

THE HOUSE OF REPRESENTATIVES
Tuesday, February 19, 2008

House Bill No. 2241

HOUSE BILL NO. 2241 - By: INGMIRE of the House and LAMB of the Senate.

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

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

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

4 Section 142.13 A. The Crime Victims Compensation Board may compensate for
5 work loss, replacement services loss, dependent's economic loss and dependent's
6 replacement service loss. Compensation for a caregiver who has out-of-pocket wage loss
7 as a result of caring for the victim who was injured as a result of criminally injurious
8 conduct may not exceed ~~Two Thousand Dollars (\$2,000.00)~~ Three Thousand Dollars
9 (\$3,000.00).

10 B. Compensation payable to a victim and to all other claimants sustaining
11 economic loss because of injury to or death of that victim may not exceed Twenty

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

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

12 D. An award payable in a lump sum or installments for loss of support for a
13 dependent of the deceased victim may be computed through a formula which calculates
14 the net loss of support for dependents based upon an estimated date of retirement or an
15 estimated date of adulthood for dependent children, beginning with the date of death of
16 the victim and ending with the least of one of the following time periods for each
17 dependent filing loss of support:

- 18 1. The amount of time from the date of death of the victim to the date the victim
19 would have been expected to reach sixty-two (62) years of age;
- 20 2. The amount of time from the date of death of the victim to the date the spouse of
21 the victim is expected to reach sixty-two (62) years of age; or

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

20 G. The Board may, in its discretion, approve payment of crisis counseling, occurring
21 within three (3) years of the crime, in an amount not to exceed Three Thousand Dollars
22 (\$3,000.00) for each family member of a homicide victim; provided, the counselor is a

1 qualified mental health care provider. Medical and pharmaceutical treatment is not
2 compensable for any family member of a deceased victim.

3 H. Outpatient counseling expenses for a victim of criminally injurious conduct may
4 be considered by the Board provided the counseling is focused on the crime and the
5 counselor is a qualified mental health care provider. A total not to exceed Three
6 Thousand Dollars (\$3,000.00) may be awarded for individual counseling sessions for
7 victims of criminally injurious conduct. Sessions between the mental health care
8 provider and nonoffending parents of a victimized child under eighteen (18) years of age
9 may also be included in the award provided the combined total for the counseling and
10 parental sessions do not exceed Three Thousand Dollars (\$3,000.00) and the parental
11 sessions relate to the victimization. In extreme cases, the Board may, in its discretion,
12 waive the three-thousand-dollar limit. Inpatient mental health treatment will be
13 reviewed on a case-by-case basis and may be compensated, at the discretion of the Board,
14 in an amount not to exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Twenty Thousand Dollars
15 (\$20,000.00).

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

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

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

1 L. Reasonable costs for vehicle impound fees are limited to violent crimes occurring
2 in a vehicle owned by the victim of the violent crime or an eligible claimant, provided
3 such fee is associated with the collection and security of crime scene evidence.
4 Reimbursement for vehicle impound fees shall not exceed Seven Hundred Fifty Dollars
5 (\$750.00).

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

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

13 B. As used in this section:

14 1. "Sexual assault" means:

- 15 a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1
16 and 1114 of this title, or
- 17 b. forcible sodomy, as defined in Section 888 of this title; and

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

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

4 D. The Crime Victims Compensation Board shall establish the procedures for
5 disbursement of the Sexual Assault Examination Fund, but in no event shall the Crime
6 Victims Compensation Board pay an amount to exceed:

- 7 1. Four Hundred Fifty Dollars (\$450.00) for a sexual assault examination; and
- 8 2. Fifty Dollars (\$50.00) for medications which are related to the sexual assault and
9 directed and deemed necessary by said health care professional.

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

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

18 SECTION 3. This act shall become effective November 1, 2008.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
20 dated 02-18-08 - DO PASS, As Coauthored.