

HOUSE BILL No. 1566

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.1.

Synopsis: Funeral expenses of victims of violent crime. Requires that funeral, burial, or cremation expenses for victims of violent crimes shall be paid by the victim services division within 60 days. Changes the time frame for applying for assistance from 180 days to one year. Increases assistance amounts for funeral, burial, cremation, and bodily injury. Includes mental health counseling for family members, crime scene clean-up costs, and removal of human trafficking markings as reimbursable expenses. Requires the Indiana criminal justice institute to: (1) promote awareness regarding compensation for victims of violent crime; and (2) establish a grant program to support gun violence victim services programs.

Effective: July 1, 2021.

Bauer M

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1566

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 5-2-6.1-2.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 2.7. As used in this chapter, "family victim" means**
4 **an individual who is a spouse, sibling, child, or stepchild of a victim**
5 **and who:**

- 6 (1) **requires psychiatric care or counseling as a result of**
7 **violent crime being perpetuated against the individual's**
8 **immediate family member; or**
- 9 (2) **suffers trauma so severe that it impedes or prohibits that**
10 **individual from participating in normal daily activities as a**
11 **result of violent crime being perpetuated against the**
12 **individual's immediate family member.**

13 SECTION 2. IC 5-2-6.1-3.5 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2021]: **Sec. 3.5. As used in this chapter, "funeral expense"**
16 **means:**

- 17 (1) **any reasonable documented expenses incurred for the**



1 **funeral, burial, or cremation of the victim; and**
 2 **(2) any reasonable documented lost wages or travel expenses**
 3 **incurred by an individual who is a spouse, sibling, child, or**
 4 **stepchild of the victim for attending the victim's funeral,**
 5 **burial, or cremation;**

6 **not to exceed five thousand dollars (\$5,000).**

7 SECTION 3. IC 5-2-6.1-15, AS AMENDED BY P.L.129-2009,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 15. (a) If a victim of a violent crime dies as a
 10 result of the crime, the division may pay the reasonable expenses
 11 incurred for funeral, burial, or cremation.

12 (b) The division shall adopt guidelines to determine when the
 13 payment of expenses under subsection (a) is appropriate. In adopting
 14 guidelines under this subsection, the division shall consider the
 15 availability of other sources of compensation, including township
 16 assistance and federal programs.

17 **(c) If the division determines that payment of expenses under**
 18 **subsection (a) is appropriate, those expenses shall be paid not later**
 19 **than sixty (60) days after the determination has been finalized.**

20 SECTION 4. IC 5-2-6.1-16, AS AMENDED BY P.L.31-2020,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 16. (a) A person eligible for assistance under
 23 section 12 of this chapter may file an application for assistance with the
 24 division if the violent crime was committed in Indiana.

25 (b) Except as provided in subsections (e) and (f), the application
 26 must be received by the division not more than one **(1) hundred eighty**
 27 **(180) days year** after the date the crime was committed. The division
 28 may grant an extension of time **up to one (1) additional year** for good
 29 cause shown by the claimant. However, and except as provided in
 30 subsections (e) and (f), the division may not accept an application that
 31 is received more than two (2) years after the date the crime was
 32 committed.

33 (c) The application must be filed in the office of the division in
 34 person, through the division's Internet web site, or by first class or
 35 certified mail. If requested, the division shall assist a victim in
 36 preparing the application.

37 (d) The division shall accept all applications filed in compliance
 38 with this chapter. Upon receipt of a complete application, the division
 39 shall promptly begin the investigation and processing of an application.

40 (e) An alleged victim of a child sex crime may submit an application
 41 to the division until the victim becomes thirty-one (31) years of age or
 42 in accordance with subsection (f).



1 (f) An alleged victim of a child sex crime described in
 2 IC 35-41-4-2(e) which meets the requirements of IC 35-41-4-2(p) may
 3 submit an application to the division not later than five (5) years after
 4 the earliest of the date on which:

5 (1) the state first discovers evidence sufficient to charge the
 6 offender with the offense through DNA (deoxyribonucleic acid)
 7 analysis;

8 (2) the state first becomes aware of the existence of a recording
 9 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
 10 to charge the offender with the offense; or

11 (3) a person confesses to the offense.

12 (g) An alleged victim of a battery offense included in IC 35-42-2
 13 upon a child less than fourteen (14) years of age may submit an
 14 application to the division not later than five (5) years after the
 15 commission of the offense.

16 SECTION 5. IC 5-2-6.1-21, AS AMENDED BY P.L.129-2009,
 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 21. (a) This section applies to claims filed with
 19 the division after December 31, 2005, and before July 1, 2009.

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

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

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

27 (1) Reasonable expenses incurred for necessary medical,
 28 chiropractic, hospital, dental, psychological, optometric,
 29 psychiatric, and ambulance services and prescription drugs and
 30 prosthetic devices that do not exceed the claimant's out-of-pocket
 31 loss.

