

# HOUSE . . . . . No. 1990

By Mr. Lambert of Fall River, petition of Edward M. Lambert, Jr., for legislation to further regulate the payment of compensation to victims of violent crimes. Criminal Justice.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

### AN ACT FURTHER REGULATING COMPENSATION TO VICTIMS OF VIOLENT CRIMES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 5 of chapter 258A of the General Laws  
2 is hereby amended by striking out the fourth paragraph, as  
3 appearing in the 1990 Official Edition, and inserting in place  
4 thereof the following paragraph: —

5 Any compensation for loss of earnings or support shall be in  
6 an amount equal to the actual loss sustained, provided, however,  
7 that no compensation for funeral expenses under this chapter shall  
8 exceed two thousand dollars and no award under this chapter shall  
9 exceed a total of twenty-five thousand dollars, including any  
10 award for funeral expenses, but excluding any compensation for  
11 medical care. If two or more persons are entitled to compensation  
12 as a result of a death of a victim which is the direct result of a  
13 crime, the compensation shall be apportioned by the court among  
14 the claimants in proportion to their loss, and the total of all awards  
15 based on said crime shall not exceed twenty-five thousand dollars  
16 exclusive of any compensation for medical care.

1 SECTION 2. Section 6 of said chapter 258A, as so appearing,  
2 is hereby amended by striking out the second paragraph and  
3 inserting in place thereof the following paragraph: —

4 Any compensation paid pursuant to this chapter shall be  
5 reduced by the amount of any payments received or to be received  
6 as a result of the injury (a) under insurance programs, or (b) from

7 public funds and shall not be reduced by the amount of any such  
8 payments from or on behalf of the offender.

1 SECTION 3. Said chapter 258A is hereby further amended by  
2 adding the following section: —

3 Section 10. In addition to any other remedy which is or may  
4 be provided by law for the enforcement or collection of restitution,  
5 the court may, on motion of the victim, district attorney,  
6 probation or parole officer or the court, issue a judgment or order  
7 (a) directing any employer of the defendant to withhold and pay  
8 over to the clerk of the court, out of employment income due or  
9 to become due the defendant at each pay period an amount  
10 ordered to be paid as restitution, or (b) attaching the assets or  
11 any portion thereof of the defendant an amount ordered to be  
12 paid as restitution.

13 Any person who willfully refuses to comply with a court  
14 judgment or order issued pursuant to the provisions of this section  
15 directing such person to withhold, deliver or pay over any  
16 employment income or other income or to convey, assign,  
17 transfer, deliver, or disburse any other income or asset may be  
18 deemed in contempt of court and may be held liable to the victim  
19 for any restitution lost as a result of such refusal.