21. **Simple assault pursuant to N.J.S.A. 2C:12-1;**
 - 22. **Disorderly conduct pursuant to N.J.S.A. 2C:33-2; or**
 - [21.] 23. (No change in text.)

[c] Where the operator of a motor vehicle, vessel, airplane, or commercial vehicle leaves the scene of an accident in violation of N.J.S.A. 39:4-129(a), and the circumstances surrounding the incident cannot be established by a preponderance of the credible evidence, it may be presumed that the victim was injured as a result of the operation of a motor vehicle, vessel, airplane, or commercial vehicle that was either unlawfully taken from its owner, used as a weapon in a deliberate attempt to run the victim down, or driven while under the influence of alcohol, a controlled dangerous substance, or in an attempt to elude a law enforcement officer.]

Recodify existing (d)-(g) as (c)-(f) (No change in text.)

[h] (g) The Office may [deny] **reduce an award for compensation [to a claimant unless the claimant has satisfied any and all Violent Crimes Compensation Office] where the victim has not paid in full any payments owed on assessments imposed pursuant to N.J.S.A. 2C:43-3.1 [and] or restitution ordered [by the courts to be paid specifically to the Office until such time as proper proof is submitted verifying satisfaction of said obligations.] following conviction for a crime by deducting the amount owed and making the payments on behalf of the victim to satisfy these obligations.**

[i] (h) The Office [will make no] **shall not deny an award for compensation to a victim or claimant[, and may close the claim without prejudice, during any period of incarceration, if] who has any non-**

indictable warrants or has committed any non-indictable offenses. If a court-ordered bench warrant for the victim or claimant’s arrest is issued for an indictable offense and remains active, [or where criminal charges are pending against the victim or claimant due to the filing of a criminal complaint and/or return of an indictment.] the Office may make an award for compensation if there exists an emergent need. Compensation for emergency housing in order to protect the victim’s physical safety shall never be denied due to a victim’s criminal status.

1. (No change.)

2. Upon [release from any period of incarceration or] submission to the Office of verification from the court that the bench warrant, criminal complaint, or indictment has been dismissed or otherwise disposed of, a victim or claimant may petition the Office to reopen the claim.

[j] No compensation shall be awarded if the victim sustained injuries while incarcerated for the conviction of a crime. Factors to be considered in determining incarceration shall include, but are not limited to, restraints placed on personal liberty; freedom from mobility; and whether the individual is under the care, custody and control of any penal institution or similar institution.]

[(k)] (i) (No change in text.)

[(l)] (j) Factors the Office may consider in denying a claimant’s eligibility include, but are not limited to:

1.-3. (No change.)

4. The prior case history of the victim, including matters pertaining to the victim’s medical history and whether the victim cooperated with reasonable requests of law enforcement authorities or showed a compelling health or safety reason why they could not cooperate; [and]

[5. Any other information that, based on the particular facts and circumstances of the application made known to the Office, warrants a finding of either eligibility or ineligibility for an award of compensation under this chapter.]

5. In determining whether to limit or deny an award for compensation due to the victim’s contributory conduct, the Office may consider any facts that provide relevant evidence as to whether the victim’s conduct was the proximate cause of the victim’s injury or death. The Office may reduce the amount of the award or reject the application where it determines that the victim’s conduct was the proximate cause of their injury or death. The Office shall provide compensation for emergency, temporary housing for an at-risk victim, regardless of contributory conduct, where a public safety issue exists; and

6. Notwithstanding any other provision of N.J.S.A. 52:4B-1 et seq., to the contrary, the Office may make a limited award for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys’ fees in cases of criminal homicide when there is a determination that the victim’s conduct was a contributing factor to the victim’s death. The Office shall not deem any conduct of the victim a contributing factor toward the victim’s injury, if the facts demonstrate that the conduct occurred during efforts by a victim to prevent a crime or to apprehend either a person who had committed a crime in the victim’s presence or a person who had in fact committed a crime.

Recodify existing (m)-(n) as (k)-(l) (No change in text.)

