

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2082

As Amended by Senate Committee on Judiciary

Brief*

HB 2082, as amended, would amend law related to the Crime Victims Compensation Board (Board) compensation award process, as follows.

The bill would amend the definition of “victim” for purposes of the Board compensation award process to include a person who suffers personal injury or death as a result of witnessing a violent crime when the person was 16 years of age or younger at the time the crime was committed.

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.

*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>

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
- 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 for mental health counseling to:

- A victim under the bill's amended definition pertaining to witnesses of violent crimes if the Board finds there was good cause for the failure to file within the required time periods and the claim is filed before the victim turns 19 years of age; or
- A victim of a sexually violent crime if the Board finds there was good cause for the failure to file within the required time periods and the claim is filed within 10 years of the date such crime was committed, or, if the victim was less than 18 years of age at the time such crime was committed, the claim is filed within 10 years of the date the victim turns 18 years of age.

The bill would make technical amendments to ensure consistency in statutory phrasing and references.

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Office of the Attorney General.

House Committee on Judiciary

In the House Committee hearing on January 25, 2021, **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. The representative also stated the amendment to the definition of “victim” would make child witnesses of violent crimes eligible to receive compensation for mental health counseling.

No neutral or **opponent** testimony was provided.

Senate Committee on Judiciary

In the Senate Committee hearing on March 19, 2021, **proponent** testimony was provided by a representative of the Board.

No neutral or **opponent** testimony was provided.

On March 29, 2021, the Senate Committee amended the bill to adjust provisions regarding compensation for mental health counseling.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Attorney General indicates enactment of the bill could increase the claims and payments made to victims of sexually violent crimes and child

witnesses of violent crimes for mental health counseling. The agency is unable to provide an estimate of the number of additional claims that would be filed or paid. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Crime Victims Compensation Board; child witnesses; child victims; claim filing deadline