

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2401

By: Biggs

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6 AS INTRODUCED

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 mentally handicapped or is a child under eighteen
20 (18) years of age, the Board may use the date the criminal incident
21 was disclosed to a responsible adult when establishing whether or
22 not the claim was timely filed. The Board may, at its discretion,
23 extend the filing period ~~up to two (2) years from the date of the~~
24 ~~incident, provided the Board finds there was~~ beyond one (1) year

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

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

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

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

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

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

20 2. Of the degree of responsibility for the cause of the injury
21 or death attributable to the victim as determined by the Board.

22 C. The Board, upon finding that the claimant or victim has not
23 fully cooperated with appropriate law enforcement agencies, may
24 deny, withdraw or reduce an award of compensation.

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

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

16 SECTION 2. This act shall become effective November 1, 2016.
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18 55-2-7854 GRS 12/18/15
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