

Maddox, Horn, King

Succeeded By
SF

HF 2032

SSB 3010
Judiciary

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 the Iowa crime victim compensation program.

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

- 3
- 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 915.80, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. "Survivor of a homicide victim" means
4 a victim's spouse; child, foster child, stepchild, son-in-law,
5 or daughter-in-law; parent, foster parent, or stepparent;
6 sibling, foster sibling, stepsibling, brother-in-law, or
7 sister-in-law; grandparent; grandchild; aunt, uncle, or first
8 cousin; legal ward; or person residing with the victim.

9 Sec. 2. Section 915.86, subsections 1, 3, 4, 5, 7, 8, 9,
10 10, and 12, Code 2001, are amended to read as follows:

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

18 3. Loss of income from work that the victim's parent or
19 caretaker would have performed and for which the victim's
20 parent or caretaker would have received remuneration when the
21 victim's parent or caretaker accompanies the victim to medical
22 and counseling services, or while the victim's parent or
23 caretaker cares for the victim for up to three days after the
24 crime or the discovery of the crime, not to exceed one
25 thousand dollars per parent or caretaker.

26 4. Loss of income from work that the victim, the victim's
27 parent or caretaker, or the survivor of a homicide victim as
28 ~~described in subsection 10~~ would have performed and for which
29 that person would have received remuneration, where the loss
30 of income is a direct result of cooperation with the
31 investigation and prosecution of the crime or attendance at
32 criminal justice proceedings including the trial and
33 sentencing in the case, not to exceed one thousand dollars.

34 5. Reasonable replacement value of clothing that is held
35 for evidentiary purposes not to exceed one two hundred

1 dollars.

2 7. Loss of support for dependents resulting from death or
3 a period of disability of the victim of sixty days or more not
4 to exceed ~~two~~ four thousand dollars per dependent.

5 8. In the event of a victim's death, reasonable charges
6 incurred for counseling the victim's spouse, children,
7 parents, siblings, or persons ~~cohabiting~~ residing with or
8 related by blood or affinity to the victim if the counseling
9 services are provided by a psychologist licensed under chapter
10 154B, a victim counselor as defined in section 915.20A,
11 subsection 1, or an individual holding at least a master's
12 degree in social work or counseling and guidance, and
13 reasonable charges incurred by such persons for medical care
14 counseling provided by a psychiatrist licensed under chapter
15 147 or 150A. The allowable charges under this subsection
16 shall not exceed ~~three~~ five thousand dollars per person.

17 9. In the event of a homicide, reasonable charges incurred
18 for health care for ~~the-victim's-spouse, child, foster-child,~~
19 ~~stepchild, son-in-law, or daughter-in-law, parent, foster~~
20 ~~parent, or stepparent, sibling, foster-sibling, stepsibling,~~
21 ~~brother-in-law, or sister-in-law, grandparent, grandchild,~~
22 ~~aunt, uncle, or first-cousin, legal-ward, or person-cohabiting~~
23 ~~with-the-victim~~ the survivors of a homicide victim, not to
24 exceed three thousand dollars per survivor.

25 10. In the event of a homicide, loss of income from work
26 that, but for the death of the victim, would have been earned
27 by the ~~victim's-spouse, child, foster-child, stepchild, son-~~
28 ~~in-law, or daughter-in-law, parent, foster-parent, or~~
29 ~~stepparent, sibling, foster-sibling, stepsibling, brother-in-~~
30 ~~law, or sister-in-law, grandparent, grandchild, aunt, uncle,~~
31 ~~or first-cousin, legal-ward, or person-cohabiting-with-the~~
32 victim survivors of a homicide victim, not to exceed six
33 thousand dollars.

34 12. Reasonable charges incurred for mental health care for
35 secondary victims which include the services provided by a

1 psychologist licensed under chapter 154B, a person holding at
2 least a master's degree in social work, counseling, or a
3 related field, a victim counselor as defined in section
4 915.20A, or a psychiatrist licensed under chapter 147, 148, or
5 150A. The allowable charges under this subsection shall not
6 exceed one two thousand dollars per secondary victim.

