

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 "595.010. 1. As used in sections 595.010 to 595.075, unless the context requires otherwise,  
5 the following terms shall mean:

6 (1) "Child", a dependent, unmarried person who is under eighteen years of age and includes  
7 a posthumous child, stepchild, or an adopted child;

8 (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family of a  
9 victim eligible for compensation pursuant to sections 595.010 to 595.075, or a funeral home if the  
10 victim's family or next of kin designates it as such under section 595.015;

11 (3) "Conservator", a person or corporation appointed by a court to have the care and custody  
12 of the estate of a minor or a disabled person, including a limited conservator;

13 (4) "Counseling", problem-solving and support concerning emotional issues that result from  
14 criminal victimization by a licensed service provider pursuant to section 595.030. Counseling is a  
15 confidential service provided either on an individual basis or in a group. Counseling has as a  
16 primary purpose to enhance, protect and restore a person's sense of well-being and social  
17 functioning after victimization. Counseling does not include victim advocacy services such as crisis  
18 telephone counseling, attendance at medical procedures, law enforcement interviews or criminal  
19 justice proceedings;

20 (5) "Crime", an act committed in this state which, if committed by a mentally competent,  
21 criminally responsible person who had no legal exemption or defense, would constitute a crime;  
22 provided that, such act involves the application of force or violence or the threat of force or violence  
23 by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular  
24 manslaughter and hit and run; and provided, further, that no act involving the operation of a motor  
25 vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in  
26 injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such  
27 injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an  
28 act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the  
29 United States against a resident of Missouri;

30 (6) "Crisis intervention counseling", helping to reduce psychological trauma where  
31 victimization occurs;

32 (7) "Department", the department of public safety;

33 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild,  
34 adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support  
35 upon, and living with, but shall include children entitled to child support but not living with, the  
36 victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections

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1 595.010 to 595.075;

2 (9) "Direct service", providing physical services to a victim of crime including, but not  
3 limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter,  
4 notification and information;

5 (10) "Director", the director of public safety of this state or a person designated by him for  
6 the purposes of sections 595.010 to 595.075;

7 (11) "Disabled person", one who is unable by reason of any physical or mental condition to  
8 receive and evaluate information or to communicate decisions to such an extent that the person lacks  
9 ability to manage his financial resources, including a partially disabled person who lacks the ability,  
10 in part, to manage his financial resources;

11 (12) "Emergency service", those services provided within thirty days to alleviate the  
12 immediate effects of the criminal act or offense, and may include cash grants of not more than one  
13 hundred dollars;

14 (13) "Earnings", net income or net wages;

15 (14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild,  
16 brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

17 (15) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen  
18 method of interment, including plot or tomb and other necessary incidents to the disposition of the  
19 remains;

20 (16) "Gainful employment", engaging on a regular and continuous basis, up to the date of  
21 the incident upon which the claim is based, in a lawful activity from which a person derives a  
22 livelihood;

23 (17) "Guardian", one appointed by a court to have the care and custody of the person of a  
24 minor or of an incapacitated person, including a limited guardian;

25 (18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined in  
26 section 577.060;

27 (19) "Incapacitated person", one who is unable by reason of any physical or mental  
28 condition to receive and evaluate information or to communicate decisions to such an extent that he  
29 lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such  
30 that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated  
31 person who lacks the capacity to meet, in part, such essential requirements;

32 (20) "Injured victim", a person:

33 (a) Killed or receiving a personal physical injury in this state as a result of another person's  
34 commission of or attempt to commit any crime;

35 (b) Killed or receiving a personal physical injury in this state while in a good faith attempt  
36 to assist a person against whom a crime is being perpetrated or attempted;

37 (c) Killed or receiving a personal physical injury in this state while assisting a law  
38 enforcement officer in the apprehension of a person who the officer has reason to believe has  
39 perpetrated or attempted a crime;

40 (21) "Law enforcement official", a sheriff and his regular deputies, municipal police officer  
41 or member of the Missouri state highway patrol and such other persons as may be designated by law  
42 as peace officers;

43 (22) "Offender", a person who commits a crime;

