

FILED MAR 06 2006

SENATE FILE 2339  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3087)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the crime victim compensation fund.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SC 2339

1 Section 1. Section 915.80, subsection 2, Code 2005, is  
2 amended to read as follows:

3 2. "Crime" means conduct that occurs or is attempted in  
4 this state, poses a substantial threat of personal injury or  
5 death, and is punishable as a felony or misdemeanor, or would  
6 be so punishable but for the fact that the person engaging in  
7 the conduct lacked the capacity to commit the crime under the  
8 laws of this state. "Crime" does not include conduct arising  
9 out of the ownership, maintenance, or use of a motor vehicle,  
10 motorcycle, motorized bicycle, train, boat, or aircraft except  
11 for violations of section 321.261, 321.277, 321J.2, 462A.7,  
12 462A.12, 462A.14, or 707.6A, or when the intention is to cause  
13 personal injury or death. A license revocation under section  
14 321J.9 or 321J.12 shall be considered by the department as  
15 evidence of a violation of section 321J.2 for the purposes of  
16 this subchapter. A license suspension or revocation under  
17 section 462A.14 or 462A.23 shall be considered by the  
18 department as evidence of a violation of section 462A.14 for  
19 the purposes of this subchapter.

20 Sec. 2. Section 915.86, subsections 1, 3, 5, 7, 8, and 12,  
21 Code 2005, are amended to read as follows:

22 1. Reasonable charges incurred for medical care not to  
23 exceed fifteen twenty-five thousand dollars. Reasonable  
24 charges incurred for mental health care not to exceed three  
25 five thousand dollars which includes services provided by a  
26 psychologist licensed under chapter 154B, a person holding at  
27 least a master's degree in social work or counseling and  
28 guidance, or a victim counselor as defined in section 915.20A.

29 3. Loss of income from work that the victim's parent or  
30 caretaker would have performed and for which the victim's  
31 parent or caretaker would have received remuneration for up to  
32 three days after the crime or the discovery of the crime to  
33 assist the victim and when the victim's parent or caretaker  
34 accompanies the victim to medical and counseling services, not  
35 to exceed one thousand dollars per parent or caretaker.

1 5. Reasonable replacement value of clothing that is held  
2 for evidentiary purposes not to exceed one two hundred  
3 dollars.

4 7. Loss of support for dependents resulting from death or  
5 a period of disability of the victim of sixty days or more not  
6 to exceed two four thousand dollars per dependent.

7 8. In the event of a victim's death, reasonable charges  
8 incurred for counseling the victim's spouse, children,  
9 parents, siblings, or persons cohabiting with or related by  
10 blood or affinity to the victim if the counseling services are  
11 provided by a psychologist licensed under chapter 154B, a  
12 victim counselor as defined in section 915.20A, subsection 1,  
13 or an individual holding at least a master's degree in social  
14 work or counseling and guidance, and reasonable charges  
15 incurred by such persons for medical care counseling provided  
16 by a psychiatrist licensed under chapter 147 or 150A. The  
17 allowable charges under this subsection shall not exceed three  
18 five thousand dollars per person.

19 12. Reasonable charges incurred for mental health care for  
20 secondary victims which include the services provided by a  
21 psychologist licensed under chapter 154B, a person holding at  
22 least a master's degree in social work, counseling, or a  
23 related field, a victim counselor as defined in section  
24 915.20A, or a psychiatrist licensed under chapter 147, 148, or  
25 150A. The allowable charges under this subsection shall not  
26 exceed one two thousand dollars per secondary victim.

27 Sec. 3. Section 915.86, Code 2005, is amended by adding  
28 the following new subsections:

29 NEW SUBSECTION. 13. Reasonable dependent care expenses  
30 incurred by the victim, the victim's parent or caretaker, or  
31 the survivor of a homicide victim as described in subsection  
32 10 for the care of dependents while attending criminal justice  
33 proceedings or medical or counseling services, not to exceed  
34 one thousand dollars.