7 EXPLANATION

8 This bill provides monetary increases for certain current
9 economic benefits under the Iowa crime victim compensation
10 program.

11 The bill provides monetary increases for economic losses
12 incurred as a direct result of an injury to or death of a
13 victim for medical care benefits (\$10,000 increase), mental
14 health care benefits (\$2,000 increase), clothing reimbursement
15 benefits for clothing held for evidentiary purposes (\$100
16 increase), loss of support benefits (\$2,000 increase),
17 counseling benefits in the event of a victim's death (\$2,000
18 increase), and mental health care benefits for secondary
19 victims (\$1,000 increase).

20 The bill also expands lost wage benefits for a victim's
21 parent or caretaker who takes time away from work when the
22 victim's parent or caretaker accompanies the victim to medical
23 or counseling services or while the victim's parent or
24 caretaker cares for the victim for up to three days after the
25 crime or the discovery of the crime, by allowing the
26 reimbursement to be up to \$1,000 per parent or caretaker
27 rather than up to \$1,000 per case.

28 The bill also expands the definition of persons who could
29 be affected by a victim's crime to include persons residing
30 with the victim, rather than persons cohabiting with the
31 victim.

32
33
34
35



THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

MEMORANDUM

ADDRESS REPLY TO
HOOVER BUILDING
DES MOINES IOWA 50319
TELEPHONE 515/281 5164
FACSIMILE 515/281 4204

TO: Members of the General Assembly
FROM: Anne Sheeley, Legislative Liaison
DATE: January 14, 2002
SUBJECT: Crime Victim Compensation

The Iowa Crime victim Compensation Program helps victims with costs related to crime injuries. The Crime Victim Compensation program is funded through criminal fines and surcharges, not through taxpayer dollars.

This proposal makes eight recommendations to the Crime Victim Compensation program. Two of the recommendations are new benefits, the other recommendations allow for increases to current benefits. All of these benefits are fully allowable under Federal rules for the State Compensation Programs. The total maximum cost of these recommendations is \$691,000 annually. The U.S. Department of Justice will reimburse the state of Iowa 40% of these benefits from the Federal Victims of Crime Act (VOCA) fund. The fund is able to afford such increases.

Recommendation #1: Creates a new reimbursement benefit for child and dependent care to allow a victim, a victim's parent or caretaker, or the survivor of a homicide victim as defined in Iowa Code section 915.86 (10) to attend criminal justice proceedings or secure medical or counseling services for the victim or the homicide survivor. Estimated cost to fund: \$288,000 annually.

Recommendation #2: Creates a new reimbursement benefit for replacement of locks, windows, and other property security for the residence of a victim or the residential scene of a crime. Estimated cost to fund: \$60, 800 annually

Recommendation #3: Enhances the lost wage benefit for a dependent victim's parent or caretaker. Allows lost wages for a parent or caretaker who takes time off work to help the child or dependent cope with the trauma. Also allows the lost wages reimbursement to all the parents and caretakers who accompany the victim to medical or counseling services by allowing the reimbursement to be up to \$1,000 per parent or caretaker rather than \$1,000 per case. Estimated cost to fund: \$8,000 annually.

Recommendation #4: Increases the medical care benefit from \$15,000 to \$25,000. Estimated cost to fund: \$50,000 annually.

Recommendation #5: Increases the counseling service benefit for victims and homicide survivors from \$3,000 to \$5,000 annually.

Recommendation #6: Increases the reimbursement for clothing held as evidence from \$100 to \$200. Estimated cost to fund: \$7,000 annually.

Recommendation #7: Increases the benefit for loss of support by the dependents of a murder victim or a victim disabled from work for over 6 days from \$2,000 per dependent to \$4,000 per dependent. Estimated cost to fund: \$144,000 annually.

Recommendation #8: Increases the benefit for secondary victim counseling from \$1,000 to \$2,000. Estimated cost to fund: \$42,000 annually.

