
HOUSE BILL No. 1109

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.1.

Synopsis: Victim's compensation fund. Provides that the victim services division of the criminal justice institute (division) may compensate a person applying for assistance from the violent crime victims compensation fund (fund) only for the claimant's compensable out-of-pocket expenses that have not or will not be reimbursed from another source. Provides that the division may not consider certain expenses for which the claimant has received or will receive benefits when determining a claimant's compensable out-of-pocket expenses. Allows the division to prioritize the payment of claims if the money in the fund is insufficient to pay all outstanding claims.

Effective: July 1, 2009.

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January 13, 2009, read first time and referred to Committee on Ways and Means.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1109



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6.1-32, AS AMENDED BY P.L.121-2006,
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 32. (a) **The division may compensate a claimant
4 only for the claimant's compensable out-of-pocket expenses that
5 have not or will not be reimbursed from another source. In
6 determining a claimant's compensable out-of-pocket expenses, the
7 division shall reduce an award made under this chapter by the amount
8 of benefits received or to be received not consider any expenses for
9 which the claimant has received or will receive benefits** from the
10 following sources if those benefits result from or are in any manner
11 attributable to the bodily injury or death upon which the award is
12 based:

- 13 (1) Benefits from public or private pension programs, including
- 14 Social Security benefits.
- 15 (2) Benefits from proceeds of an insurance policy.
- 16 (3) Benefits under IC 22-3-2 through IC 22-3-6.
- 17 (4) Unemployment compensation benefits.



1 (5) Benefits from other public funds, including Medicaid and
 2 Medicare.
 3 ~~Compensation~~ **The amount of compensable out-of-pocket expenses**
 4 must be further reduced or denied to the extent that the claimant's loss
 5 is recouped from other collateral sources.
 6 (b) The division shall further reduce ~~an award~~ **the amount of**
 7 **compensable out-of-pocket expenses** under this chapter by the
 8 following:
 9 (1) The amount of court ordered restitution actually received by
 10 the victim from the offender.
 11 (2) Benefits actually received by the victim from a third party on
 12 behalf of the offender.
 13 (c) The division shall determine whether the victim vigorously
 14 pursued recovery against available collateral sources described in this
 15 section.
 16 (d) If the division finds that a victim has failed to pursue an
 17 applicable collateral source of recovery, the division shall reduce ~~or~~
 18 ~~deny an award under this section~~ **the amount of compensable**
 19 **out-of-pocket expenses** by the amount that is available to the victim
 20 through the collateral source.
 21 (e) A claimant must exhaust any paid or otherwise compensated
 22 vacation leave, sick leave, personal leave, or other compensatory time
 23 accrued through an employer before applying for benefits. The division
 24 may not reimburse the victim for the use of paid or otherwise
 25 compensated vacation leave, sick leave, personal leave, or other
 26 compensatory time.
 27 SECTION 2. IC 5-2-6.1-35, AS AMENDED BY P.L.121-2006,
 28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2009]: Sec. 35. **(a) The division may not pay more than**
 30 **fifteen thousand dollars (\$15,000) in compensation to a claimant**
 31 **under this chapter.**
 32 ~~(a)~~ **(b)** An award to a claimant under this chapter
 33 ~~(1)~~ may not exceed fifteen thousand dollars (\$15,000); and
 34 ~~(2)~~ may not cover the first one hundred dollars (\$100) of the
 35 claim.
 36 ~~(b)~~ **(c)** The part of an award covering an unpaid bill shall be made
 37 payable to the service provider.
 38 **(d) If the amount of money in the fund is not sufficient to pay**
 39 **outstanding claims, the division may prioritize the payment of**
 40 **compensation from the fund. The division shall adopt rules under**
 41 **IC 4-22-2 to implement this subsection.**

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