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Chapter No. 376
13/HR07/R1281
JAB / CST

HOUSE BILL NO. 710

Originated in House  Clerk

By: Representatives Buck (72nd), Buck (5th), To: Judiciary B
Dixon

HOUSE BILL NO. 710

1 AN ACT TO AMEND SECTION 99-41-17, MISSISSIPPI CODE OF 1972,
2 TO REVISE GROUNDS FOR WHICH COMPENSATION SHALL NOT BE AWARDED
3 UNDER THE MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT; AND FOR
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 99-41-17, Mississippi Code of 1972, is
7 amended as follows:

8 99-41-17. (1) Compensation shall not be awarded under this
9 chapter:

10 (a) Unless the criminally injurious conduct occurred
11 after July 1, 1991;

12 (b) Unless the claim has been filed with the director
13 within thirty-six (36) months after the crime occurred, or in
14 cases of child sexual abuse, within thirty-six (36) months after
15 the crime was reported to law enforcement or the Department of
16 Human Services, but in no event later than the victim's
17 twenty-fifth birthday. For good cause, the director may extend
18 the time period allowed for filing a claim for an additional
19 period not to exceed twelve (12) months;



(c) To a claimant or victim who was the offender or an accomplice to the offender, or, except in cases of children under the age of consent as specified in Section 97-3-65, 97-3-97 or 97-5-23, Mississippi Code of 1972, who encouraged or in any way knowingly participated in criminally injurious conduct;

(d) To another person, if the award would unjustly benefit the offender or accomplice;

(e) Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or unless it is found that there was good cause for the failure to report within such time;

(f) To any claimant or victim when the injury or death occurred while the victim was confined in any federal, state, county or city jail or correctional facility;

(g) If the victim was injured as a result of the operation of a motor vehicle, boat or airplane, unless the vehicle was used by the offender (i) while under the influence of alcohol or drugs, (ii) as a weapon in the deliberate attempt to injure or cause the death of the victim, (iii) in a hit-and-run accident by leaving the scene of an accident as specified in Section 63-3-401, * * * (iv) to flee apprehension by law enforcement as specified in Sections 97-9-72 and 97-9-73, or (v) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615;

45 (h) If, following the filing of an application, the
46 claimant failed to take further steps as required by the division
47 to support the application within forty-five (45) days of such
48 request made by the director or failed to otherwise cooperate with
49 requests of the director to determine eligibility, unless failure
50 to provide information was beyond the control of the claimant;

51 (i) To a claimant or victim who, subsequent to the
52 injury for which application is made, is convicted of any felony,
53 and the conviction becomes known to the director;

54 (j) To any claimant or victim who has been * * * under
55 the actual or constructive supervision of a department of
56 corrections for a felony conviction within five (5) years prior to
57 the injury or death for which application has been made;

58 (k) To any claimant or victim who, at the time of the
59 criminally injurious conduct upon which the claim for compensation
60 is based, engaged in conduct unrelated to the crime upon which the
61 claim for compensation is based that either was (i) a felony, or
62 (ii) a delinquent act which, if committed by an adult, would
63 constitute a felony;

64 (l) To any claimant or victim who knowingly furnishes
65 any false or misleading information or knowingly fails or omits to
66 disclose a material fact or circumstance.

67 (2) Compensation otherwise payable to a claimant shall be
68 diminished to the extent:



(a) That the economic loss is recouped from other sources, including collateral sources; and

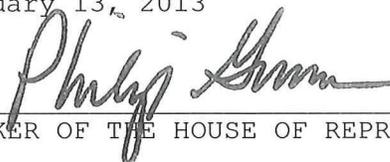
(b) Of the degree of responsibility for the cause of injury or death attributable to the victim or claimant.

(3) Upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies and prosecuting attorneys, an award of compensation may be denied, withdrawn or reduced.

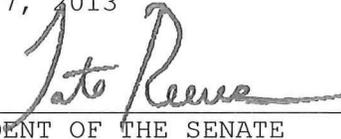
(4) Compensation otherwise payable to a claimant or victim may be denied or reduced to a claimant or victim who, at the time of the crime upon which the claim for compensation is based, was engaging in or attempting to engage in other unlawful activity unrelated to the crime upon which the claim for compensation is based.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 13, 2013


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 7, 2013


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/20/13
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