

S.B. NO. 2817

JAN 24 2018

A BILL FOR AN ACT

RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 351-31, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) In the event any private citizen is injured or killed
4 by any act or omission of any other person coming within the
5 criminal jurisdiction of the State after June 6, 1967, or any
6 state resident is injured or killed by any act or omission of
7 any other person after July 1, 1989, in another state, which act
8 or omission is within the description of the crimes enumerated
9 in section 351-32, or any resident of this State who is injured
10 or killed by an act of terrorism occurring outside the United
11 States, as defined in title 18 United States Code section 2331,
12 the commission in its discretion, upon an application, may order
13 the payment of compensation in accordance with this chapter:

14 (1) To or for the benefit of the victim;

15 (2) To any person responsible for the maintenance of the
16 victim, if that person has suffered pecuniary loss or

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1 incurred expenses as a result of the victim's injury
2 or death;

3 (3) In the case of the death of the victim, to or for the
4 benefit of any one or more of the dependents of the
5 deceased victim;

6 (4) To any person who has incurred expenses on account of
7 hospital, medical, funeral, and burial expenses as a
8 result of the deceased victim's injury and death; [~~or~~]

9 (5) In cases involving a mass casualty incident, for
10 mental health services to or for the benefit of:

11 (A) A relative of the deceased victim;

12 (B) A witness to the mass casualty; or

13 (C) An individual engaged in business or educational
14 activities at the scene of the mass casualty
15 incident;

16 provided that compensation to a victim shall have
17 priority over compensation to a relative, a witness,
18 or another individual under this paragraph, and
19 provided further that this paragraph shall not apply
20 to a member of a public or private agency responding
21 to or providing services as a result of a mass
22 casualty incident [~~-~~];

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1 (6) In the case of a death of the victim, for mental
2 health services to or for the benefit of the surviving
3 relatives of a deceased victim, provided that
4 compensation on behalf of a deceased victim shall have
5 priority over compensation to a surviving relative; or

6 (7) In the case of a crime of abuse of family and
7 household member (section 709-906), for mental health
8 services to or for the benefit of a child witness,
9 provided that compensation to a victim shall have
10 priority over compensation to a witness under this
11 paragraph."

12 SECTION 2. Section 351-33, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§351-33 Award of compensation.** The commission may order
15 the payment of compensation under this part for:

16 (1) Expenses actually and reasonably incurred during the
17 period of the injury or death of the victim;

18 (2) Loss to the victim of earning power as a result of
19 total or partial incapacity;

20 (3) Pecuniary loss to the dependents of the deceased
21 victim;

22 (4) Pain and suffering to the victim;

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- 1 (5) Any other pecuniary loss directly resulting from the
- 2 injury or death of the victim that the commission
- 3 determines to be reasonable and proper; [~~and~~]
- 4 (6) Expenses actually and reasonably incurred for mental
- 5 health services in the case of a mass casualty
- 6 incident [~~-~~];
- 7 (7) Expenses actually and reasonably incurred for mental
- 8 health services to or for the benefit of the surviving
- 9 relatives in the case of a deceased victim; and
- 10 (8) Expenses actually and reasonably incurred for mental
- 11 health services for a child witness in the case of a
- 12 crime of abuse of family and household member (section
- 13 709-906)."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *M. J. U.*

BY REQUEST

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Report Title:

Crime Victim Compensation for Mental Health Services

Description:

Authorizes crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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JUSTIFICATION SHEET

DEPARTMENT: Public Safety, Crime Victim Compensation Commission

TITLE: A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES.

PURPOSE: To provide compensation for mental health counseling services for:
(1) Surviving relatives in a case involving the death of the victim; and
(2) Child witnesses in a case involving domestic violence.

MEANS: Amend sections 351-31(a) and 351-33, Hawaii Revised Statutes.

JUSTIFICATION: **Mental Health Counseling for Surviving Relatives in a Case Involving Violent Death**
The Crime Victim Compensation Commission (Commission) is unable to provide compensation for mental health counseling services for surviving relatives in a case involving the violent death of a family member. Surviving relatives of murder and negligent homicide are severely traumatized and need access to mental health counseling services in order to heal from the trauma of losing a family member in a violent crime incident.

Mental Health Counseling for Child Witnesses of Domestic Abuse
The Commission is unable to provide compensation for mental health counseling services for children who witness domestic violence. In 2000, the Department of the Attorney General released a study looking at the impact of domestic violence on children and their victim-mothers. The study found that over half of the children who witnessed domestic violence against their mothers suffered symptoms of posttraumatic stress

disorder. The study recommended, among other things, that children who witness domestic violence have access to effective mental health intervention.

Impact on the public: Providing compensation for mental health services for surviving relatives and child witnesses of domestic violence will help mitigate the impact of violent crime in our community.

Impact on the department: None. The proposed amendment does not increase the maximum compensation award per crime. The proposed provision provides that compensation paid on behalf of a deceased victim or domestic violence victim, shall have priority over payment for mental health counseling services to a surviving relative or child witness.

GENERAL FUND: None.

OTHER FUNDS: Special funds.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.