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February 11, 2020

By: Floyd

An Act relating to the Oklahoma Crime Victims Compensation Act; amending 21 O.S. 2011, Section 142.6, which relates to the powers of the Crime Victims Compensation Board; modifying allowable access to certain documents; amending 21 O.S. 2011, Section 142.10, as amended by Section 1, Chapter 58, O.S.L. 2016 (21 O.S. Supp. 2019, Section 142.10), which relates to the award of compensation; allowing certain consideration; providing allowable criteria; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 142.6, is amended to read as follows:

Section 142.6. In addition to any other powers and duties specified elsewhere in ~~this act~~ Section 142.1 et seq. of this title, the Crime Victims Compensation Board may:

1. Regulate its own procedures except as otherwise provided in ~~this act~~ Section 142.1 et seq. of this title;

2. Adopt rules and regulations to implement the provisions of ~~this act~~ Section 142.1 et seq. of this title;

1 3. Define any term not defined in ~~this act~~ Section 142.1 et
2 seq. of this title;

3 4. Prescribe forms necessary to carry out the purposes of ~~this~~
4 ~~act~~ Section 142.1 et seq. of this title;

5 5. Have access to:

6 a. any reports of investigations from all law enforcement
7 agencies, ~~or~~

8 b. if essential to making a determination of eligibility,
9 any written documentation included with a sexual
10 assault forensic evidence kit tested by an accredited
11 forensic lab, and

12 c. any other data necessary to assist the Board in making
13 a determination of eligibility for compensation under
14 the provisions of ~~this act~~ Section 142.1 et seq. of
15 this title;

16 6. Take judicial notice of general, technical and scientific
17 facts within their specialized knowledge; and

18 7. Publicize the availability of compensation and information
19 regarding the filing of claims therefor.

20 SECTION 2. AMENDATORY 21 O.S. 2011, Section 142.10, as
21 amended by Section 1, Chapter 58, O.S.L. 2016 (21 O.S. Supp. 2019,
22 Section 142.10), is amended to read as follows:

23 Section 142.10. A. Compensation shall not be awarded:
24

1 1. Unless the claim has been filed with the Crime Victims
2 Compensation Board within one (1) year after the injury or death
3 upon which the claim is based. If the victim is under a mental or
4 cognitive disability or is a child under eighteen (18) years of age,
5 the Board may use the date the criminal incident was disclosed to a
6 responsible adult when establishing whether or not the claim was
7 timely filed. In cases involving sexual assault of an adult
8 eighteen (18) years of age or older, the Board may use the date the
9 sexual assault forensic evidence kit was tested when establishing
10 whether the claim was timely filed. The Board may, at its
11 discretion, extend the filing period beyond one (1) year upon a
12 showing of good cause or in all cases of ~~child~~ sexual assault;
13 2. To a claimant who was the offender, or an accomplice of the
14 offender;
15 3. To another person if the award would unjustly benefit the
16 offender or accomplice; or
17 4. Unless the criminally injurious conduct resulting in injury
18 or death was reported to a law enforcement officer within seventy-
19 two (72) hours after its occurrence, or, in the case of sexual
20 assault, the victim undergoes a forensic medical examination within
21 one hundred twenty (120) hours after its occurrence or the Board
22 finds there was good cause for the failure to report the crime or
23 obtain a forensic medical examination within that time.
24

1 B. Compensation otherwise payable to a claimant shall be
2 diminished to the extent:

3 1. That the economic loss is recouped from collateral sources;
4 or

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

7 C. The Board, upon finding that the claimant or victim has not
8 fully cooperated with appropriate law enforcement agencies, may
9 deny, withdraw or reduce an award of compensation. Victims of
10 sexual assault who undergo a forensic medical examination within one
11 hundred twenty (120) hours after the sexual assault shall be found
12 to have fully cooperated. The Board may extend this period of time
13 for good cause.

14 D. The Board, on its own motion or on request of the claimant,
15 may reconsider a decision granting or denying an award or
16 determining its amount. The motion or request to reconsider a
17 decision shall be made within six (6) months from the date of the
18 last action by the Board on the claim at issue. An order on
19 reconsideration of an award shall not require a refund of amounts
20 previously paid, unless the award was obtained by fraud. The right
21 of reconsideration does not affect the finality of a Board decision
22 for the purpose of judicial review. On claims which are denied by
23 the Board, reconsideration may only be granted within six (6) months
24 of the last Board action.

1 E. The provisions of subsections A and B of this section shall
2 not apply to claimants eligible for compensation pursuant to the
3 Murrah Crime Victims Compensation Act who make claims under the
4 Oklahoma Crime Victims Compensation Act.

5 SECTION 3. This act shall become effective November 1, 2020.

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
7 February 11, 2020 - DO PASS
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