

HOUSE BILL NO. 183

INTRODUCED BY N. NICOL, D. HAWK, R. MARSHALL, G. OBLANDER, M. YAKAWICH, J. ETCHART, W.

RUSK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRIME VICTIMS COMPENSATION ACT TO INCREASE REASONABLE FUNERAL EXPENSES FOR THE VICTIM; INCREASING THE FUNERAL EXPENSES FROM \$3,500 TO \$10,000; ~~AND~~ AMENDING SECTION 53-9-128, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 weekly benefits, the claimant, as a result of the 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 one-half the state's average weekly wage as determined in 39-51-2201. Weekly compensation payments must be made at the end of each 2-week period. Weekly compensation payments may not 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 must be paid from the date the wage loss began. Weekly compensation payments must 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 other treatment approved by the office for the injuries suffered due to criminally injurious conduct. Unless expressly requested by the claimant, benefits may not be paid under this subsection until the claimant has been fully compensated for total wage loss benefits as provided in subsection (1) or (7).

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are

commuted to a lump sum and may not be paid less frequently than every 2 weeks.

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

(b) Subject to the limitations in subsection (9)(e), the parent, brother, or sister of a minor who is a victim of criminally injurious conduct involving a sexual offense and who is not entitled to receive services under Title 41, chapter 3, is entitled to reimbursement for mental health treatment received as a result of that criminally injurious conduct.

(c) Subject to the limitations in subsection (9)(e), the parent or guardian of a minor who is a victim of criminally injurious conduct involving a sexual offense and who is not entitled to receive services under Title 41, chapter 3, is entitled to:

(i) claim benefits under subsection (1);

(ii) mileage at the rate allowed by the internal revenue service for the current year; and

(iii) if not receiving benefits under subsection (9)(c)(i), actual wage loss reimbursement for wage loss incurred taking the minor victim to mental health or medical treatment received as a result of that criminally injurious conduct.

(d) Subject to the limitations in subsection (9)(e), minor children who were present in a home where domestic violence occurred are entitled to reimbursement for mental health treatment received as a result of that criminally injurious conduct.

(e) Total payments made under subsections (9)(a) through (9)(d) may not exceed \$5,000 or 12 consecutive months of treatment for each person, whichever occurs first."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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