

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2111

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact subsection 7 of section 54-23.4-01 of the North Dakota
2 Century Code, relating to crime victims compensation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 7 of section 54-23.4-01 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 7. "Economic loss" means economic detriment consisting only of allowable expense,
7 work loss, replacement services loss, and, if injury causes death, dependent's
8 economic loss and dependent's replacement services loss. Noneconomic
9 detriment is not loss. The term includes economic detriment caused by pain and
10 suffering or physical impairment.

11 a. "Allowable expense" means reasonable charges incurred for reasonably
12 needed products, services, and accommodations required due to the injury,
13 including those for medical care, rehabilitation, rehabilitative occupational
14 training, and other remedial treatment and care. The term includes a total
15 charge not in excess of ~~three~~ five thousand dollars for expenses in any way
16 related to funeral, cremation, and burial. The term does not include that
17 portion of a charge for a room in a hospital, clinic, convalescent or nursing
18 home, or any other institution engaged in providing nursing care and related
19 services, in excess of a reasonable and customary charge for semiprivate
20 accommodations, unless the excess represents costs of other
21 accommodations that are medically required.

22 b. "Dependent's economic loss" means loss after a victim's death of
23 contributions of things of economic value to a victim's dependent, not
24 including services the dependent would have received from the victim if the

- 1 victim had not suffered the fatal injury, less expenses of the dependent
2 avoided by reason of the victim's death.
- 3 c. "Dependent's replacement services loss" means loss reasonably incurred by
4 a dependent after a victim's death in obtaining ordinary and necessary
5 services in lieu of those the victim would have performed for the dependent's
6 benefit if the victim had not suffered the fatal injury, less expenses of the
7 dependent avoided by reason of the victim's death and not subtracted in
8 calculating the dependent's economic loss.
- 9 d. "Noneconomic detriment" means pain, suffering, inconvenience, physical
10 impairment, and other nonpecuniary damage.
- 11 e. "Replacement services loss" means expenses reasonably incurred in
12 obtaining ordinary and necessary services in lieu of those the victim would
13 have performed, not for income but for the benefit of the victim or the victim's
14 family, if the victim had not been injured.
- 15 f. "Work loss" means loss of income from work the victim would have performed
16 if the victim had not been injured, and expenses reasonably incurred by the
17 victim in obtaining services in lieu of those the victim would have performed
18 for income, reduced by any income from substitute work actually performed
19 by the victim or by income the victim would have earned in available
20 appropriate substitute work the victim was capable of performing but
21 unreasonably failed to undertake.