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# 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



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; [e]

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



1 to or providing services as a result of a mass  
 2 casualty incident [-];

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

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

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

17 "**§351-33 Award of compensation.** The commission may order  
 18 the payment of compensation under this part for:

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



- 1           (2) Loss to the victim of earning power as a result of
- 2                   total or partial incapacity;
- 3           (3) Pecuniary loss to the dependents of the deceased
- 4                   victim;
- 5           (4) Pain and suffering to the victim;
- 6           (5) Any other pecuniary loss directly resulting from the
- 7                   injury or death of the victim that the commission
- 8                   determines to be reasonable and proper; [~~and~~]
- 9           (6) Expenses actually and reasonably incurred for mental
- 10                   health services in the case of a mass casualty
- 11                   incident [-];
- 12           (7) Expenses actually and reasonably incurred for mental
- 13                   health services to or for the benefit of any one or
- 14                   more of the surviving relatives in the case of a
- 15                   deceased victim; and
- 16           (8) Expenses actually and reasonably incurred for mental
- 17                   health services to or for the benefit of a child
- 18                   witness in the case of a crime of abuse of family or
- 19                   household members under section 709-906."

20           SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Crime Victim Compensation; Mental Health Services

**Description:**

Authorizes the Crime Victim Compensation Commission to order the payment of compensation for mental health services for surviving relatives in cases involving a victim's death and for child witnesses in cases involving abuse of family or household members. (SB2817 HD1)

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

