

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 141
98TH GENERAL ASSEMBLY

0666H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 595.030, RSMo, and to enact in lieu thereof two new sections relating to crime.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 595.030, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 195.205 and 595.030, to read as follows:

195.205. 1. For purposes of this section, the following terms shall mean:

(1) **“Drug or alcohol overdose”**, a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death which is the result of consumption or use of a controlled substance or alcohol or a substance with which the controlled substance or alcohol was combined, or that a person would reasonably believe to be a drug or alcohol overdose that requires medical assistance;

(2) **“Seeks medical assistance”**, includes, but is not limited to, reporting a drug or alcohol overdose or other medical emergency to law enforcement, the 911 system, a poison control center, or a medical provider; assisting someone so reporting; or providing care to someone who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance.

2. A person who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency or a person experiencing a drug or alcohol overdose or other medical emergency who seeks medical assistance for himself or herself or is the subject of a good faith request shall not be arrested, charged, prosecuted, convicted, or have his or her property subject to civil forfeiture or otherwise be penalized for the following if the evidence for the arrest, charge,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **prosecution, conviction, seizure, or penalty was gained as a result of seeking medical assistance:**

19 **(1) Committing a prohibited act under section 195.130, 195.202, 195.233, or**
20 **195.241;**

21 **(2) Committing a prohibited act under section 311.310, 311.320, or 311.325;**

22 **(3) Violating a restraining order; or**

23 **(4) Violating probation or parole.**

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

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

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

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

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

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

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

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

33 (3) Clinical social worker licensed pursuant to chapter 337; [or]

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

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

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

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

51 7. The method and timing of the payment of any compensation pursuant to sections
52 595.010 to 595.075 shall be determined by the department.

53 **8. The department shall have the authority to negotiate the costs of medical care**
54 **or other services directly with the providers of the care or services on behalf of any victim**
55 **receiving compensation pursuant to sections 595.010 to 595.075.**

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