

Senate Bill 79

By: Senator Unterman of the 45th

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 expand the Criminal Justice Coordinating Council's powers
3 and duties relative to claims for victim compensation; to increase the amount payable for
4 funeral expenses; to enlarge the pool of claimants to include individuals related by marriage;
5 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
10 compensation, is amended by revising subsection (a) of Code Section 17-15-4, relating to the
11 board's powers, as follows:

12 "(a) The board shall have the following powers and duties:

13 (1) To promulgate suitable rules and regulations to carry out the provisions and purposes
14 of this chapter;

15 (2) To request from the Attorney General, the Department of Public Safety, the Georgia
16 Bureau of Investigation, district attorneys, solicitors-general, judges, county and
17 municipal law enforcement agencies, and any other agency or department such assistance
18 and data as will enable the board to determine the needs state wide for victim
19 compensation and whether, and the extent to which, a claimant qualifies for an award.
20 Any person, agency, or department listed in this paragraph is authorized to provide the
21 board with the information requested upon receipt of a request from the board. Any
22 provision of law providing for confidentiality of records shall not apply to a request of
23 the board pursuant to this Code section; provided, however, that the board shall preserve
24 the confidentiality of any such records received;

25 (3) To treat as confidential any information received by the board that is required to be
26 kept confidential under state or federal law;

27 ~~(3)~~(4) To hear and determine all appeals of denied claims for awards filed with the board
 28 pursuant to this chapter and to reinvestigate or reopen cases as the board deems
 29 necessary, including circumstances when it appears a claim may be time barred. The
 30 board may implement rules and regulations necessary to govern hearings on appeals and
 31 the conduct of participants in such hearings;

32 ~~(4)~~(5) To apply for funds from, and to submit all necessary forms to, any federal agency
 33 participating in a cooperative program to compensate victims of crimes and to receive
 34 and administer federal funds for the purposes of this chapter;

35 ~~(5)~~(6) To render awards to victims of crimes or to those other persons entitled to receive
 36 awards in the manner authorized by this chapter. Victim compensation payments may
 37 be made directly to direct service providers who are not the recipients of local, state,
 38 federal, or private grant funds awarded for purposes of providing direct services to
 39 victims of crimes. A victim or claimant may be paid directly in the case of lost wages,
 40 loss of support, and instances where the victim or claimant has paid the direct service
 41 provider and is filing for reimbursement. In all cases where the victim has incurred
 42 out-of-pocket expenses, such as lost wages or loss of support, or in cases where the
 43 victim or claimant has paid the direct service provider directly and is filing for
 44 reimbursement, the victim or claimant shall be paid first before any third party;

45 (7) The board may close a hearing during deliberations and may speak to claimants
 46 outside the presence of other witnesses;

47 ~~(6)~~(8) To carry out programs designed to inform the public of the purposes of this
 48 chapter; and

49 ~~(7)~~(9) To render each year to the Governor and to the General Assembly a written report
 50 of its activities pursuant to this chapter."

51 **SECTION 2.**

52 Said chapter is further amended by revising subparagraph (a)(1)(E) and paragraph (1) of
 53 subsection (b) of Code Section 17-15-7, relating to persons eligible for awards, as follows:

54 "(E) Is a dependent spouse, or parent, step-parent, child, or step-child of a person who
 55 is injured physically, who dies, or who suffers financial hardship as a result of being
 56 injured physically as a direct result of a crime;"

57 "(b)(1) Victims may be legal residents or nonresidents of this state. A surviving spouse,
 58 parent, or step-parent, child, or step-child who is legally dependent for his or her principal
 59 support upon a deceased victim shall be entitled to file a claim under this chapter if the
 60 deceased victim would have been so entitled, regardless of the residence or nationality
 61 of the surviving spouse, parent, or step-parent, child, or step-child."

SECTION 3.

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63 Said chapter is further amended by revising paragraph (2) of subsection (c) and subsection
64 (j) of Code Section 17-15-8, relating to required findings and amount of award, as follows:

65 "(2) No award under this chapter for the following losses shall exceed the maximum
66 amount authorized:

<u>Category</u>	<u>Maximum Award</u>
67 Lost wages	\$ 10,000.00
68 Funeral expenses	3,000.00 <u>6,000.00</u>
69 Financial hardship or loss of support	10,000.00
70 Medical	15,000.00
71 Counseling	3,000.00
72 Crime scene sanitization	1,500.00"

74 "(j) In any case where a crime results in death, the spouse, ~~children,~~ parents, ~~or~~
75 step-parents, children, step-children, siblings, or step-siblings of such deceased victim may
76 be considered eligible for an award for the cost of psychological counseling which is
77 deemed necessary as a direct result of said criminal incident. The maximum award for said
78 counseling expenses shall not exceed \$3,000.00 for each claimant identified in this
79 subsection."

SECTION 4.

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

SECTION 5.

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