

H. 3/12/98 Judiciary
H. 3/19/98 Do Pass
FILED FEB 25 1998
H. 3/18/98 UNFINISHED BUSINESS CALENDAR

SENATE FILE 2329
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2166)

(P. 612)
Passed Senate, Date 3/10/98 Passed House, (P. 1193) Date 4-2-98
Vote: Ayes 46 Nays 0 Vote: Ayes 96 Nays 0

(P. 1100) Approved April 20, 1998
Passed 4-7-98
Vote 49-0

A BILL FOR

1 An Act expanding the compensation available from the crime victim
2 compensation program to victims of crime and their families.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4
5

SENATE FILE 2329

S-5156

1 Amend Senate File 2329 as follows:
2 1. Page 2, by inserting after line 24 the
3 following:
4 "11. Reasonable expenses incurred for
5 participation in a victim-offender reconciliation,
6 mediation, or other restorative justice technique or
7 method, not to exceed two hundred dollars."
By JOHNIE HAMMOND

S.F. 2329

S-5156 FILED MARCH 10, 1998
LOST (P. 611)

15
16
17
18
19
20
21
22
23

RAQMS IAO 228VWUOR CRHFWNEWU

1 Section 1. Section 912.6, Code 1997, is amended to read as
2 follows:

3 912.6 COMPUTATION OF COMPENSATION.

4 The department shall award compensation, as appropriate,
5 for any of the following economic losses incurred as a direct
6 result of an injury to or death of the victim:

7 1. Reasonable charges incurred for medical care not to
8 exceed ten thousand five hundred dollars. Reasonable charges
9 incurred for mental health care not to exceed three thousand
10 dollars which includes services provided by a psychologist
11 licensed under chapter 154B, a person holding at least a
12 master's degree in social work or counseling and guidance, or
13 a victim counselor as defined in section 236A.1.

14 2. Loss of income from work the victim would have
15 performed and for which the victim would have received
16 remuneration if the victim had not been injured, not to exceed
17 six thousand dollars.

18 3. Reasonable replacement value of clothing that is held
19 for evidentiary purposes not to exceed one hundred dollars.

20 4. Reasonable funeral and burial expenses not to exceed
21 five seven thousand five hundred dollars.

22 5. Loss of support for dependents resulting from death or
23 a period of disability of the victim of sixty days or more not
24 to exceed two thousand dollars per dependent ~~or a total of six~~
25 ~~thousand dollars.~~

26 6. In the event of a victim's death, reasonable charges
27 incurred for counseling the victim's spouse, children,
28 parents, siblings, or persons cohabiting with or related by
29 blood or affinity to the victim if the counseling services are
30 provided by a psychologist licensed under chapter 154B, a
31 victim counselor as defined in section 236A.1, subsection 1,
32 or an individual holding at least a master's degree in social
33 work or counseling and guidance, and reasonable charges
34 incurred by such persons for medical care counseling provided
35 by a psychiatrist licensed under chapter 147 or 150A. The

1 allowable charges under this subsection shall not exceed three
2 thousand dollars per person ~~or a total of six thousand dollars~~
3 ~~per-victim-death.~~

4 7. In the event of a victim's death, reasonable charges
5 incurred for health care for the victim's spouse, children,
6 parents, siblings, or persons related by blood or affinity to
7 the victim not to exceed three thousand dollars per survivor.

8 8. In the event of a victim's death, loss of income from
9 work that, but for the death of the victim, would have been
10 earned by the victim's spouse, child, parent, sibling, or
11 person cohabiting with or related by blood or affinity to the
12 victim, not to exceed six thousand dollars.

13 8: 9. Reasonable expenses incurred for cleaning the scene
14 of a homicide, if the scene is a residence, not to exceed one
15 thousand dollars.

16 9: 10. Reasonable charges incurred for mental health care
17 for secondary victims which includes the services provided by
18 a psychologist licensed under chapter 154B, a person holding
19 at least a master's in social work, counseling, or a related
20 field, a victim counselor as defined in section 236A.1, or a
21 psychiatrist licensed under chapter 147, 148, or 150A. The
22 allowable charges under this subsection shall not exceed one
23 thousand dollars per secondary victim ~~or a total of six~~
24 ~~thousand-dollars.~~

25 EXPLANATION

26 This bill raises the cap from \$5,000 to \$7,500 for funeral
27 expenses payable for crime victims, and eliminates the
28 aggregate limits of \$6,000 for the following: loss of support
29 through death or disability of the victim incurred by families
30 of crime victims; counseling expenses for families of crime
31 victims; and mental health care for secondary victims of a
32 crime. The bill also expands recoverable compensation to
33 include wages lost by certain family members and others due to
34 the death of the victim.