35 NEW SUBSECTION. 14. Reasonable expenses incurred by a

1 victim, the victim's parent or caretaker, or the survivor of a  
2 victim as described in subsection 10 to replace locks,  
3 windows, and other residential security items at the victim's  
4 residence or at the residential scene of a crime, not to  
5 exceed five hundred dollars.

6 NEW SUBSECTION. 15. Reasonable expenses incurred by the  
7 victim, a secondary victim, the parent or guardian of a  
8 victim, or the survivor of a homicide victim as described in  
9 subsection 10 for transportation to medical, counseling,  
10 funeral, or criminal justice proceedings, not to exceed one  
11 thousand dollars per person.

12 EXPLANATION

13 This bill relates to the crime victim compensation fund.

14 The bill expands the categories of crime victims eligible  
15 to receive victim compensation to include victims of hit-and-  
16 run boating and victims of careless or reckless boating,  
17 waterskiing, surfboarding, and use of similar devices. The  
18 bill provides that a license suspension or revocation for  
19 operating a motorboat or sailboat while intoxicated shall be  
20 considered by the department of justice as evidence of such a  
21 crime.

22 The bill increases the maximum compensation amounts for the  
23 following reimbursement categories for economic losses  
24 incurred as a direct result of an injury to or death of a  
25 victim:

26 1. Increases the benefit for medical care for a victim  
27 from \$15,000 to \$25,000.

28 2. Increases the benefit for victim and homicide survivors  
29 (including the victim's spouse, children, parents, siblings,  
30 or persons cohabiting with or certain persons related by blood  
31 or affinity to the victim) for counseling services from \$3,000  
32 to \$5,000.

33 3. Increases the benefit for the replacement cost of  
34 clothing held in evidence from \$100 to \$200.

35 4. Increases the loss of support benefit for secondary

1 victims for counseling services from \$1,000 to \$2,000.

2 5. Increases the loss of support for dependents resulting  
3 from death or a period of disability of the victim of 60 days  
4 or more from \$2,000 to \$4,000.

5 The bill specifies the lost wage benefit for a dependent  
6 victim's parent or caretaker who takes time off work to  
7 accompany the victim to medical or counseling services for up  
8 to three days shall not exceed \$1,000 per parent or caretaker.

9 The bill creates a new child care reimbursement benefit for  
10 child and dependent care that allows a victim, the victim's  
11 parent or caretaker, or the survivor of a homicide victim  
12 reasonable expenses for the care of dependents while attending  
13 criminal justice proceedings or medical or counseling  
14 appointments, not to exceed \$1,000.

15 The bill creates a new benefit to reimburse victims for  
16 replacement of locks, windows, or other property security  
17 items at a residential crime scene or at the residence of the  
18 crime victim or survivor of a homicide victim, not to exceed  
19 \$500.

20 The bill creates a new benefit to reimburse a victim, a  
21 secondary victim, the parent or guardian of a victim, or the  
22 survivor of a homicide victim for transportation costs for  
23 medical, counseling, funeral, and criminal justice  
24 proceedings, not to exceed \$1,000 per person.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 2339 – Crime Victim Compensation (LSB 5321 SV)

Analyst: Beth Lenstra (Phone: (515) (281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us)))

Fiscal Note Version - New

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**Description**

Senate File 2339 relates to victim eligibility for Victim Compensation Fund benefits. The Bill increases the payment limits for medical care, counseling services, bedding and clothing held as evidence, loss of support for dependents of a murder victim or a victim disabled from work over 60 days; and clarifies the lost wages benefit is \$1,000 per parent or caretaker rather than \$1,000 per case. Senate File 2339 also creates new benefits, including dependent care expenses incurred by the victim while attending criminal justice proceedings or medical or counseling services; replacement of locks, windows and other security items; and transportation costs to medical, counseling, funeral, or criminal justice proceedings. The Bill allows compensation to be paid to victims of reckless boating, hit and run boating, and boating under the influence of drugs.

