An Act

ENROLLED SENATE
BILL NO. 420

By: Coleman and Floyd of the Senate

and

Staires and Deck of the House

An Act relating to the Oklahoma Crime Victims Compensation Act; amending 21 O.S. 2021, Sections 142.10 and 142.13, which relate to award of compensation and payment of award; increasing time to file certain claim; clarifying requirements for certain exception; providing exception to grounds for diminishing certain award; increasing amounts of certain compensation; updating statutory reference; 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. 2021, 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 Crime Victims Compensation Board within ~~one (1) year~~ thirty (30) months 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. In cases involving sexual assault of an adult eighteen (18) years of age or older, the Board may use

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

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 after the criminally injurious conduct resulting in injury or death:

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

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

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

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

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. Victims of sexual assault who undergo a forensic medical examination within one

hundred twenty (120) hours after the sexual assault shall be found to have fully cooperated. The Board may extend this period of time for good cause.

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

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

B. Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed ~~Twenty Thousand Dollars ($20,000.00)~~ Twenty-five Thousand Dollars ($25,000.00) in the aggregate. The Board may, after approval of an initial award of ~~Twenty Thousand Dollars ($20,000.00)~~ Twenty-five Thousand Dollars ($25,000.00), grant an additional sum not to exceed ~~Twenty Thousand Dollars ($20,000.00)~~ Twenty-five Thousand Dollars ($25,000.00), specifically for loss of wages for the victim or loss of support for dependents of a deceased victim, provided~~,~~ there is verifiable economic loss after deducting

payments from other sources. In no event shall compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim exceed ~~Forty Thousand Dollars ($40,000.00)~~ Fifty Thousand Dollars ($50,000.00) in the aggregate.

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

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

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

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

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

E. An award shall not be subject to execution, attachment, garnishment or other process, except for child support and except that an award for allowable expense shall not be exempt from a claim

of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award.

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 21st day of March, 2023.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th day of April, 20 23, at 4:12 o'clock p. M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 28th day of April, 20 23, at 5:01 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th day of April, 20 23, at 5:32 o'clock P. M.

By: Brian Bingman