

SECOND REGULAR SESSION

# SENATE BILL NO. 792

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR PARSON.

Read 1st time January 28, 2014, and ordered printed.

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TERRY L. SPIELER, Secretary.

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### AN ACT

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

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Section A. Section 595.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 595.030, to read as follows: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

6 (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; 10 or

11 (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 14 hundred fifty dollars.

15 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 16 physical injury to, or the death of, the victim, and that police records show that 17 such crime was promptly reported to the proper authorities.

19 In no case may compensation be paid if the police records show that such report

**EXPLANATION—**Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 was made more than forty-eight hours after the occurrence of such crime, unless  
21 the department of public safety finds that the report to the police was delayed for  
22 good cause. If the victim is under eighteen years of age such report may be made  
23 by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital  
24 emergency room personnel; by the division of family services personnel; or by any  
25 other member of the victim's family. In the case of a sexual offense, filing a  
26 report of the offense to the proper authorities may include, but not be limited to,  
27 the filing of the report of the forensic examination by the appropriate medical  
28 provider, as defined in section 595.220, with the prosecuting attorney of the  
29 county in which the alleged incident occurred.

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

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

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

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

40           (3) Clinical social worker licensed pursuant to chapter 337; or

41           (4) Professional counselor licensed pursuant to chapter 337.

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

49       6. Any compensation for loss of earnings or support from gainful  
50 employment shall be in an amount equal to the actual loss sustained not to  
51 exceed [two] **four** hundred dollars per week; provided, however, that no award  
52 pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars.

53 If two or more persons are entitled to compensation as a result of the death of a  
54 person which is the direct result of a crime or in the case of a sexual assault, the  
55 compensation shall be apportioned by the department of public safety among the

56 claimants in proportion to their loss.

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

59 **8. The department shall have the authority to negotiate the costs**  
60 **of medical care or other services directly with the providers of the care**  
61 **or services on behalf of any victim receiving compensation pursuant to**  
62 **sections 595.010 to 595.075.**

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Unofficial

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