

## HOUSE BILL No. 2911

By Committee on Judiciary

2-14

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9 AN ACT concerning victims of crime; relating to suicide; amending  
10 K.S.A. 2005 Supp. 74-7301 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2005 Supp. 74-7301 is hereby amended to read as  
14 follows: 74-7301. As used in this act:

15 (a) "Allowance expense" means reasonable charges incurred for rea-  
16 sonably needed products, services and accommodations, including those  
17 for medical care, rehabilitation, rehabilitative occupational training and  
18 other remedial treatment and care and for the replacement of items of  
19 clothing or bedding which were seized for evidence. Such term includes  
20 a total charge not in excess of \$5,000 for expenses in any way related to  
21 funeral, cremation or burial; but such term shall not include that portion  
22 of a charge for a room in a hospital, clinic, convalescent or nursing home  
23 or any other institution engaged in providing nursing care and related  
24 services, in excess of a reasonable and customary charge for semi-private  
25 accommodations, unless other accommodations are medically required.

26 (b) "Board" means the crime victims compensation board established  
27 under K.S.A. 74-7303 and amendments thereto.

28 (c) "Claimant" means any of the following persons claiming compen-  
29 sation under this act: A victim; a dependent of a deceased victim; a third  
30 person other than a collateral source; or an authorized person acting on  
31 behalf of any of them.

32 (d) "Collateral source" means a source of benefits or advantages for  
33 economic loss otherwise reparable under this act which the victim or  
34 claimant has received, or which is readily available to the victim or claim-  
35 ant, from:

36 (1) The offender;

37 (2) the government of the United States or any agency thereof, a state  
38 or any of its political subdivisions or an instrumentality or two or more  
39 states, unless the law providing for the benefits or advantages makes them  
40 excess or secondary to benefits under this act;

41 (3) social security, medicare and medicaid;

42 (4) state-required temporary nonoccupational disability insurance;

43 (5) workers' compensation;

- 1 (6) wage continuation programs of any employer;
- 2 (7) proceeds of a contract of insurance payable to the victim for loss  
3 which the victim sustained because of the criminally injurious conduct;  
4 or
- 5 (8) a contract providing prepaid hospital and other health care serv-  
6 ices or benefits for disability.
- 7 (e) “Criminally injurious conduct” means conduct that: (1) (A) Oc-  
8 curs or is attempted in this state or occurs to a person whose domicile is  
9 in Kansas who is the victim of a violent crime which occurs in another  
10 state, possession, or territory of the United States of America may make  
11 an application for compensation if:
- 12 (i) The crimes would be compensable had it occurred in the state of  
13 Kansas; and
- 14 (ii) the places the crimes occurred are states, possessions or territories  
15 of the United States of America not having eligible crime victim com-  
16 pensation programs;
- 17 (B) poses a substantial threat or personal injury or death; and
- 18 (C) either is punishable by fine, imprisonment or death or would be  
19 so punishable but for the fact that the person engaging in the conduct  
20 lacked capacity to commit the crime under the laws of this state; or
- 21 (2) is an act of terrorism, as defined in 18 U.S.C. 2331, or a violent  
22 crime that posed a substantial threat or caused personal injury or death,  
23 committed outside of the United States against a person whose domicile  
24 is in Kansas, except that criminally injurious conduct does not include  
25 any conduct resulting in injury or death sustained as a member of the  
26 United States armed forces while serving on active duty.
- 27 Such term shall not include conduct arising out of the ownership, main-  
28 tenance or use of a motor vehicle, except for violations of K.S.A. 8-1567  
29 and amendments thereto, or violations of municipal ordinances prohib-  
30 iting the acts prohibited by that statute, or violations of K.S.A. 8-1602,  
31 21-3404, 21-3405 and 21-3414 and amendments thereto or when such  
32 conduct was intended to cause personal injury or death; *or*
- 33 (3) *is determined to be a suicide by a law enforcement agency.*
- 34 (f) “Dependent” means a natural person wholly or partially depend-  
35 ent upon the victim for care or support, and includes a child of the victim  
36 born after the victim’s death.
- 37 (g) “Dependent’s economic loss” means loss after decedent’s death  
38 of contributions of things of economic value to the decedent’s depend-  
39 ents, not including services they would have received from the decedent  
40 if the decedent had not suffered the fatal injury, less expenses of the  
41 dependents avoided by reason of decedent’s death.
- 42 (h) “Dependent’s replacement services loss” means loss reasonably  
43 incurred by dependents after decedent’s death in obtaining ordinary and

1 necessary services in lieu of those the decedent would have performed  
2 for their benefit if the decedent had not suffered the fatal injury, less  
3 expenses of the dependents avoided by reason of decedent's death and  
4 not subtracted in calculating dependent's economic loss.

5 (i) "Economic loss" means economic detriment consisting only of al-  
6 lowable expense, work loss, replacement services loss and, if injury causes  
7 death, dependent's economic loss and dependent's replacement service  
8 loss. Noneconomic detriment is not loss, but economic detriment is loss  
9 although caused by pain and suffering or physical impairment.

10 (j) "Noneconomic detriment" means pain, suffering, inconvenience,  
11 physical impairment and nonpecuniary damage.

12 (k) "Replacement services loss" means expenses reasonably incurred  
13 in obtaining ordinary and necessary services in lieu of those the injured  
14 person would have performed, not for income, but for the benefit of self  
15 or family, if such person had not been injured.

16 (l) "Work loss" means loss of income from work the injured person  
17 would have performed if such person had not been injured, and expenses  
18 reasonably incurred by such person in obtaining services in lieu of those  
19 the person would have performed for income, reduced by any income  
20 from substitute work actually performed by such person or by income  
21 such person would have earned in available appropriate substitute work  
22 that the person was capable of performing but unreasonably failed to  
23 undertake.

24 (m) "Victim" means a person who: (1) Suffers personal injury or  
25 death as a result of: ~~(A)~~ (A) Criminally injurious conduct; ~~(B)~~ (B) the good  
26 faith effort of any person to prevent criminally injurious conduct; or ~~(C)~~  
27 (C) the good faith effort of any person to apprehend a person suspected  
28 of engaging in criminally injurious conduct; or

29 (2) *is alive following the suicide death of someone with whom such*  
30 *person had a significant relationship or emotional bond.*

31 Sec. 2. K.S.A. 2005 Supp. 74-7301 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its  
33 publication in the statute book.