

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2495

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2495 would amend law related to the Crime Victims Compensation Board (Board) compensation award process. Under continuing law, the general rule is a claim for compensation must be filed within two years after the injury or death upon which the claim is based.

Current law provides an extended deadline for filing an application for compensation by persons under the age of 16 who are victims of certain crimes. The bill would expand the listing of these crimes by adding a reference to a separate listing of "sexually violent crimes" in continuing law. The bill would accordingly remove references to specific crimes already incorporated in the listing of sexually violent crimes.

The bill would also broaden exceptions providing an extended deadline for compensation for mental health counseling to be awarded.

Current law allows mental health counseling compensation to be awarded if a claim is filed within two years of:

- Testimony, to a claimant who is or will be required to testify in a sexually violent predator commitment of an offender who victimized the claimant or the victim on whose behalf the claim is made; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Notification, to a claimant who is notified that DNA testing of a sexual assault kit or other evidence has revealed a DNA profile of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made or is notified of the identification of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, whichever occurs later.

The bill would replace these specific exceptions with a provision allowing the Board to award compensation to a victim of a sexually violent crime for mental health counseling if the Board finds there was good cause for the failure to file within the required time periods.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Office of the Attorney General.

In the House Committee hearing, proponent testimony was provided by a representative of the Board. The representative stated the bill would allow the Board to award compensation for applicants filing outside the two-year deadline if there is good cause, while current law would require the Board to deny such a request.

No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Attorney General indicates passage of the bill could increase the claims and payments made to victims of sexually violent crimes for mental health counseling. The agency is unable to provide an estimate of the number of additional claims that would be filed. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.