

Senate Bill 218

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies procedures, eligibility and award amounts for crime victims' compensation program benefits.

A BILL FOR AN ACT

1
2 Relating to crime victims' compensation program benefits; creating new provisions; and amending
3 ORS 147.035.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 147.035 is amended to read:

6 147.035. (1) Losses compensable under ORS 135.905 and 147.005 to 147.367 resulting from death
7 or injury to a victim include:

8 (a) In the case of injury:

9 (A) Reasonable medical and hospital expenses, including psychiatric, psychological or counseling
10 expenses and further including, in cases of:

11 (i) Child sexual abuse, rape of a child and exploitation described in ORS 419B.005 (1)(a)(C), (D)
12 or (E), counseling expenses of the victim's family up to a maximum amount of \$20,000;

13 (ii) Domestic violence, as defined in ORS 135.230, counseling expenses of children who witnessed
14 the domestic violence up to a maximum amount of \$10,000; or

15 (iii) International terrorism, counseling expenses of a relative of the victim up to a maximum
16 amount of \$1,000;

17 (B) Loss of earnings, not exceeding \$400 per week up to a maximum amount of \$20,000;

18 (C) Rehabilitation up to a maximum amount of \$4,000; and

19 (D) Transportation for medical care and mental health counseling when the treatment is
20 compensable under this section, the treatment is provided more than 30 miles away from the victim's
21 residence and adequate treatment is not available closer to the victim's residence. Payment will be
22 made at a rate set by the Department of Justice up to a maximum amount of \$3,000.

23 (b) In the case of death:

24 (A) Reasonable funeral expenses up to a maximum amount of \$5,000;

25 (B) Reasonable medical and hospital expenses up to a maximum amount of \$20,000;

26 (C) Loss of support to the dependents of the victim not exceeding \$400 per week up to a maxi-
27 mum amount of \$20,000, less any amounts paid for loss of earnings;

28 (D) Reasonable counseling expenses for the survivors of a deceased victim up to a maximum
29 amount of \$20,000 for each deceased victim; and

30 (E) Transportation for mental health counseling when the treatment is compensable under this

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 section, the treatment is provided more than 30 miles away from the survivor's or dependent's resi-
 2 dence and adequate treatment is not available closer to the survivor's or dependent's residence.
 3 Payment will be made at a rate set by the Department of Justice up to a maximum amount of \$3,000.

4 (2) Compensable losses do not include:

5 (a) Pain and suffering or property damage; or

6 (b) Aggregate damages to the victim and to the dependents of a victim exceeding [~~\$44,000~~]
 7 **\$47,000.**

8 (3) Notwithstanding subsections (1) and (2) of this section, in the case of abuse of corpse in any
 9 degree, losses compensable under ORS 135.905 and 147.005 to 147.367 resulting from the abuse of the
 10 corpse **may** include:

11 (a) Reasonable funeral expenses up to a maximum amount of \$5,000; **or** [*and*]

12 (b) Reasonable counseling expenses for emotional distress up to a maximum amount of \$5,000 for
 13 each incident.

14 **(4) If the case against the assailant of the victim is under direct or collateral review,**
 15 **compensable losses may include:**

16 (a) **Crime-related counseling expenses up to a maximum of \$5,000; or**

17 (b) **Other expenses related to the review, including transportation and lodging necessary**
 18 **for the victim to attend hearings, oral arguments and the execution of a sentence of death,**
 19 **up to a maximum of \$3,000.**

20 **(5) If the assailant of the victim has a parole hearing scheduled before the State Board**
 21 **of Parole and Post-Prison Supervision, compensable losses may include:**

22 (a) **Crime-related counseling expenses up to a maximum of \$5,000; or**

23 (b) **Other expenses related to the hearing, including transportation and lodging necessary**
 24 **for the victim to attend the hearing, up to a maximum of \$3,000.**

25 [(4)] **(6) Except as provided in [subsection (5)] subsections (7) to (10) of this section, a claim for**
 26 **benefits expires and no further payments may be made with regard to the claim when three years**
 27 **have elapsed since the entry of a determination order under ORS 147.135 or when the victim, sur-**
 28 **ivor or dependent attains 21 years of age, whichever comes later. The extension of benefits and**
 29 **payments until the victim, survivor or dependent attains 21 years of age applies to claims filed on**
 30 **or after August 4, 1991.**

31 [(5)] **(7) If the victim has suffered catastrophic injuries, a claim for benefits and payments may**
 32 **continue beyond the period described in subsection [(4)] (6) of this section. The Department of Jus-**
 33 **stice shall adopt rules defining catastrophic injuries and establishing the length of time that a claim**
 34 **for benefits and payments may continue.**

35 **(8) In cases of homicide, a claim for reasonable counseling expenses for surviving family**
 36 **members may continue until five years have elapsed from the date of the determination or-**
 37 **der.**

38 **(9) Claims described in subsection (4) of this section:**

39 **(a) May be submitted each time an assailant's case is under direct or collateral review;**
 40 **and**

41 **(b) Do not expire until six months after the completion of the direct or collateral review.**

42 **(10) Claims described in subsection (5) of this section do not expire until the earlier of**
 43 **six months after the parole hearing for which the application was submitted or the**
 44 **assailant's release.**

45 [(6)] **(11) The department shall adopt rules for medical fee schedules. The schedules shall rep-**

1 resent at least the 75th percentile of the usual and customary fees charged to the public as deter-
2 mined by the department. An applicant or victim may not be charged for the percentile amount
3 reduced by the department.

4 **SECTION 2. A person is eligible for an award of compensation under ORS 135.905 and**
5 **147.005 to 147.367 if:**

6 (1) **The person meets the requirements of ORS 147.015; and**

7 (2) **The victim was related to or shared the same household as the assailant between**
8 **January 1, 1978, and September 28, 1987.**

9 **SECTION 3. Section 2 of this 2009 Act and the amendments to ORS 147.035 by section 1**
10 **of this 2009 Act apply to applications for compensation filed on or after the effective date of**
11 **this 2009 Act.**

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