

SENATE BILL NO. 40
INTRODUCED BY HALLIGAN

IN THE SENATE

JANUARY 5, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

JANUARY 14, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 15, 1987 PRINTING REPORT.

 ON MOTION, TAKEN FROM SECOND READING
AND REREFERRED TO COMMITTEE
ON JUDICIARY.

JANUARY 21, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 22, 1987 PRINTING REPORT.

JANUARY 24, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

JANUARY 26, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

JANUARY 29, 1987 SECOND READING, DO PASS.

JANUARY 30, 1987 ENGROSSING REPORT.

JANUARY 31, 1987 THIRD READING, PASSED.
AYES, 46; NOES, 1.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 13, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1987

SECOND READING, CONCURRED IN.

MARCH 17, 1987

THIRD READING, CONCURRED IN.
AYES, 92; NOES, 4.

RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 SENATE BILL NO. 40
 2 INTRODUCED BY HALLIGAN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CRIME
 5 VICTIMS COMPENSATION ACT OF MONTANA TO PERMIT CERTAIN
 6 RELATIVES OF A VICTIM KILLED AS A RESULT OF CRIMINALLY
 7 INJURIOUS CONDUCT TO BE REIMBURSED FOR MENTAL HEALTH
 8 TREATMENT; AND AMENDING SECTION 53-9-128, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 53-9-128, MCA, is amended to read:
 12 "53-9-128. Compensation benefits. (1) A claimant is
 13 entitled to weekly compensation benefits when the claimant
 14 has a total actual loss of wages due to injury as a result
 15 of criminally injurious conduct. During the time the
 16 claimant seeks such weekly benefits, the claimant, as a
 17 result of such injury, must have no reasonable prospect of
 18 being regularly employed in the normal labor market. The
 19 weekly benefit amount is 66 2/3% of the wages received at
 20 the time of the criminally injurious conduct, subject to a
 21 maximum of \$125. Weekly compensation payments shall be made
 22 at the end of each 2-week period. No weekly compensation
 23 payments may be paid for the first week after the criminally
 24 injurious conduct occurred, but if total actual loss of
 25 wages continues for 1 week, weekly compensation payments

1 shall be paid from the date the wage loss began. Weekly
 2 compensation payments shall continue until the claimant has
 3 a reasonable prospect of being regularly employed in the
 4 normal labor market.
 5 (2) The claimant is entitled to be reimbursed for
 6 reasonable services by a physician or surgeon, reasonable
 7 hospital services and medicines, and such other treatment as
 8 may be approved by the division for the injuries suffered
 9 due to criminally injurious conduct.
 10 (3) (a) The dependents of a victim who is killed as a
 11 result of criminally injurious conduct are entitled to
 12 receive, in a gross single amount payable to all dependents,
 13 weekly benefits amounting to 66 2/3% of the wages received
 14 at the time of the criminally injurious conduct causing the
 15 death, subject to a maximum of \$125 per week. Weekly
 16 compensation payments shall be made at the end of each
 17 2-week period.
 18 (b) Benefits under subsection (3)(a) of this section
 19 shall be paid to the spouse for the benefit of the spouse
 20 and other dependents unless the division determines that
 21 other payment arrangements should be made. If a spouse dies
 22 or remarries, benefits under subsection (3)(a) shall cease
 23 to be paid to the spouse but shall continue to be paid to
 24 the other dependents so long as their dependent status
 25 continues.



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1 (4) Reasonable funeral and burial expenses of the
2 victim, not exceeding \$1,100, shall be paid if all other
3 collateral sources have properly paid such expenses but have
4 not covered all such expenses.

5 (5) Compensation payable to a victim and all of the
6 victim's dependents in cases of the victim's death, because
7 of injuries suffered due to an act of criminally injurious
8 conduct may not exceed \$25,000 in the aggregate.

9 (6) Compensation benefits are not payable for pain and
10 suffering, inconvenience, physical impairment, or nonbodily
11 damage.

