

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2621**

1 On page 1 of the printed bill, line 2, after “147.015,” insert “147.025,” and
2 after “147.205” insert “, 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
7 147.005 to 147.367 if:

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

11 “(b) The appropriate law enforcement officials were notified of the per-
12 petration of the crime allegedly causing the death or injury to the victim,
13 **unless the Department of Justice finds good cause exists for the failure**
14 **of notification;**

15 **“(c) The notification described in paragraph (b) of this subsection**
16 **occurred** within 72 hours after [*its*] **the** perpetration **of the crime**, unless
17 the Department of Justice finds good cause exists for the failure of notifi-
18 cation **within 72 hours;**

19 “[*c*] **(d)** The applicant [*has*] cooperated [*fully*] with law enforcement of-
20 ficials in the apprehension and prosecution of the assailant or the depart-
21 ment has found that the applicant’s failure to cooperate was for good cause;

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

3 “[(e)] (f) The death or injury to the victim was not substantially attrib-
4 utable to the wrongful act of the victim [*or substantial provocation of the*
5 *assailant of the victim*]; and

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

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

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

11 “(2)(a) The fact that a victim was subjected to sexual exploitation as de-
12 fined in ORS 419B.005, **domestic violence as defined in ORS 135.230,**
13 **sexual abuse as defined in ORS 163.760 or stalking as defined in ORS**
14 **163.732** is prima facie evidence of good cause for the victim’s failure to notify
15 law enforcement in a timely manner under subsection [(1)(b)] (1)(c) of this
16 section, or for failure to cooperate with law enforcement under subsection
17 [(1)(c)] (1)(d) of this section.

18 “(b) **The requirement under subsection (1)(b) of this section to no-**
19 **tify the appropriate law enforcement officials of the perpetration of**
20 **the crime is satisfied if, as a result of the compensable crime for which**
21 **the victim or applicant is applying for compensation, the victim or**
22 **applicant obtained:**

23 “(A) **A temporary or permanent stalking protective order under**
24 **ORS 30.866 or 163.730 to 163.750;**

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

26 “(C) **An abuse prevention order under ORS 107.700 to 107.735 or**
27 **124.005 to 124.040; or**

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

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

1 “(a) A limited domestic violence counseling award for victims of
2 domestic violence who apply for an award of compensation but who
3 do not otherwise qualify under the eligibility requirements of this
4 section.

5 “(b) A limited sexual assault counseling award for victims of sexual
6 assault who apply for an award of compensation but who do not oth-
7 erwise qualify under the eligibility requirements of this section.”.

8 On page 3, line 8, after “victim” insert “and including up to \$1,500 for
9 each survivor for prescription medications prescribed in conjunction with the
10 counseling”.

11 On page 7, after line 36, insert:

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

13 “147.390. (1) Notwithstanding that a child is not a victim under ORS
14 147.015 (1)(a), in cases of suspected child sexual abuse as described in ORS
15 419B.005 (1)(a)(C), (D) or (E), or child physical abuse by an adult or caretaker
16 as otherwise described in ORS 419B.005 (1)(a)(A), compensation may be made
17 on behalf of the child for a child abuse medical assessment as defined in ORS
18 418.782, [or] a medical examination required by ORS 419B.023[,] **or a**
19 **forensic interview conducted at a community assessment center as**
20 **defined in ORS 418.782**, if:

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

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

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

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

2 “147.025. (1) Notwithstanding that a person is not a victim or a dependent
3 of a deceased victim under ORS 147.015 (1)(a), the person is eligible for
4 compensation for reasonable medical expenses for the victim and for rea-
5 sonable funeral expenses of the deceased victim if the person:

6 “(a) Paid or incurred such expenses; and

7 “(b) Files a claim in the manner provided in ORS 147.105 and the condi-
8 tions in ORS 147.015 (1)(b) to [(f)] (g) are met.

9 “(2) Notwithstanding that a person is not a survivor or dependent of a
10 deceased victim under ORS 147.015 (1)(a), the person is eligible for compen-
11 sation for reasonable counseling expenses up to a maximum amount of \$500
12 if the person:

13 “(a) Paid or incurred such expenses;

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

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

16 “(d) Files a claim in the manner provided in ORS 147.105 and the condi-
17 tions in ORS 147.015 (1)(b) to [(f)] (g) are met.

18 “(3) Notwithstanding that a person is not a victim or a survivor or de-
19 pendent of a deceased victim under ORS 147.015 (1)(a), the person is eligible
20 for the compensation described in ORS 147.035 (7) and (8) if:

21 “(a) The person is the personal representative, as defined by the Depart-
22 ment of Justice by rule, of a victim or of a survivor or dependent of a de-
23 ceased victim;

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

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

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

