

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 743, Page 1, Section A, Line 2, by inserting after all of said section and  
2 line the following:

3  
4 "595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-  
5 pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from  
6 gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or  
7 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  
14 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to  
15 the loss sustained, but shall not exceed two hundred fifty dollars.

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

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

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

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

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

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

2 (4) Professional counselor licensed pursuant to chapter 337; or

3 (5) Board-certified psychiatric-mental health clinical nurse specialist or board certified  
4 psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in  
5 which the service is provided.

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

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 four hundred dollars per week; provided,  
14 however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand  
15 dollars. If two or more persons are entitled to compensation as a result of the death of a person  
16 which is the direct result of a crime or in the case of a sexual assault, the compensation shall be  
17 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.

20 8. The department shall have the authority to negotiate the costs of medical care or other  
21 services directly with the providers of the care or services on behalf of any victim receiving  
22 compensation pursuant to sections 595.010 to 595.075."; and

23  
24 Further amend said bill by amending the title, enacting clause, and intersectional references  
25 accordingly.