

HOUSE BILL No. 1292

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.1.

Synopsis: Compensation for victims of violent crimes. Changes, for purposes of the law concerning compensation to victims of violent crime, the definition of "claimant" to include certain family members of a victim. Expands the list of expenses eligible for compensation to include crime scene cleanup and replacement windows or door locks. Allows the victim services division of the Indiana criminal justice institute to accept proof that evidence was collected during a forensic exam as a claimant's cooperation with law enforcement.

Effective: July 1, 2022.

Negele, Engleman, Schaibley

January 10, 2022, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1292

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6.1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. As used in this
3 chapter, "claimant" means ~~a victim~~ **any of the following individuals**
4 filing an application for assistance under this chapter: ~~The term~~
5 ~~includes:~~

- 6 (1) a parent;
- 7 (2) a surviving spouse;
- 8 (3) a legal dependent; or
- 9 (4) a personal representative;

10 of the claimant.

- 11 (1) **A victim.**
- 12 (2) **A surviving spouse of a victim.**
- 13 (3) **A legal dependent of a victim.**
- 14 (4) **A family member of a victim.**
- 15 (5) **A personal representative of a victim.**

16 SECTION 2. IC 5-2-6.1-12, AS AMENDED BY P.L.113-2014,
17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 12. (a) Except as provided in sections 13 through
 2 **and** 15 of this chapter, the following persons are eligible for assistance
 3 under this chapter:

4 (1) A resident of Indiana who is a victim of a violent crime
 5 committed:

6 (A) in Indiana; or

7 (B) in a jurisdiction other than Indiana, including a foreign
 8 country, if the jurisdiction in which the violent crime occurs
 9 does not offer assistance to a victim of a violent crime that is
 10 substantially similar to the assistance offered under this
 11 chapter.

12 (2) A nonresident of Indiana who is a victim of a violent crime
 13 committed in Indiana.

14 (3) ~~A surviving spouse or dependent child of a victim of a violent
 15 crime who died as a result of that crime. If a victim died as a
 16 result of a violent crime, the victim's:~~

17 (A) surviving spouse;

18 (B) dependent child; or

19 (C) family member who incurred expenses related to the
 20 victimization of the victim.

21 (4) Any other person legally dependent for principal support upon
 22 a victim of a violent crime who died as a result of that crime.

23 (5) A person who is injured or killed while trying to prevent a
 24 violent crime or an attempted violent crime from occurring in the
 25 person's presence or while trying to apprehend a person who had
 26 committed a violent crime.

27 (6) A surviving spouse or dependent child of a person who dies
 28 as a result of:

29 (A) trying to prevent a violent crime or an attempted violent
 30 crime from occurring in the presence of the deceased person;
 31 or

32 (B) trying to apprehend a person who had committed a violent
 33 crime.

34 (7) A person legally dependent for principal support upon a
 35 person who dies as a result of:

36 (A) trying to prevent a violent crime or an attempted violent
 37 crime from occurring in the presence of the deceased person;
 38 or

39 (B) trying to apprehend a person who had committed a violent
 40 crime.

41 (8) A person who is injured or killed while giving aid and
 42 assistance to:



1 (A) a law enforcement officer in the performance of the
2 officer's lawful duties; or

3 (B) a member of a fire department who is being obstructed
4 from performing lawful duties.

5 **(b) A legal dependent who witnesses a violent crime in which the**
6 **legal dependent's parent or guardian suffers bodily injury or death**
7 **may be eligible for limited assistance under this chapter, as**
8 **determined by the division.**

9 SECTION 3. IC 5-2-6.1-13.5 IS REPEALED [EFFECTIVE JULY
10 1, 2022]. Sec. ~~13.5~~: The division may not award a benefit to more than
11 one (1) claimant per victim.

12 SECTION 4. IC 5-2-6.1-14 IS REPEALED [EFFECTIVE JULY 1,
13 2022]. Sec. ~~14~~: (a) Benefits may not be awarded to a claimant under
14 section ~~12(1)~~, ~~12(2)~~, ~~12(3)~~, ~~12(4)~~, or ~~15~~ of this chapter if the victim or
15 claimant had a net worth of greater than two hundred thousand dollars
16 (\$200,000) at the time of suffering bodily injury.

17 (b) Benefits may not be awarded to a claimant under section ~~12(5)~~;
18 ~~12(6)~~, ~~12(7)~~, or ~~12(8)~~ of this chapter if the victim or claimant had a net
19 worth of greater than two hundred thousand dollars (\$200,000) at the
20 time of suffering bodily injury.