REPRINTED

FILED JAN 23 2002

SENATE FILE 2032
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3010)

Passed Senate, ^(p. 265) Date 2/13/02 Passed House, Date _____
Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

SF 2032

SENATE FILE 2032

S-5030

1 Amend Senate File 2032 as follows:
2 1. Page 1, line 5, by inserting after the words
3 "foster parent," the following: "mother-in-law,
4 father-in-law,".

Adopted 2/13/02 (p. 265) By O. GENE MADDOX

S-5030 FILED FEBRUARY 12, 2002

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 915.80, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. "Survivor of a homicide victim" means
4 a victim's spouse; child, foster child, stepchild, son-in-law,
5 or daughter-in-law; parent, foster parent, or stepparent;
6 sibling, foster sibling, stepsibling, brother-in-law, or
7 sister-in-law; grandparent; grandchild; aunt, uncle, or first
8 cousin; legal ward; or person residing with the victim.

9 Sec. 2. Section 915.86, subsections 1, 3, 4, 5, 7, 8, 9,
10 10, and 12, Code 2001, are amended to read as follows:

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

18 3. Loss of income from work that the victim's parent or
19 caretaker would have performed and for which the victim's
20 parent or caretaker would have received remuneration when the
21 victim's parent or caretaker accompanies the victim to medical
22 and counseling services, or while the victim's parent or
23 caretaker cares for the victim for up to three days after the
24 crime or the discovery of the crime, not to exceed one
25 thousand dollars per parent or caretaker.

26 4. Loss of income from work that the victim, the victim's
27 parent or caretaker, or the survivor of a homicide victim ~~as~~
28 ~~described-in-subsection-10~~ would have performed and for which
29 that person would have received remuneration, where the loss
30 of income is a direct result of cooperation with the
31 investigation and prosecution of the crime or attendance at
32 criminal justice proceedings including the trial and
33 sentencing in the case, not to exceed one thousand dollars.

34 5. Reasonable replacement value of clothing that is held
35 for evidentiary purposes not to exceed one two hundred

1 dollars.

2 7. Loss of support for dependents resulting from death or
3 a period of disability of the victim of sixty days or more not
4 to exceed two four thousand dollars per dependent.

5 8. In the event of a victim's death, reasonable charges
6 incurred for counseling the victim's spouse, children,
7 parents, siblings, or persons cohabiting residing with or
8 related by blood or affinity to the victim if the counseling
9 services are provided by a psychologist licensed under chapter
10 154B, a victim counselor as defined in section 915.20A,
11 subsection 1, or an individual holding at least a master's
12 degree in social work or counseling and guidance, and
13 reasonable charges incurred by such persons for medical care
14 counseling provided by a psychiatrist licensed under chapter
15 147 or 150A. The allowable charges under this subsection
16 shall not exceed three five thousand dollars per person.

17 9. In the event of a homicide, reasonable charges incurred
18 for health care for ~~the-victim's-spouse, child, foster-child,~~
19 ~~stepchild, son-in-law, or daughter-in-law, parent, foster~~
20 ~~parent, or stepparent, sibling, foster-sibling, stepsibling,~~
21 ~~brother-in-law, or sister-in-law, grandparent, grandchild,~~
22 ~~aunt, uncle, or first-cousin, legal-ward, or person-cohabiting~~
23 ~~with-the-victim~~ the survivors of a homicide victim, not to
24 exceed three thousand dollars per survivor.

25 10. In the event of a homicide, loss of income from work
26 that, but for the death of the victim, would have been earned
27 by the ~~victim's-spouse, child, foster-child, stepchild, son-~~
28 ~~in-law, or daughter-in-law, parent, foster-parent, or~~
29 ~~stepparent, sibling, foster-sibling, stepsibling, brother-in-~~
30 ~~law, or sister-in-law, grandparent, grandchild, aunt, uncle,~~
31 ~~or first-cousin, legal-ward, or person-cohabiting-with-the~~
32 victim survivors of a homicide victim, not to exceed six
33 thousand dollars.

