

**2024 -- H 7449 SUBSTITUTE A**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2024**

A N A C T

RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION

Introduced By: Representatives McEntee, Caldwell, O'Brien, Donovan, Ajello,  
Shallcross Smith, Fogarty, Casimiro, Alzate, and Morales  
Date Introduced: February 02, 2024

Referred To: House Judiciary

(General Treasurer)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 12-25-17 and 12-25-22 of the General Laws in Chapter 12-25  
2 entitled "Criminal Injuries Compensation" are hereby amended to read as follows:

3 **12-25-17. Definitions.**

4 As used in this chapter:

5 (1) "Administrator" means the program administrator of this chapter.

6 (2) "Child" means an unmarried person who is under eighteen (18) years of age and  
7 includes a stepchild or an adopted child.

8 (3) "Court" means the superior court.

9 (4) "Dependent" means a person wholly or partially dependent upon the income of the  
10 victim at the time of his or her death or would have been so dependent but for the incapacity due  
11 to the injury from which the death resulted. The term includes a child of the victim born after the  
12 death of the victim.

13 (5) "Medical forensic examination" means an examination of a sexual assault victim  
14 completed by a health care provider, who has specialized education and clinical experience in the  
15 collection of forensic evidence and treatment of these victims, which includes:

16 (i) Gathering information from the victim for the medical forensic history;

17 (ii) An examination;

18 (iii) Documentation of biological and physical finding, and collection of evidence from the  
19 patient; and

1            (iv) Documentation of findings.

2            ~~(5)~~(6) “Office” means the office of the general treasurer.

3            ~~(6)~~(7) “Pecuniary loss” includes:

4            (i) For personal injury:

5            (A) Medical expenses (including psychiatric care) for which the victim is not compensated

6 by any other source;

7            (B) Hospital expenses for which the victim is not compensated by any other source;

8            (C) Loss of past earnings for which the victim is not compensated by any other source;

9            (D) Loss of future earnings because of a disability resulting from the personal injury for

10 which the victim is not compensated by any other source; and

11            (E) Direct expenses related to the delivery or obtainment of medical or counseling services,

12 or participation in criminal justice proceedings.

13            (ii) For death:

14            (A) Funeral and burial expenses for which the victim’s estate is not compensated by any

15 other source;

16            (B) Loss of support to the dependents of the victim for which the dependents are not

17 compensated by any other source; and

18            (C) Direct expenses related to the participation in funeral services, counseling, or criminal

19 justice proceedings.

20            (iii) Any other expenses actually and necessarily incurred as a result of the personal injury

21 or death for which the victim or his or her estate is not compensated by any other source, but it does

22 not include property damage.

23            ~~(7)~~(8) “Personal injury” means actual bodily harm, mental or nervous shock, and a

24 pregnancy resulting from sexual attack.

25            ~~(8)~~(9) “Relative” means a spouse, parent, grandparent, stepfather, stepmother, child,

26 grandchild, brother, sister, half-brother, half-sister, and a spouse’s parents.

27            ~~(9)~~(10) “Resident” means any person who has his or her residence within the state of Rhode

28 Island.

29            ~~(10)~~(11) “Secondary victim” means a child who suffers an emotional injury as a direct

30 result of witnessing a homicide or incident of domestic violence.

31            ~~(11)~~(12) “State” includes the District of Columbia, the fifty (50) states, and the United

32 States’ territories and possessions.

33            ~~(12)~~(13) “Treasurer” means the general treasurer of the state of Rhode Island or his or her

34 designee.

1           ~~(13)~~(14) “Victim” means a person who is injured or killed by any act of a person or persons  
2 that is within the description of any of the offenses specified in § 12-25-20 and which act occurs in  
3 the state of Rhode Island. “Victim” also means a resident of the state of Rhode Island who is a  
4 victim of an act of terrorism as defined in 18 U.S.C. § 2331 occurring outside the United States or  
5 within the United States as referred to in 34 U.S.C. § 20105.

6           ~~(14)~~(15) “1972 Act” means the Criminal Injuries Compensation Act of 1972, established  
7 pursuant to former §§ 12-25-1 — 12-25-12.1.

8           ~~(15)~~(16) “1996 Act” means the Criminal Injuries Compensation Act of 1996, established  
9 pursuant to §§ 12-25-16 — 12-25-31.

10           **12-25-22. Limitations upon awarding compensation.**

11           (a) Actions for compensation under this chapter shall be commenced within three (3) years  
12 after the date of the injury or death, and no compensation shall be awarded for an injury or death  
13 resulting from a crime that was not reported to the appropriate law enforcement authority within  
14 fifteen (15) days of its occurrence; provided, that the office shall have the authority to allow a claim  
15 that was not reported pursuant to this section [when a victim of a sexual assault receives a medical](#)  
16 [forensic examination within fifteen \(15\) days of the crime](#), when the victim or secondary victim  
17 was below the age of eighteen (18) years of age, or of unsound mind, or for good cause shown.

18           (b) No compensation shall be awarded under this chapter to the victim, or in the case of  
19 death to dependent relatives or to the legal representative, in a total amount in excess of twenty-  
20 five thousand dollars (\$25,000) plus any attorney fees awarded upon appeal to the treasurer or to  
21 the superior court pursuant to § 12-25-25.

22           (c) No compensation shall be awarded under this chapter to a secondary victim in a total  
23 amount in excess of one thousand five hundred dollars (\$1,500).

24           (d) No compensation shall be awarded when the office, in its discretion, determines that  
25 unjust enrichment to or on behalf of the offender would result. Compensation under this chapter  
26 shall not be awarded to any victim or dependent relative or legal representative if the award would  
27 directly or indirectly inure to the benefit of the offender.

28           (e) No interest shall be included in or added to an award of compensation under this  
29 chapter.

30           (f) When the plaintiff is the victim’s estate, it shall only be awarded compensation for the  
31 victim’s actual medical, hospital, funeral, and burial expenses for which the victim or his or her  
32 estate is not compensated by any other source and for the loss of support to the dependents of the  
33 victim.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION

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1           This act would allow victims of sexual assault to submit a medical forensic exam  
2 performed by a licensed health care provider in lieu of a police report in order to establish eligibility  
3 for funds under the State Crime Victim Compensation Program.

4           This act would take effect upon passage.

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