

## HOUSE AMENDMENTS TO HOUSE BILL 2621

By COMMITTEE ON JUDICIARY

April 11

1 On page 1 of the printed bill, line 2, after “147.015,” insert “147.025,” and after “147.205” insert  
2 “, 147.390”.

3 Delete lines 5 through 25.

4 On page 2, delete lines 1 through 22 and insert:

5 “**SECTION 1.** ORS 147.015 is amended to read:

6 “147.015. (1) A person is eligible for an award of compensation under ORS 147.005 to 147.367 if:

7 “(a) The person is a victim, or is a survivor or dependent of a deceased victim, of a compensable  
8 crime that has resulted in or may result in a compensable loss;

9 “(b) The appropriate law enforcement officials were notified of the perpetration of the crime  
10 allegedly causing the death or injury to the victim, **unless the Department of Justice finds good  
11 cause exists for the failure of notification;**

12 “(c) **The notification described in paragraph (b) of this subsection occurred** within 72 hours  
13 after *[its]* **the perpetration of the crime**, unless the Department of Justice finds good cause exists  
14 for the failure of notification **within 72 hours;**

15 “[*c*] (d) The applicant *[has]* cooperated *[fully]* with law enforcement officials in the apprehen-  
16 sion and prosecution of the assailant or the department has found that the applicant’s failure to  
17 cooperate was for good cause;

18 “[*d*] (e) The application for compensation is not the result of collusion between the applicant  
19 and the assailant of the victim;

20 “[*e*] (f) The death or injury to the victim was not substantially attributable to the wrongful act  
21 of the victim *[or substantial provocation of the assailant of the victim]*; and

22 “[*f*] (g) The application for an award of compensation under ORS 147.005 to 147.367 is filed  
23 with the department:

24 “(A) Within one year of the date of the injury to the victim; or

25 “(B) Within such further extension of time as the department, for good cause shown, allows.

26 “(2)(a) The fact that a victim was subjected to sexual exploitation as defined in ORS 419B.005,  
27 **domestic violence as defined in ORS 135.230, sexual abuse as defined in ORS 163.760 or  
28 stalking as defined in ORS 163.732** is prima facie evidence of good cause for the victim’s failure  
29 to notify law enforcement in a timely manner under subsection *[(1)(b)]* (1)(c) of this section, or for  
30 failure to cooperate with law enforcement under subsection *[(1)(c)]* (1)(d) of this section.

31 “(b) **The requirement under subsection (1)(b) of this section to notify the appropriate law  
32 enforcement officials of the perpetration of the crime is satisfied if, as a result of the  
33 compensable crime for which the victim or applicant is applying for compensation, the victim  
34 or applicant obtained:**

35 “(A) A temporary or permanent stalking protective order under ORS 30.866 or 163.730 to

1 **163.750;**

2 **“(B) A sexual abuse restraining order under ORS 163.760 to 163.777;**

3 **“(C) An abuse prevention order under ORS 107.700 to 107.735 or 124.005 to 124.040; or**

4 **“(D) A medical assessment, as defined in ORS 147.395, for sexual assault.**

5 **“(3) The department shall adopt rules establishing:**

6 **“(a) A limited domestic violence counseling award for victims of domestic violence who**  
7 **apply for an award of compensation but who do not otherwise qualify under the eligibility**  
8 **requirements of this section.**

9 **“(b) A limited sexual assault counseling award for victims of sexual assault who apply for**  
10 **an award of compensation but who do not otherwise qualify under the eligibility require-**  
11 **ments of this section.”.**

12 On page 3, line 8, after “victim” insert “and including up to \$1,500 for each survivor for pre-  
13 scription medications prescribed in conjunction with the counseling”.

14 On page 7, after line 36, insert:

15 **“SECTION 6.** ORS 147.390 is amended to read:

16 **“147.390. (1) Notwithstanding that a child is not a victim under ORS 147.015 (1)(a), in cases of**  
17 **suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E), or child physical**  
18 **abuse by an adult or caretaker as otherwise described in ORS 419B.005 (1)(a)(A), compensation may**  
19 **be made on behalf of the child for a child abuse medical assessment as defined in ORS 418.782,**  
20 **[or] a medical examination required by ORS 419B.023[,] or a forensic interview conducted at a**  
21 **community assessment center as defined in ORS 418.782, if:**

22 **“(a) The expenses are actually paid or incurred by the applicant; and**

23 **“(b) A claim is filed on behalf of the child in the manner provided in ORS 147.015.**

24 **“(2) The Department of Justice may pay compensation for child abuse medical assessments or**  
25 **medical examinations required by ORS 419B.023 regardless of whether a finding of abuse is made**  
26 **and only if other insurance is unavailable. If the department pays compensation, the department**  
27 **shall pay the compensation directly to the provider of the services. The medical fee schedules for**  
28 **payment under this section shall be the schedules adopted under ORS 147.035.**

29 **“SECTION 7.** ORS 147.025 is amended to read:

30 **“147.025. (1) Notwithstanding that a person is not a victim or a dependent of a deceased victim**  
31 **under ORS 147.015 (1)(a), the person is eligible for compensation for reasonable medical expenses for**  
32 **the victim and for reasonable funeral expenses of the deceased victim if the person:**

33 **“(a) Paid or incurred such expenses; and**

34 **“(b) Files a claim in the manner provided in ORS 147.105 and the conditions in ORS 147.015**  
35 **(1)(b) to [(f)] (g) are met.**

36 **“(2) Notwithstanding that a person is not a survivor or dependent of a deceased victim under**  
37 **ORS 147.015 (1)(a), the person is eligible for compensation for reasonable counseling expenses up to**  
38 **a maximum amount of \$500 if the person:**

39 **“(a) Paid or incurred such expenses;**

40 **“(b) Was a friend or acquaintance of the victim;**

41 **“(c) Was the first person to discover the corpse of the victim; and**

42 **“(d) Files a claim in the manner provided in ORS 147.105 and the conditions in ORS 147.015**  
43 **(1)(b) to [(f)] (g) are met.**

44 **“(3) Notwithstanding that a person is not a victim or a survivor or dependent of a deceased**  
45 **victim under ORS 147.015 (1)(a), the person is eligible for the compensation described in ORS 147.035**

1 (7) and (8) if:

2       “(a) The person is the personal representative, as defined by the Department of Justice by rule,  
3 of a victim or of a survivor or dependent of a deceased victim;

4       “(b) The person is involved in the hearing or oral argument in lieu of the victim, survivor or  
5 dependent; and

6       “(c) The person files a claim in the manner provided in ORS 147.105 and the conditions in ORS  
7 147.015 (1)(b) to [(f)] (g) are met.

8       “(4) The Department of Justice may pay directly to the provider of the services compensation  
9 for medical, funeral or counseling expenses incurred by the person.”.

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