

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 648****2022 Regular Session****Hilferty**

CRIMINAL/VICTIMS: Provides relative to the Crime Victims Reparations Act

Synopsis of Senate Amendments

1. Makes technical changes.
2. Changes procedures for victims of sexually-oriented offenses relative to claims for non-covered services and reimbursements to healthcare providers.
3. Adds requirements for reimbursements to healthcare providers and healthcare facilities for forensic medical exams and provides that reimbursements shall be made within 90 days from the date of attestation.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 46:1801 et seq.) provides for the Crime Victims Reparations Act.

Present law (R.S. 46:1802) provides for definitions.

Present law (R.S. 46:1802(10)) provides for the definition of "pecuniary loss" as the amount of expense reasonably incurred by reason of personal injury, as a consequence of death, or catastrophic property loss.

Present law (R.S. 46:1802(10)(a)) provides the following as pecuniary losses for personal injury:

- (1) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy.
- (2) Actual loss of past earnings and anticipated loss of future earnings.
- (3) Care of a child or dependent.
- (4) Counseling or therapy for parents or siblings of a victim of a sexual crime.
- (5) Loss of support for a child victim of a sexual crime not otherwise compensated for as a pecuniary loss.

Proposed law retains present law and adds costs of relocation for claimants who have to relocate as a result of a crime as a pecuniary loss for personal injury.

Present law (R.S. 46:1802(10)(b)) provides the following as pecuniary losses as a consequence of death:

- (1) Funeral, burial, or cremation expenses.
- (2) Loss of support to one or more dependents for which compensation is not otherwise provided.
- (3) Care of a child or children when the victim's surviving spouse or legal custodian or caretakers of the deceased victim's child is engaged in lawful employment.
- (4) Counseling or therapy for surviving family members and victim's close relationships.

(5) Crime scene cleanup.

Proposed law retains present law and adds costs of relocation due to the death of the victim as a pecuniary loss as consequence of death.

Present law (R.S. 46:1806) provides for application for reparation requirements. Provides for the requirement that an application for reparations be filed within one year of the date of the personal injury, death, or catastrophic property lost.

Proposed law retains present law.

Present law provides that the application for reparations shall only be valid if the act resulting in the personal injury, death, or catastrophic property loss was reported to appropriate law enforcement officers within 72 hours after the date of the act.

Proposed law changes present law and requires the application be submitted with reasonable documentation.

Proposed law defines "reasonable documentation".

Present law (R.S. 46:1809) provides for the criteria of making awards for payment of reparations. Provides that the board may make partial eligibility determination on an application prior to the victim or other claimant incurring a pecuniary loss.

Proposed law retains present law and adds that when one part of the reparations award is denied, the board shall prefer a partial award over total denial of the award.

Present law provides that a reparations award shall be made when:

- (1) The claimant failed to report the crime within 72 hours.
- (2) The claimant failed or refused to cooperate substantially with reasonable requests by officers.
- (3) The offender may be enriched.
- (4) The claimant was the offender or an accessory and would unjustly benefit them. Present law does not apply if claimant is a victim of trafficking.
- (5) The claim was not timely filed.
- (6) The crime was committed prior to the effective date of the Crime Victims Reparations Act (effective July 17, 1982).

Proposed law repeals present law but retains provisions of present law that provide that reparations awards may be rewarded when the board finds that:

- (1) The claimant failed or refused to cooperate substantially with reasonable requests by officers.
- (2) The totality of the circumstances indicate that the claimant was the offender or an accessory and would unjustly benefit them. Present law does not apply if claimant is a victim of trafficking.

Present law provides that the board may deny or reduce an award in multiple circumstances including if the behavior of the victims bears some responsibility for the crime that caused the physical injury, death, or catastrophic property loss. Present law does not apply if claimant is a victim of a human trafficking-related offense or sexually-oriented criminal offense.

Proposed law retains present law and provides that the board may evaluate the totality of the circumstances when determining whether to reduce or deny an award.

Present law (R.S. 46:1810) provides for the amount of reparations award. Provides that awards shall not exceed \$10,000 in the aggregate for all claims arising out of the same crime, except that awards shall not exceed \$25,000 for victims who are permanently disabled as a result of the crime.

Proposed law retains present law and changes the amount of the award from \$10,000 to \$15,000 in the aggregate for all claims arising out of the same crime.

Present law provides for emergency reparations awards while the final decision is pending. Provides for an emergency award of up to \$500.

Proposed law changes present law to provide for an emergency award of up to \$1,000.

Present law provides that the healthcare provider shall not be reimbursed in any amount greater than \$1,000 if the victim does not consent to submission of a claim.

Proposed law (R.S. 46:1822) adds that the board shall reimburse healthcare providers up to \$600 and healthcare facilities up to \$1000 for forensic medical exams and requires that healthcare providers and healthcare facilities submit an attestation that a forensic medical was conducted in order to receive a reimbursement.

Proposed law provides that reimbursements shall be made within 90 days from the date of attestation.

(Amends R.S. 40:1216.1(A)(7), R.S. 46:1806(A)(1), 1809(B)(1), (3)(a), and (4)(a), 1810(A), and 1813(A); Adds R.S. 46:1802(10)(a)(vi) and (b)(vi)), and 1822)