

House Bill 1142

By: Representatives Smith of the 175th, Turnquest of the 73rd and Dukes of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to
2 victim compensation, so as to change certain provisions relating to victim compensation
3 awards, maximum amounts allowed, types of awards authorized, and effective date of
4 awards; to increase the fee charged to probationers; to provide for authority; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly declares that this Act is enacted pursuant to the provisions of Article
9 III, Section VI, Paragraph VI(f) of the Constitution of the State of Georgia.

10 **SECTION 2.**

11 Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
12 compensation, is amended by striking paragraph (3) of Code Section 17-15-2, relating to
13 definitions, and inserting in lieu thereof the following:

14 "(3) 'Crime' means:

15 (A) An act which constitutes hit and run as defined in Code Section 40-6-270,
16 homicide by vehicle as defined in Code Section 40-6-393, serious injury by vehicle as
17 defined in Code Section 40-6-394, or any act which constitutes a violent crime as
18 defined by state or federal law which results in physical injury or death to the victim
19 and which is committed:

20 (i) In this state;

21 (ii) In a state which does not have a victims' compensation program, if the victim is
22 a resident of this state; or

23 (iii) In a state which has compensated the victim in an amount less than the victim
24 would be entitled to pursuant to this chapter, if the victim is a resident of this state;

1 (B) An act which constitutes international terrorism as defined in 18 U.S.C. Section
 2 2331 which results in physical injury or death to the victim, if the victim is a resident
 3 of this state and is outside the territorial boundaries of the United States when such act
 4 is committed; or

5 (C) An act of mass violence which results in physical injury or death to the victim, if
 6 the victim is a resident of this state and is outside the territorial boundaries of the
 7 United States when such act is committed."

8 SECTION 3.

9 Said chapter is further amended in Code Section 17-15-8, relating to limits on awards,
 10 maximum amounts allowed, types of awards authorized, and effective date of awards for
 11 victim compensation, by striking subsections (c) and (j) and inserting in lieu thereof the
 12 following:

13 "(c)(1) Notwithstanding any other provisions of this chapter, no award made under the
 14 provisions of this chapter shall exceed \$1,000.00 in the aggregate; provided, however,
 15 with respect to any claim filed with the board as a result of a crime occurring on or after
 16 July 1, 1994, no award made under the provisions of this chapter payable to a victim and
 17 to all other claimants sustaining economic loss because of injury to or death of such
 18 victim shall exceed \$5,000.00 in the aggregate; provided, however, with respect to any
 19 claim filed with the board as a result of a crime occurring on or after July 1, 1995, no
 20 award made under the provisions of this chapter payable to a victim and to all other
 21 claimants sustaining economic loss because of injury to or death of such victim shall
 22 exceed \$10,000.00 in the aggregate; provided, further, with respect to any claim filed
 23 with the board as a result of a crime occurring on or after July 1, 2002, no award made
 24 under the provisions of this chapter payable to a victim and to all other claimants
 25 sustaining economic loss because of injury to or death of such victim shall exceed
 26 \$25,000.00 in the aggregate.

27 (2) No award under this chapter for the following losses shall exceed the maximum
 28 amount authorized:

| 29 <u>Category</u> | <u>Maximum Award</u> |
|-------------------------------------|----------------------|
| 30 Lost Wages | \$ 5,000.00 |
| 31 <u>Lost Wages</u> | <u>\$ 10,000.00</u> |
| 32 Funeral Expenses | 3,000.00 |
| 33 Financial Hardship or | |
| 34 Loss of Support | 5,000.00 |

| | | |
|---|---------------------------------|------------------|
| 1 | <u>Financial Hardship or</u> | |
| 2 | <u>Loss of Support</u> | <u>10,000.00</u> |
| 3 | Medical | 5,000.00 |
| 4 | <u>Medical</u> | <u>15,000.00</u> |
| 5 | Counseling | 2,500.00 |
| 6 | <u>Counseling</u> | <u>3,000.00</u> |
| 7 | <u>Crime Scene Sanitization</u> | <u>1,500.00"</u> |

8 "(j) In any case where a crime results in death, the spouse, children, parents, or siblings
 9 of such deceased victim may be considered eligible for an award for the cost of
 10 psychological counseling which is deemed necessary as a direct result of said criminal
 11 incident. The maximum award for said counseling expenses shall not exceed ~~\$2,500.00~~
 12 \$3,000.00 in the aggregate."

13 **SECTION 4.**

14 Said chapter is further amended in Code Section 17-15-13, relating to fees charged to
 15 probationers owing a debt to the state, by striking subsection (f) and inserting in lieu thereof
 16 the following:

17 "(f) In every case where an individual is serving under active probation supervision and
 18 paying a supervision fee, ~~\$3.00~~ \$9.00 per month shall be added to any supervision fee
 19 collected by any entity authorized to collect such fees and shall be paid into the Georgia
 20 Crime Victims Emergency Fund. This subsection shall apply to probationers supervised
 21 under either Code Section 42-8-20 or 42-8-100. The probation supervising entity shall
 22 collect and forward the ~~\$3.00~~ \$9.00 fee to the Georgia Crime Victims Compensation Board
 23 by the end of each month."

24 **SECTION 5.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law
 26 without such approval.

27 **SECTION 6.**

28 All laws and parts of laws in conflict with this Act are repealed.