

FIRST REGULAR SESSION

HOUSE BILL NO. 209

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CONWAY (104).

0259H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 595.030, RSMo, and to enact in lieu thereof one new section relating to crime victims' compensation awards.

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

2 Section A. Section 595.030, RSMo, is repealed and one new section enacted in lieu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

4 595.030. 1. No compensation shall be paid unless the claimant has incurred an
5 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
6 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable
7 expenses or indebtedness reasonably incurred:

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

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

15 2. No compensation shall be paid unless the department of public safety finds that a
16 crime was committed, that such crime directly resulted in personal physical injury to, or the death
17 of, the victim, and that police records show that such crime was promptly reported to the proper
18 authorities. In no case may compensation be paid if the police records show that such report was
19 made more than forty-eight hours after the occurrence of such crime, unless the department of
20 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.

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

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

48 7. The method and timing of the payment of any compensation pursuant to sections
 49 595.010 to 595.075 shall be determined by the department.

✓