

CHAPTER 173**(SB 282)**

AN ACT relating to victims of crime, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 49.280 is amended to read as follows:

As used in KRS 49.270 to 49.490, unless the context otherwise requires:

- (1) "Child" means any person less than eighteen (18) years of age;
- (2) "Claimant" means any of the following claiming compensation under KRS 49.270 to 49.490: a victim, a dependent of a deceased victim, a third person other than a collateral source, or an authorized person acting on behalf of any of them who is legally responsible for the expenses incurred by the victim as a result of the crime committed against the victim;
- (3) "Criminally injurious conduct" means conduct that occurs or is attempted in this jurisdiction, poses a substantial threat of personal physical~~ly~~ or psychological injury~~ly~~ or death, and is punishable by fine, imprisonment, or death. Criminally injurious conduct shall include an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside of the United States against a resident of Kentucky. Acts which, but for the insanity or mental irresponsibility or lack of capacity of the perpetrator, would constitute criminal conduct shall be deemed to be criminally injurious conduct. The operation of a motor vehicle, motorcycle, train, boat, aircraft, or other vehicle in violation of law does not constitute a criminally injurious conduct unless the injury or death was intentionally inflicted, ~~for~~involved a violation of KRS 189A.010, driving under the influence, *or involved the operator of a vehicle in an accident who did not stop and disclose his or her identity as required by KRS 189.580*;
- (4) "Family," when used with reference to a person, shall mean:
 - (a) Any person related to such person within the third degree of consanguinity;
 - (b) Any person maintaining a sexual relationship with such person; or
 - (c) Any person residing in the same household with such person; and
- (5) (a) "Victim" means a needy person who suffers personal physical or psychological injury or death from a criminal act in Kentucky as a result of:
 1. Criminally injurious conduct;
 2. A good-faith effort to prevent criminally injurious conduct; or
 3. A good-faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct.
- (b) "Victim" shall also mean a resident who is a victim of a crime occurring outside this state if:
 1. The crime would be compensable had it occurred inside this state; and
 2. The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in KRS 49.310.
- (c) "Victim" shall also mean a resident of this state who is injured or killed by an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside the United States.

➔Section 2. KRS 49.370 is amended to read as follows:

- (1) No award shall be made unless the Crime Victims Compensation Board or board member, as the case may be, finds that:
 - (a) Criminally injurious conduct occurred;
 - (b) Such criminally injurious conduct resulted in personal physical or psychological injury to, or death of, the victim; and

- (c) Police or court records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police or court records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified.
- (2) Except for claims related to sexual assault, human trafficking, and domestic violence, the board upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies shall deny, reconsider, or reduce an award.
- (3) Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services, including mental health counseling, necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury. Mental health counseling shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the board stating what treatment is planned and for what period of time. The board shall have the power to discontinue payment of mental health counseling at any time within the two (2) year period. Replacement of eyeglasses and other corrective lenses shall be included in an award, provided they were stolen, destroyed, or damaged during the crime.
- (4) Any award made for loss of earnings or financial support may be considered for a claimant who has loss of support or wages due to the crime for which the claim is filed. Unless reduced pursuant to other provisions of KRS 49.270 to 49.490, the award shall be equal to net earnings at the time of the criminally injurious conduct; however, no such award shall exceed **three hundred dollars (\$300)**~~one hundred fifty dollars (\$150)~~ for each week of lost earnings or financial support. The wage earner or source of support must have been employed or paying support at the time the crime occurred. Said employment or support shall be verified by the staff of the board after information is provided by the claimant or victim. Should the claimant or victim fail to supply the board with the information requested, the portion of the claim for lost wages or support shall be denied. If there are two (2) or more persons entitled to an award as a result of the injury or death of a person which is the direct result of criminally injurious conduct, the award shall be apportioned by the board among the claimants.
- (5) The board is authorized to set a reasonable limit for the payment of funeral and burial expenses which shall include funeral costs, a monument, and grave plot. In no event shall an award for funeral expenses exceed **seven thousand five hundred dollars (\$7,500)**~~five thousand dollars (\$5,000)~~.
- (6) Any award made under KRS 49.270 to 49.490 shall not exceed **thirty thousand dollars (\$30,000)**~~twenty five thousand dollars (\$25,000)~~ in total compensation to be received by or paid on behalf of a claimant from the fund.
- (7) No award shall be made for any type of property loss or damage, except as otherwise permitted in KRS 49.270 to 49.490.

➔Section 3. The moneys in the Crime Victims' Compensation Fund (KRS 49.480) necessary for payment of awards made in accordance with Section 2. of this Act are hereby appropriated for fiscal year 2022-2023 and fiscal year 2023-2024.

➔Section 4. Whereas, the provisions of this Act relate to programs funded in the 2022-2024 Executive Branch biennial budget, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2023.