34 12. Reasonable charges incurred for mental health care for
35 secondary victims which include the services provided by a

1 psychologist licensed under chapter 154B, a person holding at
2 least a master's degree in social work, counseling, or a
3 related field, a victim counselor as defined in section
4 915.20A, or a psychiatrist licensed under chapter 147, 148, or
5 150A. The allowable charges under this subsection shall not
6 exceed ~~one~~ two thousand dollars per secondary victim.

7 EXPLANATION

8 This bill provides monetary increases for certain current
9 economic benefits under the Iowa crime victim compensation
10 program.

11 The bill provides monetary increases for economic losses
12 incurred as a direct result of an injury to or death of a
13 victim for medical care benefits (\$10,000 increase), mental
14 health care benefits (\$2,000 increase), clothing reimbursement
15 benefits for clothing held for evidentiary purposes (\$100
16 increase), loss of support benefits (\$2,000 increase),
17 counseling benefits in the event of a victim's death (\$2,000
18 increase), and mental health care benefits for secondary
19 victims (\$1,000 increase).

20 The bill also expands lost wage benefits for a victim's
21 parent or caretaker who takes time away from work when the
22 victim's parent or caretaker accompanies the victim to medical
23 or counseling services or while the victim's parent or
24 caretaker cares for the victim for up to three days after the
25 crime or the discovery of the crime, by allowing the
26 reimbursement to be up to \$1,000 per parent or caretaker
27 rather than up to \$1,000 per case.

28 The bill also expands the definition of persons who could
29 be affected by a victim's crime to include persons residing
30 with the victim, rather than persons cohabiting with the
31 victim.

32
33
34
35

Legislative Fiscal Bureau

Fiscal Note

SF 2032 - Crime Victim Compensation (LSB 5035 SV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (Beth.Lenstra@legis.state.ia.us)

Fiscal Note Version – New

Requested by Senator Maddox

Description

Senate File 2032 provides new benefits and increases certain current benefits for crime victims, to be paid by the Crime Victim Compensation Fund administered by the Department of Justice.

Assumptions

1. FY 2002 estimated revenues for the Fund total \$10,231,000 from the following sources: \$931,000 from federal Victim of Crime Act (VOCA) funds; \$4.7 million from criminal surcharges and fines; \$300,000 from donations, inmate wages, and recovery from insurance companies; and \$400,000 from restitution. An additional \$3.9 million carried forward from FY 2001.
2. FY 2002 estimated expenditures from the Fund total \$6,821,000 as follows: \$4.0 million in claims from eligible victims as defined in Chapters 910 and 915, Code of Iowa; \$694,000 for victim services grants pursuant to Chapter 236, Code of Iowa; \$1,442,000 for administrative costs as defined in Chapter 915, Code of Iowa; \$485,000 for sexual abuse examinations pursuant to Chapter 915, Code of Iowa; \$100,000 for victim advocate training pursuant to Chapter 915, Code of Iowa; and \$100,000 for collection expenses pursuant to Chapter 915, Code of Iowa.
3. Based on actuarial studies conducted in other states, at least \$2.7 million is required to be held in reserve so that the Fund remains actuarially sound. Under current law, the estimated ending balance for FY 2002 is approximately \$3.4 million.

Fiscal Impact

Senate File 2032 will result in additional costs to the Crime Victim Compensation Fund of approximately \$690,000 annually. In FY 2003, the U.S. Department of Justice will reimburse the Crime Victim Compensation Fund 60.0% of the costs for direct payment to victims. Therefore, \$414,000 will be reimbursed by the U.S. Department of Justice while \$276,000 will be reimbursed by the Victim Compensation Fund.