35

SENATE FILE 2329

H-8738

1 Amend Senate File 2329, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 24, the
 4 following:
 5 "Sec. ____ . PREVAILING AMENDMENTS AND CODE EDITOR
 6 DIRECTIVE.
 7 1. Any amendments to section 232A.4, section
 8 232.28, subsections 10 and 11, sections 232.28A,
 9 709.10, and 709.17, section 904.108, subsection 6, and
 10 chapters 709B, 910A, and 912, Code and Code
 11 Supplement, enacted in any Acts of the Seventy-seventh
 12 General Assembly, 1998 Session, shall prevail over the
 13 repeal of those provisions in 1998 Iowa Acts, House
 14 File 2527, as the reenactment of those provisions in
 15 new Code chapter 915 in that Act is intended to be a
 16 continuation of the prior statutes but is not intended
 17 to preclude further amendment of those provisions.
 18 2. The Code editor is therefore directed to apply
 19 and harmonize any amendments enacted during the 1998
 20 Session of the Seventy-seventh General Assembly to
 21 section 232A.4, section 232.28, subsections 10 and 11,
 22 sections 232.28A, 709.10, and 709.17, section 904.108,
 23 subsection 6, and chapters 709B, 910A, and 912, Code
 24 and Code Supplement, to the appropriate corresponding
 25 provisions of new Code chapter 915, as enacted in 1998
 26 Iowa Acts, House File 2527.
 27 3. If amendments in other 1998 Iowa Acts to any of
 28 the repealed sections and chapters or partially
 29 stricken sections cannot easily be applied and
 30 harmonized to corresponding provisions in new Code
 31 chapter 915, the amendments may be included in a Code
 32 editor's bill to be submitted to the general assembly
 33 which convenes in January 1999.
 34 4. Notwithstanding subsection 1, the repeal of
 35 section 232.28A in section 81 of 1998 Iowa Acts, House
 36 File 2527, is intended to prevail over the amendment
 37 of section 232.28A in section 62 of that Act."
 38 2. Title page, line 1, by inserting after the
 39 word "Act" the following: "relating to crime victims,
 40 by".
 41 3. Title page, line 2, by inserting after the
 42 word "families" the following: "and providing a Code
 43 editor directive".
 44 4. By renumbering as necessary.

By VEENSTRA of Sioux
HOLVECK of Polk

H-8738 FILED MARCH 26, 1998

*Adopted
4-2-98
(p. 1193)*

SENATE FILE 2329

H-8722

1 Amend Senate File 2329, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. ____ Section 910.1, subsection 5, Code
6 Supplement 1997, is amended to read as follows:

7 5. "Victim" means a person who has suffered
8 pecuniary damages as a result of the offender's
9 criminal activities. ~~However, for purposes of this~~
10 ~~chapter, an insurer is not a victim and does not have~~
11 ~~a right of subrogation.~~ The crime victim compensation
12 program is not an insurer for purposes of this
13 chapter, and the right of subrogation provided by
14 section 912.12 does not prohibit restitution to the
15 crime victim compensation program."

16 2. By renumbering as necessary.

By WARNSTADT of Woodbury

H-8722 FILED MARCH 25, 1998

W/D 4/2/98 (p.1192)

HOUSE AMENDMENT TO
SENATE FILE 2329

S-5489

1 Amend Senate File 2329, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 24, the
4 following:

5 "Sec. ____ . PREVAILING AMENDMENTS AND CODE EDITOR
6 DIRECTIVE.

7 1. Any amendments to section 232A.4, section
8 232.28, subsections 10 and 11, sections 232.28A,
9 709.10, and 709.17, section 904.108, subsection 6, and
10 chapters 709B, 910A, and 912, Code and Code
11 Supplement, enacted in any Acts of the Seventy-seventh
12 General Assembly, 1998 Session, shall prevail over the
13 repeal of those provisions in 1998 Iowa Acts, House
14 File 2527, as the reenactment of those provisions in
15 new Code chapter 915 in that Act is intended to be a
16 continuation of the prior statutes but is not intended
17 to preclude further amendment of those provisions.

