

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

A Bill

ACT 887 OF 1997
HOUSE BILL 1834

5 By: Representative Ferrell
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 16-90-703 TO
10 CHANGE THE DEFINITION OF "VICTIM", TO DEFINE THE TERMS
11 "PERSONAL INJURY" AND "IMMEDIATE FAMILY"; AND FOR OTHER
12 PURPOSES."
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Subtitle

14 "TO AMEND ARKANSAS CODE ANNOTATED
15 § 16-90-703"
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Annotated § 16-90-703 is amended to read as
21 follows:

22 "16-90-703. Definitions.

23 As used in this subchapter, unless the context otherwise requires:

24 (1) Board means the Crime Victims Reparations Board created by
25 § 16-90-705;

26 (2) Victim means a person who suffers personal injury or death as a
27 result of criminally injurious conduct committed either within the State of
28 Arkansas or against any Arkansas resident who suffers personal injury as the
29 result of criminally injurious conduct which occurs in states presently not
30 having crime victims reparations programs for which the victim is eligible.

31 The term victim shall also include a person who:

32 (i) is an immediate family member of a deceased victim, a victim
33 of sexual assault, or a child victim; or

34 (ii) is not an immediate family member, but resided, at the time
35 of the crime, in the same permanent household as a deceased victim;

36 (3) Dependent means a natural person wholly or partially dependent

1 upon the victim for care or support and includes a child of the victim born
2 after the death of the victim where the death occurred as a result of
3 criminally injurious conduct;

4 (4) Claimant means any of the following persons applying for
5 reparations under this subchapter:

6 (A) A victim;

7 (B) A dependent of a victim who has died because of criminally
8 injurious conduct; or

9 (C) A person authorized to act on behalf of any of the persons
10 enumerated in subdivisions (4)(A) and (B) of this section;

11 (5) Criminally injurious conduct means an act which occurs or is
12 attempted in this state that results in personal injury or death to a victim,
13 which act is punishable by fine, imprisonment, or death. This term shall not
14 include acts arising out of the operation of motor vehicles, boats, or
15 aircraft unless the acts were committed with the intent to inflict injury or
16 death or unless the acts committed were in violation of the Omnibus DWI Act,
17 § 5-65-101 et seq. For the purposes of this subchapter, a person shall be
18 deemed to have committed criminally injurious conduct notwithstanding that by
19 reason of age, insanity, drunkenness, or other reason, he was legally
20 incapable of committing a crime;

21 (6) Economic loss means monetary detriment consisting only of
22 allowable expense, work loss, replacement services loss, and, if injury causes
23 death, replacement services loss of a dependent, but shall not include
24 noneconomic detriment;

25 (7) Allowable expense means charges incurred for needed products,
26 services, and accommodations including, but not limited to, medical care,
27 rehabilitation, rehabilitative occupational training, and other remedial
28 treatment and care. It also includes a reasonable and necessary amount for
29 expenses related to funeral, cremation, or burial;

30 (8) Work loss means loss of income from work the victim would have
31 performed if that person had not been injured or died, reduced by any income
32 from substitute work actually performed by the victim, or by income the victim
33 would have earned in available appropriate substitute work that he or she was
34 capable of performing but unreasonably failed to undertake;

35 (9) Replacement services loss means expenses reasonably incurred in
36 obtaining ordinary and necessary services in lieu of those the victim would

1 have performed, not for income, but for the benefit of self or family if the
 2 victim had not been injured or died;

3 (10) Replacement services loss of dependent means the loss reasonably
 4 incurred by dependents after death of the victim in obtaining ordinary and
 5 necessary services in lieu of those services the deceased victim would have
 6 performed for their benefit had the deceased victim not suffered the fatal
 7 injury, less expenses of the dependent avoided by reason of death of the
 8 victim;

9 (11) Noneconomic detriment means pain, suffering, inconvenience,
 10 physical impairment, and nonpecuniary damage;

11 (12) Collateral source means a source of benefits or advantages for
 12 economic loss for which the claimant would otherwise be eligible to receive
 13 reparations under this subchapter which the claimant has received, or which is
 14 readily available to the claimant, from any one or more of the following:

15 (A) The offender;

16 (B) The United States Government or any agency thereof in the
 17 form of benefits, such as social security, medicare, and medicaid, a state or
 18 any of its political subdivisions, or an instrumentality of two (2) or more
 19 states, unless the law providing for the benefits or advantages makes them in
 20 excess of or secondary to benefits under this subchapter;

21 (C) State-required temporary nonoccupational disability
 22 insurance;

23 (D) Workers' compensation;

24 (E) Wage continuation programs of any employer;

25 (F) Proceeds of a contract of insurance payable to the claimant
 26 for loss which the victim sustained because of the criminally injurious
 27 conduct; or

28 (G) A contract providing prepaid hospital and other health care
 29 services or benefits for disability;

30 (13) Immediate family means the persons who are related by blood,
 31 adoption, or marriage, within the first degree of consanguinity or affinity;

32 (14) Personal injury means actual bodily harm, including pregnancy, or
 33 mental anguish which is the direct result of a violent criminal act."

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35 SECTION 2. All provisions of this act of a general and permanent nature
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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13 APPROVED:3-27-97

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