



Oklahoma Crime Victims Compensation Act July 1, 2005

21 O.S. 142.1 Intent of Legislature

It is the intent of the Legislature to provide a method of compensating and assisting those persons who become victims of criminal acts and who suffer physical or psychological injury or death who are either within this state or who are residents of this state who become victims, as defined in Section 142.3 of this title, in states that have no crime victims compensation program. It is the further intent of the Legislature that district attorney offices shall provide services to victims of crime, as provided by law, and to assist in completing victim compensation claims pursuant to this act. To this end, it is the further intent of the Legislature to provide compensation in the amount of expenses actually incurred as a result of the criminal acts of other persons. This act shall become effective October 1, 1981.

21 O.S. 142.2 Short title

This act shall be known and may be cited as the Oklahoma Crime Victims Compensation Act.

21 O.S. 142.3 Definitions

As used in the Oklahoma Crime Victims Compensation Act, Section 142.1 et seq. of this title:

1. "Allowable expense" means:
 - a. charges incurred for needed products, services and accommodations, including, but not limited to, medical care, wage loss, rehabilitation, rehabilitative occupational training and other remedial treatment and care.
 - b. any reasonable expenses related to the funeral, cremation or burial,
 - c. reasonable costs for counseling family members of a homicide victim, and
 - d. reasonable costs associated with homicide crime scene cleanup;
2. "Board" means the Crime Victims Compensation Board created by Section 142.4 of this title;
3. "Claimant" means any of the following persons applying for compensation under the Crime Victims Compensation Act:

- a. a victim,
- b. a dependent of a victim who has died because of criminally injurious conduct, or
- c. a person authorized to act on behalf of any of the persons enumerated in subparagraphs a and b of this paragraph;

4. "Collateral source" means a source of benefit or advantages for economic loss for which the claimant would otherwise be eligible to receive compensation under this act, and which the claimant has received, or which is readily available to the claimant, from any one or more of the following:

- a. the offender,
- b. the government of the United States or any agency thereof, in the form of benefits, such as social security, medicare and medicaid, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this act,
- c. state-required temporary nonoccupational disability insurance,
- d. workers' compensation,
- e. wage continuation programs of any employer,
- f. a contract providing prepaid hospital and other health care services or benefits for disability.
- g. a contract providing prepaid burial expenses or benefits, or
- h. proceeds of any contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct, except:
 - (1) life insurance proceeds or uninsured motorist proceeds in an amount of Fifty Thousand Dollars (\$50,000.00) or less shall not be considered a collateral source when computing loss of support, and
 - (2) life insurance proceeds and proceeds from personal uninsured motorist coverage of any amount shall not be considered a collateral source for computing burial expenses,

5. a. "Criminally injurious conduct" means a misdemeanor or felony which occurs or is attempted in this state, or against a resident of this state in a state that does not have an eligible crime victims compensation program as such term is defined in the federal Victims of Crime Act of 1984; Public Law 98-473, that results in bodily injury, threat of bodily injury or death to a victim which:

- (1) may be punishable by fine, imprisonment or death, or
- (2) if the act is committed by a child, could result in such child

being adjudicated a delinquent child.

b. Such term shall not include acts arising out of the negligent maintenance or use of a motor vehicle unless:

- (1) the vehicle was operated or driven by the offender while under the influence of alcohol, with a blood alcohol level in excess of the legal limit, or while under the influence of any other intoxicating substance,
- (2) the vehicle was operated or driven by the offender with the intent to injure or kill the victim or in a manner imminently dangerous to another person and evincing a depraved mind, although without any premeditated design to injure or effect the death of any particular person, or
- (3) the offense involved willful, malicious or felonious failure to stop after being involved in a personal injury accident to avoid detection or prosecution, provided the victim of the accident was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact.

c. "Criminally injurious conduct" shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside the United States;

6. "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct;

7. "Economic loss of a dependent" means loss after death of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury;

8. "Replacement services loss of dependent" means the loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent;

9. "Economic loss" means monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of a dependent, but shall not include noneconomic loss;

10. "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage;

11. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of self or family, if the victim had not been injured or died;

12. "Traffic offense" means violation of a law relating to the operation of vehicles, but shall not mean negligent homicide due to operation of a motor vehicle, reckless driving, tampering with or damaging a motor vehicle, failure of a driver of a motor vehicle involved in an accident resulting in death or personal injury to stop at the scene of the accident, leaving the scene of an accident resulting in death or personal injury, operating or being in actual physical control of a motor vehicle while intoxicated or impaired due to alcohol or other intoxicating substance, or combination thereof, or operating a motor vehicle with a blood alcohol content in excess of the legal limit;

13. "Work loss" means loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work that the victim was capable of performing but unreasonably failed to undertake, or loss of income from work the victim's caregiver would have performed if the injuries of the victim sustained as a result of the criminally injurious conduct had not created the need for the caregiver to miss work to care for the injured victim; and

14. "Victim" means a person who suffers personal injury or death as a result of criminally injurious conduct and shall include a resident of this state who is injured or killed by an act of terrorism committed outside of the United States.

