

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2116, Page 9, Section 321.210, Line 9, by
2 inserting immediately after said line the following:

3
4 "595.030. 1. No compensation shall be paid unless the claimant has incurred an
5 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
6 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable
7 expenses or indebtedness reasonably incurred:

8 (1) For medical care or other services, including psychiatric, psychological or counseling
9 expenses, necessary as a result of the crime upon which the claim is based, except that the amount
10 paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two
11 thousand five hundred dollars; or

12 (2) As a result of personal property being seized in an investigation by law enforcement.
13 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to
14 the loss sustained, but shall not exceed two hundred fifty dollars.

15 2. No compensation shall be paid unless the department of public safety finds that a crime
16 was committed, that such crime directly resulted in personal physical injury to, or the death of, the
17 victim, and that police records show that such crime was promptly reported to the proper authorities.
18 In no case may compensation be paid if the police records show that such report was made more than
19 forty-eight hours after the occurrence of such crime, unless the department of public safety finds that
20 the report to the police was delayed for good cause. If the victim is under eighteen years of age such
21 report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital
22 emergency room personnel; by the division of family services personnel; or by any other member of
23 the victim's family. In the case of a sexual offense, filing a report of the offense to the proper
24 authorities may include, but not be limited to, the filing of the report of the forensic examination by
25 the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the
26 county in which the alleged incident occurred.

27 3. No compensation shall be paid for medical care if the service provider is not a medical
28 provider as that term is defined in section 595.027, and the individual providing the medical care is
29 not licensed by the state of Missouri or the state in which the medical care is provided.

30 4. No compensation shall be paid for psychiatric treatment or other counseling services,
31 including psychotherapy, unless the service provider is a:

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1 (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in
2 which the service is provided;

3 (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the
4 state in which the service is provided;

5 (3) Clinical social worker licensed pursuant to chapter 337; or

6 (4) Professional counselor licensed pursuant to chapter 337.

7 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
8 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
9 support from gainful employment, not to exceed [two] four hundred dollars per week, resulting from
10 such injury or death. In the event of death of the victim, an award may be made for reasonable and
11 necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

12 6. Any compensation for loss of earnings or support from gainful employment shall be in an
13 amount equal to the actual loss sustained not to exceed [two] four hundred dollars per week;
14 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five
15 thousand dollars. If two or more persons are entitled to compensation as a result of the death of a
16 person which is the direct result of a crime or in the case of a sexual assault, the compensation shall
17 be apportioned by the department of public safety among the claimants in proportion to their loss.

18 7. The method and timing of the payment of any compensation pursuant to sections 595.010
19 to 595.075 shall be determined by the department."; and

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.