

SENATE BILL 2985
By Trail

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13, Part 1, relative to criminal injuries compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-106(a)(4), is amended by inserting the language "sexual assault or aggravated assault," between the language "a homicide," and the language "if the scene was the residence".

SECTION 2. Tennessee Code Annotated, Section 29-13-106(a), is amended by deleting subdivision (7) in its entirety and by substituting instead the following:

(7) The victim's reasonable moving expenses, storage fees and fees for transfer of utility service if the move results from a crime committed by the victim; and

SECTION 3. Tennessee Code Annotated, Section 29-13-106(a), is amended by deleting the word "and" at the end of subdivision (6); and by adding the following language as a new subdivision to be designated as follows:

(8) The cost of cleaning, repairing or replacing eyeglasses and hearing aids damaged or destroyed by the crime or the processing of the crime scene.

SECTION 4. Tennessee Code Annotated, Section 29-13-106(e), is amended by deleting the language "eighteen thousand dollars (\$18,000)" and by substituting instead the language "twenty-five thousand dollars (\$25,000)".

SECTION 5. Tennessee Code Annotated, Section 29-13-106(h), is amended by deleting the following sentences:

For any claim that arises from a crime committed during a fiscal year in which the board of claims has determined the supplemental award program is to be operative, a supplemental award may be made upon determining that losses and expenses as defined in this section exceed eighteen thousand dollars (\$18,000). The supplemental award shall be equal to losses and expenses as defined in this section which are in excess of eighteen thousand dollars (\$18,000); provided, that no supplemental award shall exceed twelve thousand dollars (\$12,000).

and by substituting instead the following sentences:

For any claim that arises from a crime committed during a fiscal year in which the board of claims has determined the supplemental award program is to be operative, a supplemental award may be made upon determining that losses and expenses as defined in this section exceed twenty-five thousand dollars (\$25,000). The supplemental award shall be equal to losses and expenses as defined in this section which are in excess of twenty-five thousand dollars (\$25,000); provided, that no supplemental award shall exceed fifteen thousand dollars (\$15,000).

SECTION 6. Tennessee Code Annotated, Section 29-13-107(4), is amended by deleting the language "four thousand five hundred dollars (\$4,500)" and by substituting instead the language "seven thousand dollars (\$7,000)".

SECTION 7. Tennessee Code Annotated, Section 29-13-107(5), is amended by deleting the section in its entirety and by substituting instead the following:

(5) Any award made for expenses incurred in cleaning the scene of a residential homicide, sexual assault or aggravated assault shall not exceed three thousand dollars (\$3,000).

SECTION 8. Tennessee Code Annotated, Section 29-13-108, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)

(1) Except as provided in subdivision (2), a claim for compensation shall be filed not later than one (1) year after the occurrence of the crime upon which the claim is based or one (1) year after the death of the victim or one (1) year after any mental or physical manifestation or injury is diagnosed as a result of an act committed against a minor that would constitute a criminal offense under the provisions of §§39-13-502 - 39-13-505, 39-12-101, 39-13-522, 39-15-302, 39-17-902, 39-17-1003 - 39-17-1005, and/or any attempt, conspiracy or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing such claim may be extended either before or after the expiration of the filing period. No claim shall be filed until the crime upon which the claim is based shall have been reported by the victim, or a member of the victim's family, to the proper authorities; and in no case may an award be made where the law enforcement records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless, for good cause shown, it is found that the delay was justified. Failure by the victim to report the crime due to physical inability to do so shall constitute good cause.

(2)

(A) If a claim has been made in accordance with the provisions of subdivision (1), an additional for travel compensation shall be filed not later than one (1) year after any subsequent hearings or court proceedings, pursuant to §29-13-106(a)(3), resulting from the trial of the defendant or defendants; provided, that the cumulative total for travel claims shall not exceed one thousand two hundred fifty dollars (\$1,250).

(B)

(i) If no claim has been made in accordance with the provisions of subdivision (1), a claim for compensation shall be filed not later than one (1) year after any subsequent hearings or court proceedings, pursuant to §29-13-106(a)(3), resulting from the trial of the defendant or defendants in which the sentence of death was imposed.

(ii) Any award made for expenses incurred pursuant to subdivision (2)(B) shall not exceed one thousand dollars (\$1,000) per subsequent hearing or court proceeding notwithstanding the cumulative total for travel claims provided in § 29-13-106(a)(3).

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it, and shall only apply to qualifying claims arising on or after the effective date of this act.