Source

Department of Justice

_____/s/ Dennis C Prouty_____

January 31, 2002

The fiscal note and correction impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2 56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

H-2/14/02 Judiciary
H-3/14/02 Do Pass

3/21/02 UNFINISHED BUSINESS CALENDAR

SENATE FILE 2032
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3010)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 13, 2002)

_____ - New Language by the Senate

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

A BILL FOR

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

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

S.F. 2032

RECEIVED

1 Section 1. Section 915.80, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. "Survivor of a homicide victim" means
4 a victim's spouse; child, foster child, stepchild, son-in-law,
5 or daughter-in-law; parent, foster parent, mother-in-law,
6 father-in-law, or stepparent; sibling, foster sibling,
7 stepsibling, brother-in-law, or sister-in-law; grandparent;
8 grandchild; aunt, uncle, or first cousin; legal ward; or
9 person residing with the victim.

10 Sec. 2. Section 915.86, subsections 1, 3, 4, 5, 7, 8, 9,
11 10, and 12, Code 2001, are amended to read as follows:

12 1. Reasonable charges incurred for medical care not to
13 exceed fifteen twenty-five thousand dollars. Reasonable
14 charges incurred for mental health care not to exceed three
15 five 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 3. Loss of income from work that the victim's parent or
20 caretaker would have performed and for which the victim's
21 parent or caretaker would have received remuneration when the
22 victim's parent or caretaker accompanies the victim to medical
23 and counseling services, or while the victim's parent or
24 caretaker cares for the victim for up to three days after the
25 crime or the discovery of the crime, not to exceed one
26 thousand dollars per parent or caretaker.

27 4. Loss of income from work that the victim, the victim's
28 parent or caretaker, or the survivor of a homicide victim ~~as~~
29 ~~described-in-subsection-10~~ would have performed and for which
30 that person would have received remuneration, where the loss
31 of income is a direct result of cooperation with the
32 investigation and prosecution of the crime or attendance at
33 criminal justice proceedings including the trial and
34 sentencing in the case, not to exceed one thousand dollars.

35 5. Reasonable replacement value of clothing that is held

1 for evidentiary purposes not to exceed ~~one~~ two hundred
2 dollars.

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

6 8. In the event of a victim's death, reasonable charges
7 incurred for counseling the victim's spouse, children,
8 parents, siblings, or persons ~~cohabiting~~ residing with or
9 related by blood or affinity to the victim if the counseling
10 services are provided by a psychologist licensed under chapter
11 154B, a victim counselor as defined in section 915.20A,
12 subsection 1, or an individual holding at least a master's
13 degree in social work or counseling and guidance, and
14 reasonable charges incurred by such persons for medical care
15 counseling provided by a psychiatrist licensed under chapter
16 147 or 150A. The allowable charges under this subsection
17 shall not exceed ~~three~~ five thousand dollars per person.

18 9. In the event of a homicide, reasonable charges incurred
19 for health care for ~~the victim's spouse, child, foster child,~~
20 ~~stepchild, son-in-law, or daughter-in-law, parent, foster~~
21 ~~parent, or stepparent, sibling, foster sibling, stepsibling,~~
22 ~~brother-in-law, or sister-in-law, grandparent, grandchild,~~
23 ~~aunt, uncle, or first cousin, legal ward, or person cohabiting~~
24 ~~with the victim~~ the survivors of a homicide victim, not to
25 exceed three thousand dollars per survivor.

26 10. In the event of a homicide, loss of income from work
27 that, but for the death of the victim, would have been earned
28 by the ~~victim's spouse, child, foster child, stepchild, son-~~
29 ~~in-law, or daughter-in-law, parent, foster parent, or~~
30 ~~stepparent, sibling, foster sibling, stepsibling, brother-in-~~
31 ~~law, or sister-in-law, grandparent, grandchild, aunt, uncle,~~
32 ~~or first cousin, legal ward, or person cohabiting with the~~
33 ~~victim~~ survivors of a homicide victim, not to exceed six
34 thousand dollars.

35 12. Reasonable charges incurred for mental health care for

1 secondary victims which include the services provided by a
2 psychologist licensed under chapter 154B, a person holding at
3 least a master's degree in social work, counseling, or a
4 related field, a victim counselor as defined in section
5 915.20A, or a psychiatrist licensed under chapter 147, 148, or
6 150A. The allowable charges under this subsection shall not
7 exceed ~~one~~ two thousand dollars per secondary victim.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35