

SENATE AMENDMENTS TO SENATE BILL 252

By COMMITTEE ON JUDICIARY

March 14

- 1 On page 1 of the printed bill, line 2, after “147.005” insert “and 147.035”.
- 2 Delete lines 25 and 26 and insert:
- 3 “(8) ‘Injury’ means abuse of a corpse, substantial physical injury, pregnancy or substantial psy-
- 4 chological injury.”.
- 5 On page 2, after line 32, insert:
- 6 “**SECTION 2.** ORS 147.035 is amended to read:
- 7 “147.035. (1) Losses compensable under ORS 135.905 and 147.005 to 147.367 resulting from death
- 8 or injury to a victim include:
- 9 “(a) In the case of injury:
- 10 “(A) Reasonable medical and hospital expenses, including psychiatric, psychological or coun-
- 11 seling expenses and further including, in cases of:
- 12 “(i) Child sexual abuse, rape of a child and exploitation described in ORS 419B.005 (1)(a)(C), (D)
- 13 or (E), **custodial interference, as defined in ORS 163.245 or 163.257, or kidnapping, as defined**
- 14 **in ORS 163.225 or 163.235, when the victim is a child**, counseling expenses of the victim’s family
- 15 up to a maximum amount of \$20,000;
- 16 “(ii) Domestic violence, as defined in ORS 135.230, counseling expenses of children who wit-
- 17 nessed the domestic violence up to a maximum amount of \$10,000; or
- 18 “(iii) International terrorism, counseling expenses of a relative of the victim up to a maximum
- 19 amount of \$1,000;
- 20 “(B) Loss of earnings, not exceeding \$400 per week up to a maximum amount of \$20,000;
- 21 “(C) Rehabilitation up to a maximum amount of \$4,000; and
- 22 “(D) Transportation for medical care and mental health counseling when the treatment is
- 23 compensable under this section, the treatment is provided more than 30 miles away from the victim’s
- 24 residence and adequate treatment is not available closer to the victim’s residence. Payment will be
- 25 made at a rate set by the Department of Justice up to a maximum amount of \$3,000.
- 26 “(b) In the case of death:
- 27 “(A) Reasonable funeral expenses up to a maximum amount of \$5,000;
- 28 “(B) Reasonable medical and hospital expenses up to a maximum amount of \$20,000;
- 29 “(C) Loss of support to the dependents of the victim not exceeding \$400 per week up to a max-
- 30 imum amount of \$20,000, less any amounts paid for loss of earnings;
- 31 “(D) Reasonable counseling expenses for the survivors of a deceased victim up to a maximum
- 32 amount of \$20,000 for each deceased victim; and
- 33 “(E) Transportation for mental health counseling when the treatment is compensable under this
- 34 section, the treatment is provided more than 30 miles away from the survivor’s or dependent’s resi-
- 35 dence and adequate treatment is not available closer to the survivor’s or dependent’s residence.

1 Payment will be made at a rate set by the Department of Justice up to a maximum amount of \$3,000.

2 “(2) Compensable losses do not include:

3 “(a) Pain and suffering or property damage; or

4 “(b) Aggregate damages to the victim and to the dependents of a victim exceeding \$44,000.

5 “(3) Notwithstanding subsections (1) and (2) of this section, in the case of abuse of corpse in any
6 degree, losses compensable under ORS 135.905 and 147.005 to 147.367 resulting from the abuse of the
7 corpse include:

8 “(a) Reasonable funeral expenses up to a maximum amount of \$5,000; and

9 “(b) Reasonable counseling expenses for emotional distress up to a maximum amount of \$5,000
10 for each incident.

11 “(4) Except as provided in subsection (5) of this section, a claim for benefits expires and no
12 further payments may be made with regard to the claim when three years have elapsed since the
13 entry of a determination order under ORS 147.135 or when the victim, survivor or dependent attains
14 21 years of age, whichever comes later. The extension of benefits and payments until the victim,
15 survivor or dependent attains 21 years of age applies to claims filed on or after August 4, 1991.

16 “(5) If the victim has suffered catastrophic injuries, a claim for benefits and payments may
17 continue beyond the period described in subsection (4) of this section. The Department of Justice
18 shall adopt rules defining catastrophic injuries and establishing the length of time that a claim for
19 benefits and payments may continue.

20 “(6) The department shall adopt rules for medical fee schedules. The schedules shall represent
21 at least the 75th percentile of the usual and customary fees charged to the public as determined by
22 the department. An applicant or victim may not be charged for the percentile amount reduced by
23 the department.”.

24 In line 33, delete “2” and insert “3” and delete “by section 1” and insert “and 147.035 by
25 sections 1 and 2”.

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