

Lamberti
Angelo
Duorsky

SSB-3066

Judiciary
Succeeded By
SF/HF 2142

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to crime victim compensation.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 915.86, Code Supplement 1999, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. 2A. Loss of income from work that the
4 victim's parent or caretaker would have performed and for
5 which the victim's parent or caretaker would have received
6 remuneration when the victim's parent or caretaker accompanies
7 the victim to medical and counseling services, not to exceed
8 one thousand dollars.

9 NEW SUBSECTION. 2B. Loss of income from work that the
10 victim, the victim's parent or caretaker, or the survivor of a
11 homicide victim as described in subsection 8, would have
12 performed and for which that person would have received
13 remuneration, where the loss of income is a direct result of
14 cooperation with the investigation and prosecution of the
15 crime or attendance at criminal justice proceedings including
16 the trial and sentencing in the case, not to exceed one
17 thousand dollars.

18 Sec. 2. Section 915.86, subsections 7, 8, and 9, Code
19 Supplement 1999, are amended to read as follows:

20 7. In the event of a victim's-death homicide, reasonable
21 charges incurred for health care for the victim's spouse,
22 children, parents, siblings, or persons related by blood or
23 affinity to; child, foster child, stepchild, son-in-law, or
24 daughter-in-law; parent, foster parent, or stepparent;
25 sibling, foster sibling, stepsibling, brother-in-law, or
26 sister-in-law; grandparent; grandchild; aunt, uncle, or first
27 cousin; legal ward; or person cohabiting with the victim, not
28 to exceed three thousand dollars per survivor.

29 8. In the event of a victim's-death homicide, loss of
30 income from work that, but for the death of the victim, would
31 have been earned by the victim's spouse, child, parent,
32 sibling, or person cohabiting with or related by blood or
33 affinity to; child, foster child, stepchild, son-in-law, or
34 daughter-in-law; parent, foster parent, or stepparent;
35 sibling, foster sibling, stepsibling, brother-in-law, or

1 sister-in-law; grandparent; grandchild; aunt, uncle, or first
2 cousin; legal ward; or person cohabiting with the victim, not
3 to exceed six thousand dollars.

4 9. Reasonable expenses incurred for cleaning the scene of
5 a homicide crime, if the scene is a residence, not to exceed
6 one thousand dollars.

7 EXPLANATION

8 This bill amends Code section 915.86, relating to crime
9 victim compensation.

10 The bill adds compensation for parents or caretakers of a
11 dependent victim for lost wages related to the dependent's
12 medical and counseling appointments, and for lost wages for
13 victims, parents, and caretakers related to meetings with law
14 enforcement and prosecutors in connection with the criminal
15 proceedings.

16 The bill also amends certain compensation provisions.

17 Compensation for health care and lost wages for relatives of
18 homicide victims are limited to a specified list of relatives.
19 Compensation for crime scene cleanup is expanded to include
20 crimes other than homicides.

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Department of Justice

THOMAS J. MILLER
ATTORNEY GENERAL

MEMORANDUM

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515-281-5164
FACSIMILE: 515-281-4209

TO: Members of the General Assembly
FROM: Anne Bunz, Legislative Liaison
DATE: January 10, 2000
SUBJECT: Crime Victim Compensation

The Iowa Attorney General's Office is submitting a bill request for legislation dealing with the Crime Victim Compensation program.

Included in the bill draft are five proposals.

Proposal 1.) Creates a lost wage benefit on a primary victim's claim for a parent or caretaker who accompanies a child, disabled or dependent victim to medical and counseling appointments up to \$1,000.

- Currently, the program only compensates adult primary victims for lost wages related to medical and counseling appointments. This proposal allows the Crime Victim Compensation program to compensate parents or caretakers of child, disabled or dependent adult victims.

Proposal 2.) Create a lost wage benefit for victims who attend criminal justice meetings and proceedings up to \$1,000.

- It is estimated that wages lost, due to meetings with law enforcement and prosecution, time in trial and the sentencing date, would average about one week per victim. The average applicant will have \$480 in lost wages.

Proposal 3.) Limit medical care and lost wages benefits for homicide victim survivors to members of the more immediate family.

- Case: One murder victim had 300 surviving relatives who requested compensation applications for lost wages. We have received 52 of those applications to date.

Proposal 4.) Amend homicide site clean-up benefit to allow for clean up of any residential crime scene up to \$1,000.

- Case: While waiting for the victim to return home, the perpetrator smeared blood and feces over the walls. The Crime Victim Compensation program was unable to help the victim with her clean-up costs.

H. 2/29/00 Judiciary
H- 3/9/00 Do Pass
FILED FEB 10 2000
H. 3/23/00 Unfinished Business
Calendar

SENATE FILE 2142
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3066)

Passed Senate (P. 420) Date 2/28/00 Passed House (P. 1028) Date 3/28/00
Vote: Ayes 46 Nays 0 Vote: Ayes 98 Nays 0
Approved 4/7/00

A BILL FOR

1 An Act relating to crime victim compensation.
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SF 2142

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1 Section 1. Section 915.86, Code Supplement 1999, is
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8 one thousand dollars.