21 O.S. 142.4 Crime Victims Compensation Board-- Membership--Qualifications--Term--Vacancies-- Officers--Expenses

A. There is hereby created a Crime Victims Compensation Board, consisting of three (3) members appointed by the Governor with the advice and consent of the Senate to serve four-year terms and until the successor is appointed and qualified. At least one member of the Board shall be a person admitted to practice law in this state. Of the first members appointed, one shall be appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, and one shall be appointed for a term of four (4) years. Vacancies shall be filled in the same manner as regular appointments.

B. Each year the Board shall elect the chairman from its membership. Members of the Board shall receive such compensation, subsistence allowances, mileage and expenses as are provided by the State Travel Reimbursement Act.

21 O.S. 142.5 Powers of Board relating to claims for compensation--Office and Staff support

A. The Crime Victims Compensation Board shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met. The Administrator of the Crime Victims Compensation Board may determine initial victims' claims and any victim's claim under Two Thousand Five Hundred Dollars (\$2,500.00). The Board may delegate any other victim's claim to the Administrator of the Crime Victims Compensation Board at their discretion. The claimant shall have a right of appeal to the Board for any claim in dispute.

B. The Board shall hear and determine all matters relating to claims for compensation of Two Thousand Five Hundred Dollars (\$2,500.00) or more and may hear claims under Two Thousand Five Hundred Dollars (\$2,500.00). The Board shall be able to reinvestigate or reopen claims without regard to statutes of limitation. However, claims that have been inactive for a period of more than three (3) years from the date of the last action by the Board shall be deemed closed and any further action forever barred. Claim files may be destroyed after a claim is closed. Claims which have been declined may be destroyed after nine (9) months, following the last Board action, provided the claimant has not notified the Board of any intentions to request reconsideration of the claim.

C. The Board shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence.

D. The Board shall be provided such office, support, staff and secretarial services as determined by the District Attorneys Council.

21 O.S. 142.6 Additional powers of Board

In addition to any other powers and duties specified elsewhere in this act, the Board may:

1. Regulate its own procedures except as otherwise provided in this act;
2. Adopt rules and regulations to implement the provisions of this act;
3. Define any term not defined in this act;
4. Prescribe forms necessary to carry out the purposes of this act;
5. Have access to any reports of investigations from all law enforcement agencies, or other data necessary to assist the Board in making a

determination of eligibility for compensation under the provisions of this act;

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.

21 O.S. 142.7 Collateral source contributions not required of claimant

The Board may require any claimant to seek or accept any collateral source contribution.

21 O.S. 142.8 Parties--Right to appear--Hearing--Notice--Settlement of claim

A. Every party to the claim shall be afforded an opportunity to appear and be heard and to offer evidence and argument on any issue relevant to the claim, and to examine witnesses and offer evidence in reply to any matter of an evidentiary nature in the record relevant to the claim.

B. In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice pursuant to regulations promulgated by the Board. A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Board.

C. The Board may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.

21 O.S. 142.9 Waiver of physician-patient privilege--Mental or physical examination or autopsy--Report of examination or autopsy--Additional reports--Assistance of mental health professionals--Limiting compensation for treatment--Confidentiality of records

