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**Proponent Testimony on HB 2781  
Senate Committee on Judiciary  
March 20, 2024**

Chairwoman Warren and Members of the Senate Judiciary Committee,

The Crime Victims Compensation program provides financial assistance to victims of violent crime who suffer an economic loss as a result of having been victimized. Over the course of 45 years, Crime Victims Compensation has paid more than \$100 million in financial assistance to victims. We are providing this testimony in support of HB 2781, which serves to expand eligibility in certain circumstances for crime victims compensation and to address a requirement recently passed in federal law for compensation programs.

In 2022, the United States Congress passed the Fairness for Rape Kit Backlog Survivors Act. This change in federal law requires state crime victims compensation programs to waive filing deadlines for victims who are otherwise eligible for compensation and filed an application late due to delays in either a DNA profile match or the testing of a sexual assault forensic examination kit. States are required to comply with the statute no later than March 2025. A change is necessary for the Kansas Crime Victims Compensation statutes to comply with this federal change. In order to simplify the subsection regarding filing deadlines, HB 2781 proposes a revision to eliminate the “mental health counseling only” approval to allow the Crime Victims Compensation Board (the Board) discretion to approve certain compensation claims in full. The types of claims under this proposal were previously identified by the legislature as areas where exceptions should be made to the two-year filing limit.

Expanding eligibility and allowing the Board to approve claims in full in certain circumstances affords the Board the discretion to assist with expenses vital to a victim’s healing. While mental health counseling is of most importance to survivors of sexual assault or juveniles who witness violent crime, the limitation leaves the Board unable to approve expenses for mental health-related prescriptions, medication management, or mileage reimbursement to attend the counseling sessions, which is a particular need for victims living in rural areas where access to mental health care requires traveling a great distance. Additionally, adding a provision that allows the Board to approve a claim when they determine that denying compensation would be a severe injustice to the victim provides the discretion to approve a claim in the gravest of circumstances. These situations are rare, but the Board currently has no discretion to approve a claim if it does not fall within one of the specific circumstances outlined by statute.

HB 2781 also proposes some language revisions around the financial hardship assessment. As currently written, the statute does not allow the board to approve a claim unless they have all five pieces of financial information from the victim. The proposal establishes a totality of the circumstances standard for reviewing financial information and adds consideration for other factors deemed appropriate by the board. These changes would allow the Board to determine, for example, that a victim would experience financial hardship if they were not able to afford insurance and all pieces of financial information had not been provided to the office. Currently, these claims must be closed because the information has not been provided. In these circumstances, hospital bills often go unpaid and are sent to collections.

HB 2781 also includes a revision to allow the board to approve claims submitted by victims who obtain a forensic medical examination and opt not to report to law enforcement. Many states nationwide have expanded their eligibility requirements to include forensic examinations. Forensic examinations can be seen as an extension of law enforcement, as one of the primary purposes of such an exam is to collect and document evidence. Victims often seek financial assistance with the cost of the initial hospital visit as well as mental health counseling. Such a change is a trauma-informed approach to providing support to victims of sexual assault or those who experience strangulation by an intimate partner. Our law enforcement partners who participate in the Kansas Sexual Assault Response Advisory Committee, formerly known as the Sexual Assault Kit Initiative, are supportive of this change.

Additionally, HB 2781 increases the weekly cap for work loss and dependent economic loss from \$400 to \$800 per week. This cap was last increased in 1998. Often, victims earn more than the \$400 per week cap and struggle to make ends meet after they have lost income for a period of time. An addition to payable work loss has been included with this bill to allow the board to pay for lost wages for human trafficking victims. Wage loss is currently confirmed through tax returns or pay stubs to document the wages a victim was earning prior to the crime and to assess lost wages since the crime. Such documentation is not available for human trafficking victims, and it is extremely difficult to determine the actual loss when their labor is how they were victimized. The range provides for a minimum amount for weekly wage loss for the human trafficking victims until they are able to obtain employment or the claim reaches the overall maximum of \$25,000.

HB 2781 was amended in the House to increase the general filing limit from two years to five years. The Office of the Attorney General supports this amendment, as five years captures the most likely delays that victims experience when filing for crime victims compensation. In many areas of Kansas, victims of crime may not have access to a victim advocate until a crime is prosecuted. There can be many reasons for prosecution to be delayed, to no fault of the victim. A victim often learns about crime victims compensation from the prosecutor's office, and if there has already been a two-year delay in the court process, a victim could already be ineligible to apply. As the statute is currently written, the Board has no discretion to approve a claim that has been filed beyond the two-year limit unless the claim is for sexual assault or a juvenile who witnessed a violent crime. Extending the filing limit to five years will increase access to crime victims compensation and would make the majority of claims that are filed late now eligible.

Lastly, HB 2781 authorizes the Office of the Attorney General to transfer an amount not to exceed \$500,000 from the crime victims compensation fund to the crime victims assistance fund. The bill increases the current amount that may be transferred by \$200,000. The OAG administers six grant funds totaling \$2.6 million to non-profit agencies in Kansas to support their work providing direct services to victims of crime. Three of these grants are supported by the Crime Victims Assistance Fund: (1) the Crime Victims Assistance Fund grant; (2) the Child Abuse grant; and (3) the Child Exchange and Visitation Center grant. Grant awards have remained steady over the last several years, while the agencies funded have experienced cuts from many other funding streams. The transfer of funds from crime victims compensation, when available, to the crime victims assistance fund ensures that the funds are providing direct services to victims of crime and helps to stabilize the three grant streams that Kansas non-profits depend upon.

In sum, HB 2781 provides for changes to the current crime victims compensation statutes that will provide meaningful access for victims of crime to financial assistance. An increase in expenditures is expected, but due to the limited scope of each of the revisions, the expected increase can be financed with the existing revenues. Crime Victims Compensation receives a 75% federal match for all state funds expended on behalf of crime victims, minimizing the potential financial impact of any increase in expenditures.

On behalf of the Office of the Attorney General and Crime Victims Compensation, we thank you for your consideration of HB 2781 and respectfully request the committee's favorable recommendation of the proposed legislation as amended.

***Kristen Czugala***

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