

FIRST REGULAR SESSION

# HOUSE BILL NO. 49

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KIRKTON.

0032L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 595.030, RSMo, and to enact in lieu thereof one new section relating to crime victim compensation for medical care.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 595.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 595.030, to read as follows:

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause. If the victim is under

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 eighteen years of age such report may be made by the victim's parent, guardian or custodian; by  
19 a physician, a nurse, or hospital emergency room personnel; by the children's division personnel;  
20 or by any other member of the victim's family. In the case of a sexual offense, filing a report of  
21 the offense to the proper authorities may include, but not be limited to, the filing of the report  
22 of the forensic examination by the appropriate medical provider, as defined in section 595.220,  
23 with the prosecuting attorney of the county in which the alleged incident occurred.

24 3. No compensation shall be paid for medical care if the service provider is not a medical  
25 provider as that term is defined in section 595.027, and the individual providing the medical care  
26 is not licensed by the state of Missouri or the state in which the medical care is provided.

27 4. No compensation shall be paid for psychiatric treatment or other counseling services,  
28 including psychotherapy, unless the service provider is a:

29 (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the  
30 state in which the service is provided;

31 (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in  
32 the state in which the service is provided;

33 (3) Clinical social worker licensed pursuant to chapter 337; [or]

34 (4) Professional counselor licensed pursuant to chapter 337; **or**

35 **(5) Board certified psychiatric-mental health clinical nurse specialist or board**  
36 **certified psychiatric-mental health nurse practitioner.**

37 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal  
38 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or  
39 support from gainful employment, not to exceed two hundred dollars per week, resulting from  
40 such injury or death. In the event of death of the victim, an award may be made for reasonable  
41 and necessary expenses actually incurred for preparation and burial not to exceed five thousand  
42 dollars.

43 6. Any compensation for loss of earnings or support from gainful employment shall be  
44 in an amount equal to the actual loss sustained not to exceed two hundred dollars per week;  
45 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed  
46 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of  
47 the death of a person which is the direct result of a crime or in the case of a sexual assault, the  
48 compensation shall be apportioned by the department of public safety among the claimants in  
49 proportion to their loss.

50 7. The method and timing of the payment of any compensation pursuant to sections  
51 595.010 to 595.075 shall be determined by the department.

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