

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3                           1st Session of the 59th Legislature (2023)

4   ENGROSSED SENATE

5   BILL NO. 420

  By: Coleman and Floyd of the  
  Senate

6   and

7   Staires of the House

8  
9       An Act relating to the Oklahoma Crime Victims  
10       Compensation Act; amending 21 O.S. 2021, Sections  
11       142.10 and 142.13, which relate to award of  
12       compensation and payment of award; increasing time to  
13       file certain claim; clarifying requirements for  
14       certain exception; providing exception to grounds for  
15       diminishing certain award; increasing amounts of  
16       certain compensation; updating statutory reference;  
17       and providing an effective date.

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

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

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

22       1.   Unless the claim has been filed with the Crime Victims  
23       Compensation Board within ~~one (1) year~~ thirty (30) months after the  
24       injury or death upon which the claim is based.   If the victim is  
under a mental or cognitive disability or is a child under eighteen  
(18) years of age, the Board may use the date the criminal incident

1 was disclosed to a responsible adult when establishing whether or  
2 not the claim was timely filed. In cases involving sexual assault  
3 of an adult eighteen (18) years of age or older, the Board may use  
4 the date the sexual assault forensic evidence kit was tested when  
5 establishing whether the claim was timely filed. The Board may, at  
6 its discretion, extend the filing period beyond one (1) year upon a  
7 showing of good cause or in all cases of sexual assault;

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 after the criminally injurious conduct resulting in  
13 injury or death:

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

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

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

23 B. Compensation otherwise payable to a claimant shall be  
24 diminished to the extent:

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

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

5 Provided, a self-inflicted injury shall not be attributable to the  
6 victim when the Board finds the injury is a direct result of the  
7 crime committed against the victim.

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

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

1 the Board, reconsideration may only be granted within six (6) months  
2 of the last Board action.

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

7 SECTION 2. AMENDATORY 21 O.S. 2021, Section 142.13, is  
8 amended to read as follows:

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

12 Compensation for a caregiver who has out-of-pocket wage loss as a  
13 result of caring for the victim who was injured as a result of  
14 criminally injurious conduct may not exceed Three Thousand Dollars  
15 (\$3,000.00).

16 B. Compensation payable to a victim and to all other claimants  
17 sustaining economic loss because of injury to or death of that  
18 victim may not exceed ~~Twenty Thousand Dollars (\$20,000.00)~~ Twenty-  
19 five Thousand Dollars (\$25,000.00) in the aggregate. The Board may,  
20 after approval of an initial award of ~~Twenty Thousand Dollars~~  
21 ~~(\$20,000.00)~~ Twenty-five Thousand Dollars (\$25,000.00), grant an  
22 additional sum not to exceed ~~Twenty Thousand Dollars (\$20,000.00)~~  
23 Twenty-five Thousand Dollars (\$25,000.00), specifically for loss of  
24 wages for the victim or loss of support for dependents of a deceased

1 victim, provided, there is verifiable economic loss after deducting  
2 payments from other sources. In no event shall compensation payable  
3 to a victim and to all other claimants sustaining economic loss  
4 because of injury to or death of that victim exceed ~~Forty Thousand~~  
5 ~~Dollars (\$40,000.00)~~ Fifty Thousand Dollars (\$50,000.00) in the  
6 aggregate.

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

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

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

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

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

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

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

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

22           2. An assignment of any award for allowable expense to the  
23 extent that the benefits are for the cost of products, services or  
24

1 accommodations necessitated by the injury or death on which the  
2 claim is based and are provided or to be provided by the assignee.

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

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

24

1 discretion of the Board, in an amount not to exceed Twenty Thousand  
2 Dollars (\$20,000.00).

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

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

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

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

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

16

17 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
18 dated 04/12/2023 - DO PASS.

19

20

21

22

23

24