

# Senate Bill 84

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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 amount of compensation victims of certain crimes may be awarded.

## A BILL FOR AN ACT

1  
2 Relating to crime; creating new provisions; and amending ORS 147.035.

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

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

5 147.035. (1)(a) Except as otherwise provided in ORS 147.025 and 147.390, compensation may be  
6 awarded under ORS 147.005 to 147.367 only for losses described in this section.

7 (b) The maximum amount of compensation that may be awarded, in aggregate, to the victim and  
8 the survivors and dependents of a deceased victim is [~~\$47,000~~] **\$50,000**.

9 (c) When a compensable crime results in:

10 (A) Injury to a victim, the losses described in subsections (2), (4), (7) and (8) of this section are  
11 compensable.

12 (B) Death to a victim, the losses described in subsections (3), (4), (6), (7) and (8) of this section  
13 are compensable.

14 (2) When a claim for compensation is filed in a case of injury, compensation may be awarded for:

15 (a) The victim's reasonable medical and hospital expenses, including counseling expenses, up to  
16 a maximum amount of \$20,000;

17 (b) Loss of the victim's earnings, at a maximum rate of \$400 per week, up to a maximum amount  
18 of \$20,000;

19 (c) The victim's rehabilitation expenses, up to a maximum amount of \$4,000; and

20 (d) Expenses related to transportation for the victim's medical care or counseling, at a rate de-  
21 termined by the Department of Justice, up to a maximum amount of \$3,000, when:

22 (A) The medical care or counseling is compensable under this section;

23 (B) The medical care or counseling is provided more than 30 miles away from the victim's resi-  
24 dence; and

25 (C) Adequate medical care or counseling is not available in closer proximity to the victim's  
26 residence.

27 (3) When a claim for compensation is filed in a case of death, compensation may be awarded for:

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

29 (b) The victim's reasonable medical and hospital expenses, up to a maximum amount of \$20,000;

30 (c) Loss of support to the dependents of the victim, at a maximum rate of \$400 per week, up to  
31 a maximum amount of \$20,000, less any amounts awarded for loss of earnings under subsection (2)(b)

**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 of this section;

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

4 (e) Expenses related to transportation for a survivor's or a dependent's counseling, at a rate  
5 determined by the department, up to a maximum amount of \$3,000, when:

6 (A) The counseling is compensable under this section;

7 (B) The counseling is provided more than 30 miles away from the survivor's or dependent's  
8 residence; and

9 (C) Adequate counseling is not available in closer proximity to the survivor's or dependent's  
10 residence.

11 (4) When a claim for compensation is filed in a case of:

12 (a) Rape of a child, child sexual abuse or sexual exploitation, as those terms are described in  
13 ORS 419B.005 (1)(a)(C), (D) and (E), counseling expenses of the victim's family are compensable up  
14 to a maximum amount of \$20,000, less any amounts awarded for the victim's medical or hospital  
15 expenses under subsection (2)(a) of this section.

16 (b) Domestic violence as defined in ORS 135.230, the counseling expenses of children who wit-  
17 nessed the domestic violence are compensable up to a maximum amount of \$10,000.

18 (c) International terrorism, the counseling expenses of a relative of the victim are compensable  
19 up to a maximum amount of [~~\$1,000~~] **\$4,000**.

20 (5) Compensation may not be awarded under ORS 147.005 to 147.367 for pain and suffering or  
21 property damage.

22 (6) Notwithstanding subsections (2) to (5) of this section, when a claim for compensation is filed  
23 in a case of abuse of corpse in the first degree as defined in ORS 166.087 or abuse of corpse in the  
24 second degree as defined in ORS 166.085, compensation may be awarded for one or both of the fol-  
25 lowing:

26 (a) Reasonable funeral expenses, up to a maximum amount of \$5,000.

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

29 (7) If the case against the assailant of the victim is under direct or collateral review and the  
30 victim, survivor or dependent is involved in the hearing or oral argument, compensation may be  
31 awarded for:

32 (a) The victim's, survivor's or dependent's counseling expenses up to a maximum amount of  
33 \$5,000; and

34 (b) Other expenses related to the review, including transportation and lodging necessary for the  
35 victim, survivor or dependent to be involved in hearings and oral arguments, up to a maximum  
36 amount of \$3,000.

37 (8) If the assailant of the victim has a hearing scheduled before the State Board of Parole and  
38 Post-Prison Supervision or the Psychiatric Security Review Board and the victim, survivor or de-  
39 pendent is involved in the hearing, compensation may be awarded for:

40 (a) The victim's, survivor's or dependent's counseling expenses up to a maximum amount of  
41 \$5,000; and

42 (b) Other expenses related to the hearing, including transportation and lodging necessary for the  
43 victim, survivor or dependent to be involved in the hearing, up to a maximum amount of \$3,000.

44 (9) A claim for compensation expires and no further payments may be made with regard to the  
45 claim:

1 (a) When three years have elapsed from the entry of a determination order under ORS 147.135;  
2 or

3 (b) If the victim, survivor or dependent attains 21 years of age after the date described in par-  
4 agraph (a) of this subsection, when the victim, survivor or dependent attains 21 years of age.

5 (10) Notwithstanding subsection (9) of this section:

6 (a) In cases of homicide, a claim for reasonable counseling expenses for survivors may continue  
7 until five years have elapsed from the date of the determination order.

8 (b) Claims described in subsection (7) of this section may be filed each time an assailant's case  
9 is under direct or collateral review and expire:

10 (A) If the assailant is released as a result of the direct or collateral review, when six months  
11 have elapsed from the date the assailant is released; or

12 (B) If the assailant is not released as a result of the direct or collateral review, when six months  
13 have elapsed from the completion of the review.

14 (c) Claims described in subsection (8) of this section may be filed each time an assailant has a  
15 hearing before the State Board of Parole and Post-Prison Supervision or the Psychiatric Security  
16 Review Board and expire:

17 (A) If the assailant is denied parole, conditional release or discharge, when six months have  
18 elapsed from the date of the hearing.

19 (B) If the assailant is paroled, conditionally released or discharged, when six months have  
20 elapsed from the date the assailant is paroled, conditionally released or discharged.

21 (11) Notwithstanding subsections (2) and (9) of this section, if a victim suffers catastrophic in-  
22 juries:

23 (a) A claim for compensation and payments may continue beyond the period described in sub-  
24 section (9) of this section; and

25 (b) The department may award compensation for losses in excess of the individual limitations  
26 described in subsection (2) of this section, provided that the aggregate award does not exceed the  
27 amount described in subsection (1)(b) of this section.

28 (12) The department shall adopt rules:

29 (a) Defining catastrophic injuries and establishing the length of time that a claim for compen-  
30 sation and payments may continue under subsection (11)(a) of this section.

31 (b) For medical fee schedules. The schedules shall represent at least the 75th percentile of the  
32 usual and customary fees charged to the public as determined by the department. An applicant or  
33 victim may not be charged for the percentile amount reduced by the department.

34 **SECTION 2. The amendments to ORS 147.035 by section 1 of this 2013 Act apply to crimes**  
35 **committed on or after the effective date of this 2013 Act.**

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