13:75-2.6 Determinations, presumptions, and burdens of proof

(a) Any person filing an application for compensation has the burden of proof as to eligibility of the claim filed and as to all of its elements and items of compensation. This burden of proof is met by [a preponderance of the] **presenting credible evidence to support the application.**

(b) [The] **In determining whether a victim’s conduct was the proximate cause of the victim’s injury or death, the Office may give substantial weight to conclusions of investigative law enforcement agencies and dispositions of criminal proceedings including, but not limited to, guilty pleas and jury verdicts, but, considered along with all other relevant evidence, the ultimate determination made on any application is within the discretion of the Office. Relevant evidence shall not include rumor, supposition, speculation, hearsay, or opinion, except as otherwise deemed admissible under the rules of evidence.**

SUBCHAPTER 3. FILING CLAIMS

13:75-3.1 Filing of claims

(a) All claim applications must be filed within [three] five years after the date of the incident upon which the claim is based or, if after that date, upon a determination by the Office that good cause exists for the delayed filing. Good cause includes, but is not limited to, instances where the victim or the victim's dependents were not appropriately informed of the benefits offered by the Office as required by law.

1. Good cause for a delay in filing may be found where:

i. The victim or claimant provides sufficient reasons, based on the totality of the circumstances, to demonstrate that his or her crime-induced incapacity prevented the timely filing of a claim; [and]

ii. The late filing of the application does not prejudice the ability of the Office to verify a victim/claimant's eligibility[.]; and

iii. In instances where the victim, or the victim's dependents, were not properly informed of the benefits offered by the Office, as required by law.

2. If the victim is under 18 years-of-age, the [three-year] five-year limit on filing shall commence on the day the victim turns 18 years old.

3. In the case of child sexual abuse, defined as an act of sexual contact or sexual penetration between a child under the age of 18 and an adult, an application for compensation shall be filed within [three] five years after reasonable discovery of the injury and its causal relationship to an act of child sexual abuse, unless good cause is shown, in accordance with N.J.S.A. 2A:61B-1.

i.-ii. (No change.)

(b) The incident must have been reported to the police **or other appropriate law enforcement agency** within nine months of its occurrence or the date from which the victim or claimant had knowledge or reason to believe that a crime had occurred. The Office reserves the right to, upon determination that good cause exists for the delayed filing, make an exception to the requirement that the incident be reported to the police within the stated time period.

1. Good cause for a delay in filing **or reporting the incident to police or other appropriate law enforcement agency** may be found where:

i. The victim or claimant provides sufficient reasons, based on the totality of the circumstances, to demonstrate that the incident could not be reported to the police **or other appropriate law enforcement agency** within the time prescribed; and

ii. (No change.)

(c)-(f) (No change.)

SUBCHAPTER 4. COMPENSATION BENEFITS

13:75-4.1 General provisions

(a)-(b) (No change.)

(c) Where the Office determines that, because of the victim's conduct, the victim [contributed directly to the infliction] **was the proximate cause** of his or her injury, the Office may limit the amount of the award, reduce it, or deny compensation altogether.

1. Where an award is to be limited or reduced due to contribution or other circumstances relating to the victim's behavior or action, said award shall not exceed \$12,500 in the aggregate. **In homicide cases where the victim contributed to his or her death, the Office may make a limited award for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys' fees.**

(d)-(g) (No change.)

(h) Claims for compensation shall expire based on the following dates:

1. For incidents occurring on or after June 26, 1995, and on or before November 29, 2010, any claim for compensation shall expire five years after the entry of an initial determination order. No further order is to be entered with regard to the claim, except for claims that are determined to be catastrophic in nature, or for requests for payment of specific out-of-pocket expenses received by the Office prior to the expiration of the five-year period, or for expenses for which the Office had notice or should reasonably have known existed prior to the expiration of the stated five-year limit;

2. For incidents occurring on or after November 30, 2010, and on or before July 15, 2012, payment for compensation shall expire after

five years, except that compensation may be awarded after the expiration of the five-year period upon a determination by the Office that compelling circumstances exist justifying the payment of a claim beyond the five-year limit;

[(h)] 3. [Ten] For incidents occurring on or after July 16, 2012, and before August 1, 2020, payment for compensation shall expire 10 years after the entry of an initial determination order, which shall not include administrative closures, [a claim for compensation expires] and no further order is to be entered with regard to the claim, except:

Recodify existing 1.-2. as i.-ii. (No change in text.)