44 (23) "Personal physical injury", actual bodily harm only with respect to the victim.  
45 Personal physical injury may include mental or nervous shock resulting from the specific incident  
46 upon which the claim is based;

47 (24) "Private agency", a not-for-profit corporation, in good standing in this state, which  
48 provides services to victims of crime and their dependents;

1 (25) "Public agency", a part of any local or state government organization which provides  
2 services to victims of crime;

3 (26) "Relative", the spouse of the victim or a person related to the victim within the third  
4 degree of consanguinity or affinity as calculated according to civil law;

5 (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the  
6 deceased victim of the victim's household at the time of the crime;

7 (28) "Victim", a person who suffers personal physical injury or death as a direct result of a  
8 crime, as defined in subdivision (5) of this subsection;

9 (29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire  
10 services from existing community resources.

11 2. As used in [~~sections 565.024 and 565.060 and~~] sections 595.010 to 595.075, the term  
12 "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and  
13 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle while  
14 under the influence of alcohol.

15 595.015. 1. The department of public safety shall, pursuant to the provisions of sections  
16 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of,  
17 victims of crimes. In making such determinations and awards, the department shall ensure the  
18 compensation sought is reasonable and consistent with the limitations described in sections 595.010  
19 to 595.075. Additionally, if compensation being sought includes medical expenses, the department  
20 shall further ensure that such expenses are medically necessary. The department of public safety  
21 may pay directly to the provider of the services compensation for medical or funeral expenses, or  
22 expenses for other services as described in section 595.030, incurred by the claimant. The  
23 department is not required to provide compensation in any case, nor is it required to award the full  
24 amount claimed. The department shall make its award of compensation based upon independent  
25 verification obtained during its investigation.

26 2. Such claims shall be made by filing an application for compensation with the department  
27 of public safety. The application form shall be furnished by the department and the signature shall  
28 be notarized. The application shall include:

29 (1) The name and address of the victim;

30 (2) If the claimant is not the victim, the name and address of the claimant and relationship  
31 to the victim, the names and addresses of the victim's dependents, if any, and the extent to which  
32 each is so dependent;

33 (3) The date and nature of the crime or attempted crime on which the application for  
34 compensation is based;

35 (4) The date and place where, and the law enforcement officials to whom, notification of the  
36 crime was given;

37 (5) The nature and extent of the injuries sustained by the victim, the names and addresses of  
38 those giving medical and hospital treatment to the victim and whether death resulted;

39 (6) The loss to the claimant or a dependent resulting from the injury or death;

40 (7) The amount of benefits, payments or awards, if any, payable from any source which the  
41 claimant or dependent has received or for which the claimant or dependent is eligible as a result of  
42 the injury or death;

43 (8) Releases authorizing the surrender to the department of reports, documents and other  
44 information relating to the matters specified under this section; and

45 (9) Such other information as the department determines is necessary.

46 3. In addition to the application, the department may require that the claimant submit  
47 materials substantiating the facts stated in the application.

48 4. If the department finds that an application does not contain the required information or

1 that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the  
2 specific additional items of information or materials required and that the claimant has thirty days  
3 from the date of mailing in which to furnish those items to the department. Unless a claimant  
4 requests and is granted an extension of time by the department, the department shall reject with  
5 prejudice the claim of the claimant for failure to file the additional information or materials within  
6 the specified time.

7 5. The claimant may file an amended application or additional substantiating materials to  
8 correct inadvertent errors or omissions at any time before the department has completed its  
9 consideration of the original application.

10 6. The claimant, victim or dependent shall cooperate with law enforcement officials in the  
11 apprehension and prosecution of the offender in order to be eligible, or the department has found  
12 that the failure to cooperate was for good cause.

13 7. Any state or local agency, including a prosecuting attorney or law enforcement agency,  
14 shall make available without cost to the fund all reports, files and other appropriate information  
15 which the department requests in order to make a determination that a claimant is eligible for an  
16 award pursuant to sections 595.010 to 595.075.

17 8. If the victim is deceased, the victim's family or next of kin may sign a notarized  
18 statement designating the funeral home as a claimant eligible for compensation from the crime  
19 victims' compensation fund provided such funeral home complies with the provisions of this  
20 section."; and

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