

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 ENROLLED ACT No. 1292

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

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

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

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

~~of the claimant.~~

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

SECTION 2. IC 5-2-6.1-12, AS AMENDED BY P.L.113-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. **(a)** Except as provided in sections 13 ~~through~~ **and** 15 of this chapter, the following persons are eligible for assistance under this chapter:

- (1) A resident of Indiana who is a victim of a violent crime

**HEA 1292 — Concur**



committed:

- (A) in Indiana; or
  - (B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.
- (2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.
- (3) ~~A surviving spouse or dependent child of a victim of a violent crime who died as a result of that crime.~~ **If a victim died as a result of a violent crime, the victim's:**
- (A) surviving spouse;**
  - (B) dependent child; or**
  - (C) family member who incurred expenses related to the victimization of the victim.**
- (4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.
- (5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.
- (6) A surviving spouse or dependent child of a person who dies as a result of:
- (A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or
  - (B) trying to apprehend a person who had committed a violent crime.
- (7) A person legally dependent for principal support upon a person who dies as a result of:
- (A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or
  - (B) trying to apprehend a person who had committed a violent crime.
- (8) A person who is injured or killed while giving aid and assistance to:
- (A) a law enforcement officer in the performance of the officer's lawful duties; or
  - (B) a member of a fire department who is being obstructed from performing lawful duties.



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

SECTION 3. IC 5-2-6.1-13, AS AMENDED BY P.L.114-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) Subject to subsection (b) and except as provided in subsection (c), benefits may not be awarded:

- (1) if the victim sustained the injury as a result of participating or assisting in, or attempting to commit or committing a criminal act;
- (2) if the injury occurred while the victim was a resident in a county, city, or federal jail or prison or in an institution operated by the department of correction;
- (3) if the victim profited or would have profited from the criminal act; **or**
- (4) if, at the time the injury occurred, the victim was intoxicated and contributed to the commission of an unrelated felony; **or**
- (5) to a claimant who contributed to the injury or death of the victim.**

(b) If the victim is a dependent child or dependent parent of the person who commits a violent crime, compensation may be awarded where justice requires.

(c) Benefits may be awarded to a person described in subsection (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime involving domestic or family violence (as defined in IC 35-31.5-2-76), or a crime of domestic violence (as defined in IC 35-31.5-2-78).

SECTION 4. IC 5-2-6.1-13.5 IS REPEALED [EFFECTIVE JULY 1, 2022]. ~~Sec. 13.5. The division may not award a benefit to more than one (1) claimant per victim.~~

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

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

SECTION 6. IC 5-2-6.1-17, AS AMENDED BY P.L.48-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. (a) Except for an alleged victim of a child sex crime, the division may not award compensation under this chapter



unless the violent crime was reported to a law enforcement officer not more than seventy-two (72) hours after the occurrence of the crime.

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

- (1) law enforcement and other records concerning the circumstances of the crime are available; and
- (2) any criminal investigation directly related to the crime has been substantially completed.

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

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

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.113-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

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

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

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

- (1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:
  - (A) medical, chiropractic, hospital, dental, optometric, and ambulance services;
  - (B) prescription drugs; and
  - (C) prosthetic devices;

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

(2) Loss of income:

- (A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or
- (B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must



provide the division with proof of employment and current wages.

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

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

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

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

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

(8) Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

**(9) Replacement of windows or door locks.**

**(10) Cleanup of the scene of a violent crime.**

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

- (1) the victim or the victim's representative requests the extension; and
- (2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

- (1) was allegedly a victim of a sex crime (under IC 35-42-4) or incest (under IC 35-46-1-3);



- (2) was under eighteen (18) years of age at the time of the alleged crime; and
- (3) did not reveal the crime within two (2) years after the date of the alleged crime.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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