

An Act

ENROLLED SENATE
BILL NO. 16

By: Floyd, Weaver and Garvin of
the Senate

and

Bush of the House

An Act relating to the Oklahoma Crime Victims Compensation Act; amending 21 O.S. 2011, Section 142.6, which relates to the powers of the Crime Victims Compensation Board; modifying allowable access to certain documents; amending 21 O.S. 2011, Section 142.10, as amended by Section 1, Chapter 58, O.S.L. 2016 (21 O.S. Supp. 2020, Section 142.10), which relates to the award of compensation; allowing access to certain documentation; providing allowable criteria; updating statutory references; and providing an effective date.

SUBJECT: Crime Victims Compensation Board

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 142.6, is amended to read as follows:

Section 142.6. In addition to any other powers and duties specified elsewhere in ~~this act~~ Section 142.1 et seq. of this title, the Crime Victims Compensation Board may:

1. Regulate its own procedures except as otherwise provided in ~~this act~~ Section 142.1 et seq. of this title;

2. Adopt rules and regulations to implement the provisions of ~~this act~~ Section 142.1 et seq. of this title;

3. Define any term not defined in ~~this act~~ Section 142.1 et seq. of this title;

4. Prescribe forms necessary to carry out the purposes of ~~this act~~ Section 142.1 et seq. of this title;

5. Have access to:

a. any reports of investigations from all law enforcement agencies, ~~or~~

b. if essential to making a determination of eligibility, any written documentation included with a sexual assault forensic evidence kit tested by an accredited forensic lab, and

c. any other data necessary to assist the Board in making a determination of eligibility for compensation under the provisions of ~~this act~~ Section 142.1 et seq. of this title;

6. Take judicial notice of general, technical and scientific facts within their specialized knowledge; and

7. Publicize the availability of compensation and information regarding the filing of claims therefor.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 142.10, as amended by Section 1, Chapter 58, O.S.L. 2016 (21 O.S. Supp. 2020, Section 142.10), is amended to read as follows:

Section 142.10. A. Compensation shall not be awarded:

1. Unless the claim has been filed with the Crime Victims Compensation Board within one (1) year after the injury or death upon which the claim is based. If the victim is under a mental or cognitive disability or is a child under eighteen (18) years of age, the Board may use the date the criminal incident was disclosed to a responsible adult when establishing whether or not the claim was

timely filed. In cases involving sexual assault of an adult eighteen (18) years of age or older, the Board may use the date the sexual assault forensic evidence kit was tested when establishing whether the claim was timely filed. The Board may, at its discretion, extend the filing period beyond one (1) year upon a showing of good cause or in all cases of ~~child~~ sexual assault;

2. To a claimant who was the offender, or an accomplice of the offender;

3. To another person if the award would unjustly benefit the offender or accomplice; or

4. Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence, or in the case of sexual assault, the victim undergoes a forensic medical examination within one hundred twenty (120) hours after its occurrence or the Board finds there was good cause for the failure to report the crime or obtain a forensic medical examination within that time.

B. Compensation otherwise payable to a claimant shall be diminished to the extent:

1. That the economic loss is recouped from collateral sources; or

2. Of the degree of responsibility for the cause of the injury or death attributable to the victim as determined by the Board.

C. The Board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation. Victims of sexual assault who undergo a forensic medical examination within one hundred twenty (120) hours after the sexual assault shall be found to have fully cooperated. The Board may extend this period of time for good cause.

D. The Board, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. The motion or request to reconsider a decision shall be made within six (6) months from the date of the

last action by the Board on the claim at issue. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a Board decision for the purpose of judicial review. On claims which are denied by the Board, reconsideration may only be granted within six (6) months of the last Board action.

E. The provisions of subsections A and B of this section shall not apply to claimants eligible for compensation pursuant to the Murrah Crime Victims Compensation Act who make claims under the Oklahoma Crime Victims Compensation Act.

SECTION 3. This act shall become effective November 1, 2021.

Passed the Senate the 8th day of February, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____