

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1448

By: McMullen

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 142.13, as last amended by
9 Section 1, Chapter 283, O.S.L. 2008 (21 O.S. Supp.
10 2008, Section 142.13), which relates to the Oklahoma
11 Crime Victims Compensation Act; authorizing
12 reasonable costs for crime scene cleanup; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 142.13, as
16 last amended by Section 1, Chapter 283, O.S.L. 2008 (21 O.S. Supp.
17 2008, Section 142.13), is amended to read as follows:

18 Section 142.13 A. The Crime Victims Compensation Board may
19 compensate for work loss, replacement services loss, dependent's
20 economic loss and dependent's replacement service loss.

21 Compensation for a caregiver who has out-of-pocket wage loss as a
22 result of caring for the victim who was injured as a result of
23 criminally injurious conduct may not exceed Three Thousand Dollars
24 (\$3,000.00).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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20 52-1-6412 GRS 12/31/08

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