

1 ENGROSSED HOUSE
2 BILL NO. 2241

By: Ingmire, Kern and Terrill
of the House

3 and

4 Lamb of the Senate
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8 An Act relating to crimes and punishments; amending
9 21 O.S. 2001, Sections 142.13, as last amended by
10 Section 5, Chapter 171, O.S.L. 2007 and 142.20, as
11 amended by Section 6, Chapter 171, O.S.L. 2007 (21
12 O.S. Supp. 2007, Sections 142.13 and 142.20), which
13 relate to the Oklahoma Crime Victims Compensation
14 Act; modifying compensation amounts; authorizing
15 additional sums for economic loss upon certain
16 verification; providing limitation on certain
17 compensation; deleting amount allowed to be
18 transferred from certain fund; and providing an
19 effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 21 O.S. 2001, Section 142.13, as
22 last amended by Section 5, Chapter 171, O.S.L. 2007 (21 O.S. Supp.
23 2007, Section 142.13), is amended to read as follows:

24 Section 142.13 A. The Crime Victims Compensation Board may
compensate for work loss, replacement services loss, dependent's
economic loss and dependent's replacement service loss.

Compensation for a caregiver who has out-of-pocket wage loss as a

1 result of caring for the victim who was injured as a result of
2 criminally injurious conduct may not exceed ~~Two Thousand Dollars~~
3 ~~(\$2,000.00)~~ Three Thousand Dollars (\$3,000.00).

4 B. Compensation payable to a victim and to all other claimants
5 sustaining economic loss because of injury to or death of that
6 victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the
7 aggregate. The Board may, after approval of an initial award of
8 Twenty Thousand Dollars (\$20,000.00), grant an additional sum not to
9 exceed Twenty Thousand Dollars (\$20,000.00), specifically for loss
10 of wages for the victim or loss of support for dependents of a
11 deceased victim provided, there is verifiable economic loss after
12 deducting payments from other sources. In no event shall
13 compensation payable to a victim and to all other claimants
14 sustaining economic loss because of injury to or death of that
15 victim exceed Forty Thousand Dollars (\$40,000.00) in the aggregate.

16 C. The Board may provide for the payment to a claimant in a
17 lump sum or in installments. At the request of the claimant, the
18 Board may convert future economic loss, other than allowable
19 expense, to a lump sum.

20 D. An award payable in a lump sum or installments for loss of
21 support for a dependent of the deceased victim may be computed
22 through a formula which calculates the net loss of support for
23 dependents based upon an estimated date of retirement or an
24 estimated date of adulthood for dependent children, beginning with

1 the date of death of the victim and ending with the least of one of
2 the following time periods for each dependent filing loss of
3 support:

4 1. The amount of time from the date of death of the victim to
5 the date the victim would have been expected to reach sixty-two (62)
6 years of age;

7 2. The amount of time from the date of death of the victim to
8 the date the spouse of the victim is expected to reach sixty-two
9 (62) years of age; or

10 3. The amount of time from the date of death of the victim to
11 the date a dependent child is expected to reach eighteen (18) years
12 of age or twenty-three (23) years of age if the dependent child is
13 enrolled as a full-time student. An award payable in installments
14 for future loss of support may be modified by the Board in the event
15 a dependent child receiving loss of support is between the ages of
16 eighteen (18) and twenty-three (23) years of age and is no longer
17 enrolled as a full-time student, the dependent dies before all
18 installments are paid or the dependent receiving installments moves
19 and leaves no forwarding address with the Board office.

20 E. An award shall not be subject to execution, attachment,
21 garnishment or other process, except for child support and except
22 that an award for allowable expense shall not be exempt from a claim
23 of a creditor to the extent that such creditor has provided
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1 products, services or accommodations, the costs of which are
2 included in the award.

3 F. An assignment by the claimant to any future award under the
4 provisions of this act is unenforceable, except:

5 1. An assignment of any award for work loss to assure payment
6 of court ordered alimony, maintenance or child support; or

7 2. An assignment of any award for allowable expense to the
8 extent that the benefits are for the cost of products, services or
9 accommodations necessitated by the injury or death on which the
10 claim is based and are provided or to be provided by the assignee.

11 G. The Board may, in its discretion, approve payment of crisis
12 counseling, occurring within three (3) years of the crime, in an
13 amount not to exceed Three Thousand Dollars (\$3,000.00) for each
14 family member of a homicide victim; provided, the counselor is a
15 qualified mental health care provider. Medical and pharmaceutical
16 treatment is not compensable for any family member of a deceased
17 victim.

