

RÉSUMÉ DIGEST

ACT 487 (HB 648)

2022 Regular Session

Hilferty

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

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

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

Existing 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.

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

Existing 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.

New law adds costs of relocation due to the death of the victim as a pecuniary loss as a consequence of death.

Existing 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 loss.

Existing 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.

New law requires the application to be submitted with reasonable documentation.

New law defines "reasonable documentation".

Existing 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.

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

Prior law provides that no reparations award shall be made when:

- (1) The claimant failed to report the crime within 72 hours.
- (2) The offender may be enriched.
- (3) The claim was not timely filed.
- (4) The crime was committed prior to the effective date of the Crime Victims Reparations Act (effective July 17, 1982).

New law repeals prior law but retains provisions of existing law that no reparations awards shall be made 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 the award would unjustly benefit him. Existing law does not apply if claimant is a victim of trafficking.

Existing 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. Existing law does not apply if claimant is a victim of a human trafficking-related offense or sexually-oriented criminal offense.

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

Existing law (R.S. 46:1810) provides for the amount of reparations awards. 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.

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

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

New law provides for an emergency award of up to \$1,000.

Existing 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.

New 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 exam was conducted in order to receive a reimbursement.

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

Effective August 1, 2022.

(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)