12 (7) (a) A person who has suffered injury as a result
13 of criminally injurious conduct and as a result of such
14 injury has no reasonable prospect of being regularly
15 employed in the normal labor market, who was employable but
16 was not employed at the time of such injury, may in the
17 discretion of the division be awarded weekly compensation
18 benefits in an amount determined by the division not to
19 exceed \$100 per week. Weekly compensation payments shall
20 continue until the claimant has a reasonable prospect of
21 being regularly employed in the normal labor market or for a
22 shorter period as determined by the division. The claimant
23 shall be awarded benefits as provided in subsection (2) of
24 this section.

25 (b) The dependents of a victim who is killed as a

1 result of criminally injurious conduct and who was
2 employable but not employed at the time of death may in the
3 discretion of the division be awarded, in a gross single
4 amount payable to all dependents, a sum not to exceed \$100
5 per week which shall be payable in the manner and for the
6 period provided by subsection (3)(b) of this section or for
7 such shorter period as determined by the division. The
8 claimant shall be awarded benefits as provided in subsection
9 (4) of this section.

10 (c) Compensation payable to a victim or a victim's
11 dependents under this subsection may not exceed \$20,000, and
12 the limitations of subsection (6) apply to compensation
13 under this subsection (7).

14 (8) Amounts payable as weekly compensation may not be
15 commuted to a lump sum and may not be paid less frequently
16 than every 2 weeks.

17 (9) (a) Subject to the limitations in subsection
18 (9)(b), the spouse, parent, child, brother, or sister of a
19 victim who is killed as a result of criminally injurious
20 conduct is entitled to reimbursement for mental health
21 treatment received as a result of the victim's death.

22 (b) Total payments made under subsection (9)(a) may
23 not exceed \$1,000 for each person or \$5,000 for a family.
24 Payments must terminate 1 year after a claim is filed under
25 53-9-125."

-End-

-4-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB040, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act amending Section 53-9-128, MCA, the Crime Victims' Compensation Act of Montana to permit certain relatives of a victim killed as a result of criminally injurious conduct to be reimbursed for mental health treatment.

ASSUMPTIONS:

1. There will be twenty (20) qualifying claims (homicides) per year.
2. There will be 1.5 qualifying claimants per victim @ \$1,000 per claimant.
3. No additional FTE's to administer the program will be required.
4. There will be no collateral sources which means: no other forms of insurance or other form benefit available to reimburse the qualifying claimant for mental health expenses. (Section 53-9-103, MCA)
5. Development of forms to be used in administering the change will cost \$60.00.

FISCAL IMPACT:

Expenditures:

	FY88		FY89	
	Existing Law	New Law	Existing Law	New Law
Contracted Services	\$ 0	\$ 60	\$ 0	\$ 60
Benefit & Claims		30,000		30,000
Total		\$30,060		\$30,060

Expenditures will be paid from State Special Revenue Fund.

Revenues:

N/A

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

David L. Hunter DATE 1/7/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Mike Halligan DATE 1-8-87
MIKE HALLIGAN, PRIMARY SPONSOR

Fiscal Note for SB040, as introduced.

RE-REFERRED AND
APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 40
INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CRIME VICTIMS COMPENSATION ACT OF MONTANA TO PERMIT CERTAIN RELATIVES OF A VICTIM KILLED AS A RESULT OF CRIMINALLY INJURIOUS CONDUCT OR CERTAIN RELATIVES OF A MINOR VICTIM OF A SEXUAL CRIME OR HIS IMMEDIATE FAMILY TO BE REIMBURSED FOR MENTAL HEALTH TREATMENT; AND AMENDING SECTION 53-9-128, MCA."

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

Section 1. Section 53-9-128, MCA, is amended to read:
"53-9-128. Compensation benefits. (1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks such weekly benefits, the claimant, as a result of such injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is 66 2/3% of the wages received at the time of the criminally injurious conduct, subject to a maximum of \$125. Weekly compensation payments shall be made at the end of each 2-week period. No weekly compensation payments may be paid for the first week after the criminally

injurious conduct occurred, but if total actual loss of wages continues for 1 week, weekly compensation payments shall be paid from the date the wage loss began. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market.

(2) The claimant is entitled to be reimbursed for reasonable services by a physician or surgeon, reasonable hospital services and medicines, and such other treatment as may be approved by the division for the injuries suffered due to criminally injurious conduct.

