

HOUSE BILL NO. 307

INTRODUCED BY QUILICI, VAN VALKENBURG, MESSMORE,
FORRESTER, MENAHAN, J. BROWN, MCCARTHY

IN THE HOUSE

JANUARY 21, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

JANUARY 22, 1991 FIRST READING.

JANUARY 28, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 29, 1991 PRINTING REPORT.

JANUARY 31, 1991 SECOND READING, DO PASS.

FEBRUARY 1, 1991 ENGROSSING REPORT.

FEBRUARY 2, 1991 THIRD READING, PASSED.
AYES, 95; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

MARCH 12, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 14, 1991 SECOND READING, CONCURRED IN.

MARCH 15, 1991 THIRD READING, CONCURRED IN.
AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *307*
 2 INTRODUCED BY *Justin Van Valkenburg - Jefferson*
 3 *Forester Menahan J. Brown B. McCarthy*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE FILING
 5 TIME REQUIREMENTS AND TO EXCEPT THE REPORTING LIMITATIONS
 6 FOR OBTAINING CRIME VICTIM COMPENSATION IN CASES INVOLVING
 7 SEXUAL OFFENSES AGAINST MINORS; AND AMENDING SECTION
 8 53-9-125, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 53-9-125, MCA, is amended to read:

12 "53-9-125. Limitations on awards. (1) Compensation
 13 Except as otherwise provided in this section, compensation
 14 may not be awarded unless the claim is filed with the
 15 division within 1 year after the day the criminally
 16 injurious conduct occurred causing the injury or death upon
 17 which the claim is based. Compensation in cases involving
 18 sexual offenses against minors may not be awarded unless the
 19 claim is filed with the division within 1 year after the day
 20 the criminally injurious conduct was reported to a law
 21 enforcement agency or an agency of the state responsible for
 22 provision of child welfare services. The time for filing a
 23 claim may be extended by the division for good cause shown.

24 (2) Compensation may not be awarded to a claimant who
25 is the offender or an accomplice of the offender or to any

1 claimant if the award would unjustly benefit the offender or
 2 accomplice. Unless the division determines that the
 3 interests of justice otherwise require in a particular case,
 4 compensation may not be awarded to the spouse of or a person
 5 living in the same household with the offender or his
 6 accomplice or to the parent, child, brother, or sister of
 7 the offender or his accomplice.

8 (3) Compensation may not be awarded unless the
 9 criminally injurious conduct resulting in injury or death
 10 was reported to a law enforcement officer. In cases
 11 involving sexual offenses against minors, the report must be
 12 made within 72 hours after its occurrence or unless the
 13 division finds there was good cause for the failure to
 14 report within that time.

15 (4) In order to be entitled to benefits under this
 16 part, a claimant must fully cooperate with all law
 17 enforcement agencies and prosecuting attorneys in the
 18 apprehension and prosecution of the offender causing the
 19 criminally injurious conduct. The division, upon finding
 20 that the claimant or victim has not fully cooperated with
 21 appropriate law enforcement agencies or prosecuting
 22 attorneys, may deny or reconsider and reduce an award of
 23 compensation.

24 (5) Compensation otherwise payable to a claimant shall
25 be reduced or denied to the extent the compensation benefits



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LC 0464/01

1 payable are or can be recouped from collateral sources.

2 (6) Persons serving a sentence of imprisonment or
3 residing in any other public institution which provides for
4 the maintenance of such person are not entitled to the
5 benefits of this part.

6 (7) Compensation may be denied or reduced if the victim
7 contributed to the infliction of death or injury with
8 respect to which the claim is made. Any reduction in
9 benefits under this subsection shall be in proportion to
10 what the division finds to be the victim's contribution to
11 the infliction of death or injury."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0307, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


The proposed legislation would extend the filing time requirements and except the reporting limitations for obtaining crime victim compensation in cases involving sexual offenses against minors.

ASSUMPTIONS:

1. There is no change in the 72-hour report to law enforcement limit for the claimant for a minor who is the victim of a sexual offense. The bill will not impact claim denials under this limit for these particular offenses.
2. Victims of crimes other than sexual offenses against minors would have no time limit on when the crime must be reported to a law enforcement agency. This would reduce the number of claims denied for failure to meet the 72-hour time limit. It is estimated that approximately 4 claims per year, other than claims on behalf of a minor victim of a sexual offense, which are currently denied, would be paid under this bill.
3. The average payment per claim, based upon averages for fiscal years 1989-1991, is \$1,230.
4. The change in the one year limit for filing claims involving sexual offenses against minors would have minimal impact on benefits paid.
5. Current law is represented by the executive budget recommendation for the Crime Control Division.