- A. Any person filing a claim under the provisions of Section 142.1 et seq. of this title shall be deemed to have waived any physician-patient privilege as to communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant.
- B. If the mental, physical or emotional condition of a claimant is material to a claim, the Crime Victims Compensation Board upon good cause shown may order the claimant to submit to a mental or physical examination. The examination report shall set out the findings of the person making the report including results of all tests made, diagnoses, prognoses and other conclusions and reports of earlier examinations of the same conditions.
- C. The Board shall furnish a copy of the report examined. If the victim is deceased, the Board, on request, shall furnish a copy of the report to the claimant.
- D. The Board may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.
- E. In certain cases wherein mental health expenses are being claimed, the Board and Administrator may request assistance from a panel of professionals in the mental health field. The panel of professionals may only act in an advisory capacity to the Board.
- F. The Board shall have the authority to set limits of compensation on any medical or mental health treatment, and require that providers of medical or mental health treatments be licensed prior to compensating for said treatment. Awards for all medical services shall not exceed 80 percent (80%) of the total cost of the service less any other reduction for contributory conduct, as determined by the Board. Any medical provider that receives payment from the Crime Victims Compensation Revolving Fund for medical, dental or psychological services, or any provider that supplies equipment pursuant to an award under the Crime Victims Compensation Act shall, as a condition of the receipt of such payment, accept such payment as discharging in full any and all obligations of the claimant to pay, reimburse or compensate the provider for medical services, supplies or equipment that have reimbursed pursuant to the Oklahoma Crime Victims Compensation Act. In the event the claimant has paid for a medical service, the claimant will be reimbursed for the out-of-pocket loss, less any reductions for contributory conduct, as determined by the Board.
- G. All records and information given to the Board to process a claim on behalf of a crime victim shall be confidential. Such exhibits, medical records, psychological records, counseling records, work records, criminal investigation records, criminal court case records, witness statements, telephone records, and other records of any type or nature whatsoever gathered for the purpose of evaluating whether to compensate a victim shall not be obtainable by any party to any civil or criminal action through any discovery process except:

1. In the event of an appeal under the Administrative Procedures Act from a decision of the Board and then only to the extent narrowly and necessarily to obtain court review;
2. Upon a strict showing to the court in a separate civil or criminal action that particular information or documents are not obtainable after diligent effort from any independent source, and are known to exist otherwise only in Board records, the court may inspect in camera such records to determine whether the specific information sought exists in the Board's records, the documents may then be released only by court order if the court finds as part of its order that the documents will not pose any threat to the safety of the victim or any other person whose identity may appear in the Board's records.

21 O.S. 142.10 Award of compensation-Criteria-Amount-Denial, Withdrawal or Reduction-Reconsideration

A. Compensation shall not be awarded:

1. Unless the claim has been filed with the Board within one (1) year after the injury or death upon which the claim is based. The Board may, at its discretion, waive this requirement, if the Board finds there was good cause for failure to file the claim within one (1) year, but in no event shall the filing of a claim be permitted after two (2) years from the date of the injury or death upon which the claim is based. The good cause exception shall be permitted only for injury or death occurring on or after November 1, 1989. If the victim is mentally handicapped 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;
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 the Board finds there was good cause for the failure to report 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.

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.

21 O.S. 142.11 Prosecution, conviction or adjudication not required--Proof of conviction or copy of adjudication order--Suspension of proceedings

An award may be made whether or not any person is prosecuted or, convicted as an adult offender or adjudicated a delinquent child. Proof of conviction of a person whose acts give rise to a claim or a copy of the adjudication order for a delinquent child whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction, certiorari or adjudication is pending, or a rehearing or new trial has been ordered. The Board may suspend the proceedings pending disposition of a criminal prosecution or delinquent child adjudication that has been commenced or is imminent, but may make a tentative award under Section 143.13 of this title.

21 O.S. 142.12 Recovery from collateral source--Subrogation of state--Retention of funds in trust--Notice to Board

A. If compensation is awarded, the state shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded.

B. In the event the claimant recovers compensation, other than under the provisions of this act, for injuries or death resulting from criminally injurious conduct, the claimant

shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Victims Compensation Revolving Fund to the extent that compensation was awarded to the claimant from that Fund. The funds retained in trust shall be promptly deposited in the Victims Compensation Revolving Fund.

C. If a claimant brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the Board written notice of the action. After receiving notice, the Board may join in the action as a party plaintiff to recover the compensation awarded.

21 O.S. 142.13 Payment of award--Exemption from process-- Assignment--Counseling expenses

A. The Crime Victims Compensation Board may compensate for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss. Compensation for a caregiver who has out-of-pocket wage loss as a result of caring for the victim who was injured as a result of criminally injurious conduct may not exceed Two Thousand Dollars (\$2,000.00).

B. Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the aggregate.

C. The Board may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the Board may convert future economic loss, other than allowable expenses, to a lump sum.