21 SECTION 5. IC 5-2-6.1-17, AS AMENDED BY P.L.48-2012,
22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2022]: Sec. ~~17~~. (a) Except for an alleged victim of a child sex
24 crime, the division may not award compensation under this chapter
25 unless the violent crime was reported to a law enforcement officer not
26 more than seventy-two (72) hours after the occurrence of the crime.

27 (b) The division may not award compensation under this chapter
28 until:

29 (1) law enforcement and other records concerning the
30 circumstances of the crime are available; and

31 (2) any criminal investigation directly related to the crime has
32 been substantially completed.

33 (c) If the crime involved a motor vehicle, the division may not
34 award compensation under this chapter until an information or
35 indictment alleging the commission of a crime has been filed by a
36 prosecuting attorney.

37 **(d) The division may accept proof that evidence was collected**
38 **through a forensic exam described in IC 16-21-8 as cooperation**
39 **with law enforcement, as required by sections 18 and 19 of this**
40 **chapter.**

41 SECTION 6. IC 5-2-6.1-21.1, AS AMENDED BY P.L.113-2014,
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 21.1. (a) This section applies to claims filed with
2 the division after June 30, 2009.

3 (b) This subsection does not apply to reimbursement for forensic
4 and evidence gathering services provided under section 39 of this
5 chapter.

6 (c) An award may not be made unless the claimant has incurred an
7 out-of-pocket loss of at least one hundred dollars (\$100).

8 (d) Subject to subsections (b) and (c), the division may order the
9 payment of compensation under this chapter for any of the following:

10 (1) Reasonable expenses incurred within one hundred eighty
11 (180) days after the date of the violent crime for necessary:

12 (A) medical, chiropractic, hospital, dental, optometric, and
13 ambulance services;

14 (B) prescription drugs; and

15 (C) prosthetic devices;

16 that do not exceed the claimant's out-of-pocket loss.

17 (2) Loss of income:

18 (A) the victim would have earned had the victim not died or
19 been injured, if the victim was employed at the time of the
20 violent crime; or

21 (B) the parent, guardian, or custodian of a victim who is less
22 than eighteen (18) years of age incurred by taking time off
23 from work to care for the victim.

24 A claimant seeking reimbursement under this subdivision must
25 provide the division with proof of employment and current wages.

26 (3) Reasonable emergency shelter care expenses, not to exceed
27 the expenses for thirty (30) days, that are incurred for the claimant
28 or a dependent of the claimant to avoid contact with a person who
29 committed the violent crime.

30 (4) Reasonable expense incurred for child care, not to exceed one
31 thousand dollars (\$1,000), to replace child care the victim would
32 have supplied had the victim not died or been injured.

33 (5) Loss of financial support the victim would have supplied to
34 legal dependents had the victim not died or been injured.

35 (6) Documented expenses incurred for funeral, burial, or
36 cremation of the victim that do not exceed five thousand dollars
37 (\$5,000). The division shall disburse compensation under this
38 subdivision in accordance with guidelines adopted by the
39 division.

40 (7) Outpatient mental health counseling, not to exceed three
41 thousand dollars (\$3,000), concerning mental health issues related
42 to the violent crime.



- 1 (8) Other actual expenses related to bodily injury to or the death
2 of the victim that the division determines are reasonable.
- 3 **(9) Replacement of windows or door locks.**
- 4 **(10) Cleanup of the scene of a violent crime.**
- 5 (e) If a health care provider accepts payment from the division
6 under this chapter, the health care provider may not require the victim
7 to pay a copayment or an additional fee for the provision of services.
- 8 (f) A health care provider who seeks compensation from the
9 division under this chapter may not simultaneously seek funding for
10 services provided to a victim from any other source.
- 11 (g) The director may extend the one hundred eighty (180) day
12 compensation period established by subsection (d)(1) for a period not
13 to exceed two (2) years after the date of the violent crime if:
- 14 (1) the victim or the victim's representative requests the
15 extension; and
- 16 (2) medical records and other documentation provided by the
17 attending medical providers indicate that an extension is
18 appropriate.
- 19 (h) The director may extend the one hundred eighty (180) day
20 compensation period established by subsection (d)(1) for outpatient
21 mental health counseling, established by subsection (d)(7), if the
22 victim:
- 23 (1) was allegedly a victim of a sex crime (under IC 35-42-4) or
24 incest (under IC 35-46-1-3);
- 25 (2) was under eighteen (18) years of age at the time of the alleged
26 crime; and
- 27 (3) did not reveal the crime within two (2) years after the date of
28 the alleged crime.

