

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

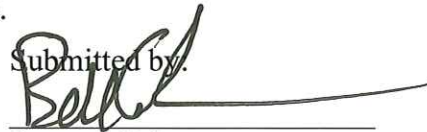
No. 1

COMMITTEE AMENDMENT

(Date)

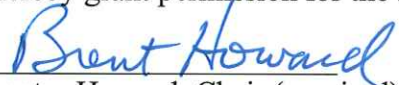
I move to amend Senate Bill No. 420 by substituting the attached floor substitute (Request # 2005) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Coleman

I hereby grant permission for the floor substitute to be adopted.



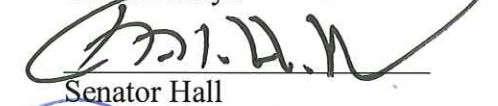
Senator Howard, Chair (required)



Senator Floyd



Senator Collihare



Senator Hall

Senator Boren



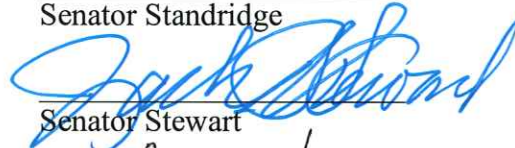
Senator Jech

Senator Brooks

Senator Standridge




Senator Bullard



Senator Stewart

Senator Daniels




Senator Weaver

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

I hereby grant permission for the floor substitute to be adopted.



Senator Thompson (Roger)
Appropriations Committee Chair

Note: Appropriations Committee requires Appropriations Committee Chairman's signature.

Coleman-TEK-FS-SB420
3/7/2023 10:44 AM

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(Floor Amendments Only) Date and Time Filed: 3-8-23 11:38 am Jd

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 420

By: Coleman and Floyd of the
Senate

6 and

7 Staires of the House

8
9 FLOOR SUBSTITUTE

10 [Oklahoma Crime Victims Compensation Act -
11 compensation - award - claim - reporting requirement
12 - exception - effective date]

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 142.10, is
16 amended to read as follows:

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

18 1. Unless the claim has been filed with the Crime Victims
19 Compensation Board within ~~one (1) year~~ thirty (30) months after the
20 injury or death upon which the claim is based. If the victim is
21 under a mental or cognitive disability or is a child under eighteen
22 (18) years of age, the Board may use the date the criminal incident
23 was disclosed to a responsible adult when establishing whether or
24 not the claim was timely filed. In cases involving sexual assault

1 of an adult eighteen (18) years of age or older, the Board may use
2 the date the sexual assault forensic evidence kit was tested when
3 establishing whether the claim was timely filed. The Board may, at
4 its discretion, extend the filing period beyond one (1) year upon a
5 showing of good cause or in all cases of sexual assault;

6 2. To a claimant who was the offender, or an accomplice of the
7 offender;

8 3. To another person if the award would unjustly benefit the
9 offender or accomplice; or

10 4. Unless after the criminally injurious conduct resulting in
11 injury or death:

12 a. such conduct was reported to a law enforcement officer
13 within seventy-two (72) hours after its occurrence, ~~or~~

14 b. in the case of sexual assault, the victim undergoes a
15 forensic medical examination within one hundred twenty
16 (120) hours after its occurrence, or

17 c. the Board finds there was good cause for the failure
18 to report the crime or obtain a forensic medical
19 examination within ~~that~~ the time specified in
20 subparagraph a or b of this paragraph.

21 B. Compensation otherwise payable to a claimant shall be
22 diminished to the extent:

23 1. That the economic loss is recouped from collateral sources;
24 or

1 2. Of the degree of responsibility for the cause of the injury
2 or death attributable to the victim as determined by the Board.
3 Provided, a self-inflicted injury shall not be attributable to the
4 victim when the Board finds the injury is a direct result of the
5 crime committed against the victim.

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

13 D. The Board, on its own motion or on request of the claimant,
14 may reconsider a decision granting or denying an award or
15 determining its amount. The motion or request to reconsider a
16 decision shall be made within six (6) months from the date of the
17 last action by the Board on the claim at issue. An order on
18 reconsideration of an award shall not require a refund of amounts
19 previously paid, unless the award was obtained by fraud. The right
20 of reconsideration does not affect the finality of a Board decision
21 for the purpose of judicial review. On claims which are denied by
22 the Board, reconsideration may only be granted within six (6) months
23 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 2. AMENDATORY 21 O.S. 2021, Section 142.13, is
6 amended to read as follows:

7 Section 142.13. A. The Crime Victims Compensation Board may
8 compensate for work loss, replacement services loss, dependent's
9 economic loss and dependent's replacement service loss.

10 Compensation for a caregiver who has out-of-pocket wage loss as a
11 result of caring for the victim who was injured as a result of
12 criminally injurious conduct may not exceed Three Thousand Dollars
13 (\$3,000.00).