D. An award payable in a lump sum or installments for loss of support for a dependent of the deceased victim may be computed through a formula which calculates the net loss of support for dependents based upon an estimated date of retirement or an estimated date of adulthood for dependent children, beginning with the date of death of the victim and ending with the least of one of the following time periods for each dependent filing loss of support:

1. The amount of time from the date of death of the victim to the date the victim would have been expected to reach sixty-two (62) years of age; or
2. The amount of time from the date of death of the victim to the date the spouse of the victim is expected to reach sixty-two (62) years of age; or
3. The amount of time from the date of death of the victim to the date a

dependent child is expected to reach eighteen (18) years of age or twenty-three (23) years of age if the dependent child is enrolled as a full-time student.

An award payable in installments for future loss of support may be modified by the Board in the event a dependent child receiving loss of support is between the ages of eighteen (18) and twenty-three (23) years of age and is no longer enrolled as a full-time student, the dependent dies before all installments are paid or the dependent receiving installments moves and leaves no forwarding address with the Board office.

E. An award shall not be subject to execution, attachment, garnishment or other process, except for child support and except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award.

F. An assignment by the claimant to any future award under the provisions of this act is unenforceable, except:

1. An assignment of any award for work loss to assure payment of court ordered alimony, maintenance or child support; or
2. An assignment of any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

G. The Board may, in its discretion, approve payment of crisis counseling, occurring within three (3) years of the crime, in an amount not to Three Thousand Dollars (\$3,000.00) for each family member of a homicide victim; provided, the counselor is a qualified mental health care provider. Medical and pharmaceutical treatment is not compensable for any family member of a deceased victim.

H. Outpatient counseling expenses for a victim of criminally injurious conduct may be considered by the Board provided the counseling is focused on the crime and the counselor is a qualified mental health care provider. A total not to exceed Three Thousand Dollars (\$3,000.00) may be awarded for individual counseling sessions for victims of criminally injurious conduct. Sessions between the mental health care provider and non-offending parents of a victimized child under eighteen (18) years of age may also be included in the award provided the combined total for the counseling and parental sessions do not exceed Three Thousand Dollars (\$3,000.00) and the parental sessions relate to the victimization. In extreme cases, the Board may, in its discretion, waive the three-thousand-dollar limit. Inpatient mental health treatment will be reviewed on a case-by-case basis and may be compensated, at the discretion of the Board, in an amount not to exceed Ten Thousand Dollars (\$10,000.00).

I. Reasonable funeral, cremation or burial expenses shall not exceed Six Thousand Dollars (\$6,000.00).

J. Reasonable costs associated with homicide crime scene cleanup shall not exceed Five Hundred Dollars (\$500.00).

K. Loss of income of a caregiver shall not exceed Two Thousand Dollars (\$2,000.00).

21 O.S. 142.14 Advancement on award

If the Board determines that the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant and shall be deducted from the final award, or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award.

21 O.S. 142.15 Reports to be made by Board

The Board shall prepare and transmit annually to the Governor and the Speaker of the House of Representatives and the President Pro Tempore of the Senate, a report of its activities, including the amount of compensation awarded and a statistical summary of claims and awards made and denied.

21 O.S. 142.16 False Claims

The filing of a false claim for compensation pursuant to this act shall constitute a misdemeanor, and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

21 O.S. 142.17 Crime Victims Compensation Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Crime Victims Compensation Board to be designated the "Crime Victims Compensation Revolving Fund". The Fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Crime Victims Compensation Board from any source excluding appropriated funds. All monies accruing to the credit of said Fund are hereby appropriated and, except for those monies specifically authorized by the Legislature to be expended by the District Attorneys Council for administration of the Crime Victims Compensation Board or operating expenses for administering federal grant programs, may be budgeted and expended by the Board for the purpose of implementing the provisions of the Oklahoma Crime Victims Compensation Act including the provisions set forth in Section 142.20 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State finance for approval and payment. The fund shall be invested in whatever instruments are authorized by law

for investments by the State Treasurer. The interest earned by any investment of monies from the fund shall be credited to the fund for expenditure as provided by law for the fund.

21 O.S. 142.18 Victim compensation assessments--Probation or parole fees-Restitution funds

A. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony involving criminally injurious conduct shall be ordered to pay a victim compensation assessment of at least Fifty Dollars (\$50.00), but not to exceed Ten Thousand Dollars (\$10,000.00), for each crime for which the person was convicted or for which the person agreed to a deferred judgment procedure. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, the expenses of the victim of the crime, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant.

B. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony or misdemeanor offense, not including traffic offenses and not including misdemeanor offenses of the Oklahoma Wildlife Conservation Code or statutes relating to water safety, not described in subsection A of this section, the court shall levy a victim compensation assessment of at least Forty-five Dollars (\$45.00), but not to exceed One Thousand Dollars (\$1,000.00) for each felony and at least Thirty Dollars (\$30.00), but not to exceed Three Hundred Dollars (\$300.00) for each misdemeanor upon every fine, penalty, and forfeiture imposed and collected. When a cash bond is posted for any offense included in this subsection, the bond shall also include a sufficient amount to cover the minimum amount for victim compensation assessment.

C. A victim compensation assessment of at least Thirty Dollars (\$30.00), but not to exceed Two Thousand Dollars (\$2,000.00), shall be levied by the court at the time a child has been adjudicated by the court as a delinquent child, provided the child is committed to the Department of Juvenile Justice, as defined in Sections 7301-1.3 and 7302-5.3 of Title 10 of the Oklahoma Statutes.

D. All monies collected pursuant to this section shall be forwarded monthly by the court clerk to the Victims Compensation Revolving Fund.

E. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of a crime involving violence, the threat of violence, or sexual assault, the court shall levy and collect a victims compensation assessment of Thirty-five Dollars (\$35.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said

Thirty-five Dollars (\$35.00) for administrative costs. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of driving under the influence of alcohol or other intoxicating substance, or both alcohol and other intoxicating substance, the court shall levy and collect a victims compensation assessment of Twenty-five Dollars (\$25.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected for said Twenty-five Dollars (\$25.00) for administrative costs. All victims compensation assessments collected by the municipal court clerk shall be forwarded to the Crime Victims Compensation Fund on a quarterly basis.

F. Beginning July 1, 1996, the fee provided for in Section 991d of Title 22 of the Oklahoma Statutes shall be deposited with the State Treasurer and transferred to the Department of Corrections Revolving Fund. There shall be a three-year statute of limitation from the date of receipt of all restitution funds made payable to the Department of Corrections. All restitution funds which have not been disbursed in three (3) years shall be transferred to the Oklahoma Crime Victims Compensation Fund by the 15th of the month following the end of each quarter. The statute of limitations applies to funds currently on the books of the Department of Corrections which have not been disbursed as of July 1, 1993, and July 1st of every year thereafter. Any funds being held since the repeal of Section 991e of Title 22 of the Oklahoma Statutes, which was effective July 1, 1995, shall be transferred to the Oklahoma Crime Victims Compensation Fund by July 31, 1996. Any restitution collected through a county restitution program and deposited in a county treasury account shall also be forwarded to the Victims Compensation Fund using the same three-year statute of limitations.

21 O.S. 142.19 Administration of Sexual Assault Examination Fund--Transfer

The duties of administering the Sexual Assault Examination fund are hereby transferred from the Oklahoma State Bureau of Investigation to the Crime Victims Compensation Board. All unexpended funds, property, records and any outstanding financial obligations or encumbrances of the Oklahoma State Bureau of Investigation which relate to the Sexual Assault Examination Fund are hereby transferred to the Crime Victims Compensation Board.

21 O.S. 142.20 Sexual Assault Examination Fund--Establishment

A. A Sexual Assault Examination Fund shall be established for the purpose of providing to a victim of a sexual assault a medical examination by a qualified licensed health care professional for the procurement of evidence to aid in the investigation and prosecution of a sexual assault offense and to provide to the victim medications as directed by said health care professional. Pursuant to this subsection, medications provided to the victim by said health care professional shall only be provided to said

victim on a one-time basis for the immediate trauma and medical examination of the victim.

B. As used in this section:

1. "Sexual assault" means:

- a. Rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title, or
- b. Forcible sodomy, as defined in Section 888 of this title; and

2. "Qualified licensed health care professional" means a physician, registered nurse, or other licensed health care professional qualified by training and experience to perform sexual assault examinations.

C. The Crime Victims Compensation Board is authorized to pay for this examination and the medications directed by the qualified licensed health care professional upon application submitted by the victim of a sexual assault and approved by the district attorney who has jurisdiction over the prosecution of the sexual assault offense.

D. The Crime Victims Compensation Board shall establish the procedures for disbursement of the Sexual Assault Examination Fund, but in no event shall the Crime Victims Compensation Board pay an amount to exceed:

1. Two Hundred Fifty Dollars (\$250.00) for a sexual assault examination; and
2. Fifty Dollars (\$50.00) for medications which are related to the sexual assault and directed and deemed necessary by said health care professional.

