



House of Representatives

General Assembly

File No. 413

February Session, 2000

Substitute House Bill No. 5128

House of Representatives, April 4, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Applications For Payment Of Crime Victims' Compensation.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (a) of section 54-211 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (a) (1) No order for the payment of compensation shall be made
4 under section 54-210, as amended, unless the application has been
5 made within two years after the date of the personal injury or death,
6 and the personal injury or death was the result of an incident or
7 offense listed in section 54-209 which has been reported to the police
8 within five days of its occurrence or, if the incident or offense could
9 not reasonably have been reported within such period, within five
10 days of the time when a report could reasonably have been made. (2)
11 Notwithstanding the provisions of subdivision (1) of this subsection,
12 any person who fails to make application for compensation within two
13 years after the date of the personal injury or death as a result of

14 physical, emotional or psychological injuries caused by such personal
15 injury or death may apply for a waiver of such time limitation,
16 provided in no event may such application for waiver of the time
17 limitation be filed later than six years after the date of such personal
18 injury or death. The Office of Victim Services, upon a finding of such
19 physical, emotional or psychological injury, may grant such waiver. (3)
20 Notwithstanding the provisions of subdivision (1) of this subsection,
21 any minor who fails to make application for compensation within two
22 years after the date of the personal injury or death through no fault of
23 the minor, may apply for a waiver of such time limitation, provided in
24 no event may such application be filed later than two years after such
25 minor attains the age of majority, or seven years after the date of the
26 personal injury or death, whichever is sooner. The Office of Victim
27 Services, upon a finding that such minor is not at fault, may grant such
28 waiver. (4) Notwithstanding the provisions of subdivision (1) of this
29 subsection, a person may make application for payment of
30 compensation not later than two years from the date that such person
31 discovers or in the exercise of reasonable care should have discovered
32 that such person was a victim of crime or ninety days after the effective
33 date of this act, whichever is later. Such person shall file with such
34 application a statement signed under penalty of false statement setting
35 forth the date when such person discovered that he or she was a victim
36 of crime and the circumstances that prevented such person discovering
37 that he or she was a victim of crime until more than two years after the
38 date of the incident or offense. There shall be a rebuttable presumption
39 that a person who files such a statement and is otherwise eligible for
40 compensation under this chapter is entitled to compensation. (5) Any
41 waiver denied by the Office of Victim Services under this subsection
42 may be reviewed by a victim compensation commissioner, provided
43 such request for review is made by the applicant within thirty days
44 from the mailing of the notice of denial by the Office of Victim
45 Services. If a victim compensation commissioner grants such waiver
46 the commissioner shall refer the application for compensation to the

47 Office of Victim Services for a determination pursuant to section 54-
48 205.

JUD Committee Vote: Yea 40 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost (Criminal Injuries Compensation Fund)

Affected Agencies: Judicial Department (Office of Victim Services)

Municipal Impact: None

Explanation

State Impact:

The bill could result in a cost to the Criminal Injuries Compensation Fund to the extent that additional claims for compensation are filed with the Office of Victim Services. The extent to which this may occur is unknown.

The Judicial Department currently receives an appropriation of \$1.9 million from the Criminal Injuries Compensation Fund to use for the compensation of crime victims. This level of appropriation is about the same level of revenue that the fund receives on an annual basis. The Fund currently has a balance of \$1.4 million.

OLR Bill Analysis

sHB 5128

AN ACT CONCERNING APPLICATIONS FOR PAYMENT OF CRIME VICTIMS' COMPENSATION.**SUMMARY:**

This bill allows crime victims to apply for crime victims' compensation (1) up to two years after they discover or reasonably should have discovered that they were victimized or (2) by December 30, 2000, whichever is later. The applicant must sign a statement under penalty of false statement setting forth the date the victimization was discovered and why it took more than two years after the crime to discover it. The bill establishes a rebuttable presumption that a person is entitled to compensation if he files the statement and is otherwise eligible for compensation.

The law continues to require applicants, who are aware of their injuries when the crime is committed, to apply within two years after the date of injury or death. But minors, who miss the deadline through no fault of their own, may apply within two years after reaching age 18 or within six years after the injury or death, whichever occurs later.

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Crime Victim Compensation***

The Office of Victim Services may compensate crime victims or their immediate families when the victim is deceased, incapacitated, or a minor child, for reasonable and necessary expenses, lost wages, pecuniary losses, and other loss resulting from injury or death. Maximum awards are \$15,000 for personal injuries and \$25,000 for death. Eligible victims must have been injured or killed during (1) their attempt to prevent crime, aid police, or apprehend suspects; (2)

attempts or actual commissions of crime by another person; (3) international terrorism; or (4) another person's violation of enumerated motor vehicle offenses.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0