32 (2) Loss of income the:

33 (A) victim would have earned had the victim not died or been
 34 injured, if the victim was employed at the time of the crime; or

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

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

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



- 1 committed the violent crime.
- 2 (4) Reasonable expense incurred for child care, not to exceed one
3 thousand dollars (\$1,000), to replace child care the victim would
4 have supplied had the victim not died or been injured.
- 5 (5) Loss of financial support the victim would have supplied to
6 legal dependents had the victim not died or been injured.
- 7 (6) Documented expenses incurred for funeral, burial, or
8 cremation of the victim that do not exceed ~~four~~ **five** thousand
9 dollars (~~\$4,000~~) **(\$5,000)**. The division shall disburse
10 compensation under this subdivision in accordance with
11 guidelines adopted by the division.
- 12 (7) Other actual expenses resulting from the bodily injury or death
13 of the victim, including costs of mental health care, not to exceed
14 ~~two three~~ thousand dollars (~~\$2,000~~) **(\$3,000)** for the immediate
15 family of a homicide or sex crime victim, and any other actual
16 expenses that the division determines reasonable.
- 17 (e) If a health care provider accepts payment from the division
18 under this chapter, the health care provider may not require the victim
19 to pay a copayment or an additional fee for the provision of services.
- 20 (f) A health care provider who seeks compensation from the
21 division under this chapter may not simultaneously seek funding for
22 services provided to a victim from any other source.
- 23 SECTION 6. IC 5-2-6.1-21.1, AS AMENDED BY P.L.113-2014,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: Sec. 21.1. (a) This section applies to claims filed with
26 the division after June 30, 2009.
- 27 (b) This subsection does not apply to reimbursement for forensic
28 and evidence gathering services provided under section 39 of this
29 chapter.
- 30 (c) An award may not be made unless the claimant has incurred an
31 out-of-pocket loss of at least one hundred dollars (\$100).
- 32 (d) Subject to subsections (b) and (c), the division may order the
33 payment of compensation under this chapter for any of the following:
34 (1) Reasonable expenses incurred within one **(1) hundred eighty**
35 ~~(180) days year~~ after the date of the violent crime for necessary:
36 (A) medical, chiropractic, hospital, dental, optometric, and
37 ambulance services;
38 (B) prescription drugs; ~~and~~
39 (C) prosthetic devices; ~~and~~
40 **(D) removal of a tattoo or marking applied to a victim in**
41 **connection with a human trafficking offense (as defined in**
42 **IC 35-42-3.5);**



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

2 (2) Loss of income:

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

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

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

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

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

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

20 (6) Documented **funeral** expenses ~~incurred for funeral, burial, or~~
21 ~~cremation of the victim (as defined in section 3.5 of this~~
22 **chapter)** that do not exceed five thousand dollars (\$5,000). The
23 division shall disburse compensation under this subdivision in
24 accordance with guidelines adopted by the division.

25 (7) Outpatient mental health counseling, not to exceed three
26 thousand dollars (\$3,000), concerning mental health issues related
27 to the violent crime. **One (1) or more family victims (as defined**
28 **in section 2.7 of this chapter) may obtain mental health**
29 **counseling under this subdivision, not to exceed three**
30 **thousand dollars (\$3,000) in aggregate for the family.**

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

33 **(9) Documented, reasonable expenses incurred for crime**
34 **scene clean-up and security repairs if the crime occurred at**
35 **the victim's residence, not to exceed seven hundred fifty**
36 **dollars (\$750).**

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

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



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

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

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

- 13 (1) was allegedly a victim of a sex crime (under IC 35-42-4) or
 14 incest (under IC 35-46-1-3);
 15 (2) was under eighteen (18) years of age at the time of the alleged
 16 crime; and
 17 (3) did not reveal the crime within two (2) years after the date of
 18 the alleged crime.

19 SECTION 7. IC 5-2-6.1-21.5 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2021]: **Sec. 21.5. An award for funeral**
 22 **expenses under this chapter shall be applied first to expenses**
 23 **described in section 3.5(1) of this chapter.**

24 SECTION 8. IC 5-2-6.1-50 IS ADDED TO THE INDIANA CODE
 25 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2021]: **Sec. 50. (a) The institute shall promote public awareness**
 27 **of the provisions of this chapter by preparing educational**
 28 **presentations in:**

- 29 (1) **schools;**
 30 (2) **community centers; and**
 31 (3) **other public forums;**

32 **that are designed to inform crime victims of the existence and**
 33 **provisions of this chapter.**

34 (b) **Any hospital licensed under the laws of Indiana shall display**
 35 **prominently in its emergency room signage notifying the public of**
 36 **the existence and general provisions of this chapter. The institute**
 37 **shall provide the signage required by this subsection.**

38 SECTION 9. IC 5-2-6.1-51 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2021]: **Sec. 51. (a) The institute shall establish and administer a**
 41 **grant program to distribute the funding allocated in subsection (b)**
 42 **to qualifying programs.**



1 **(b) Ten percent (10%) of the violent crime victims compensation**
2 **fund established by section 40 of this chapter shall be used to**
3 **support qualifying gun violence victim services programs to**
4 **include the following:**

5 **(1) Hospital based violence intervention programs.**

6 **(2) Street outreach programs.**

7 **(3) Trauma recovery centers.**

8 **(4) Gun violence victim services programs.**

9 **(c) Qualifying programs may apply to the Indiana criminal**
10 **justice institute for a grant amounting to not more than twenty**
11 **percent (20%) of the aggregate funding allocated to support gun**
12 **violence victim services programs under subsection (b).**

13 **(d) The institute shall review applications submitted under**
14 **subsection (c) and award grants to qualified programs at the**
15 **discretion of the institute.**

