

# SENATE BILL No. 148

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6.1-21.1.

**Synopsis:** Funeral assistance for minor victims of crime. Increases the amount of an allowable claim from the violent crime victims compensation fund for funeral, burial, or cremation to \$10,000 if the victim is a minor (currently limited to \$5,000).

**Effective:** July 1, 2023.

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## Randolph Lonnie M

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January 9, 2023, read first time and referred to Committee on Appropriations.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE BILL No. 148

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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 5-2-6.1-21.1, AS AMENDED BY P.L.98-2022,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 21.1. (a) This section applies to claims filed with  
4 the division after June 30, 2009.  
5 (b) This ~~subsection~~ **section** does not apply to reimbursement for  
6 forensic and evidence gathering services provided under section 39 of  
7 this chapter.  
8 (c) An award may not be made unless the claimant has incurred an  
9 out-of-pocket loss of at least one hundred dollars (\$100).  
10 (d) Subject to subsections (b) and (c), the division may order the  
11 payment of compensation under this chapter for any of the following:  
12 (1) Reasonable expenses incurred within one hundred eighty  
13 (180) days after the date of the violent crime for necessary:  
14 (A) medical, chiropractic, hospital, dental, optometric, and  
15 ambulance services;  
16 (B) prescription drugs; and  
17 (C) prosthetic devices;



1 that do not exceed the claimant's out-of-pocket loss.

2 (2) Loss of income:

3 (A) the victim would have earned had the victim not died or  
4 been injured, if the victim was employed at the time of the  
5 violent crime; or

6 (B) the parent, guardian, or custodian of a victim who is less  
7 than eighteen (18) years of age incurred by taking time off  
8 from work to care for the victim.

9 A claimant seeking reimbursement under this subdivision must  
10 provide the division with proof of employment and current wages.

11 (3) Reasonable emergency shelter care expenses, not to exceed  
12 the expenses for thirty (30) days, that are incurred for the claimant  
13 or a dependent of the claimant to avoid contact with a person who  
14 committed the violent crime.

15 (4) Reasonable expense incurred for child care, not to exceed one  
16 thousand dollars (\$1,000), to replace child care the victim would  
17 have supplied had the victim not died or been injured.

18 (5) Loss of financial support the victim would have supplied to  
19 legal dependents had the victim not died or been injured.

20 (6) **Except as provided in subdivision (11)**, documented  
21 expenses incurred for funeral, burial, or cremation of the victim  
22 that do not exceed five thousand dollars (\$5,000). The division  
23 shall disburse compensation under this subdivision in accordance  
24 with guidelines adopted by the division.

25 (7) Outpatient mental health counseling, not to exceed three  
26 thousand dollars (\$3,000), concerning mental health issues related  
27 to the violent crime.

28 (8) Other actual expenses related to bodily injury to or the death  
29 of the victim that the division determines are reasonable.

30 (9) Replacement of windows or door locks.

31 (10) Cleanup of the scene of a violent crime.

32 **(11) If the victim is less than eighteen (18) years of age,**  
33 **documented expenses incurred for funeral, burial, or**  
34 **cremation of the victim that do not exceed ten thousand**  
35 **dollars (\$10,000). The division shall disburse compensation**  
36 **under this subdivision in accordance with guidelines adopted**  
37 **by the division.**

38 (e) If a health care provider accepts payment from the division  
39 under this chapter, the health care provider may not require the victim  
40 to pay a copayment or an additional fee for the provision of services.

41 (f) A health care provider who seeks compensation from the  
42 division under this chapter may not simultaneously seek funding for



- 1 services provided to a victim from any other source.
- 2 (g) The director may extend the one hundred eighty (180) day  
3 compensation period established by subsection (d)(1) for a period not  
4 to exceed two (2) years after the date of the violent crime if:
- 5 (1) the victim or the victim's representative requests the  
6 extension; and
- 7 (2) medical records and other documentation provided by the  
8 attending medical providers indicate that an extension is  
9 appropriate.
- 10 (h) The director may extend the one hundred eighty (180) day  
11 compensation period established by subsection (d)(1) for outpatient  
12 mental health counseling, established by subsection (d)(7), if the  
13 victim:
- 14 (1) was allegedly a victim of a sex crime (under IC 35-42-4) or  
15 incest (under IC 35-46-1-3);
- 16 (2) was under eighteen (18) years of age at the time of the alleged  
17 crime; and
- 18 (3) did not reveal the crime within two (2) years after the date of  
19 the alleged crime.

