

Senate File 2165 - Enrolled

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AN ACT
CONCERNING PAYMENTS UNDER THE CRIME VICTIM COMPENSATION
PROGRAM.

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

Section 1. Section 915.80, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "*Survivor of a deceased victim*" means a survivor who is a spouse, former spouse, child, foster child, parent, legal guardian, foster parent, stepparent, sibling, or foster sibling of a victim, or a person cohabiting with, or otherwise related by blood or affinity to, a victim, if the victim dies as a result of a crime, a good-faith effort to prevent the commission of a crime, or a good-faith effort to apprehend a person suspected of committing a crime.

Sec. 2. Section 915.86, subsections 4, 8, 9, 10, 11, 13, 14, 15, and 16, Code 2018, are amended to read as follows:

4. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a homicide deceased victim ~~as described in subsection 10~~ 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, or due to the planning of or attendance at a funeral, memorial, or burial service, not to exceed one thousand dollars per person.

8. In the event of a victim's death, reasonable charges incurred for counseling ~~the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the~~ a survivor of a deceased victim if the counseling services are provided by a psychologist licensed under [chapter 154B](#), a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 148. The allowable charges under [this subsection](#) shall not exceed five thousand dollars per person.

9. In the event of a ~~homicide~~ victim's death, reasonable charges incurred for health care for ~~the victim's spouse, 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~~ a survivor of a deceased victim, not to exceed three thousand dollars per survivor.

10. In the event of a ~~homicide~~ victim's death, loss of income from work that, but for the death of the victim, would have been earned by ~~the victim's spouse, 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~~ a survivor of a deceased victim, not to exceed six thousand dollars.

11. Reasonable expenses incurred by the victim, secondary victim, or survivor of a deceased victim for cleaning the scene of a crime, ~~if the scene is a residence~~, not to exceed one thousand dollars per crime scene.

13. Reasonable dependent care expenses incurred by the victim, the victim's parent or caretaker, or the survivor of a ~~homicide~~ deceased victim as ~~described in~~ [subsection 10](#) for the care of dependents while attending criminal justice proceedings ~~or~~, medical or counseling services, or funeral, burial, or memorial services, not to exceed one thousand dollars per

person.

14. Reasonable crime-related expenses incurred by a victim, the victim's parent or caretaker, or ~~the~~ a survivor of a ~~homicide~~ deceased victim ~~as described in subsection 10~~ to replace inadequate or damaged or install new locks, windows, and other residential security items ~~at the victim's residence or at the residential scene of a crime,~~ not to exceed five hundred dollars per residence.

15. Reasonable expenses incurred by the victim, a secondary victim, the parent or guardian of a victim, or ~~the~~ a survivor of a ~~homicide~~ deceased victim ~~as described in subsection 10~~ for transportation to medical, or counseling services, funeral, or criminal justice proceedings, or a funeral, memorial, or burial service, not to exceed one thousand dollars per person.

16. Reasonable charges incurred by a victim, a secondary victim, ~~the~~ a survivor of a ~~homicide~~ deceased victim ~~as described in subsection 9,~~ or by a victim service program on behalf of a victim, for emergency relocation expenses, not to exceed one thousand dollars per person per lifetime.

Sec. 3. Section 915.86, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 18. *a.* Additional compensation to a victim, secondary victim, or survivor of a deceased victim in an amount not to exceed a total of five thousand dollars per person for charges, expenses, or loss of income incurred that would otherwise be compensable under this section but for the eligibility requirements and compensation limits provided for at the time of initial application for compensation under this section under the following circumstances:

(1) The charges, expenses, or loss of income incurred were not compensable under this section at the time of initial application for compensation under this section.

(2) The victim, secondary victim, or survivor of a deceased victim demonstrates that a denial of additional compensation under this subsection would constitute an undue hardship.

(3) The victim, secondary victim, or survivor of a deceased victim incurs additional charges, expenses, or loss of income upon occurrence of a new event related to the event authorizing compensation under this section that would otherwise be

compensable under this section but for the compensation limits provided for the applicable compensation category. For purposes of this subparagraph, "new event" includes additional criminal justice proceedings due to a mistrial, retrial, or separate or additional trials resulting from the existence of multiple offenders; a new appellate court decision relating to the event authorizing compensation under this section; a change of venue of a trial; a change in offender custody status; the death of the offender; or the exoneration of the offender.

b. Additional compensation otherwise authorized by this subsection shall not be awarded for an application for compensation under subsection 7, 16, or 17.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2165, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor