

1 HOUSE BILL NO. 183

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

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRIME VICTIMS COMPENSATION ACT TO
6 INCREASE REASONABLE FUNERAL EXPENSES FOR THE VICTIM; INCREASING THE FUNERAL
7 EXPENSES FROM \$3,500 TO \$10,000; AND AMENDING SECTION 53-9-128, MCA."
89 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1011 **Section 1.** Section 53-9-128, MCA, is amended to read:12 **"53-9-128. Compensation benefits.** (1) A claimant is entitled to weekly compensation benefits when
13 the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the
14 time the claimant seeks weekly benefits, the claimant, as a result of the injury, must have no reasonable
15 prospect of being regularly employed in the normal labor market. The weekly benefit amount is 66 2/3% of the
16 wages received at the time of the criminally injurious conduct, subject to a maximum of one-half the state's
17 average weekly wage as determined in 39-51-2201. Weekly compensation payments must be made at the end
18 of each 2-week period. Weekly compensation payments may not be paid for the first week after the criminally
19 injurious conduct occurred, but if total actual loss of wages continues for 1 week, weekly compensation
20 payments must be paid from the date the wage loss began. Weekly compensation payments must continue
21 until the claimant has a reasonable prospect of being regularly employed in the normal labor market.22 (2) The claimant is entitled to be reimbursed for reasonable services by a physician or surgeon,
23 reasonable hospital services and medicines, and other treatment approved by the office for the injuries suffered
24 due to criminally injurious conduct. Unless expressly requested by the claimant, benefits may not be paid under
25 this subsection until the claimant has been fully compensated for total wage loss benefits as provided in
26 subsection (1) or (7).27 (3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are
28 entitled to receive, in a gross single amount payable to all dependents, weekly benefits amounting to 66 2/3% of

1 the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of
2 one-half the state's average weekly wage as determined in 39-51-2201. Weekly compensation payments must
3 be made at the end of each 2-week period.

4 (b) Benefits under subsection (3)(a) must be paid to the spouse for the benefit of the spouse and
5 other dependents unless the office determines that other payment arrangements should be made. If a spouse
6 dies or remarries, benefits under subsection (3)(a) must cease to be paid to the spouse but must continue to be
7 paid to the other dependents as long as their dependent status continues.

8 (4) Reasonable funeral and burial expenses of the victim, not exceeding ~~\$3,500~~ \$10,000, must be
9 paid if all other collateral sources have properly paid expenses but have not covered all expenses.

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

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

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

21 (b) The dependents of a victim who is killed as a result of criminally injurious conduct and who was
22 employable but not employed at the time of death may in the discretion of the office be awarded, in a gross
23 single amount payable to all dependents, a sum not to exceed \$100 per week, which is payable in the manner
24 and for the period provided by subsection (3)(b) or for a shorter period as determined by the office. The
25 claimant must be awarded benefits as provided in subsection (4).

26 (8) Except for benefits paid under subsections (3), (5), and (7)(b) or other benefits paid when the
27 victim is killed as a result of criminally injurious conduct, amounts payable as weekly compensation may not be
28 commuted to a lump sum and may not be paid less frequently than every 2 weeks.

