

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 16

By: Floyd, Weaver and Garvin of
the Senate

6 and

7 Bush of the House

8
9
10 An Act relating to the Oklahoma Crime Victims
11 Compensation Act; amending 21 O.S. 2011, Section
12 142.6, which relates to the powers of the Crime
13 Victims Compensation Board; modifying allowable
14 access to certain documents; amending 21 O.S. 2011,
15 Section 142.10, as amended by Section 1, Chapter 58,
16 O.S.L. 2016 (21 O.S. Supp. 2020, Section 142.10),
17 which relates to the award of compensation; allowing
18 access to certain documentation; providing allowable
19 criteria; updating statutory references; and
20 providing an effective date.

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

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

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

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

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

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

9 5. Have access to:

10 a. any reports of investigations from all law enforcement
11 agencies, ~~or~~

12 b. if essential to making a determination of eligibility,
13 any written documentation included with a sexual
14 assault forensic evidence kit tested by an accredited
15 forensic lab, and

16 c. any other data necessary to assist the Board in making
17 a determination of eligibility for compensation under
18 the provisions of ~~this act~~ Section 142.1 et seq. of
19 this title;

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

22 7. Publicize the availability of compensation and information
23 regarding the filing of claims therefor.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 142.10, as
2 amended by Section 1, Chapter 58, O.S.L. 2016 (21 O.S. Supp. 2020,
3 Section 142.10), is amended to read as follows:

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

5 1. Unless the claim has been filed with the Crime Victims
6 Compensation Board within one (1) year after the injury or death
7 upon which the claim is based. If the victim is under a mental or
8 cognitive disability or is a child under eighteen (18) years of age,
9 the Board may use the date the criminal incident was disclosed to a
10 responsible adult when establishing whether or not the claim was
11 timely filed. In cases involving sexual assault of an adult
12 eighteen (18) years of age or older, the Board may use the date the
13 sexual assault forensic evidence kit was tested when establishing
14 whether the claim was timely filed. The Board may, at its
15 discretion, extend the filing period beyond one (1) year upon a
16 showing of good cause or in all cases of ~~child~~ sexual assault;

17 2. To a claimant who was the offender, or an accomplice of the
18 offender;

19 3. To another person if the award would unjustly benefit the
20 offender or accomplice; or

21 4. Unless the criminally injurious conduct resulting in injury
22 or death was reported to a law enforcement officer within seventy-
23 two (72) hours after its occurrence, or in the case of sexual
24 assault, the victim undergoes a forensic medical examination within

1 one hundred twenty (120) hours after its occurrence or the Board
2 finds there was good cause for the failure to report the crime or
3 obtain a forensic medical examination within that time.

4 B. Compensation otherwise payable to a claimant shall be
5 diminished to the extent:

6 1. That the economic loss is recouped from collateral sources;
7 or

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

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

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

1 for the purpose of judicial review. On claims which are denied by
2 the Board, reconsideration may only be granted within six (6) months
3 of the last Board action.

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

8 SECTION 3. This act shall become effective November 1, 2021.

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
10 03/24/2021 - DO PASS.
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