

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1068

By: Griffin

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Crime Victims
8 Compensation Act; amending 21 O.S. 2011, Section
9 142.10, which relates to award of compensation;
10 modifying certain filing deadline; and providing an
11 effective date.

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

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

15 Section 142.10. A. Compensation shall not be awarded:

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

18 ~~The Board may, at its discretion, extend the filing period up to two~~
19 ~~(2) years from the date of the incident, provided the Board finds~~
20 ~~there was good cause for failure to file the claim within one (1)~~
21 ~~year.~~ The Board may, at its discretion, extend the filing deadline
22 beyond ~~two (2) years only~~ one (1) year in all child sexual assault
23 cases or upon a showing of good cause. If the victim is mentally
24 handicapped or is a child under eighteen (18) years of age, the

1 Board may use the date the criminal incident was disclosed to a
2 responsible adult, when establishing whether ~~or not~~ the claim was
3 timely filed;

4 2. To a claimant who was the offender, or an accomplice of the
5 offender;

6 3. To another person if the award would unjustly benefit the
7 offender or accomplice; or

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

12 B. Compensation otherwise payable to a claimant shall be
13 diminished to the extent:

14 1. That the economic loss is recouped from collateral sources;
15 or

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

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

21 D. The Board, on its own motion or on request of the claimant,
22 may reconsider a decision granting or denying an award or
23 determining its amount. The motion or request to reconsider a
24 decision shall be made within six (6) months from the date of the

1 last action by the Board on the claim at issue. An order on
2 reconsideration of an award shall not require a refund of amounts
3 previously paid, unless the award was obtained by fraud. The right
4 of reconsideration does not affect the finality of a Board decision
5 for the purpose of judicial review. On claims which are denied by
6 the Board, reconsideration may only be granted within six (6) months
7 of the last Board action.

8 E. The provisions of subsections A and B of this section shall
9 not apply to claimants eligible for compensation pursuant to the
10 Murrah Crime Victims Compensation Act who make claims under the
11 Oklahoma Crime Victims Compensation Act.

12 SECTION 2. This act shall become effective November 1, 2016.

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