

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2241

By: Ingmire

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5  
6 AS INTRODUCED

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

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

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

23 Section 142.13 A. The Crime Victims Compensation Board may  
24 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

1 criminally injurious conduct may not exceed ~~Two Thousand Dollars~~  
2 ~~(\$2,000.00)~~ Three Thousand Dollars (\$3,000.00).

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

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

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

1 the following time periods for each dependent filing loss of  
2 support:

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

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

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

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

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

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

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

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

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

1 and parental sessions do not exceed Three Thousand Dollars  
2 (\$3,000.00) and the parental sessions relate to the victimization.  
3 In extreme cases, the Board may, in its discretion, waive the three-  
4 thousand-dollar limit. Inpatient mental health treatment will be  
5 reviewed on a case-by-case basis and may be compensated, at the  
6 discretion of the Board, in an amount not to exceed ~~Ten Thousand~~  
7 ~~Dollars (\$10,000.00)~~ Twenty Thousand Dollars (\$20,000.00).

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

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

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

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

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

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

6 B. As used in this section:

7 1. "Sexual assault" means:

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

10 b. forcible sodomy, as defined in Section 888 of this  
11 title; and

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

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

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

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

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

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

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

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

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18       51-2-8545        GRS        12/18/07

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