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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 15, 2024
Subject: Bill Brief on HB 2781

HB 2781 allows compensation from the crime victims compensation board to be awarded for criminally injurious conduct and increases the amount that can be transferred from the crime victims compensation fund to the crime victims assistance fund in each fiscal year.

Section 1 amends K.S.A. 74-7305, the statute related to making application for compensation to the crime victims compensation board. Current law provides that compensation for mental health counseling may be awarded to certain victims and provides the timeframes for when the claim has to be filed. This bill keeps the categories of victims and the timeframes the same but removed the requirement that the compensation be awarded for mental health counseling. A provision is also added to allow the board to award compensation when the board determines that denying compensation would be a severe injustice to the victim.

Current law in subsection (e) provides that compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress. The statute lists items for the board to consider when determining whether the claimant will suffer financial stress, and this bill adds that the board shall consider other factors deemed appropriate by the board.

Current law in subsection (f) provides that compensation may not be awarded unless the criminally injurious conduct was reported to law enforcement within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time. This bill would add that compensation may be awarded if the victim obtains a forensic medical examination within seven days after the occurrence of the criminally injurious conduct.

Finally, current law in subsection (h) provides that compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss

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may not exceed \$400 per week or actual loss, which is less. This bill would change that amount to \$800 per week or actual loss, whichever is less. Additionally, compensation for work loss for a victim of human trafficking or aggravated human trafficking shall be awarded in an amount not less than \$350 and not more than \$800 per week.

Section 2 amends K.S.A. 75-752, the statute that authorizes transfers from the crime victims compensation fund to the crime victims assistance fund. Current law provides that such transfer shall not exceed \$300,000 during each fiscal year. Starting in fiscal year 2025, that transfer shall not exceed \$500,000.