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive, in a gross single amount payable to all dependents, weekly benefits amounting to 66 2/3% of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of \$125 per week. Weekly compensation payments shall be made at the end of each 2-week period.

(b) Benefits under subsection (3)(a) of this section shall be paid to the spouse for the benefit of the spouse and other dependents unless the division determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under subsection (3)(a) shall cease to be paid to the spouse but shall continue to be paid to



1 the other dependents so long as their dependent status
2 continues.

3 (4) Reasonable funeral and burial expenses of the
4 victim, not exceeding \$1,100, shall be paid if all other
5 collateral sources have properly paid such expenses but have
6 not covered all such expenses.

7 (5) Compensation payable to a victim and all of the
8 victim's dependents in cases of the victim's death, because
9 of injuries suffered due to an act of criminally injurious
10 conduct may not exceed \$25,000 in the aggregate.

11 (6) Compensation benefits are not payable for pain and
12 suffering, inconvenience, physical impairment, or nonbodily
13 damage.

14 (7) (a) A person who has suffered injury as a result
15 of criminally injurious conduct and as a result of such
16 injury has no reasonable prospect of being regularly
17 employed in the normal labor market, who was employable but
18 was not employed at the time of such injury, may in the
19 discretion of the division be awarded weekly compensation
20 benefits in an amount determined by the division not to
21 exceed \$100 per week. Weekly compensation payments shall
22 continue until the claimant has a reasonable prospect of
23 being regularly employed in the normal labor market or for a
24 shorter period as determined by the division. The claimant
25 shall be awarded benefits as provided in subsection (2) of

1 this section.

2 (b) The dependents of a victim who is killed as a
3 result of criminally injurious conduct and who was
4 employable but not employed at the time of death may in the
5 discretion of the division be awarded, in a gross single
6 amount payable to all dependents, a sum not to exceed \$100
7 per week which shall be payable in the manner and for the
8 period provided by subsection (3)(b) of this section or for
9 such shorter period as determined by the division. The
10 claimant shall be awarded benefits as provided in subsection
11 (4) of this section.

12 (c) Compensation payable to a victim or a victim's
13 dependents under this subsection may not exceed \$20,000, and
14 the limitations of subsection (6) apply to compensation
15 under this subsection (7).

16 (8) Amounts payable as weekly compensation may not be
17 commuted to a lump sum and may not be paid less frequently
18 than every 2 weeks.

19 (9) (a) Subject to the limitations in subsection
20 {9}{b} (9)(C), the spouse, parent, child, brother, or sister
21 of a victim who is killed as a result of criminally
22 injurious conduct is entitled to reimbursement for mental
23 health treatment received as a result of the victim's death.

24 (B) SUBJECT TO THE LIMITATIONS IN SUBSECTION (9)(C), A
25 MINOR WHO IS A VICTIM OF A SEXUAL CRIME FOR WHICH -- A -- PERSON

1 ~~HAS BEEN CHARGED AND WHO IS NOT ENTITLED TO RECEIVE SERVICES~~
2 ~~UNDER TITLE 41, CHAPTER 3, OR THE PARENT, BROTHER, OR SISTER~~
3 ~~OF SUCH A MINOR WHO IS A VICTIM OF A SEXUAL CRIME FOR WHICH~~
4 ~~A PERSON HAS BEEN CHARGED AND WHO IS NOT ENTITLED TO RECEIVE~~
5 ~~SERVICES UNDER TITLE 41, CHAPTER 3, IS ENTITLED TO~~
6 ~~REIMBURSEMENT FOR MENTAL HEALTH TREATMENT RECEIVED AS A~~
7 ~~RESULT OF THE CRIME.~~
8 (b)(C) Total payments made under subsection
9 SUBSECTIONS (9)(a) AND (9)(B) may not exceed ~~\$1,000~~ \$500 for
10 each person or ~~\$5,000~~ \$1,500 for a family. Payments must
11 terminate 1 year after a claim is filed under 53-9-125."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB040, on second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

An act amending the Crime Victim's Compensation Act of Montana, to permit certain relatives of a crime victim killed as a result of criminally injurious conduct or certain relatives of a minor victim of a sexual crime to be reimbursed for mental health treatment.

