

Senate Study Bill 3038 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act concerning payments under the crime victim compensation
2 program.

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

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

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

11 Sec. 2. Section 915.86, subsections 4, 8, 9, 10, 11, 13, 14,
12 15, and 16, Code 2018, are amended to read as follows:

13 4. Loss of income from work that the victim, the victim’s
14 parent or caretaker, or the survivor of a ~~homicide~~ deceased
15 ~~victim as described in subsection 10~~ would have performed and
16 for which that person would have received remuneration, where
17 the loss of income is a direct result of cooperation with
18 the investigation and prosecution of the crime or attendance
19 at criminal justice proceedings including the trial and
20 sentencing in the case, or due to the planning of or attendance
21 at a funeral, memorial, or burial service, not to exceed one
22 thousand dollars per person.

23 8. In the event of a victim’s death, reasonable charges
24 incurred for counseling ~~the victim’s spouse, children, parents,~~
25 ~~siblings, or persons cohabiting with or related by blood~~
26 ~~or affinity to the~~ a survivor of a deceased victim if the
27 counseling services are provided by a psychologist licensed
28 under chapter 154B, a victim counselor as defined in section
29 915.20A, subsection 1, or an individual holding at least a
30 master’s degree in social work or counseling and guidance, and
31 reasonable charges incurred by such persons for medical care
32 counseling provided by a psychiatrist licensed under chapter
33 148. The allowable charges under this subsection shall not
34 exceed five thousand dollars per person.

35 9. In the event of a ~~homicide~~ victim’s death, reasonable

1 charges incurred for health care for ~~the victim's spouse,~~
2 ~~child, foster child, stepchild, son-in-law, or daughter-in-law;~~
3 ~~parent, foster parent, or stepparent; sibling, foster sibling,~~
4 ~~stepsibling, brother-in-law, or sister-in-law; grandparent;~~
5 ~~grandchild; aunt, uncle, or first cousin; legal ward; or person~~
6 ~~cohabiting with the~~ a survivor of a deceased victim, not to
7 exceed three thousand dollars per survivor.

8 10. In the event of a homicide victim's death, loss of
9 income from work that, but for the death of the victim, would
10 have been earned by ~~the victim's spouse; child, foster child,~~
11 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
12 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
13 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
14 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
15 ~~with the~~ a survivor of a deceased victim, not to exceed six
16 thousand dollars.

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

21 13. Reasonable dependent care expenses incurred by the
22 victim, the victim's parent or caretaker, or the survivor of a
23 homicide deceased victim as ~~described in~~ subsection 10 for the
24 care of dependents while attending criminal justice proceedings
25 ~~or,~~ medical or counseling services, or funeral, burial, or
26 memorial services, not to exceed one thousand dollars per
27 person.

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

35 15. Reasonable expenses incurred by the victim, a secondary

1 victim, the parent or guardian of a victim, or ~~the~~ a survivor
2 of a ~~homicide~~ deceased victim ~~as described in subsection 10~~ for
3 transportation to medical, or counseling services, ~~funeral, or~~
4 criminal justice proceedings, or a funeral, memorial, or burial
5 service, not to exceed one thousand dollars per person.

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

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

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

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

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

27 (3) The victim, secondary victim, or survivor of a deceased
28 victim incurs additional charges, expenses, or loss of income
29 upon occurrence of a new event related to the event authorizing
30 compensation under this section that would otherwise be
31 compensable under this section but for the compensation
32 limits provided for the applicable compensation category. For
33 purposes of this subparagraph, "new event" includes additional
34 criminal justice proceedings due to a mistrial, retrial, or
35 separate or additional trials resulting from the existence of

1 multiple offenders; a new appellate court decision relating to
2 the event authorizing compensation under this section; a change
3 of venue of a trial; a change in offender custody status; the
4 death of the offender; or the exoneration of the offender.

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

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill concerns compensation payable under the victim
12 compensation program.

13 Code section 915.80 is amended to add a definition for a
14 survivor of a deceased victim and provides that a survivor
15 includes a spouse, former spouse, child, foster child, parent,
16 legal guardian, foster parent, stepparent, sibling, foster
17 sibling of, or person cohabiting with, or related by blood
18 or affinity to, a deceased victim. The definition generally
19 applies throughout the Code chapter to homicide victims.

20 Code section 915.86, concerning computation of compensation
21 under the victim compensation program, is amended.

22 The bill amends provisions concerning reimbursement of
23 loss of income from work to allow reimbursement for attending
24 or planning the funeral, memorial, or burial services of the
25 deceased victim. In addition, the bill provides that the
26 compensation limit under this category is \$1,000 per person.

27 The bill amends provisions concerning reimbursement for
28 cleaning the scene of the crime to strike the limitation that
29 the cleaning be limited to a crime scene that is a residence,
30 and provides that the compensation limit of \$1,000 applies per
31 crime scene.

32 The provisions concerning dependent care expenses are
33 amended to allow compensation for attending funeral, burial, or
34 memorial services.

35 The bill amends provisions concerning reimbursement for

1 certain security items to allow reimbursement to replace
2 inadequate or damaged or install new locks, windows, and
3 residential security items instead of just to replace these
4 items.

5 The provisions concerning reimbursement for certain
6 transportation costs is amended to allow compensation for
7 transportation to a funeral, memorial, or burial service.

8 The bill adds a new provision to provide additional
9 compensation of up to a total of \$5,000 for qualifying
10 compensable expenses under the Code section if the expenses
11 were not eligible for compensation at the time the initial
12 application for benefits was made; the victim, secondary
13 victim, or survivor of a deceased victim demonstrates that a
14 denial of additional compensation would constitute an undue
15 hardship; or additional compensable qualifying expenses are
16 incurred following a new event. The bill defines "new event"
17 to include additional criminal justice proceedings, a new
18 appellate court decision relating to the event, a change of
19 venue of a trial, a change in offender custody status, the
20 death of the offender, or the exoneration of the offender. The
21 new provision further provides that expenses related to loss
22 of support or charges incurred by a victim service program for
23 emergency relocation expenses or housing assistance are not
24 eligible for additional compensation.