**Background**

1. Receipts to the Victim Compensation Fund include a portion of the criminal surcharge, restitution, certain inmate wages, federal funds, and a portion of the Operating While Intoxicated (OWI) fines. The Fund pays certain out-of-pocket expenses of crime victims and their families, as defined in Chapter 915, Code of Iowa. The Fund also covers expenses related to:
  - Administrative costs of the Crime Victim Assistance Division, including the Victim Services Grant Program.
  - Sexual Abuse Examination Program. These costs increased by \$399,000 (66.50%) in FY 2005 due to increasing the reimbursement rate for facility use and examiner fees for collections of evidence in sexual abuse cases.
  - Services and support to victims of domestic abuse and sexual assault including shelter care providers.
  - Two victim/witness coordinators in the Area Prosecutions Division of the Office of the Attorney General.
  - Training for victim service providers is limited to no more than \$100,000 annually.
2. Based on actuarial studies in other states, at least \$5.2 million should be held in reserve so the Fund remains actuarially sound. This amount provides a six-month reserve for victim claims and operations in case of a catastrophic event, such as the Oklahoma City bombing. The FY 2005 ending balance was \$3.8 million.
3. The Department is maintaining a three-month reserve in FY 2006, so that funds may be transferred to Victim Assistance Grants. House File 811 (FY 2006 Justice System Appropriations Act) requires \$2.45 million to be transferred from the Victim Compensation Fund to the Victim Assistance Grants Program, which awards funds to service providers for victims of rape, sexual assault, and domestic abuse.
4. Federal law permits up to 60.0% of the costs to be reimbursed by the federal Victims Of Crime Act (VOCA) funds. However, the federal payment is not received until the following fiscal year, which may cause cash flow problems. Additionally, federal reimbursement rates are dependent on several items, including but not limited to the amount of money available in the federal VOCA Fund, and the amount of claims pending at the federal level.

5. The Crime Victim Assistance Division receives federal funds to support its activities. Federal receipts are estimated to be \$8.4 million in FY 2006, a decrease of \$57,500 (0.6%) compared to FY 2005, as follows:

- VOCA Compensation receipts for FY 2006 remain at the FY 2005 level of \$1.8 million. These funds are used for direct payments to victims.
- VOCA Assistance receipts for FY 2006 are \$3.9 million, an increase of approximately \$125,000 (3.3%) compared to FY 2005. These funds are awarded to local programs that serve victims of violent crimes.
- Family Violence Prevention and Services Act receipts are \$1.2 million in FY 2006, a decrease of approximately \$2,000 (0.2%) compared to FY 2005. These funds are used for domestic abuse programs.
- Violence Against Women Act (VAWA) receipts are \$1.4 million in FY 2006, a decrease of \$181,000 (11.4%) compared to FY 2005. These funds are used for victim services, law enforcement, prosecution, and court services for domestic violence, sexual assault, and stalking programs.

### **Assumption**

The expansion of benefits will not exceed the capacity of the Crime Victim Compensation Fund.

### **Fiscal Impact**

The estimated fiscal impact of SF 2339 is an increase in expenditures from the Crime Victim Compensation Fund as follows:

- Increase the medical care benefit: \$150,000
- Increase the counseling services benefit: \$140,000
- Increase the clothing allowance: \$11,000
- Increase the loss of support benefit: \$100,000
- Increase the lost wages benefit: \$15,000
- Allow reimbursement for victims of drunken boaters: \$10,000
- Allow reimbursement for dependent care: \$80,000
- Allow reimbursement for replacement of locks, windows, and other security items: \$60,000
- Allow reimbursement for transportation costs to medical, counseling, funeral, or criminal justice proceedings: \$45,000.

Senate File 2339 is estimated to increase expenditures from the Crime Victim Compensation Fund by no more than \$611,000 annually. These expenditures would reduce the year-end fund balance. Any federal reimbursement will be received in the next fiscal year.

### **Source**

Office of the Attorney General

/s/ Holly M. Lyons

March 6, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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Horn co-chair  
Zawn co-chair  
Hancock  
Tinsman

SSB# 3087  
Judiciary

Succeeded By  
(SF) HF 2339

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY  
GENERAL BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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