

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 49, Page 1, Section A, Line 2, by inserting after all of said line the
2 following:

3 "595.010. 1. As used in sections 595.010 to 595.075, unless the context requires otherwise,
4 the following terms shall mean:

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

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

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

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

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

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

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

31 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild,
32 adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support
33 upon, and living with, but shall include children entitled to child support but not living with, the
34 victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections
35 595.010 to 595.075;

36 (9) "Direct service", providing physical services to a victim of crime including, but not

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1 limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter,
2 notification and information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (26) "Relative", the spouse of the victim or a person related to the victim within the third

1 degree of consanguinity or affinity as calculated according to civil law;

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

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

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

8 2. As used in sections 565.024 and 565.060 and sections 595.010 to 595.075, the term
9 "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and
10 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle while
11 under the influence of alcohol.

12 595.015. 1. The department of public safety shall, pursuant to the provisions of sections
13 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of,
14 victims of crimes. In making such determinations and awards, the department shall ensure the
15 compensation sought is reasonable and consistent with the limitations described in sections 595.010
16 to 595.075. Additionally, if compensation being sought includes medical expenses, the department
17 shall further ensure that such expenses are medically necessary. The department of public safety
18 may pay directly to the provider of the services compensation for medical or funeral expenses, or
19 expenses for other services as described in section 595.030, incurred by the claimant. The
20 department is not required to provide compensation in any case, nor is it required to award the full
21 amount claimed. The department shall make its award of compensation based upon independent
22 verification obtained during its investigation.

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

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

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

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

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

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

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

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

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

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

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

45 4. If the department finds that an application does not contain the required information or
46 that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the
47 specific additional items of information or materials required and that the claimant has thirty days
48 from the date of mailing in which to furnish those items to the department. Unless a claimant

1 requests and is granted an extension of time by the department, the department shall reject with
2 prejudice the claim of the claimant for failure to file the additional information or materials within
3 the specified time.

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

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

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

14 8. If the victim is deceased, the victim's family or next of kin may sign a notarized statement
15 designating the funeral home as a claimant eligible for compensation from the crime victims'
16 compensation fund provided such funeral home complies with the provisions of this section."; and
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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.