

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL PROCEDURE - CRIMINAL INJURIES COMPENSATION

Introduced By: Representatives McEntee, Caldwell, Craven, Casimiro, Kazarian, Spears,
Fogarty, and Dawson

Date Introduced: March 01, 2023

Referred To: House Finance

(General Treasurer)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 12-25-17, 12-25-21.1, 12-25-22 and 12-25-28 of the General Laws
2 in Chapter 12-25 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 by a
14 health care provider, who has specialized education and clinical experience in the collection of
15 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 findings, and collection of evidence from
19 the 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 **12-25-21.1. Emergency fund for victims.**

11 (a) The office may award emergency compensation under this chapter for the: (1) Burial
12 expenses of a victim who dies as a direct result of a violent crime as defined in this chapter; (2)
13 Cost of the crime scene clean up; ~~and~~ (3) Relocation expenses; and (4) expenses associated with
14 reasonable modifications to the victim's residence necessary to ensure the victim's safety.

15 (b) The award for emergency compensation shall be awarded at the sole discretion of the
16 program administrator. The administrator may promulgate rules and regulations to administer the
17 provisions of this section.

18 (c) An award for emergency compensation for burial expenses shall not exceed the sum of
19 ten thousand dollars (\$10,000).

20 (d) An award for emergency compensation for crime scene clean up shall not exceed two
21 thousand dollars (\$2,000).

22 (e) An award for emergency compensation for relocation costs shall not exceed five
23 thousand dollars (\$5,000).

24 (f) An award for expenses associated with reasonable modifications to the victim's
25 residence necessary to ensure the victim's safety shall not exceed one thousand dollars (\$1,000) and
26 shall not be awarded in addition to an award for emergency compensation for relocation costs.

27 ~~(g)~~(g) The award for emergency compensation for burial expenses, crime scene clean up,
28 and relocation costs shall be deducted from the final award. In the event the victim is not eligible
29 for an award, the victim shall repay the amount of the emergency award to the fund.

30 ~~(h)~~(h) Any payments made for the emergency compensation shall be deducted from the
31 final award. In no event shall the final award exceed the maximum award of twenty-five thousand
32 dollars (\$25,000).

33 **12-25-22. Limitations upon awarding compensation.**

34 (a) Actions for compensation under this chapter shall be commenced within three (3) years

1 after the date of the injury or death, and no compensation shall be awarded for an injury or death
2 resulting from a crime that was not reported to the appropriate law enforcement authority within
3 fifteen (15) days of its occurrence; provided, that the office shall have the authority to allow a claim
4 that was not reported pursuant to this section when a victim of a sexual offense or rape receives a
5 medical forensic examination within fifteen (15) days of the crime, when the victim or secondary
6 victim was below the age of eighteen (18) years of age, or of unsound mind, or for good cause
7 shown.

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

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

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

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

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

24 **12-25-28. Special indemnity account for criminal injuries compensation.**

25 (a) It is provided that the general treasurer establish a violent crimes indemnity account
26 within the general fund for the purpose of paying awards granted pursuant to this chapter. The court
27 shall assess as court costs in addition to those provided by law, against all defendants charged with
28 a felony, misdemeanor, ~~or~~ petty misdemeanor, or traffic violation, whether or not the crime was a
29 crime of violence, and who plead nolo contendere, guilty or who are found guilty of the commission
30 of those crimes as follows:

31 (1) Where the offense charged is a felony and carries a maximum penalty of five (5) or
32 more years imprisonment, one hundred and fifty dollars (\$150) or fifteen percent (15%) of any fine
33 imposed on the defendant by the court, whichever is greater.

34 (2) Where the offense charged is a felony and carries a maximum penalty of less than five

1 (5) years imprisonment, ninety dollars (\$90.00) or fifteen percent (15%) of any fine imposed on
2 the defendant by the court, whichever is greater.

3 (3) Where the offense charged is a misdemeanor, thirty dollars (\$30.00) or fifteen percent
4 (15%) of any fine imposed on the defendant by the court, whichever is greater.

5 (4) Where the offense charged is a civil or criminal traffic violation, two dollars (\$2.00) of
6 any fine imposed on the defendant per charged offense, exclusive of fines imposed for violations
7 relating to parking of vehicles. The clerks of courts for each municipality shall collect any fine
8 levied under this subsection and shall transmit the collected surcharges within thirty (30) days to
9 the crime victims' compensation fund.

10 (b) These costs shall be assessed whether or not the defendant is sentenced to prison and
11 in no case shall they be waived by the court unless the court finds an inability to pay.

12 (c) When there are multiple counts or multiple charges to be disposed of simultaneously,
13 the judge shall have the authority to suspend the obligation of the defendant to pay on all counts or
14 charges above two (2).

15 (d) Up to fifteen percent (15%) of the state funds raised under this section, as well as federal
16 matching funds, shall be available to pay administrative expenses necessary to operate this
17 program. Federal funds for this purpose shall not supplant currently available state funds, as
18 required by federal law.

19 SECTION 2. This act shall take effect one year after passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would fund the state crime victims compensation program through an additional
2 two dollar (\$2.00) fine on traffic violations, exclusive of violations related to the parking of
3 vehicles. The act would also permit victims to use program funds to make reasonable modifications
4 to their residence to ensure victim safety and would permit a medical forensic examination to stand
5 in the place of a police report for purposes of determining program eligibility.

6 This act would take effect one year after passage.

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