ASSUMPTIONS:

1. There will be twenty (20) qualifying homicide claims and ninety-one (91) qualifying sexual assault claims for the immediate families of crime victims. There will be 1.5 qualifying claimants per victim.
2. No additional FTE's to administer the program will be required.
3. There will be no collateral sources for families of homicide victims and rarely any collateral sources for minor sexual assault victims' families which means: no other forms of insurance or other benefits available to reimburse the qualifying claimant for mental health expenses. (Section 53-9-103,MCA).
4. Development of forms to be used in administering the change will cost \$60.

FISCAL IMPACT:

Expenditures:

	FY88		FY89	
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Current Law</u>	<u>Proposed Law</u>
Contracted Services	\$ 0	\$ 60	\$ 0	\$ 60
Benefits & Claims				
Homicides - Family Members	0	15,000	0	15,000
Sexual Assault - Family Members	0	68,250	0	68,250
TOTAL	\$ 0	\$ 83,310	\$ 0	\$ 83,310

Expenses will be paid from State Special Revenue Fund.

Revenues:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

None.

David L. Hunter DATE 1/28/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Mike Halligan DATE 1-29-87
MIKE HALLIGAN, PRIMARY SPONSOR

Fiscal Note for SB040, on second reading.

SB 40 #2

1 SENATE BILL NO. 40

2 INTRODUCED BY HALLIGAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CRIME
5 VICTIMS COMPENSATION ACT OF MONTANA TO PERMIT CERTAIN
6 RELATIVES OF A VICTIM KILLED AS A RESULT OF CRIMINALLY
7 INJURIOUS CONDUCT OR CERTAIN RELATIVES OF A MINOR VICTIM OF
8 A SEXUAL CRIME OR HIS IMMEDIATE FAMILY TO BE REIMBURSED FOR
9 MENTAL HEALTH TREATMENT; AND AMENDING SECTION 53-9-128,
10 MCA."
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 53-9-128, MCA, is amended to read:

14 "53-9-128. Compensation benefits. (1) A claimant is
15 entitled to weekly compensation benefits when the claimant
16 has a total actual loss of wages due to injury as a result
17 of criminally injurious conduct. During the time the
18 claimant seeks such weekly benefits, the claimant, as a
19 result of such injury, must have no reasonable prospect of
20 being regularly employed in the normal labor market. The
21 weekly benefit amount is 66 2/3% of the wages received at
22 the time of the criminally injurious conduct, subject to a
23 maximum of \$125. Weekly compensation payments shall be made
24 at the end of each 2-week period. No weekly compensation
25 payments may be paid for the first week after the criminally

1 injurious conduct occurred, but if total actual loss of
2 wages continues for 1 week, weekly compensation payments
3 shall be paid from the date the wage loss began. Weekly
4 compensation payments shall continue until the claimant has
5 a reasonable prospect of being regularly employed in the
6 normal labor market.

7 (2) The claimant is entitled to be reimbursed for
8 reasonable services by a physician or surgeon, reasonable
9 hospital services and medicines, and such other treatment as
10 may be approved by the division for the injuries suffered
11 due to criminally injurious conduct.

12 (3) (a) The dependents of a victim who is killed as a
13 result of criminally injurious conduct are entitled to
14 receive, in a gross single amount payable to all dependents,
15 weekly benefits amounting to 66 2/3% of the wages received
16 at the time of the criminally injurious conduct causing the
17 death, subject to a maximum of \$125 per week. Weekly
18 compensation payments shall be made at the end of each
19 2-week period.

20 (b) Benefits under subsection (3)(a) of this section
21 shall be paid to the spouse for the benefit of the spouse
22 and other dependents unless the division determines that
23 other payment arrangements should be made. If a spouse dies
24 or remarries, benefits under subsection (3)(a) shall cease
25 to be paid to the spouse but shall continue to be paid to

1 the other dependents so long as their dependent status
2 continues.

3 (4) Reasonable funeral and burial expenses of the
4 victim, not exceeding \$1,100, shall be paid if all other
5 collateral sources have properly paid such expenses but have
6 not covered all such expenses.

