

1 ENGROSSED HOUSE  
2 BILL NO. 2401

By: Biggs of the House

and

Griffin of the Senate

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7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Section 142.10, which relates to the  
9 Oklahoma Crime Victims Compensation Act; modifying  
10 requirements for awarding compensation claims;  
11 changing time limitation for filing claims; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 142.10, is  
15 amended to read as follows:

16 Section 142.10 A. Compensation shall not be awarded:

17 1. Unless the claim has been filed with the Board within one  
18 (1) year after the injury or death upon which the claim is based.

19 If the victim is under a mental or cognitive disability or is a  
20 child under eighteen (18) years of age, the Board may use the date

21 the criminal incident was disclosed to a responsible adult when  
22 establishing whether or not the claim was timely filed. The Board

23 may, at its discretion, extend the filing period ~~up to two (2) years~~  
24 ~~from the date of the incident, provided the Board finds there was~~

1 ~~beyond one (1) year upon a showing of good cause for failure to file~~  
2 ~~the claim within one (1) year. The Board may, at its discretion,~~  
3 ~~extend the filing deadline beyond two (2) years only or in all cases~~  
4 ~~of child sexual assault cases. If the victim is mentally~~  
5 ~~handicapped or is a child under eighteen (18) years of age, the~~  
6 ~~Board may use the date the criminal incident was disclosed to a~~  
7 ~~responsible adult, when establishing whether or not the claim was~~  
8 ~~timely filed;~~

9 2. To a claimant who was the offender, or an accomplice of the  
10 offender;

11 3. To another person if the award would unjustly benefit the  
12 offender or accomplice; or

13 4. Unless the criminally injurious conduct resulting in injury  
14 or death was reported to a law enforcement officer within seventy-  
15 two (72) hours after its occurrence or the Board finds there was  
16 good cause for the failure to report within that time.

17 B. Compensation otherwise payable to a claimant shall be  
18 diminished to the extent:

19 1. That the economic loss is recouped from collateral sources;  
20 or

21 2. Of the degree of responsibility for the cause of the injury  
22 or death attributable to the victim as determined by the Board.  
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1 C. The Board, upon finding that the claimant or victim has not  
2 fully cooperated with appropriate law enforcement agencies, may  
3 deny, withdraw or reduce an award of compensation.

4 D. The Board, on its own motion or on request of the claimant,  
5 may reconsider a decision granting or denying an award or  
6 determining its amount. The motion or request to reconsider a  
7 decision shall be made within six (6) months from the date of the  
8 last action by the Board on the claim at issue. An order on  
9 reconsideration of an award shall not require a refund of amounts  
10 previously paid, unless the award was obtained by fraud. The right  
11 of reconsideration does not affect the finality of a Board decision  
12 for the purpose of judicial review. On claims which are denied by  
13 the Board, reconsideration may only be granted within six (6) months  
14 of the last Board action.

15 E. The provisions of subsections A and B of this section shall  
16 not apply to claimants eligible for compensation pursuant to the  
17 Murrah Crime Victims Compensation Act who make claims under the  
18 Oklahoma Crime Victims Compensation Act.

19 SECTION 2. This act shall become effective November 1, 2016.  
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1 Passed the House of Representatives the 10th day of February,  
2016.

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Presiding Officer of the House  
of Representatives

6 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2016.

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Presiding Officer of the Senate