

HOUSE BILL NO. HB0187

Crime victims compensation.

Sponsored by: Representative(s) Edwards

A BILL

for

1 AN ACT relating to crime victims; amending definitions;
2 amending powers and duties; amending standards for
3 compensation; repealing law; and providing for an effective
4 date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 1-40-102(a) by creating a new
9 paragraph (viii) and by amending or amending and
10 renumbering (viii) through (xi) as (ix) through (xii),
11 1-40-104(a) (i), 1-40-109(b) and (c) are amended to read:

12

13 **1-40-102. Definitions.**

14

15 (a) As used in this act:

16

1 (viii) "Reckless" means conduct whereby the
2 actor does not desire the consequences nonetheless foresees
3 the possibility and consciously takes the risk; or, the
4 state of mind in which a person does not care about the
5 consequences of his actions.

6
7 ~~(viii)~~ (ix) "Relative of the victim" means his
8 spouse, parent, grandparent, stepparent, child including
9 natural born child, stepchild or adopted child, grandchild,
10 brother or sister;

11
12 ~~(ix)~~ (x) "Victim" means:

13
14 (A) A person who suffers personal injury or
15 is killed in this state as a direct result of:

16
17 (I) A criminal act of another person;

18
19 (II) The person's good faith and
20 reasonable effort in attempting to prevent the commission
21 of a criminal act, or to apprehend a person engaging in a
22 criminal act or assisting a law enforcement officer to do
23 so;

24

1 (III) Assisting or attempting to
2 assist a person against whom a crime is being perpetrated
3 or attempted;

4
5 (IV) A federal crime occurring in
6 Wyoming.

7
8 (B) A resident who is a victim of a crime
9 occurring outside this state if:

10
11 (I) The crime would be compensable had
12 it occurred inside this state. ~~;~~ and

13
14 ~~(II) The crime occurred in a state~~
15 ~~which does not have a crime victim compensation program,~~
16 ~~for which the victim is eligible as eligibility is set~~
17 ~~forth in W.S. 1-40-101 through 1-40-119.~~

18
19 (C) A resident of this state who is injured
20 or killed by an act of terrorism, as defined by 18 U.S.C.
21 2331, committed inside or outside the United States;

22
23 (D) Family members who are Wyoming
24 residents and who have suffered a pecuniary loss as a

1 result of a terrorist attack in the United States,
2 regardless of the actual victim's residency;

3

4 (E) A resident of this state who is a
5 victim of a crime involving terrorism occurring outside
6 this state if:

7

8 (I) The crime would be compensable had
9 it occurred within this state; and

10

11 (II) The resident of this state
12 suffered a pecuniary loss as a direct result of the act of
13 terrorism committed in another state of the United States.

14

15 ~~(x)~~ (xi) "Division" means the victim services
16 division within the office of the attorney general, created
17 by W.S. 9-1-636;

18

19 ~~(xi)~~ (xii) "Catastrophic injury" means any
20 permanent disability of limbs or functions as a result of
21 being a victim of a crime.

22

23 **1-40-104. Division powers and duties.**

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1 (a) The division shall:

2

3 (i) Hear and determine all matters relating to
4 claims for compensation provided determinations and final
5 decisions on victim's compensations awards made by the
6 division shall be exempt from the Wyoming Administrative
7 Procedure Act, including the provisions for judicial review
8 under W.S. 16-3-114 and 16-3-115;

9

10 **1-40-109. Standards for compensation.**

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12 (b) Loss of earnings and loss of future earnings
13 shall be determined on the basis of the victim's average
14 monthly earnings for the six (6) months immediately
15 preceding the date of the injury, or ~~the current federal~~
16 ~~minimum wage~~ nine hundred dollars (\$900.00), whichever is
17 less.

18

19 (c) Loss of support shall be determined on the basis
20 of the victim's or defendant's average monthly earnings for
21 the six (6) months immediately preceding the date of the
22 injury, or ~~the current federal minimum wage~~ nine hundred
23 dollars (\$900.00), whichever is less.

24

1 **Section 2.** W.S. 1-40-104(a)(iii) and (vi) is
2 repealed.

3

4 **Section 3.** This act is effective July 1, 2005.

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6

(END)