

**HB 2676 B STAFF MEASURE SUMMARY**

Carrier: Sen. Prozanski

**Senate Committee On Judiciary****Action Date:** 04/25/23**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-1-0-0**Yeas:** 4 - Gelser Blouin, Manning Jr, Prozanski, Thatcher**Nays:** 1 - Linthicum**Fiscal:** Fiscal impact issued**Revenue:** Has minimal revenue impact**Prepared By:** Gillian Fischer, LPRO Analyst**Meeting Dates:** 4/19, 4/24, 4/25**WHAT THE MEASURE DOES:**

Modifies Department of Justice (DOJ) crime victim compensation program. Defines cleaning expenses and expands definition of “compensable crime.” Provides that law enforcement notification of commission of crime must occur within reasonable time unless DOJ finds the applicant acted reasonably under the circumstances. Directs DOJ to adopt rules regarding terms and maximum amounts of compensation allowed if victim is eligible for compensation award. Amends eligibility criteria for compensation of a victim. Authorizes compensation for counseling expenses for witness to death of victim and increases maximum counseling benefit for friend or acquaintance or first person to discover the body of a deceased victim. Includes emotional and mental injury in definition of injury. Provides that medication prescribed or purchased in conjunction with counseling services is compensable. Authorizes compensation for lost wages for parents of minor victim. Increases maximum amount allowed for funeral expenses at discretion of program and provides compensation for cleaning expenses related to death or injury of person. Provides that claims associated with review of assailant’s case or hearing on assailant’s release do not expire. Repeals provisions directing DOJ not to process compensation application if victim owes financial obligation associated with prior criminal conviction. Provides that information submitted to DOJ by applicant is confidential. Repeals provisions directing DOJ to notify district attorney when compensation claim is filed and defer compensation if prosecution is pending.

**ISSUES DISCUSSED:**

- Role of crime victims' compensation fund in the criminal justice system and independent of criminal process
- Expanding compensable costs and persons eligible for compensation
- Changes in part responsive to feedback received from providers and recipients facing barriers to compensation
- Updating and clarifying relevant definitions and compensation caps
- Allowing folks to apply one time to receive compensation for the duration of the need
- Funding generally of crime victims compensation

**EFFECT OF AMENDMENT:**

Makes technical changes. Allows for reimbursement of nonprescription medication associated with treatment received for injuries eligible for reimbursement. Expands definition of abuse to reflect ORS 419B.005 for purposes of eligibility for compensation in certain cases involving children. Replaces "pain and suffering" with noneconomic damages as defined in ORS 31.705.

**BACKGROUND:**

The Department of Justice (DOJ) is responsible for a conglomeration of functions and activities. The Crime Victim and Survivor Services Division (CVSSD) compensates victims of violent crime for losses they sustain as a result of criminal actions. The Division is organized into sections specific to its goals. CVSSD administers and monitors

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grants from eight major funds, providing partial funding to nearly every nonprofit and system-based victims program in the state. It also provides direct advocacy programs, monitors bias crimes, and collects restitution and criminal fines and fees on behalf of victims and the state.

Oregon's Crime Victims' Compensation (CVC) Program, administered by CVSSD, assists victims and survivors with expenses associated with a crime, including domestic violence, sexual assault, child abuse, robbery, assault, homicide, or other crimes resulting in a physical or psychological injury. The CVC statutes have not been updated in many years and updates to current compensation limits and eligibility requirements could allow victims to more easily access the intended benefits.

House Bill 2676 B updates the rules governing compensation eligibility criteria to expand who is eligible, remove certain prohibitions, and provide more flexibility to the CVC Program to provide compensation. The measure updates compensation limits and costs eligible for compensation, eliminates certain notice requirements, and protects application information submitted as part of a compensation request.