



Kris W. Kobach
ATTORNEY GENERAL

RICHARD A. SAMANIEGO, CHAIR
STUART HITE
BECKY DICKINSON

KRISTEN A.K. CZUGALA
DIVISION CHIEF

State of Kansas
Office of the Attorney General
Crime Victims Compensation Board

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2359 • FAX (785) 296-0652
WWW.AG.KS.GOV

Proponent Testimony on HB 2781
House Committee on Elections
February 15, 2024

Chairwoman Humphries and Members of the House Judiciary Committee,

I am Richard A. Samaniego, Chair of the Kansas Crime Victims Compensation Board (CVVCB). I'm a practicing attorney in Wichita, Kansas, and I have been honored to serve as Chair of the Kansas Crime Victims Compensation Board since 2018. I thank you for the opportunity to provide testimony in support of HB 2781.

The CVVCB is dedicated to assisting victims of crimes in Kansas with compensation for loss of earnings and out-of-pocket medical expenses as a direct result of a violent crime. The Board also approves claims to assist victims' families with reimbursement of funeral, burial, or cremation expenses, as well as grief therapy.

The CVVCB is composed of a three-member board, with each member appointed by the Attorney General subject to Senate confirmation. The other current board members include Stuart Hite and Becky Dickinson. The dedicated staff of the Crime Victims Compensation Division at the Attorney General's office work tirelessly to help victims in Kansas with their claims.

The Board meets once a month to review and approve claims to be paid from the Crime Victims Compensation Fund and to hear requests for reconsideration for denied claims pursuant to the Kansas Administrative Procedure Act. The Board works with staff to develop policies to facilitate the processing of claims in the most expeditious manner. Through the claims and hearing process, the board and staff will note areas to improve victim compensation that require legislative changes, such as the proposal before you that was unanimously approved by the Board with the requested revisions to be provided by Victim Services Division Chief, Kristen Czugala.

HB 2781 amends K.S.A. §74-7305 with important provisions relating to the Fairness for Rape Kit Backlog Survivors Act of 2022 that are required for claims to be eligible to receive Federal Victims of Crime Act (VOCA) Compensation grants, which match 75% of every state dollar spent for victims. Revisions to the statute last year limited the language to claims for mental health counseling. The relevant provision of HB 2781 will simply allow the board to approve a claim without the reduction for mental health counseling only.

HB 2781 will also increase the statutory limits for work-loss claims. Last year, the Legislature increased the allowable expenses for funerals from \$5,000.00 to \$7,500.00, which has helped many grieving families with the rising costs of funeral expenses. Likewise, victims who experience a loss of

income related to a violent crime are subject to the rising cost of living. The work loss limits are currently \$400.00 per week and have not been increased since 1998. HB 2781 will increase the work loss limits to \$800 per week or actual loss, whichever is less. Compensation for work loss for a victim of human trafficking or aggravated human trafficking will be eligible to receive an amount not less than \$350 per week and not more than \$800 per week. The proposed range allows the board to determine the weekly work loss amount based on all financial factors, including the number of dependents and the amount of resources.

Work loss under the Crime Victims Compensation Act is defined as loss of income from work the injured person would have performed if such person had not been injured and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

The proposed legislation will also help remove an administrative barrier to the processing of claims. Under the current law, compensation may be awarded only if the board finds that unless the claimant is awarded compensation, the claimant will suffer financial stress as the result of an economic loss that is otherwise reparable. In making its determination of financial stress, the board is required to consider all relevant factors, including several factors listed in the statute that require supporting documentation from the victim or claimant. Often, victims are not able to complete these requirements, and the claim is not able to be processed. The proposed legislation simply allows the Board to consider the totality of the circumstances, including "other factors deemed appropriate by the Board," to determine financial distress.

In addition, K.S.A. §74-7305(f) provides that compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time. HB 2781 proposes to broaden this section to allow for compensation in cases involving a victim who obtains a forensic medical examination within seven days after the occurrence of the criminally injurious conduct or where the board finds there was good cause for the failure to report or obtain an examination within the time limits provided in this subsection.

Finally, HB 2781 will provide the Board with discretion to approve a claim that has been filed with the division beyond the current statute of limitations for most cases of two years after the injury or death upon which the claim is based if the board determines that denying compensation would result in a severe injustice to the victim. Often times, victims of domestic violence feel unsafe immediately after reporting a crime. Victims can experience severe violence at the hands of the abuser, and fleeing requires a careful, well-planned escape. Sometimes, this process can take several years. Victims may not learn about crime victims compensation or may not be safe enough to apply for it until several years later, when they are able to access advocacy or safely participate in the criminal justice process. For domestic violence victims, there is not currently an exception to allow the Board to waive the two-year filing requirement. HB 2781 would provide the Board with the authority to approve a claim for a victim who experienced such severe violence.

On behalf of the Board, I thank you for your consideration of this proposed legislation and respectfully request the committee's favorable recommendation of HB 2781.

Richard A. Samaniego

Chairman, Kansas Crime Victims Compensation Board
Office of the Kansas Attorney General