18 2. The Code editor is therefore directed to apply
19 and harmonize any amendments enacted during the 1998
20 Session of the Seventy-seventh General Assembly to
21 section 232A.4, section 232.28, subsections 10 and 11,
22 sections 232.28A, 709.10, and 709.17, section 904.108,
23 subsection 6, and chapters 709B, 910A, and 912, Code
24 and Code Supplement, to the appropriate corresponding
25 provisions of new Code chapter 915, as enacted in 1998
26 Iowa Acts, House File 2527.

27 3. If amendments in other 1998 Iowa Acts to any of
28 the repealed sections and chapters or partially
29 stricken sections cannot easily be applied and
30 harmonized to corresponding provisions in new Code
31 chapter 915, the amendments may be included in a Code
32 editor's bill to be submitted to the general assembly
33 which convenes in January 1999.

34 4. Notwithstanding subsection 1, the repeal of
35 section 232.28A in section 81 of 1998 Iowa Acts, House
36 File 2527, is intended to prevail over the amendment
37 of section 232.28A in section 62 of that Act."

38 2. Title page, line 1, by inserting after the
39 word "Act" the following: "relating to crime victims,
40 by".

41 3. Title page, line 2, by inserting after the
42 word "families" the following: "and providing a Code
43 editor directive".

44 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5489 FILED APRIL 2, 1998

Senate Concurred
4-7-98
p. 1099

Hammond
McKibben
Maddox

SSB 2166

Judiciary

Successed by

SF HF 2329

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 expanding the compensation available from the crime victim
2 compensation program to victims of crime and their families.

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

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 Section 1. Section 912.6, Code 1997, is amended to read as
2 follows:

3 912.6 COMPUTATION OF COMPENSATION.

4 The department shall award compensation, as appropriate,
5 for any of the following economic losses incurred as a direct
6 result of an injury to or death of the victim:

7 1. Reasonable charges incurred for medical care not to
8 exceed ten thousand five hundred dollars. Reasonable charges
9 incurred for mental health care not to exceed three thousand
10 dollars which includes services provided by a psychologist
11 licensed under chapter 154B, a person holding at least a
12 master's degree in social work or counseling and guidance, or
13 a victim counselor as defined in section 236A.1.

14 2. Loss of income from work the victim would have
15 performed and for which the victim would have received
16 remuneration if the victim had not been injured, not to exceed
17 six thousand dollars.

18 3. Reasonable replacement value of clothing that is held
19 for evidentiary purposes not to exceed one hundred dollars.

20 4. Reasonable funeral and burial expenses not to exceed
21 five seven thousand five hundred dollars.

22 5. Loss of support for dependents resulting from death or
23 a period of disability of the victim of sixty days or more not
24 to exceed two thousand dollars per dependent ~~or-a-total-of-six~~
25 ~~thousand-dollars~~.

26 6. In the event of a victim's death, reasonable charges
27 incurred for counseling the victim's spouse, children,
28 parents, siblings, or persons cohabiting with or related by
29 blood or affinity to the victim if the counseling services are
30 provided by a psychologist licensed under chapter 154B, a
31 victim counselor as defined in section 236A.1, subsection 1,
32 or an individual holding at least a master's degree in social
33 work or counseling and guidance, and reasonable charges
34 incurred by such persons for medical care counseling provided
35 by a psychiatrist licensed under chapter 147 or 150A. The

1 allowable charges under this subsection shall not exceed three
2 thousand dollars per person ~~or a total of six thousand dollars~~
3 ~~per victim death.~~

4 7. In the event of a victim's death, reasonable charges
5 incurred for health care for the victim's spouse, children,
6 parents, siblings, or persons related by blood or affinity to
7 the victim not to exceed three thousand dollars per survivor.

8 8. In the event of a victim's death, loss of income from
9 work that, but for the death of the victim, would have been
10 earned by the victim's spouse, child, parent, sibling, or
11 person cohabiting with or related by blood or affinity to the
12 victim, not to exceed six thousand dollars.

13 ~~8-~~ 9. Reasonable expenses incurred for cleaning the scene
14 of a homicide, if the scene is a residence, not to exceed one
15 thousand dollars.

16 ~~9-~~ 10. Reasonable charges incurred for mental health care
17 for secondary victims which includes the services provided by
18 a psychologist licensed under chapter 154B, a person holding
19 at least a master's in social work, counseling, or a related
20 field, a victim counselor as defined in section 236A.1, or a
21 psychiatrist licensed under chapter 147, 148, or 150A. The
22 allowable charges under this subsection shall not exceed one
23 thousand dollars per secondary victim ~~or a total of six~~
24 ~~thousand dollars.~~

25 EXPLANATION

26 This bill raises the cap from \$5,000 to \$7,500 for funeral
27 expenses payable for crime victims, and eliminates the
28 aggregate limits of \$6,000 for the following: loss of support
29 through death or disability of the victim incurred by families
30 of crime victims; counseling expenses for families of crime
31 victims; and mental health care for secondary victims of a
32 crime. The bill also expands recoverable compensation to
33 include wages lost by certain family members and others due to
34 the death of the victim.

35

SENATE FILE 2329

AN ACT
RELATING TO CRIME VICTIMS, BY EXPANDING THE COMPENSATION
AVAILABLE FROM THE CRIME VICTIM COMPENSATION PROGRAM TO
VICTIMS OF CRIME AND THEIR FAMILIES AND PROVIDING A CODE
EDITOR DIRECTIVE.

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

Section 1. Section 912.6, Code 1997, is amended to read as follows:

912.6 COMPUTATION OF COMPENSATION.

The department shall award compensation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed ten thousand five hundred dollars. Reasonable charges incurred for mental health care not to exceed three thousand dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 236A.1.

2. Loss of income from work the victim would have performed and for which the victim would have received

remuneration if the victim had not been injured, not to exceed six thousand dollars.

3. Reasonable replacement value of clothing that is held for evidentiary purposes not to exceed one hundred dollars.

4. Reasonable funeral and burial expenses not to exceed five seven thousand five hundred dollars.

5. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent ~~or a total of six thousand dollars~~.

6. 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 victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 236A.1, 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 147 or 150A. The allowable charges under this subsection shall not exceed three thousand dollars per person ~~or a total of six thousand dollars per victim death~~.

7. In the event of a victim's death, reasonable charges incurred for health care for the victim's spouse, children, parents, siblings, or persons related by blood or affinity to the victim not to exceed three thousand dollars per survivor.

8. In the event of a 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, parent, sibling, or person cohabiting with or related by blood or affinity to the victim, not to exceed six thousand dollars.

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

9- 10. Reasonable charges incurred for mental health care for secondary victims which includes the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's in social work, counseling, or a related field, a victim counselor as defined in section 236A.1, or a psychiatrist licensed under chapter 147, 148, or 150A. The allowable charges under this subsection shall not exceed one thousand dollars per secondary victim ~~or a total of six thousand dollars.~~

Sec. 2. PREVAILING AMENDMENTS AND CODE EDITOR DIRECTIVE.

1. Any amendments to section 232A.4, section 232.28, subsections 10 and 11, sections 232.28A, 709.10, and 709.17, section 904.108, subsection 6, and chapters 709B, 910A, and 912, Code and Code Supplement, enacted in any Acts of the Seventy-seventh General Assembly, 1998 Session, shall prevail over the repeal of those provisions in 1998 Iowa Acts, House File 2527, as the reenactment of those provisions in new Code chapter 915 in that Act is intended to be a continuation of the prior statutes but is not intended to preclude further amendment of those provisions.

2. The Code editor is therefore directed to apply and harmonize any amendments enacted during the 1998 Session of the Seventy-seventh General Assembly to section 232A.4, section 232.28, subsections 10 and 11, sections 232.28A, 709.10, and 709.17, section 904.108, subsection 6, and chapters 709B, 910A, and 912, Code and Code Supplement, to the appropriate corresponding provisions of new Code chapter 915, as enacted in 1998 Iowa Acts, House File 2527.

3. If amendments in other 1998 Iowa Acts to any of the repealed sections and chapters or partially stricken sections cannot easily be applied and harmonized to corresponding provisions in new Code chapter 915, the amendments may be included in a Code editor's bill to be submitted to the general assembly which convenes in January 1999.

4. Notwithstanding subsection 1, the repeal of section 232.28A in section 81 of 1998 Iowa Acts, House File 2527, is intended to prevail over the amendment of section 232.28A in section 62 of that Act.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2329, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 20, 1998

TERRY E. BRANSTAD
Governor