

HSB 35

JUDICIARY

Introduced By

SF/HF 22

SENATE/HOUSE FILE

BY (PROPOSED ATTORNEY GENERAL BILL)

Davis, Chair
Thompson
Dobson

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to crime victim rights.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 ~~Section 1.~~ Section 915.84, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. To claim compensation under the crime victim
4 compensation program, a person shall apply in writing on a
5 form prescribed by the department and file the application
6 with the department within two years after the date of the
7 crime, the discovery of the crime, or the date of death of the
8 victim. The department may waive the time limitation if good
9 cause is shown.

10 Sec. 2. Section 915.86, subsection 1, Code 1999, is
11 amended to read as follows:

12 1. Reasonable charges incurred for medical care not to
13 exceed ~~ten~~ fifteen thousand ~~five-hundred~~ dollars. Reasonable
14 charges incurred for mental health care not to exceed three
15 thousand dollars which includes services provided by a
16 psychologist licensed under chapter 154B, a person holding at
17 least a master's degree in social work or counseling and
18 guidance, or a victim counselor as defined in section 915.20A.

19 Sec. 3. Section 915.100, subsection 2, paragraph c, Code
20 1999, is amended to read as follows:

21 c. In cases where the act committed by an offender causes
22 the death of another person, in addition to the amount ordered
23 for payment of the victim's pecuniary damages, the court shall
24 also order the offender to pay at least one hundred fifty
25 thousand dollars in restitution to the victim's estate,
26 pursuant to the provisions of section 910.3B.

27 EXPLANATION

28 This bill amends the victim compensation and the victim
29 restitution subchapters of the Code chapter on victim rights.

30 Code section 915.84 is amended to provide that the two-year
31 time limitation for applying for crime victim compensation may
32 be waived by the department of justice if good cause is shown.

33 Code section 915.86 is amended to raise the limitation on
34 reimbursable medical expenses from \$10,500 to \$15,000.

35 Code section 915.100 is amended to specify that the

1 restitution right described in subsection 2, paragraph "c", of
2 that section refers to the right of restitution contained in
3 Code section 910.3B.

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THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

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

MEMORANDUM

TO: Members of the General Assembly
FROM: Anne Bunz, Legislative Liaison
DATE: November 20, 1998
SUBJECT: Crime Victim Compensation Legislative Proposal

The Iowa Attorney General's Office is submitting a bill request for legislation regarding the Crime Victim Compensation program. The proposal is separated into two different divisions.

Division I:

This section establishes a good cause extension to the Compensation Program requirement that a victim must file an application within two years of the crime. A good cause extension will allow justice for victims in cases where there was a system, health or safety barrier to timely application.

From 1983 until 1991 the application filing limit for compensation was six months after the crime. The department had authority to waive the application time limit for good cause. In 1991 the filing limit was increased to two years after the date of the crime.

In FY 98 the Crime Victim Compensation program denied 291 applications for compensation. Of those cases, 17 (5%) were denied because of late application filing. Between 12 and 20 denials each year are due to late application filing. The reasons stated by victims for late filing include misunderstanding about program requirements, lack of knowledge about the program, and health and safety concerns. Iowa Code chapter 910A requires county attorneys to notify victims about the compensation program. A victim who is otherwise eligible for compensation may never have contact with the county attorney if a suspect is not identified or charges are not filed.

Example: "A woman whose child was killed 1991 while riding his bicycle, by a hit and run driver, applied for compensation in 1997. The victim stated that she was distraught and disabled by her son's death. She thought that she had to wait until there

were charges filed to apply for assistance. Though there is a suspect, it is likely that no charges will be filed."

Example: "A county attorney appealed to the program to waive the time limit because he had forgotten to mail an application completed by a victim. He found the application in his file at the close of the case."

Division II:

This section increases the medical benefit from \$10,500 to \$15,000.

The compensation program medical cap was set a \$10,000 in 1984, and was increased in 1990 to \$10,500. In addition to the increased cost of medical care, more and more victims are being denied Medicaid and Medicare or having their insurance payments limited or capped.

5-2/15/99 Judiciary
5-3/2/99 Do Pass

FEB 5 1999
Place On Calendar

HOUSE FILE 222
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 35)

Passed House, Date ^(p. 337) 2/11/99 Passed Senate, Date ^(p. 683) 3/22/99
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0
Approved March 31, 1999

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HF 222

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2 amended to read as follows:

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4 compensation program, a person shall apply in writing on a
5 form prescribed by the department and file the application
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17 least a master's degree in social work or counseling and
18 guidance, or a victim counselor as defined in section 915.20A.

19 Sec. 3. Section 915.100, subsection 2, paragraph c, Code
20 1999, is amended to read as follows:

21 c. In cases where the act committed by an offender causes
22 the death of another person, in addition to the amount ordered
23 for payment of the victim's pecuniary damages, the court shall
24 also order the offender to pay at least one hundred fifty
25 thousand dollars in restitution to the victim's estate,
26 pursuant to the provisions of section 910.3B.

27 EXPLANATION

28 This bill amends the victim compensation and the victim
29 restitution subchapters of the Code chapter on victim rights.

30 Code section 915.84 is amended to provide that the two-year
31 time limitation for applying for crime victim compensation may
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**HOUSE FILE 222
FISCAL NOTE**

A fiscal note for House File 222 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.

House File 222 amends the Victim Compensation program to allow the Department of Justice to waive the two-year time limitation for crime victims to apply for compensation if good cause is shown. This bill also raises the limitation on reimbursable medical expenses from \$10,500 to \$15,000. The Victim Compensation program is funded by federal and State criminal penalties.

ASSUMPTIONS

1. Waiver of time limitations by the Department of Justice for good cause will result in approximately 20 additional victims compensation cases per year.
2. Increasing the maximum amount of medical benefits compensation will result in 100 additional cases per year.
3. Current average costs for victims compensation cases are approximately \$2,500.
4. Current average costs for medical benefits cases are approximately \$3,000.

FISCAL IMPACT

The fiscal impact of House File 222 is an increase of \$50,000 to allow the Department of Justice to provide waivers for good cause and \$300,000 relating to increased costs for medical benefits. The total increased cost to the Victims Compensation Fund would be \$350,000 annually.

SOURCE

Department of Justice

(LSB 1252HV, CRS)

FILED FEBRUARY 10, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

AN ACT
RELATING TO CRIME VICTIM RIGHTS.

thousand dollars in restitution to the victim's estate,
pursuant to the provisions of section 910.3B.

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

Section 1. Section 915.84, subsection 1, Code 1999, is amended to read as follows:

1. To claim compensation under the crime victim compensation program, a person shall apply in writing on a form prescribed by the department and file the application with the department within two years after the date of the crime, the discovery of the crime, or the date of death of the victim. The department may waive the time limitation if good cause is shown.

Sec. 2. Section 915.86, subsection 1, Code 1999, is amended to read as follows:

1. Reasonable charges incurred for medical care not to exceed ten fifteen 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 915.20A.

Sec. 3. Section 915.100, subsection 2, paragraph c, Code 1999, is amended to read as follows:

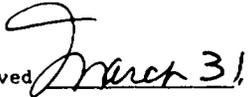
c. In cases where the act committed by an offender causes the death of another person, in addition to the amount ordered for payment of the victim's pecuniary damages, the court shall also order the offender to pay at least one hundred fifty

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 222, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  March 31, 1999

THOMAS J. VILSACK
Governor