[3.] iii. For requests for payments of expenses that were incurred only after the expiration of the 10-year period[.]; and

4. For incidents occurring on or after August 1, 2020, eligible claims for compensation will not expire.

13:75-4.2 Manner of payments

(a)-(b) (No change.)

(c) The Office will make its determination regarding the application within 90 days of acknowledgment by the Office of receipt of the completed application and any and all necessary supplemental information, provided that this period may be extended for good cause if an administrative closure would otherwise result. After eligibility has been determined, the Office shall reimburse supplemental claims for verifiably related expenses submitted within 30 days.

13:75-4.3 Compensation available to secondary victims

(a)-(c) (No change.)

[(d) In cases of homicide, a secondary victim (survivor) shall be treated as a direct victim for purposes of counseling only.]

[(e)] (d) (No change in text.)

13:75-4.5 Loss of earnings from victim; loss of support from decedent

(a) (No change.)

(b) In computing the amount of any loss of earnings [or support], the Office shall only consider the earnings and/or support actually contributed to the household at the time of the injury [or death of the victim].

(c) In computing the amount of any loss of support in a homicide claim, the Office shall consider the victim's actual support, or potential wages based on actuarial science.

Recodify existing (c)-(g) as **(d)-(h)** (No change in text.)

13:75-4.6 Loss of support from offender

(a) (No change.)

(b) Where a dependency upon the assailant/offender has been established, loss of support may be compensated only:

1.-6. (No change.)

7. Where the victim and/or claimant cooperates in the prosecution of the offender, including the filing and prosecution of a criminal complaint against the offender, unless a compelling health or safety reason is shown for a failure to so cooperate[; and], **Compelling reasons for non-cooperation shall include, but not be limited to, traumatic stress, fear of retribution, fear of law enforcement, or mental health crises; and**

8. (No change.)

(c)-(e) (No change.)

13:75-4.7 Relocation

(a)-(c) (No change.)

(d) Maximum reimbursement for moving expenses shall be \$3,000.

1. (No change.)

[2. In the event a security deposit is paid in connection with a relocation, the landlord, leasing company, or other entity shall be advised that the Office is entitled, pursuant to N.J.S.A. 46:8-21.1, to the return of the deposit on termination of the contract, lease, or agreement.

i. Within 30 days after termination of the contract, lease, or agreement, the net amount of the security deposit, including any interest accumulated, less any charges expended in accordance with the terms of the contract, lease, or agreement, shall be returned to the Office by personal delivery or registered or certified mail.]

2. In the event a victim is unable to relocate due to home ownership or other personal circumstances, the Office may apply the \$3,000 allotted for moving expenses towards the victim's purchase of a

security alarm system, new door locks, or any other reasonable home security device(s), needed for the purpose of protecting the health and safety of the victim and the victim's family.

(e)-(g) (No change.)

13:75-4.8 Transportation costs

(a) (No change.)

(b) Necessary and reasonable transportation expenses, such as railroad and airfare, which are a direct result of the incident, incidental to treating and caring for the victim, [or] for attendance at a victim's funeral, **or to attend court proceedings where the alleged offender is being prosecuted for the crime committed**, may be reimbursed to the claimant or to the victim's relatives at a maximum of \$500.00 per person, up to a total amount of \$3,000.

13:75-4.10 Attorney fees

(a) The Office may, as part of any order for payment, determine and allow reasonable attorney fees and costs, which shall not exceed 15 percent of the amount awarded as compensation, to an attorney representing an applicant in seeking compensation from the Office.

1.-2. (No change.)

3. [No] **An** attorney fee award for representing a claimant or victim in an appeal [involving] **or** his or her application for compensation from the Office shall **not** be less than [\$300.00] **\$500.00**, unless the Office determines that the attorney has not acted diligently or in good faith representing the claimant or victim.

4. [Where] **If** the Office enters an order denying compensation, it may nevertheless allow an award of attorney's fees of [\$300.00] **\$500.00**, if the Office determines that the attorney acted diligently and in good faith in representing the claimant or victim.