9 NEW SUBSECTION. 2B. Loss of income from work that the
10 victim, the victim's parent or caretaker, or the survivor of a
11 homicide victim as described in subsection 8, would have
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27 cousin; legal ward; or person cohabiting with the victim, not
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29 8. In the event of a victim's-death homicide, loss of
30 income from work that, but for the death of the victim, would
31 have been earned by the victim's spouse,~~child, parent,~~
32 ~~sibling, or person cohabiting with or related by blood or~~
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**SENATE FILE 2142
FISCAL NOTE**

A fiscal note for Senate File 2142 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2142 relates to victim eligibility for Victim Compensation Fund benefits. Senate File 2142 adds compensation for parents or caretakers of a dependent victim for lost wages related to the dependent's medical and counseling appointments; and for lost wages of victims, parents, and caretakers for meetings with law enforcement and prosecutors in relation to criminal proceedings. Compensation for health care and lost wages for relatives of homicide victims is limited to a specified list of relatives. Compensation for crime scene cleanup is expanded to include crimes other than homicide.

ASSUMPTIONS

1. The annual benefits cost will not exceed the capacity of the Crime Victim Compensation Fund.
2. The Victim Compensation Fund is comprised of the following revenues: federal Victims of Crime Act (VOCA) funds, criminal surcharges and fines, restitution, donations, inmate wages, and recovery from insurance companies.
3. Estimates are based on FY 1999 statistics. There were 776 applications for victims under 18 years old during FY 1999. Approximately 10% of all victims have medical and counseling appointments related to crime. It is estimated that parents or caretakers will accompany 100 dependent victims each year for medical and counseling services. The time off work will be no more than two hours per appointment, with no more than 40 appointments per victim.
4. The average salary for lost wages is \$12.00 per hour. Senate File 2142 limits the amount to no more than \$1,000 for accompanying a dependent victim to medical and counseling services.
5. Approximately 20% of eligible victims have an offender charged for the crime. In FY 1999, there were 2,804 applications for victim compensation. It is estimated that no more than 600 applicants will apply for lost wages due to meetings with law enforcement and prosecutors. Time off work is estimated to be 40 hours.
6. The average salary for lost wages is \$12.00 per hour. Senate File 2142 limits the amount to no more than \$1,000 for lost wages due to meetings with law enforcement and prosecutors.
7. Senate File 2142 limits the payment of medical care and lost wages in a homicide case to a specific list of victims.

8. The benefit for cleaning up a homicide scene (limited to \$1,000) is expanded to include crime scenes. It is estimated that 10 more victims will apply for crime scene clean up at an average cost of \$300 each.

FISCAL IMPACT

The estimated fiscal impact of SF 2142 is increased expenditures to be paid from the Victim Compensation Fund as follows:

- Benefits for lost wages of a person or caretaker to accompany a dependent victim to medical and counseling appointments (100 cases x \$12.00 per hour x 80 hours)
\$ 96,000 annually
- Benefits for lost wages for victims to attend criminal justice meetings or proceedings (600 cases x \$12.00 per hour x 40 hours)
\$288,000 annually
- Senate File 2142 limits the list of eligible persons to certain relatives. This change is expected to result in fewer claims, but the fiscal impact is estimated to be minimal.
- Crime scene clean-up (10 victims x \$300)
\$ 3,000 annually

Senate File 2142 is expected to increase expenditures from the Victim Compensation Fund by not more than approximately \$400,000 annually.

SOURCE

Department of Justice

(LSB 5103SV, BAL)

FILED FEBRUARY 21, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2142

AN ACT
RELATING TO CRIME VICTIM COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 915.86, Code Supplement 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. Loss of income from work that the victim's parent or caretaker would have performed and for which the victim's parent or caretaker would have received remuneration when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars.

NEW SUBSECTION. 2B. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 8, would have performed and for which that person would have received remuneration, where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings including the trial and sentencing in the case, not to exceed one thousand dollars.

Sec. 2. Section 915.86, subsections 7, 8, and 9, Code Supplement 1999, are amended to read as follows:

7. In the event of a victim's-death homicide, reasonable charges incurred for health care for the victim's spouse, children, parents, siblings, or persons related by blood or affinity to; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed three thousand dollars per survivor.

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have been earned by the victim's spouse, child, parent, sibling, or person cohabiting with or related by blood or affinity to; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed six thousand dollars.

9. Reasonable expenses incurred for cleaning the scene of a homicide crime, if the scene is a residence, not to exceed one thousand dollars.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2142, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/7, 2000

THOMAS J. VILSACK
Governor

SF 2142