7 (5) Compensation payable to a victim and all of the
8 victim's dependents in cases of the victim's death, because
9 of injuries suffered due to an act of criminally injurious
10 conduct may not exceed \$25,000 in the aggregate.

11 (6) Compensation benefits are not payable for pain and
12 suffering, inconvenience, physical impairment, or nonbodily
13 damage.

14 (7) (a) A person who has suffered injury as a result
15 of criminally injurious conduct and as a result of such
16 injury has no reasonable prospect of being regularly
17 employed in the normal labor market, who was employable but
18 was not employed at the time of such injury, may in the
19 discretion of the division be awarded weekly compensation
20 benefits in an amount determined by the division not to
21 exceed \$100 per week. Weekly compensation payments shall
22 continue until the claimant has a reasonable prospect of
23 being regularly employed in the normal labor market or for a
24 shorter period as determined by the division. The claimant
25 shall be awarded benefits as provided in subsection (2) of

1 this section.

2 (b) The dependents of a victim who is killed as a
3 result of criminally injurious conduct and who was
4 employable but not employed at the time of death may in the
5 discretion of the division be awarded, in a gross single
6 amount payable to all dependents, a sum not to exceed \$100
7 per week which shall be payable in the manner and for the
8 period provided by subsection (3)(b) of this section or for
9 such shorter period as determined by the division. The
10 claimant shall be awarded benefits as provided in subsection
11 (4) of this section.

12 (c) Compensation payable to a victim or a victim's
13 dependents under this subsection may not exceed \$20,000, and
14 the limitations of subsection (6) apply to compensation
15 under this subsection (7).

16 (8) Amounts payable as weekly compensation may not be
17 commuted to a lump sum and may not be paid less frequently
18 than every 2 weeks.

19 (9) (a) Subject to the limitations in subsection
20 ~~(9)(b)~~ (9)(C), the spouse, parent, child, brother, or sister
21 of a victim who is killed as a result of criminally
22 injurious conduct is entitled to reimbursement for mental
23 health treatment received as a result of the victim's death.

24 (B) SUBJECT TO THE LIMITATIONS IN SUBSECTION (9)(C), A
25 MINOR WHO IS A VICTIM OF A SEXUAL CRIME FOR WHICH A PERSON

1 HAS-BEEN-CHARGED-AND-WHO-IS-NOT-ENTITLED-TO-RECEIVE-SERVICES
2 UNDER-TITLE-41, CHAPTER-3, OR THE PARENT, BROTHER, OR SISTER
3 OF SUCH A MINOR WHO IS A VICTIM OF A SEXUAL CRIME FOR WHICH
4 A PERSON HAS BEEN CHARGED AND WHO IS NOT ENTITLED TO RECEIVE
5 SERVICES UNDER TITLE 41, CHAPTER 3, IS ENTITLED TO
6 REIMBURSEMENT FOR MENTAL HEALTH TREATMENT RECEIVED AS A
7 RESULT OF THE CRIME.
8 (b)(C) Total payments made under subsection
9 SUBSECTIONS (9)(a) AND (9)(B) may not exceed \$1,000 \$500 for
10 each person or \$5,000 \$1,500 for a family. Payments must
11 terminate 1 year after a claim is filed under 53-9-125."

-End-

SENATE BILL NO. 40
INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CRIME VICTIMS COMPENSATION ACT OF MONTANA TO PERMIT CERTAIN RELATIVES OF A VICTIM KILLED AS A RESULT OF CRIMINALLY INJURIOUS CONDUCT OR CERTAIN RELATIVES OF A MINOR VICTIM OF A SEXUAL CRIME OR HIS IMMEDIATE FAMILY TO BE REIMBURSED FOR MENTAL HEALTH TREATMENT; AND AMENDING SECTION 53-9-128, MCA."

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

Section 1. Section 53-9-128, MCA, is amended to read:
"53-9-128. Compensation benefits. (1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks such weekly benefits, the claimant, as a result of such injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is 66 2/3% of the wages received at the time of the criminally injurious conduct, subject to a maximum of \$125. Weekly compensation payments shall be made at the end of each 2-week period. No weekly compensation payments may be paid for the first week after the criminally

injurious conduct occurred, but if total actual loss of wages continues for 1 week, weekly compensation payments shall be paid from the date the wage loss began. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market.

