

2008 SESSION

INTRODUCED

081732824

HOUSE BILL NO. 956

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend and reenact § 19.2-368.18 of the Code of Virginia, relating to Criminal Injuries Compensation Fund.*

Patrons—Miller, P.J., Shannon, McClellan, Moran, Poisson and Ward

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.18 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.18. Criminal Injuries Compensation Fund.

A. There is hereby created a special fund to be administered by the Comptroller, known as the Criminal Injuries Compensation Fund.

B. Whenever the costs provided for in §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9 or subsections B or C of § 16.1-69.48:1 are assessed, a portion of the costs, as specified in those sections, shall be paid over to the Comptroller to be deposited into the Criminal Injuries Compensation Fund. Under no condition shall a political subdivision be held liable for the payment of this sum.

C. No claim shall be accepted under the provisions of this chapter when the crime that gave rise to such claim occurred prior to July 1, 1977.

D. Sums available in the Criminal Injuries Compensation Fund shall be used for the purpose of payment of the costs and expenses necessary for the administration of this chapter and for the payment of claims pursuant to this chapter.

E. All revenues deposited into the Criminal Injuries Compensation Fund, and appropriated for the purposes of this chapter, shall be immediately available for the payment of claims.

F. *Notwithstanding the provisions of §§ 19.2-368.10 and 19.2-368.5, the Fund shall pay for physical evidence recovery kit (PERK) examinations conducted on victims of sexual assault. Any individual who submits to and completes a physical evidence recovery kit examination shall be considered to have met the reporting and cooperation requirements for the purposes of this chapter. Payments shall be made only after other resources such as health insurance have been exhausted and may be subject to negotiated agreements with the provider. Health care providers who complete the physical evidence recovery kit examination shall bill the Fund directly, and the provisions of § 19.2-368.5:2 shall apply. The Commission shall develop policies for payment of this expense.*

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