

By: Representatives Frierson, Dedeaux

To: Judiciary B

HOUSE BILL NO. 791

1 AN ACT TO AMEND SECTION 99-41-17, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE APPLICATION OF THE TIME LIMITATION IN THE
3 MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 99-41-17, Mississippi Code of 1972, is
7 amended as follows:

8 99-41-17. (1) Compensation shall not be awarded under this
9 chapter:

10 (a) Unless the criminally injurious conduct occurred
11 after July 1, 1991;

12 (b) Unless the claim has been filed with the director
13 within eighteen (18) months after the crime occurred, or in cases
14 of child sexual abuse, within eighteen (18) months after the crime
15 was reported to law enforcement or the Department of Human
16 Services, but in no event later than the child's twenty-first
17 birthday;

18 (c) To a claimant or victim who was the offender or an
19 accomplice to the offender, or, except in cases of children under
20 the age of consent as specified in Section 97-3-65, 97-3-97 or
21 97-5-23, Mississippi Code of 1972, who encouraged or in any way
22 knowingly participated in criminally injurious conduct;

23 (d) To another person, if the award would unjustly
24 benefit the offender or accomplice;

25 (e) Unless the criminally injurious conduct resulting
26 in injury or death was reported to a law enforcement officer
27 within seventy-two (72) hours after its occurrence or unless it is
28 found that there was good cause for the failure to report within
29 such time;

30 (f) To any claimant or victim when the injury or death
31 occurred while the victim was confined in any federal, state,
32 county or city jail or correctional facility;

33 (g) If the victim was injured as a result of the
34 operation of a motor vehicle, boat or airplane, unless the vehicle
35 was used by the offender (i) while under the influence of alcohol
36 or drugs, or (ii) as a weapon in the deliberate attempt to injure
37 or cause the death of the victim;

38 (h) If, following the filing of an application, the
39 claimant failed to take further steps as required by the
40 department to support the application, within forty-five (45) days
41 of such request made by the director, or failed to otherwise
42 cooperate with requests of the director to determine eligibility
43 unless failure to provide information was beyond the control of
44 the claimant;

45 (i) To a claimant or victim who, subsequent to the
46 injury for which application is made, is convicted of any felony
47 which is a violation of the Controlled Substances Act, or in which
48 a weapon was used or possessed or in which any personal injury was
49 committed or attempted, and the conviction becomes known to the
50 director.

51 (2) Compensation otherwise payable to a claimant shall be
52 diminished to the extent:

53 (a) That the economic loss is recouped from other

54 sources, including collateral sources; and

55 (b) Of the degree of responsibility for the cause of
56 injury or death attributable to the victim or claimant.

57 (3) Upon a finding that the claimant or victim has not fully
58 cooperated with appropriate law enforcement agencies and
59 prosecuting attorneys, an award of compensation may be denied,
60 withdrawn or reduced.

61 (4) The director, on his own motion or on request of the
62 claimant, may reconsider a decision granting or denying an award
63 or determining its amount. An order on reconsideration of an
64 award shall not require a refund of amounts previously paid unless
65 the award was obtained by fraud. The right of reconsideration
66 does not affect the finality of the decision concerning the amount
67 of compensation for the purpose of judicial review.

68 (5) The provisions of subsection (1) shall not apply to any
69 person who was injured in June of 1994 in a county bordering the
70 Gulf of Mexico and the State of Louisiana and whose injuries
71 resulted in paralysis.

72 SECTION 2. This act shall take effect and be in force from
73 and after its passage.