

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB518
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Leslie Osborn

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 518

By: Justice of the Senate
and
Osborn of the House

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9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to crime victims; amending 21 O.S.
11 2001, Section 142.13, as last amended by Section 1,
12 Chapter 283, O.S.L. 2008 (21 O.S. Supp. 2008, Section
13 142.13), which relates to the Oklahoma Crime Victims
14 Compensation Act; modifying scope of certain
15 reimbursable cost; amending 22 O.S. 2001, Section
16 984, which relates to definition of victim impact
17 statement; adding grandparent to certain definition;
18 and providing an 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 1, Chapter 283, O.S.L. 2008 (21 O.S. Supp.
22 2008, 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
25 economic loss and dependent's replacement service loss.

26 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 Three Thousand Dollars
3 (\$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 Twenty Thousand
9 Dollars (\$20,000.00).

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

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

14 K. Loss of income of a caregiver shall not exceed Three
15 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 22 O.S. 2001, Section 984, is
23 amended to read as follows:

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1 Section 984. As used in Titles 21, 22 and 57 of the Oklahoma
2 Statutes:

3 1. "Victim impact statements" means information about the
4 financial, emotional, psychological, and physical effects of a
5 violent crime on each victim and members of their immediate family,
6 or person designated by the victim or by family members of the
7 victim and includes information about the victim, circumstances
8 surrounding the crime, the manner in which the crime was
9 perpetrated, and the victim's opinion of a recommended sentence;

10 2. "Members of the immediate family" means the spouse, a child
11 by birth or adoption, a stepchild, a parent, a grandparent, or a
12 sibling of each victim; and

13 3. "Violent crime" means any crime listed in paragraph 5 of
14 Section 571 of Title 57 of the Oklahoma Statutes or any attempt,
15 conspiracy or solicitation to commit any such crime or the crime of
16 negligent homicide pursuant to Section 11-903 of Title 47 of the
17 Oklahoma Statutes or the crime of causing great bodily injury while
18 driving under the influence of intoxicating substance, pursuant to
19 Section 11-904 of Title 47 of the Oklahoma Statutes.

20 SECTION 3. This act shall become effective November 1, 2009.

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22 52-1-7483 GRS 03/26/09

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