

THE HOUSE OF REPRESENTATIVES  
Monday, February 9, 2009

House Bill No. 1448

HOUSE BILL NO. 1448 - By: MCMULLEN of the House.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 142.13, as last amended by Section 1, Chapter 283, O.S.L. 2008 (21 O.S. Supp. 2008, Section 142.13), which relates to the Oklahoma Crime Victims Compensation Act; authorizing reasonable costs for crime scene cleanup; 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 1, Chapter 283, O.S.L. 2008 (21 O.S. Supp. 2008, 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 Three Thousand Dollars (\$3,000.00).

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

1 exceed Twenty Thousand Dollars (\$20,000.00), specifically for loss of wages for the victim  
2 or loss of support for dependents of a deceased victim provided, there is verifiable  
3 economic loss after deducting payments from other sources. In no event shall  
4 compensation payable to a victim and to all other claimants sustaining economic loss  
5 because of injury to or death of that victim exceed Forty Thousand Dollars (\$40,000.00)  
6 in the aggregate.

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

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

- 16 1. The amount of time from the date of death of the victim to the date the victim  
17 would have been expected to reach sixty-two (62) years of age;
- 18 2. The amount of time from the date of death of the victim to the date the spouse of  
19 the victim is expected to reach sixty-two (62) years of age; or
- 20 3. The amount of time from the date of death of the victim to the date a dependent  
21 child is expected to reach eighteen (18) years of age or twenty-three (23) years of age if  
22 the dependent child is enrolled as a full-time student. An award payable in installments

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

1 for future loss of support may be modified by the Board in the event a dependent child  
2 receiving loss of support is between the ages of eighteen (18) and twenty-three (23) years  
3 of age and is no longer enrolled as a full-time student, the dependent dies before all  
4 installments are paid or the dependent receiving installments moves and leaves no  
5 forwarding address with the Board office.

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

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

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

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

17 G. The Board may, in its discretion, approve payment of crisis counseling, occurring  
18 within three (3) years of the crime, in an amount not to exceed Three Thousand Dollars  
19 (\$3,000.00) for each family member of a homicide victim; provided, the counselor is a  
20 qualified mental health care provider. Medical and pharmaceutical treatment is not  
21 compensable for any family member of a deceased victim.

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

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

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

17 K. Loss of income of a caregiver shall not exceed Three Thousand Dollars  
18 (\$3,000.00).

19 L. Reasonable costs for vehicle impound fees are limited to violent crimes occurring  
20 in a vehicle owned by the victim of the violent crime or an eligible claimant, provided  
21 such fee is associated with the collection and security of crime scene evidence.

1 Reimbursement for vehicle impound fees shall not exceed Seven Hundred Fifty Dollars  
2 (\$750.00).

3 SECTION 2. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/05/09 - DO  
5 PASS.