(b) The Office may allow payment of an attorney fee, up to a maximum of [\$3,000] **\$10,000**, to an attorney who provides legal assistance to a victim in any legal matter, other than a decision of the Office, arising from, or related to, having been the victim of the offense that forms the basis of the victim's or claimant's application for compensation.

[1. Payment of this other legal assistance fee may be made if and only to the extent that the amount of such payment does not, when combined with the amounts paid or payable to the victim under an order for compensation, exceed the \$25,000 limitation on compensation.]

1. Payment pursuant to this subsection shall be subject to the limitation on compensation set forth at section 18 of P.L. 1971, c. 317 (N.J.S.A. 52:4B-18).

(c) Attorney fee awards made pursuant to (a) or (b) above shall be paid at [the rate of \$200.00 per hour] **an hourly rate of \$275.00.**

1.-2. (No change.)

(d) (No change.)

SUBCHAPTER 5. EMERGENCY AWARDS

13:75-5.1 Financial hardship

(a)-(b) (No change.)

(c) The maximum amount of any emergency award shall not exceed [\$5,000] **\$7,500.**

(d) Any emergency awards made to a claimant shall be deducted from the final amount of compensation awarded, except in de [minimus] **minimis** emergency awards, which shall not exceed [\$200.00] **\$1,000.** De [minimus] **minimis** awards may be awarded for transportation, food, shelter, and any other exigent circumstances.

(e) (No change.)

13:75-5.2 Stolen funds

(a) The Office may make an emergency award in an amount not to exceed [\$200.00] **\$1,000** for compensation for funds stolen directly from the person of the victim, whether or not the victim suffered any personal injury, except in the case of a burglary, wherein no such award shall be made.

(b) Eligibility for an emergency award under the section is limited to those meeting the following conditions:

1.-2. (No change.)

[3. The funds stolen exceed \$50.00;]

Recodify existing 4.-8. as 3.-7. (No change in text.)

(c)-(d) (No change.)

13:75-5.3 De minimis award

In addition to ordering the payment of compensation for personal injury or death that resulted from the incidents specified at N.J.S.A. 52:4B-11, the Office may order the payment of ancillary expenses in connection with those incidents to compensate certain victims, whether or not those victims suffered personal injury, as specified at N.J.A.C. 13:75-5.2(b), in an amount not to exceed \$1,000.

SUBCHAPTER 6. CATASTROPHIC CLAIMS

13:75-6.1 General provisions

(a)-(d) (No change.)

[(e) A denial of an application for compensation made pursuant to this section shall not be subject to appeal.]

Recodify existing (f)-(g) as **(e)-(f)** (No change in text.)

SUBCHAPTER 7. HEARING PROCEDURES

13:75-7.1 Request for hearings

(a) After investigation of a claim has been completed, the victim/claimant shall be informed of the Office's decision in the matter and of his or her right to request a hearing before the Review Board by giving written **or electronic** notice to the Office within 45 days of receipt of the decision.

(b) If the victim/claimant fails to file a written **or electronic** notice within 45 days, and cannot demonstrate good cause for failure to do so, the appeal may be dismissed by the Review Board with prejudice.

(c)-(f) (No change.)

13:75-7.2 Conduct of hearings

(a)-(b) (No change.)

(c) The victim/claimant has the right to be present at the hearing, but may be excused at his or her request. **The victim/claimant has the right to appear at the hearing virtually.**

(d)-(k) (No change.)

(l) Hearings shall be open to the public, except that the Review Board may, in its discretion, hold private hearings in accordance with applicable legal requirements in the following circumstances:

1.-5. (No change.)

6. In any instance where the Review Board determines, based on the totality of the circumstances, it is in the best interests of the victim/claimant that the hearing not be open to the public; **this determination shall take into account the safety of the victim.**

(m)-(n) (No change.)

SUBCHAPTER 8. [(RESERVED)] HUMAN TRAFFICKING

13:75-8.1 Human trafficking

(a) In addition to the compensation award services set forth in this chapter for crime victims, the Office shall award additional compensation awards for human trafficking victims, as defined at N.J.S.A. 2C:13-8, for particular expenses incurred as a result of their victimization. Such expenses include, but are not limited to, expenses incurred for:

- 1. Record expungement;**
- 2. Name change;**
- 3. Social Security number change; or**
- 4. Out-of-State relocation.**