

HB 2177 -- VICTIMS ELIGIBLE TO RECEIVE CERTAIN COMPENSATION

SPONSOR: Perkins

Currently, the definition of an "uncompensated tort victim" includes and excludes certain persons and entities who are eligible for compensation from the Tort Victim's Compensation Fund, as described in the bill.

This bill adds to the definition individuals who are citizens of the U.S., who are lawful permanent residents, or who lawfully hold a valid visa issued by the U.S. Department of State at the time of the claim for dispensation. The Department of Labor and Industrial Relations must verify compliance with the eligibility requirements of any claimant prior to authorizing payment from the Fund and must deny any claim that fails to meet such requirements (Section 537.675).

Currently, a claim for compensation from the Fund can be filed in accordance with certain rules and procedures, as described in the bill. The claimant can present evidence and testimony on his or her own or may retain counsel for representation.

This bill states that an administrative law judge can award reasonable attorney's fees, which must not exceed 15% of the amount awarded as compensation. Such fees will be paid out of, but not in addition to, the amount of compensation to the attorney representing the claimant. No attorney for the claimant can ask for, contract for, or receive any larger sum than the amount allowed.

Currently, compensation payments are exempt from attachment or garnishment by creditors attempting to collect on a separate debt. However, this provision does not in any way affect the right of an attorney representing the claimant to collect fees or expenses to which the attorney is entitled.

This bill states that the attorney's fees awarded from the filing and adjudication of the claim must be determined to be just and reasonable by the hearing officer and must not exceed 15% of the applicant's payment from the Fund (Section 537.684).

This bill clarifies that the compensation of medical and other health services rendered on behalf of a victim of crime that involves counseling for emotional issues will be provided by a licensed service provider as provided by law.

This bill also creates a definition for "eligible injured victim", as described in the bill (Section 595.010).

Currently, the State of Missouri will subrogate a claimant or victim seeking compensation to recover payments due to losses resulting from the crime. If a claimant initiates any legal proceeding to recover restitution or damages resulting from the crime upon which the claim is based, the claimant must give the Department of Public Safety (Department) written notice within 15 days of the filing of the action or entering into negotiations. If such notice is given, attorney's fees can be awarded in an amount not to exceed 15% of the amount subrogated to the department.

This bill reduces the award of attorney's fees to amount not in excess of 10% (Section 595.040).

Currently, moneys held in the Crime Victims' Compensation Fund are disbursed on a certain timetable, as described in the bill. This bill repeals references to disbursements being made "Beginning on September 1, 2004". The bill also clarifies that awards must be made to eligible injured victims, and that the Department must verify compliance with the eligibility requirements of any claimant purporting to be an eligible injured victim and must deny claims that fail to meet such requirements (Section 595.045).