

1 **SENATE FLOOR VERSION**

2 March 1, 2023

3 SENATE BILL NO. 420

By: Coleman and Floyd of the  
Senate

4 and

5 Staires of the House

6  
7  
8 [ Oklahoma Crime Victims Compensation Act -  
compensation - award - claim - reporting requirement  
9 - exception - effective date ]

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11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 21 O.S. 2021, 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 Crime Victims  
17 Compensation Board within ~~one (1) year~~ five (5) years after the  
18 injury or death upon which the claim is based. If the victim is  
19 under a mental or cognitive disability or is a child under eighteen  
20 (18) years of age, the Board may use the date the criminal incident  
21 was disclosed to a responsible adult when establishing whether or  
22 not the claim was timely filed. In cases involving sexual assault  
23 of an adult eighteen (18) years of age or older, the Board may use  
24 the date the sexual assault forensic evidence kit was tested when

1 establishing whether the claim was timely filed. The Board may, at  
2 its discretion, extend the filing period beyond one (1) year upon a  
3 showing of good cause or in all cases of sexual assault;

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 in the case of sexual  
11 assault, the victim undergoes a forensic medical examination within  
12 one hundred twenty (120) hours after its occurrence or the Board  
13 finds there was good cause for the failure to report the crime or  
14 obtain a forensic medical examination within that time.

15 B. Compensation otherwise payable to a claimant shall be  
16 diminished to the extent:

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

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

21 Provided, the Board shall not find an injury attributable to the  
22 victim where a self-inflicted injury is a result of the crime  
23 committed against the victim.

24

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

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

19 E. The provisions of subsections A and B of this section shall  
20 not apply to claimants eligible for compensation pursuant to the  
21 Murrah Crime Victims Compensation Act who make claims under the  
22 Oklahoma Crime Victims Compensation Act.

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

1 Section 142.13. A. The Crime Victims Compensation Board may  
2 compensate for work loss, replacement services loss, dependent's  
3 economic loss and dependent's replacement service loss.  
4 Compensation for a caregiver who has out-of-pocket wage loss as a  
5 result of caring for the victim who was injured as a result of  
6 criminally injurious conduct may not exceed Three Thousand Dollars  
7 (\$3,000.00).

8 B. Compensation payable to a victim and to all other claimants  
9 sustaining economic loss because of injury to or death of that  
10 victim may not exceed ~~Twenty Thousand Dollars (\$20,000.00)~~ Forty  
11 Thousand Dollars (\$40,000.00) in the aggregate. The Board may,  
12 after approval of an initial award of ~~Twenty Thousand Dollars~~  
13 ~~(\$20,000.00)~~ Forty Thousand Dollars (\$40,000.00), grant an  
14 additional sum not to exceed ~~Twenty Thousand Dollars (\$20,000.00)~~  
15 Forty Thousand Dollars (\$40,000.00), specifically for loss of wages  
16 for the victim or loss of support for dependents of a deceased  
17 victim provided, there is verifiable economic loss after deducting  
18 payments from other sources. In no event shall compensation payable  
19 to a victim and to all other claimants sustaining economic loss  
20 because of injury to or death of that victim exceed ~~Forty Thousand~~  
21 ~~Dollars (\$40,000.00)~~ Eighty Thousand Dollars (\$80,000.00) in the  
22 aggregate.

23 C. The Board may provide for the payment to a claimant in a  
24 lump sum or in installments. At the request of the claimant, the

1 Board may convert future economic loss, other than allowable  
2 expense, to a lump sum.

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

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

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

17 3. The amount of time from the date of death of the victim to  
18 the date a dependent child is expected to reach eighteen (18) years  
19 of age or twenty-three (23) years of age if the dependent child is  
20 enrolled as a full-time student. An award payable in installments  
21 for future loss of support may be modified by the Board in the event  
22 a dependent child receiving loss of support is between the ages of  
23 eighteen (18) and twenty-three (23) years of age and is no longer  
24 enrolled as a full-time student, the dependent dies before all

1 installments are paid or the dependent receiving installments moves  
2 and leaves no forwarding address with the Board office.

3 E. An award shall not be subject to execution, attachment,  
4 garnishment or other process, except for child support and except  
5 that an award for allowable expense shall not be exempt from a claim  
6 of a creditor to the extent that such creditor has provided  
7 products, services or accommodations, the costs of which are  
8 included in the award.

9 F. An assignment by the claimant to any future award under the  
10 provisions of this act is unenforceable, except:

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

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

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

24

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

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

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

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

23 L. Reasonable costs for vehicle impound fees are limited to  
24 violent crimes occurring in a vehicle owned by the victim of the

1 violent crime or an eligible claimant, provided such fee is  
2 associated with the collection and security of crime scene evidence.  
3 Reimbursement for vehicle impound fees shall not exceed Seven  
4 Hundred Fifty Dollars (\$750.00).

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

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
7 March 1, 2023 - DO PASS  
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