Such payments shall not exceed the amounts specified by this subsection regardless of the amount of any individual bills comprising the claim. Payments shall be made only upon claims submitted by the victim and approved by the district attorney or assistant district attorney.

E. The District Attorneys Council is hereby authorized to transfer up to Five Hundred Thousand Dollars (\$500,000.00) from the Crime Victims Compensation Fund to the Sexual Assault Examination Fund for the payment of sexual assault forensic examinations and medications, pursuant to this section.

21 O.S. 142.31 Short title

Sections 1 through 6 of this act shall be known as the "Murrah Crime Victims Compensation Act".

21 O.S. 142.32 Murrah Crime Victims Compensation Fund-- Eligibility--Contributions--Restrictions on expenditure of monies

A. There is hereby created in the State Treasury a revolving fund to be administered by the Oklahoma Crime Victims Compensation Board to be designated the "Murrah Crime Victims Compensation Fund". The Fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Crime Victims Compensation Board from any source for the purpose of implementing the provisions of the Murrah Crime Victims Compensation Act. All monies accruing to the credit of the Fund shall be budgeted and expended exclusively to compensate victims and the families of victims of the bombing on April 19, 1995, that took place in front of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. Expenditures from the Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. For the purposes of the Murrah Crime Victims Compensation Fund, "families" shall include dependents, as defined by the Oklahoma Victims Compensation Act, parents and spouses.

B. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to accept and expend contributions from any lawful source to be used for the purposes of the Fund. The Administrator is further authorized to accept and expend any contributions from the crime victims compensation systems of any other state or other governmental entity for the use of the Fund. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to accept the services of the victims compensation system of any other state or governmental entity in the processing of any claims received against the Murrah Crime Victims Compensation Fund; provided, that the employees of such entities shall not be considered as employees of the State of Oklahoma.

C. The monies deposited in the Murrah Crime Victims Compensation Fund shall at no time become monies of the state and shall not become part of the general budget of the Oklahoma Crime Victims Compensation Board or any other state agency. No monies from the Fund shall be transferred for any purpose to any state agency or any account of the Oklahoma Crime Victims Compensation Board or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense. No monies from the Fund shall be used to pay or reimburse the Oklahoma Crime Victims Compensation Board for, in whole or in part, the salary of any employee involved in the administration of the Murrah Crime Victims Compensation Act. Payment of claims from the fund shall not become or be construed to be an obligation of this state. No claims submitted for reimbursement from the Fund shall be paid with state monies.

21 O.S. 142.33 Processing of claims--Power of Administrator of Crime Victims Compensation Board

The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to process any claim against the Murrah Crime Victims Compensation Fund submitted by victims or the families of any victims upon proof that the claimant is a victim or the family of any victim of the bombing that took place in front of the Alfred P. Murrah Federal Building on April 19, 1995. The Administrator is specifically authorized to collect the necessary information to establish said fact in the most expeditious and efficient manner possible, is authorized to establish claim forms and to modify such forms as necessary, and is authorized to process and pay claims based upon information submitted in the claims process.

21 O.S. 142.34 Compensation for loss--Limits

A. To the extent that funds from the Murrah Crime Victims Compensation Fund are available, the claimants shall be compensated for all losses which would otherwise be compensable under the Oklahoma Crime Victims Compensation Act and in addition shall be compensated for the costs of any counseling or mental health care for the victims and families of victims which is necessary as a result of the bombing that took place in front of the Alfred P. Murrah Federal Building on April 19, 1995, provided, a claimant shall not be compensated for a loss which is compensated through a collateral source or a private fund established for that purpose.

B. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to expend amounts from the Murrah Crime Victims Compensation Fund for individual claims up to the limits otherwise provided in the Oklahoma Crime Victims Compensation Act; provided, that the Administrator is further authorized to expend additional monies from the Fund on a pro rata basis to all claimants, if the amounts within the Fund are sufficient to allow the Administrator to exceed the limits set by this section.

21 O.S. 142.35 Denial of claim under act not to be construed as denying rights under Oklahoma Crime Victims Compensation Act--Presumption

If any victim is denied compensation or does not receive full compensation under the Murrah Crime Victims Compensation Act, the Murrah Crime Victims Compensation Act shall not be construed to deny such victim the right to receive compensation as otherwise provided under the Oklahoma Crime Victims Compensation Act. Any person or the family of any person injured as a result of the crime specified in the Murrah Crime Victims Compensation Act shall be presumed to be a victim of crime compensable under the Oklahoma Crime Victims Compensation Act.

