

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2781

As Further Amended by House Committee on
Judiciary

Brief*

HB 2781, as amended, would allow compensation from the Crime Victims Compensation Board (Board) to be awarded for criminally injurious conduct. The bill would also increase the amount that can be transferred from the Crime Victims Compensation Fund (CVCF) to the Crime Victims Assistance Fund (CVAF) each fiscal year.

Victim Compensation

The bill would expand compensation beyond mental health counseling for certain crime victims by removing a set of requirements concerning mental health counseling. Additionally, the bill would allow the Board to award compensation when the Board determines failing to compensate the victim would be a severe injustice.

Under current law, the Board determines whether to award compensation based on consideration of five factors. The bill would allow the Board to consider other factors as deemed by the Board in making their determination, and look at the totality of the circumstances based on those six factors.

Current law states compensation is limited to \$400 per week or actual loss, whichever is less. The bill would increase the maximum weekly compensation to \$800. The bill would provide compensation for work loss for a victim of human

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

trafficking or aggravated human trafficking in an amount not less than \$350 per week and not more than \$800 per week.

Reporting Criminally Injurious Conduct

The bill would allow compensation claims to be awarded if the victim obtains a forensic medical examination within seven days of the occurrence of criminally injurious conduct. Current law prevents awarding any claim unless the conduct was reported to law enforcement within 72 hours after its occurrence or the Board finds good cause for failing to report within that time period.

Under continuing law, persons under the age of 16 who were the victims of certain sexual or human trafficking crimes must file an application for compensation within 2 years of reporting the incident to law enforcement. Persons who are victims of certain sexually violent crimes may be subject to various application deadlines between either two years or ten years of a specific event.

The bill would change the requirement that claims of persons for any other criminally injurious conduct be filed with the Board within two years of the events leading to the claim to require application within five years of the injury or death upon which the claim is based. In instances where more than one deadline would apply to a victim (such as a victim of a sexually violent crime), the bill would allow the victim to file by the longest deadline that applies.

Increased Transfer to the Crime Victims Assistance Fund

The bill would increase the authorized transfer amount from the CVCF to the CVAF from \$300,000 to \$500,000 each fiscal year.

Technical Amendments

The bill would make technical amendments, including an amendment to update a reference to a provision within the bill.

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Office of the Attorney General.

[*Note:* The Crime Victims Compensation program was established in 1978 to help victims of violent crime pay for unexpected expenses, such as medical treatment, mental health counseling, lost wages, dependent support, and funeral expenses.]

House Committee on Judiciary

In the House Committee hearing on February 15, 2024, **proponent** testimony was provided by representatives of the Office of the Attorney General, the Kansas Coalition Against Sexual and Domestic Violence, and the Board. The proponents generally stated the bill would provide more services and adequate compensation to crime victims and also stabilize the CVCF.

Written-only proponent testimony was provided by a representative of The Crisis Center.

No other testimony was provided.

The House Committee amended the bill to correct a reference to a provision within the bill and to remove the requirement that a claim for certain crimes be denied if the claim was not filed with the Board within two years after the injury or death upon which the claim is based.

On February 22, 2024, the bill was withdrawn from the House Calendar and referred to the House Committee on Appropriations. The bill was then rereferred to the House Committee on Judiciary on February 23, 2024.

On March 4, 2024, following discussion on the bill, the House Committee amended the bill by reverting its provisions to the language, as introduced, regarding the two-year filing deadline. The Committee then amended the bill to increase the application deadline for victims of certain crimes to five years. The Committee also added a provision specifying that victims subject to multiple deadlines would be able to apply under the longest of the applicable deadlines.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the Attorney General states that it cannot estimate changes in compensation the Board would award to victims, but any additional expenditures could be financed with existing revenues. The Board also receives 75.0 percent federal matching dollars for state funds expended for payments made to victims; therefore, the federal funds would increase as state expenses increase. However, the agency cannot estimate the fiscal effect of the bill's provisions.

The Office of Judicial Administration states that enactment of the bill would not have a fiscal effect on any operating costs. Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Crime Victims Compensation Board; criminal conduct; Crime Victims Compensation Fund; Crime Victims Assistance Fund