

1 STATE OF OKLAHOMA

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

3 SENATE BILL 909

By: Floyd

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5
6 AS INTRODUCED

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

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

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

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

20 1. Unless the claim has been filed with the Crime Victims
21 Compensation Board within ~~one (1) year~~ five (5) years after the
22 injury or death upon which the claim is based. If the victim is
23 under a mental or cognitive disability or is a child under eighteen
24 (18) years of age, the Board may use the date the criminal incident
was disclosed to a responsible adult when establishing whether or
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; or

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

10 ~~4. Unless the criminally injurious conduct resulting in injury~~
11 ~~or death was reported to a law enforcement officer within seventy-~~
12 ~~two (72) hours after its occurrence, or in the case of sexual~~
13 ~~assault, the victim undergoes a forensic medical examination within~~
14 ~~one hundred twenty (120) hours after its occurrence or the Board~~
15 ~~finds there was good cause for the failure to report the crime or~~
16 ~~obtain a forensic medical examination within that time.~~

17 B. Compensation otherwise payable to a claimant shall be
18 diminished to the extent:

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

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

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

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

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

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

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

3 Section 142.13. A. The Crime Victims Compensation Board may
4 compensate for work loss, replacement services loss, dependent's
5 economic loss and dependent's replacement service loss.
6 Compensation for a caregiver who has out-of-pocket wage loss as a
7 result of caring for the victim who was injured as a result of
8 criminally injurious conduct may not exceed Three Thousand Dollars
9 (\$3,000.00).

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

1 C. The Board may provide for the payment to a claimant in a
2 lump sum or in installments. At the request of the claimant, the
3 Board may convert future economic loss, other than allowable
4 expense, to a lump sum.

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

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

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

19 3. The amount of time from the date of death of the victim to
20 the date a dependent child is expected to reach eighteen (18) years
21 of age or twenty-three (23) years of age if the dependent child is
22 enrolled as a full-time student. An award payable in installments
23 for future loss of support may be modified by the Board in the event
24 a dependent child receiving loss of support is between the ages of

1 eighteen (18) and twenty-three (23) years of age and is no longer
2 enrolled as a full-time student, the dependent dies before all
3 installments are paid or the dependent receiving installments moves
4 and leaves no forwarding address with the Board office.

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

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

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

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

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

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

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

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

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

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

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