21 O.S. 142.36 Rules

The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to promulgate any rules necessary to implement the provisions of the Murrah Crime Victims Compensation Act. Due to the gravity of the need for total implementation of the Murrah Crime Victims Compensation Act, the Oklahoma Crime Victims Compensation Board is directed to promulgate emergency rules as soon as practicable.

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APPENDIX

Effective Dates of Legislation

21 O.S. 142.1 Intent of Legislature

Legislative intent was changed, effective 7/1/01, to include district attorney offices providing services to victims of crime, as provided by law, and to assist in completing victim compensation claims pursuant to act.

21. O.S. 142.13 (B) Maximum Award

10/19/81	\$10,000.00
7/1/99	\$20,000.00

21 O.S. 142.13 (1) Funeral Expenses

10/19/81	\$750.00
11/1/88	\$1,500.00
7/1/92	\$2,500.00
7/1/98	\$4,000.00
7/1/99	\$5,000.00
7/1/05	\$6,000.00

21 O.S. 142.3 (H1,2) Life Insurance & Uninsured Motorist Coverage as a Collateral Source

Life or Uninsured Motorist Proceeds as a Collateral Source for Burial Expenses

10/19/81	Any amount of life insurance or UM is a collateral source.
5/20/93	Life insurance of \$20,000.00 or less is not a collateral source.
6/10/96	Life insurance of \$50,000.00 or less is not a collateral source.
6/9/97	Life insurance , regardless of the amount, is not a collateral source.
7/1/99	UM proceeds, regardless of the amount, is not a collateral source.

Life Insurance or Uninsured Motorist Proceeds as a Collateral Source for Loss of Support

10/19/81	Life insurance and UM of any amount is a collateral source.
6/10/96	Life insurance of \$50,000.00 or less is not a collateral source.
7/1/99	UM proceeds of \$50,000.00 or less is not a collateral source.

21 O.S. 142.13 (A) Work loss and Replacement Services Loss of a Dependent

10/1/81	\$200.00 per week
6/10/96	\$225.00 per week
7/1/99	Weekly limit removed
7/1/99	\$2,000.00 maximum for caregiver work loss

21 O.S. 142 13 (J) Crime Scene Cleanup

7/1/99	Up to \$500.00 for reasonable costs in Homicide cases.
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21 O.S. 142.13 (H) Victim Counseling

Mental Health Fee Limits:

8/1/92 MD \$110; Ph.D. \$100; LCSW \$75; LPC \$60; MSW \$35
9/25/97 LCSW changed from \$75.00 to \$60.00 per session (Board directive).
7/1/2004 No fee limits.

Outpatient:

10/1/81 \$10,000.00 limit
6/10/96 \$3,000.00 limit (Board can exceed in extreme cases)

Inpatient:

\$20,000.00

21 O.S. 142.13 (G) Family Member Counseling in Homicide Cases

6/10/96 \$500.00 per person or \$1,000.00 for a family
7/1/99 \$500.00 per person or \$3,000.00 for a family, initiated within 120 days
7/1/2000 \$500.00 per person or \$3,000.00 for a family, initiated within 2 yrs.
7/1/2005 \$3,000.00 per family member, initiated within 3 yrs.

21 O.S. 142.9 (F) 80% on Medical, Counseling, Dental, and Medical Equipment Eff. 7/1/04

Awards for all medical services shall not exceed 80 percent (80%) of the total cost of the service less any other reduction for contributory conduct, as determined by the Board. Any medical provider that receives payment from the Crime Victims Compensation Revolving Fund for medical, dental or psychological services, or any provider that supplies equipment pursuant to an award under the Crime Victims Compensation Act shall, as a condition of the receipt of such payment, accept such payment as discharging in full any and all obligations of the claimant to pay, reimburse or compensate the provider for medical services, supplies or equipment that have reimbursed pursuant to the Oklahoma Crime Victims Compensation Act. In the event the claimant has paid for a medical service, the claimant will be reimbursed for the out-of-pocket loss, less any reductions for contributory conduct, as determined by the Board.

21 O.S. 142.10 (A) Waiver of One Year Filing Deadline

Effective 11/1/89

21 O.S. 142.3 (5) DUI Legislation

DUI incidents are covered if the crime occurred on or after 9/1/90.

21 O.S. 142.3 (5) Leaving the Scene (Hit & Run)

Leaving the scene incidents involving pedestrians, machines operated by human power, or mobility devices are covered if the crime occurs on or after 7/1/2000.