18 H. Outpatient counseling expenses for a victim of criminally
19 injurious conduct may be considered by the Board provided the
20 counseling is focused on the crime and the counselor is a qualified
21 mental health care provider. A total not to exceed Three Thousand
22 Dollars (\$3,000.00) may be awarded for individual counseling
23 sessions for victims of criminally injurious conduct. Sessions
24 between the mental health care provider and nonoffending parents of

1 a victimized child under eighteen (18) years of age may also be
2 included in the award provided the combined total for the counseling
3 and parental sessions do not exceed Three Thousand Dollars
4 (\$3,000.00) and the parental sessions relate to the victimization.
5 In extreme cases, the Board may, in its discretion, waive the three-
6 thousand-dollar limit. Inpatient mental health treatment will be
7 reviewed on a case-by-case basis and may be compensated, at the
8 discretion of the Board, in an amount not to exceed ~~Ten Thousand~~
9 ~~Dollars (\$10,000.00)~~ Twenty Thousand Dollars (\$20,000.00).

10 I. Reasonable funeral, cremation or burial expenses shall not
11 exceed ~~Six Thousand Dollars (\$6,000.00)~~ Seven Thousand Five Hundred
12 Dollars (\$7,500.00).

13 J. Reasonable costs associated with homicide crime scene
14 cleanup shall not exceed ~~Five Hundred Dollars (\$500.00)~~ Two Thousand
15 Dollars (\$2,000.00).

16 K. Loss of income of a caregiver shall not exceed ~~Two Thousand~~
17 ~~Dollars (\$2,000.00)~~ Three Thousand Dollars (\$3,000.00).

18 L. Reasonable costs for vehicle impound fees are limited to
19 violent crimes occurring in a vehicle owned by the victim of the
20 violent crime or an eligible claimant, provided such fee is
21 associated with the collection and security of crime scene evidence.
22 Reimbursement for vehicle impound fees shall not exceed Seven
23 Hundred Fifty Dollars (\$750.00).

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1 SECTION 2. AMENDATORY 21 O.S. 2001, Section 142.20, as
2 amended by Section 6, Chapter 171, O.S.L. 2007 (21 O.S. Supp. 2007,
3 Section 142.20), is amended to read as follows:

4 Section 142.20 A. A Sexual Assault Examination Fund shall be
5 established for the purpose of providing to a victim of a sexual
6 assault a forensic medical examination by a qualified licensed
7 health care professional and to provide to the victim medications as
8 directed by said health care professional.

9 B. As used in this section:

10 1. "Sexual assault" means:

11 a. rape, or rape by instrumentation, as defined in

12 Sections 1111, 1111.1 and 1114 of this title, or

13 b. forcible sodomy, as defined in Section 888 of this
14 title; and

15 2. "Qualified licensed health care professional" means a
16 physician, registered nurse, or other licensed health care
17 professional qualified by training and experience to perform sexual
18 assault examinations.

19 C. The Crime Victims Compensation Board is authorized to pay
20 for this examination and the medications directed by the qualified
21 licensed health care professional upon application submitted by the
22 victim of a sexual assault.

23 D. The Crime Victims Compensation Board shall establish the
24 procedures for disbursement of the Sexual Assault Examination Fund,

1 but in no event shall the Crime Victims Compensation Board pay an
2 amount to exceed:

3 1. Four Hundred Fifty Dollars (\$450.00) for a sexual assault
4 examination; and

5 2. Fifty Dollars (\$50.00) for medications which are related to
6 the sexual assault and directed and deemed necessary by said health
7 care professional.

8 Such payments shall not exceed the amounts specified by this
9 subsection regardless of the amount of any individual bills
10 comprising the claim. Payments shall be made only upon claims
11 signed by the victim or guardian and health care professional.

12 E. The District Attorneys Council is hereby authorized to
13 ~~transfer up to Two Hundred Seventy-five Thousand Dollars~~
14 ~~(\$275,000.00)~~ funds, as specified in the appropriations bill
15 annually, from the Crime Victims Compensation Fund to the Sexual
16 Assault Examination Fund for the payment of sexual assault forensic
17 examinations and medications, pursuant to this section.

18 SECTION 3. This act shall become effective November 1, 2008.
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1 Passed the House of Representatives the 25th day of February,
2 2008.

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5 Presiding Officer of the House of
6 Representatives

7 Passed the Senate the ____ day of _____, 2008.

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10 Presiding Officer of the Senate

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