FISCAL IMPACT:

see next page



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



JOE QUILICI, PRIMARY SPONSOR DATE

Fiscal Note for HB0307, as introduced

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Fiscal Note Request, HB0307, as introduced

Form BD-15

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Crime Control Division

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	18.00	18.00	0.00	18.00	18.00	0.00
Personal Services	536,119	536,119	0	535,618	535,618	0
Operating Costs	217,065	217,065	0	223,157	223,157	0
Equipment	14,297	14,297	0	6,085	6,085	0
Local Assistance	3,260,718	3,260,718	0	3,287,718	3,287,718	0
Benefits and Claims	<u>375,000</u>	<u>379,920</u>	<u>4,920</u>	<u>375,000</u>	<u>379,920</u>	<u>4,920</u>
Total	4,403,199	4,408,119	4,920	4,427,578	4,432,498	4,920
<u>Funding:</u>						
General Fund (01)	483,360	483,360	0	510,876	510,876	0
State Special (02)	462,901	467,821	4,920	459,764	464,684	4,920
Federal Special (03)	<u>3,456,938</u>	<u>3,456,938</u>	<u>0</u>	<u>3,456,938</u>	<u>3,456,938</u>	<u>0</u>
Total	4,403,199	4,408,119	4,920	4,427,578	4,432,498	4,920

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The amount of time, effort, and cost incurred by the crime victims unit of the Crime Control Division to investigate claims may increase in the absence of a 72-hour reporting requirement for offenses other than sexual crimes against minors.

TECHNICAL NOTES:

The language in the bill removes the 72-hour reporting requirement to law enforcement for all offenses other than sexual offenses against minors. It is unclear whether this is the actual intent of the bill.

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APPROVED BY COMMITTEE
ON JUDICIARY

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may not be awarded unless the claim is filed with the
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injurious conduct occurred causing the injury or death upon
which the claim is based. Compensation in cases involving
sexual offenses against minors may not be awarded unless the
claim is filed with the division within 1 year after the day
the criminally injurious conduct was reported to a law
enforcement agency or an agency of the state responsible for
provision of child welfare services, OR WITHIN 1 YEAR AFTER
THE DAY THE VICTIM REACHES 18 YEARS OF AGE, WHICHEVER OCCURS
LAST. The time for filing a claim may be extended by the

division for good cause shown.

(2) Compensation may not be awarded to a claimant who
is the offender or an accomplice of the offender or to any
claimant if the award would unjustly benefit the offender or
accomplice. Unless the division determines that the
interests of justice otherwise require in a particular case,
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EXCEPT IN A CASE INVOLVING A SEXUAL OFFENSE AGAINST A MINOR
OR WHEN the division finds there was good cause for the
failure to report within that time.

(4) In order to be entitled to benefits under this
part, a claimant must fully cooperate with all law
enforcement agencies and prosecuting attorneys in the
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that the claimant or victim has not fully cooperated with
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SECOND READING

1 attorneys, may deny or reconsider and reduce an award of
2 compensation.

3 (5) Compensation otherwise payable to a claimant shall
4 be reduced or denied to the extent the compensation benefits
5 payable are or can be recouped from collateral sources.

6 (6) Persons serving a sentence of imprisonment or
7 residing in any other public institution which provides for
8 the maintenance of such person are not entitled to the
9 benefits of this part.

10 (7) Compensation may be denied or reduced if the victim
11 contributed to the infliction of death or injury with
12 respect to which the claim is made. Any reduction in
13 benefits under this subsection shall be in proportion to
14 what the division finds to be the victim's contribution to
15 the infliction of death or injury."

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THIRD READING



attorneys, may deny or reconsider and reduce an award of compensation.

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(6) Persons serving a sentence of imprisonment or residing in any other public institution which provides for the maintenance of such person are not entitled to the benefits of this part.

(7) Compensation may be denied or reduced if the victim contributed to the infliction of death or injury with respect to which the claim is made. Any reduction in benefits under this subsection shall be in proportion to what the division finds to be the victim's contribution to the infliction of death or injury."

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REFERENCE BILL

HB 307

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-End-