21 O.S. 142.5 (A) Administrative Decisions

Effective 5/20/93, claims up to \$2,500.00 can be decided administratively.

Effective 12/1/03, all additional consideration claims will be reviewed administratively, unless the staff needs the Board's direction on a particular issue.

Effective 1/1/05, Board voted to allow staff to decide claims up to \$10,000.00.

21 O.S. 142.5 (B) Destruction of Claim Files/Closed Claims

3-Year destruction of records took effect 11/1/90

9-Month destruction of records on denied claims took effect 7/1/93

21 O.S. 142.9 (E) Initiation of Mental Health Panel/Mental Health Fee Limits

Limits effective August 1, 1992

First meeting of Mental Health Panel: 6/29/90

21 O.S. 142.10 (D) Reconsideration of Claims

A motion or request to reconsider a decision shall be made within six (6) months from the date of the last action by the Board.

57 O.S. 1981 Inmate Wages

Effective 9/1/90, DOC shall pay into the CVC Revolving Fund, an amount equal to 5% of the gross wages earned by inmates employed in a private prison industry program. Said amount to be paid from the amount deducted for cost of incarceration.

57 O.S. 549 Interest on Inmate Savings

Effective 3/29/93, DOC is allowed to invest 20% of inmate savings. The interest earned is given to the Victims Compensation Fund.

21 O.S. 142.18 (A-E) VCA

Direct monthly collections from Court Clerk effective 7/1/90.

From 9/1/90 to 6/9/96 VCA ranges were from 10.00 to 10,000.00

Effective 6/10/96 assessment ranges are as follows: Misdemeanors - 20.00 to 300.00; Non-violent felonies - 35.00 to 1,000.00; Violent felonies - 40.00 to 10,000.00; Juvenile delinquent adjudication - 20.00 to 2,000.00.

Municipal VCA became effective 5/20/93 with 15.00 assessments for DUI convictions and 25.00 assessments for assault and battery convictions. Effective 6/10/96, DUI's were increased to 25.00 and assaults were increased to 35.00.

Increase in VCA, effective 7/1/01 as follows: Misdemeanors – 30.00 to 300.00; Non-violent felonies – 45.00 to 1,000.00; Violent felonies – 50.00 to 10,000.00; Juvenile delinquent adjudication – 30.00 to 2,000.00

21 O.S. 142.9(G) Confidentiality of Victims Compensation Records - Effective 7/1/98.

22 O.S. 1991, Section 991f et. seq - Mandatory Restitution

Effective 6/9/97 restitution, fines, assessments, etc. remain an obligation of the offender (not a debt) until obligation is fully satisfied and the obligation is not dischargeable in any bankruptcy proceeding. Mandatory restitution, regardless of offender's ability to pay, for medical expenses incurred, damage to real and personal property, and any other out-of-pocket expenses reasonably incurred.

21 O.S. 142.20 Sexual Assault Examination Fund

Rules and Regulations Effective 8/15/92

Payment of Examination up to 125.00 effective 6/1/82 to 4/22/91

Payment of Examination up to 150.00 + medications effective 4/23/91 to 6/3/92

Payment of Examination up to 150.00 + 25.00 for medications effective 6/4/92

Language regarding qualified licensed health care professional effective 6/4/92

Payment of sexual assault nurse examiners (SANE) began 7/1/91

Transfer of money from VC Fund to SA Fund effective 7/1/93 (up to 150,000.00)

Transfer of money from VC Fund to SA Fund effective 7/1/01 (up to 275,000.00)

Payment of Examination up to \$250.00 + \$50.00 for medications, will be effective 11/1/01

HB 1545, Section 6

For the fiscal year ending June 30, 2002, up to \$275,000.00 is authorized to be transferred from the Crime Victims Compensation Revolving Fund to the Sexual Assault Examination Fund.

HB 1545, Section 7

For the fiscal year ending June 30, 2002, up to \$410,000.00 is authorized to be transferred from the Crime Victims Compensation Revolving Fund, created by Section 142.17 of Title 21 of the Oklahoma Statutes to the District Attorneys Council for eight (8) employees, including related duties to support the Crime Victims Compensation Board.

HB 1547, Section

For the fiscal year ending June 30, 2002, up to \$1,302,000.00 is authorized to be transferred from the Crime Victims Compensation Revolving Fund, created by Section 142.17 of Title 21 of the Oklahoma Statutes to the District Attorneys Council for duties to support Victim-Witness Services.