(2) The claimant is entitled to be reimbursed for reasonable services by a physician or surgeon, reasonable hospital services and medicines, and such other treatment as may be approved by the division for the injuries suffered due to criminally injurious conduct.

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive, in a gross single amount payable to all dependents, weekly benefits amounting to 66 2/3% of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of \$125 per week. Weekly compensation payments shall be made at the end of each 2-week period.

(b) Benefits under subsection (3)(a) of this section shall be paid to the spouse for the benefit of the spouse and other dependents unless the division determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under subsection (3)(a) shall cease to be paid to the spouse but shall continue to be paid to



1 the other dependents so long as their dependent status
2 continues.

3 (4) Reasonable funeral and burial expenses of the
4 victim, not exceeding \$1,100, shall be paid if all other
5 collateral sources have properly paid such expenses but have
6 not covered all such expenses.

7 (5) Compensation payable to a victim and all of the
8 victim's dependents in cases of the victim's death, because
9 of injuries suffered due to an act of criminally injurious
10 conduct may not exceed \$25,000 in the aggregate.

11 (6) Compensation benefits are not payable for pain and
12 suffering, inconvenience, physical impairment, or nonbodily
13 damage.

14 (7) (a) A person who has suffered injury as a result
15 of criminally injurious conduct and as a result of such
16 injury has no reasonable prospect of being regularly
17 employed in the normal labor market, who was employable but
18 was not employed at the time of such injury, may in the
19 discretion of the division be awarded weekly compensation
20 benefits in an amount determined by the division not to
21 exceed \$100 per week. Weekly compensation payments shall
22 continue until the claimant has a reasonable prospect of
23 being regularly employed in the normal labor market or for a
24 shorter period as determined by the division. The claimant
25 shall be awarded benefits as provided in subsection (2) of

1 this section.

2 (b) The dependents of a victim who is killed as a
3 result of criminally injurious conduct and who was
4 employable but not employed at the time of death may in the
5 discretion of the division be awarded, in a gross single
6 amount payable to all dependents, a sum not to exceed \$100
7 per week which shall be payable in the manner and for the
8 period provided by subsection (3)(b) of this section or for
9 such shorter period as determined by the division. The
10 claimant shall be awarded benefits as provided in subsection
11 (4) of this section.

12 (c) Compensation payable to a victim or a victim's
13 dependents under this subsection may not exceed \$20,000, and
14 the limitations of subsection (6) apply to compensation
15 under this subsection (7).

16 (8) Amounts payable as weekly compensation may not be
17 commuted to a lump sum and may not be paid less frequently
18 than every 2 weeks.

19 (9) (a) Subject to the limitations in subsection
20 (9)(b) (9)(C), the spouse, parent, child, brother, or sister
21 of a victim who is killed as a result of criminally
22 injurious conduct is entitled to reimbursement for mental
23 health treatment received as a result of the victim's death.

24 (B) SUBJECT TO THE LIMITATIONS IN SUBSECTION (9)(C), A
25 MINOR WHO IS A VICTIM OF A SEXUAL CRIME FOR WHICH A PERSON

1 ~~HAS BEEN CHARGED AND WHO IS NOT ENTITLED TO RECEIVE SERVICES~~
2 ~~UNDER TITLE 41, CHAPTER 3, OR THE PARENT, BROTHER, OR SISTER~~
3 ~~OF SUCH A MINOR WHO IS A VICTIM OF A SEXUAL CRIME FOR WHICH~~
4 ~~A PERSON HAS BEEN CHARGED AND WHO IS NOT ENTITLED TO RECEIVE~~
5 ~~SERVICES UNDER TITLE 41, CHAPTER 3, IS ENTITLED TO~~
6 ~~REIMBURSEMENT FOR MENTAL HEALTH TREATMENT RECEIVED AS A~~
7 ~~RESULT OF THE CRIME.~~
8 **(b)(C)** Total payments made under subsection
9 SUBSECTIONS (9)(a) AND (9)(B) may not exceed \$1,000 \$500 for
10 each person or \$5,000 \$1,500 for a family. Payments must
11 terminate 1 year after a claim is filed under 53-9-125."

-End-