



DEREK SCHMIDT
ATTORNEY GENERAL

RICHARD A. SAMANIEGO, CHAIR
STUART HITE

KRISTEN A.K. CZUGALA
EXECUTIVE DIRECTOR

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL
CRIME VICTIMS COMPENSATION BOARD

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2359 • FAX (785) 296-0652
WWW.AG.KS.GOV

Testimony in Support of House Bill 2082

Presented to the House Committee on the Judiciary
By Richard A. Samaniego,
Chair of the Kansas Crime Victims Compensation Board

January 25, 2021

On behalf of the Kansas Crime Victims Compensation Board (CVCB), I thank you for the opportunity to provide testimony in support of HB 2082. CVCB is dedicated to assisting victims with compensation for out-of-pocket expenses incurred as a direct result of violent crimes.

K.S.A. 74-7305(b) provides deadlines for filing an application for compensation with CVCB. Generally, an application must be filed within two years of the date of the crime. For child victims of certain crimes (primarily sex crimes) the two-year deadline does not begin to run until the crime is reported to law enforcement.

Unfortunately, victims occasionally file an application past these statutory deadlines, and CVCB is required to deny compensation, even if there was good cause for the failure to timely file. For instance, CVCB recently had to deny a claim filed on behalf of a child sexual abuse victim because it was not filed within two years of the reporting of the crime to law enforcement, in part due to delays in the investigation and prosecution of the offense. CVCB does not believe that the denial of compensation was warranted in those circumstances.

This bill would provide CVCB with authority to waive the two-year filing deadline for victims of sexually violent crimes who are seeking compensation for mental health counseling when CVCB finds good cause for the failure to file within the specified time. K.S.A. 74-7305(b) already contains two exceptions to the normal two-year filing deadlines—for victims who are called to testify at sexually violent predator commitment proceedings and for victims who are notified of the results of the testing of DNA evidence. But those exceptions, which would be subsumed by this provision, are not the only situations where good cause exists for the failure to timely file an application. CVCB believes that a broader “good cause” exception would allow CVCB to award compensation in appropriate cases.

This provision passed the House 125-0 last year as HB 2495, but was not considered by the Senate prior to the early adjournment of the Legislature in the wake of the COVID-19 pandemic.

This year, the Board is also supporting inclusion of one additional provision, which would make child witnesses of violent crimes eligible to receive compensation for mental health counseling by including witnesses 16 years of age or younger in the definition of “victim.”

I respectfully request the committee’s favorable recommendation of this legislation. Thank you for your time, attention, and consideration in this matter.

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