

§2002. Definitions

As used in this chapter, unless the context otherwise indicates, the following words have the following meanings. [PL 2019, c. 113, Pt. A, §2 (NEW).]

1. Collateral source. "Collateral source" means a source of benefits or advantages for economic loss resulting from a crime, which the victim has received, or which is readily available to the victim from:

A. The Government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality of 2 or more states unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this chapter; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. Social security, Medicare and Medicaid; [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. Workers' compensation; [PL 2019, c. 113, Pt. A, §2 (NEW).]

D. Wage continuation programs of any employer; [PL 2019, c. 113, Pt. A, §2 (NEW).]

E. Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminal conduct; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

F. A contract providing prepaid hospital and other health care services or benefits for disability. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Dependent. "Dependent" means an individual who is wholly or partially dependent upon the victim for care or support and includes a child of the victim born after the victim's death.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Economic loss. "Economic loss" includes economic detriment consisting of environmental clean-up expense, property loss, allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement services loss. Noneconomic detriment is not loss. Economic detriment is loss although caused by pain and suffering or physical impairment. "Economic loss" includes expenses of an emergency response by any public agency and critical investigation expenses.

A. "Allowable expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, counseling services and other remedial treatment and care, and nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing. The term includes reasonable and customary charges incurred for expenses in any way related to funeral, cremation and burial. It does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless other accommodations are medically required. [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. "Critical investigation expense" means a necessary expense incurred by a government or by a victim while investigating or prosecuting suspected criminal conduct. "Critical investigation expense" is limited to the cost of an audit or other financial analysis when that analysis is necessary to determine whether and to what extent a victim has suffered financial harm from criminal conduct by an employee or other person in a position of trust and the cost of analysis of suspected illegal drugs if the defendant is convicted of trafficking a scheduled drug under chapter 45 and the court in sentencing the defendant makes a finding that the conduct underlying the conviction was motivated by profit. [PL 2021, c. 296, §1 (AMD).]

C. "Dependent's economic loss" means loss after a decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death. [PL 2019, c. 113, Pt. A, §2 (NEW).]

D. "Dependent's replacement loss" means loss reasonably incurred by dependents after a decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of the decedent's death and not subtracted in calculating dependent's economic loss. [PL 2019, c. 113, Pt. A, §2 (NEW).]

E. "Environmental clean-up expense" means any reasonable expense incurred for products and services needed to clean up any harm or damage caused to the environment, including any harm or damage caused by chemicals; to restore the environment to its previous condition prior to any harm or damage; and to properly dispose of chemicals and other materials, including those used in the manufacture of scheduled drugs in violation of chapter 45. [PL 2019, c. 113, Pt. A, §2 (NEW).]

F. "Expense of an emergency response" means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, including a response to a suspected unlawful methamphetamine laboratory under section 1124, but only includes those costs directly arising because of the response to the particular incident. Reasonable costs include the costs of providing police, firefighting, rescue and emergency medical services at the scene of the incident, as well as the compensation for the personnel, including trained laboratory personnel, responding to the incident. "Public agency" means the State or any county, municipality, district or public authority located, in whole or in part, within this State that provides or may provide laboratory services or police, firefighting, ambulance or other emergency services. [PL 2019, c. 113, Pt. A, §2 (NEW).]

G. "Property loss" means the value of property taken from the victim, or of property destroyed or otherwise broken or harmed. A property loss includes the value of taxes or other obligations due to the government that have not been paid. "Property loss" also includes, in cases involving a violation of chapter 45, the value of money or other consideration given or offered in exchange for scheduled drugs by a law enforcement officer or another at the direction of a law enforcement officer that are not, in fact, recovered by the State at the time of sentencing, regardless of whether other money or items of value are sought, acquired or forfeited pursuant to Title 15, chapter 517. In cases involving a violation of chapter 45, the court must make a finding that the property loss is specifically related to that case. [PL 2019, c. 113, Pt. A, §2 (NEW).]

H. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income but for the benefit of the injured person or the injured person's family, if the injured person had not been injured. [PL 2019, c. 113, Pt. A, §2 (NEW).]

I. "Work loss" means loss of income from work the injured person would have performed if the injured person had not been injured and expenses reasonably incurred by the injured person in obtaining services in lieu of those the injured person would have performed for income, reduced by any income for substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work the injured person was capable of performing but unreasonably failed to undertake. For a victim of a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C, "work loss" includes pay or benefits unfairly or illegally withheld from the victim by the offender or any unfair labor agreement under Title 26, section 629, as defined by rules adopted by the Department of Labor. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2021, c. 296, §1 (AMD).]

4. Noneconomic detriment. "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and other nonpecuniary damage.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Offender. "Offender" means an individual or an organization convicted of a crime.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Restitution. "Restitution" means:

A. Monetary reimbursement, in whole or in part, for economic loss; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. Work or service provided to a victim for economic loss; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. Any combination of service or monetary reimbursement by an offender to the victim of the offender's crime or to other authorized claimants, either directly or indirectly. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

7. Victim. "Victim" means a government that suffers economic loss or a person who suffers personal injury, death or economic loss as a result of a crime or the good faith effort of any person to prevent a crime.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 296, §1 (AMD).

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