

# An Act

ENROLLED HOUSE  
BILL NO. 2401

By: Biggs of the House

and

Griffin of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 142.10, which relates to the Oklahoma Crime Victims Compensation Act; modifying requirements for awarding compensation claims; changing time limitation for filing claims; and providing an effective date.

SUBJECT: Oklahoma Crime Victims Compensation Act

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 142.10, is amended to read as follows:

Section 142.10 A. Compensation shall not be awarded:

1. Unless the claim has been filed with the Board within one (1) year after the 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 was disclosed to a responsible adult when establishing whether or not the claim was timely filed. The Board may, at its discretion, extend the filing period ~~up to two (2) years from the date of the incident, provided the Board finds there was beyond one (1) year upon a showing of good cause for failure to file the claim within one (1) year.~~ The Board may, at its discretion, extend the filing deadline beyond two (2) years only or in all cases of child sexual assault cases. ~~If the victim is mentally handicapped or is a child under eighteen (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;~~

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

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

4. Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the Board finds there was good cause for the failure to report within that time.

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

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

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

C. The Board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

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

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

SECTION 2. This act shall become effective November 1, 2016.

Passed the House of Representatives the 10th day of February, 2016.

Jack Donaghy  
Presiding Officer of the House  
of Representatives

Passed the Senate the 7th day of April, 2016.

Al Griffin  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 11<sup>th</sup>  
day of April, 2016, at 3:05 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 14<sup>th</sup>  
day of April, 2016, at 3:23 o'clock P M.

Mary Fallin  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 14<sup>th</sup>  
day of April, 2016, at 3:44 o'clock P M.

By: Chris Benz