14 B. Compensation payable to a victim and to all other claimants
15 sustaining economic loss because of injury to or death of that
16 victim may not exceed ~~Twenty Thousand Dollars (\$20,000.00)~~ Twenty-
17 five Thousand Dollars (\$25,000.00) in the aggregate. The Board may,
18 after approval of an initial award of ~~Twenty Thousand Dollars~~
19 ~~(\$20,000.00)~~ Twenty-five Thousand Dollars (\$25,000.00), grant an
20 additional sum not to exceed ~~Twenty Thousand Dollars (\$20,000.00)~~
21 Twenty-five Thousand Dollars (\$25,000.00), specifically for loss of
22 wages for the victim or loss of support for dependents of a deceased
23 victim, provided, there is verifiable economic loss after deducting
24 payments from other sources. In no event shall compensation payable

1 to a victim and to all other claimants sustaining economic loss
2 because of injury to or death of that victim exceed ~~Forty Thousand~~
3 ~~Dollars (\$40,000.00)~~ Fifty Thousand Dollars (\$50,000.00) in the
4 aggregate.

5 C. The Board may provide for the payment to a claimant in a
6 lump sum or in installments. At the request of the claimant, the
7 Board may convert future economic loss, other than allowable
8 expense, to a lump sum.

9 D. An award payable in a lump sum or installments for loss of
10 support for a dependent of the deceased victim may be computed
11 through a formula which calculates the net loss of support for
12 dependents based upon an estimated date of retirement or an
13 estimated date of adulthood for dependent children, beginning with
14 the date of death of the victim and ending with the least of one of
15 the following time periods for each dependent filing loss of
16 support:

17 1. The amount of time from the date of death of the victim to
18 the date the victim would have been expected to reach sixty-two (62)
19 years of age;

20 2. The amount of time from the date of death of the victim to
21 the date the spouse of the victim is expected to reach sixty-two
22 (62) years of age; or

23 3. The amount of time from the date of death of the victim to
24 the date a dependent child is expected to reach eighteen (18) years

1 of age or twenty-three (23) years of age if the dependent child is
2 enrolled as a full-time student. An award payable in installments
3 for future loss of support may be modified by the Board in the event
4 a dependent child receiving loss of support is between the ages of
5 eighteen (18) and twenty-three (23) years of age and is no longer
6 enrolled as a full-time student, the dependent dies before all
7 installments are paid or the dependent receiving installments moves
8 and leaves no forwarding address with the Board office.

9 E. An award shall not be subject to execution, attachment,
10 garnishment or other process, except for child support and except
11 that an award for allowable expense shall not be exempt from a claim
12 of a creditor to the extent that such creditor has provided
13 products, services or accommodations, the costs of which are
14 included in the award.

15 F. An assignment by the claimant to any future award under the
16 provisions of ~~this act~~ Section 142.1 et seq. of this title is
17 unenforceable, except:

18 1. An assignment of any award for work loss to assure payment
19 of court ordered alimony, maintenance or child support; or

20 2. An assignment of any award for allowable expense to the
21 extent that the benefits are for the cost of products, services or
22 accommodations necessitated by the injury or death on which the
23 claim is based and are provided or to be provided by the assignee.

24

1 G. The Board may, in its discretion, approve payment of crisis
2 counseling, occurring within three (3) years of the crime, in an
3 amount not to exceed Three Thousand Dollars (\$3,000.00) for each
4 family member of a homicide victim; provided, the counselor is a
5 qualified mental health care provider. Medical and pharmaceutical
6 treatment is not compensable for any family member of a deceased
7 victim.

8 H. Outpatient counseling expenses for a victim of criminally
9 injurious conduct may be considered by the Board provided the
10 counseling is focused on the crime and the counselor is a qualified
11 mental health care provider. A total not to exceed Three Thousand
12 Dollars (\$3,000.00) may be awarded for individual counseling
13 sessions for victims of criminally injurious conduct. Sessions
14 between the mental health care provider and nonoffending parents of
15 a victimized child under eighteen (18) years of age may also be
16 included in the award provided the combined total for the counseling
17 and parental sessions ~~de~~ does not exceed Three Thousand Dollars
18 (\$3,000.00) and the parental sessions relate to the victimization.
19 In extreme cases, the Board may, in its discretion, waive the three-
20 thousand-dollar limit. Inpatient mental health treatment will be
21 reviewed on a case-by-case basis and may be compensated, at the
22 discretion of the Board, in an amount not to exceed Twenty Thousand
23 Dollars (\$20,000.00).

1 I. Reasonable funeral, cremation or burial expenses shall not
2 exceed Seven Thousand Five Hundred Dollars (\$7,500.00).

3 J. Reasonable costs associated with crime scene cleanup shall
4 not exceed Two Thousand Dollars (\$2,000.00).

5 K. Loss of income of a caregiver shall not exceed Three
6 Thousand Dollars (\$3,000.00).

7 L. Reasonable costs for vehicle impound fees are limited to
8 violent crimes occurring in a vehicle owned by the victim of the
9 violent crime or an eligible claimant, provided such fee is
10 associated with the collection and security of crime scene evidence.
11 Reimbursement for vehicle impound fees shall not exceed Seven
12 Hundred Fifty Dollars (\$750.00).

13 SECTION 3. This act shall become effective November 1, 2023.

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15 59-1-2005 TEK 3/8/2023 11:59:58 AM
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