

EHB 2241

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 2241

As Amended

ENGROSSED HOUSE BILL NO. 2241 - By: Ingmire, Kern and Terrill of the House and Lamb of the Senate.

[crimes and punishments - Oklahoma Crime Victims Compensation Act - modifying compensation amounts - effective date]

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

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

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

B. Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the aggregate. The Board may, after approval of an initial award of

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

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

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

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

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

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

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

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

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

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

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

12 H. Outpatient counseling expenses for a victim of criminally
13 injurious conduct may be considered by the Board provided the
14 counseling is focused on the crime and the counselor is a qualified
15 mental health care provider. A total not to exceed Three Thousand
16 Dollars (\$3,000.00) may be awarded for individual counseling
17 sessions for victims of criminally injurious conduct. Sessions
18 between the mental health care provider and nonoffending parents of
19 a victimized child under eighteen (18) years of age may also be
20 included in the award provided the combined total for the counseling
21 and parental sessions do not exceed Three Thousand Dollars
22 (\$3,000.00) and the parental sessions relate to the victimization.
23 In extreme cases, the Board may, in its discretion, waive the three-

1 thousand-dollar limit. Inpatient mental health treatment will be
2 reviewed on a case-by-case basis and may be compensated, at the
3 discretion of the Board, in an amount not to exceed ~~Ten Thousand~~
4 ~~Dollars (\$10,000.00)~~ Twenty Thousand Dollars (\$20,000.00).

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

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

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

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

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

22 Section 142.20 A. A Sexual Assault Examination Fund shall be
23 established for the purpose of providing to a victim of a sexual

1 assault a forensic medical examination by a qualified licensed
2 health care professional and to provide to the victim medications as
3 directed by said health care professional.

4 B. As used in this section:

5 1. "Sexual assault" means:

6 a. rape, or rape by instrumentation, as defined in
7 Sections 1111, 1111.1 and 1114 of this title, or

8 b. forcible sodomy, as defined in Section 888 of this
9 title; and

10 2. "Qualified licensed health care professional" means a
11 physician, registered nurse, or other licensed health care
12 professional qualified by training and experience to perform sexual
13 assault examinations.

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

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

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

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

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

8 E. The District Attorneys Council is hereby authorized to
9 transfer ~~up to Two Hundred Seventy-five Thousand Dollars~~
10 ~~(\$275,000.00)~~ funds, as specified in the appropriations bill
11 annually, from the Crime Victims Compensation Fund to the Sexual
12 Assault Examination Fund for the payment of sexual assault forensic
13 examinations and medications, pursuant to this section.

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

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-08 - DO
16 PASS, As Amended.