

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 1102 of 1999
HOUSE BILL 2021

5 By: Representative Ferrell
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE OF 1987 ANNOTATED § 16-
10 90-712 TO ALLOW CLAIMANTS SEEKING REPARATIONS TO
11 REPORT CRIMINALLY INJURIOUS CONDUCT TO THE PROPER
12 AUTHORITIES; AND FOR OTHER PURPOSES. "
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Subtitle

15 "TO AMEND ARKANSAS CODE OF 1987 ANNOTATED
16 § 16-90-712 TO ALLOW CLAIMANTS SEEKING
17 REPARATIONS TO REPORT CRIMINALLY
18 INJURIOUS CONDUCT TO THE PROPER
19 AUTHORITIES. "
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 16-90-712 is amended to read as follows:

25 "16-90-712. Conditions for reparations - Changes in awards.

26 (a) Reparations shall not be awarded:

27 (1) Unless the claim has been filed with the board within one (1)
28 year after the injury or death upon which the claim is based unless the board
29 shall find good cause for the failure to file a timely claim;

30 (2) To a claimant who was the offender or an accomplice of the
31 offender;

32 (3) To another person if the award would unjustly benefit the
33 offender or accomplice;

34 (4) To a victim who is injured or killed while confined in state,
35 county, or municipal jail, prison, or other correctional facility as a result
36 of conviction of any crime;

1 (5) To any claimant who has been convicted of a felony involving
 2 criminally injurious conduct;

3 (6) Unless the criminally injurious conduct resulting in injury
 4 or death was reported to ~~a law enforcement officer~~ the proper authorities
 5 within seventy-two (72) hours after its occurrence or the board finds there
 6 was good cause for the failure to report within that time; or

7 (7) If there are insufficient funds in the Crime Victims
 8 Reparations Revolving Fund. However, when sufficient funds become available,
 9 the awards which have not been paid shall be paid in chronological order, with
 10 the oldest paid first, unless the board shall find that compelling
 11 circumstances support a payment out of chronological order. Any award
 12 hereunder is specifically not a claim against the state if it cannot be paid
 13 due to a lack of funds in the Crime Victims Reparations Revolving Fund.

14 (b) Reparations otherwise payable to a claimant shall be diminished to
 15 the extent:

16 (1) That the economic loss is recouped from collateral sources;
 17 or

18 (2) Of the degree of responsibility for the cause of the injury
 19 or death attributable to the victim as determined by the board.

20 (c) Upon finding that the claimant or victim has not fully cooperated
 21 with appropriate law enforcement agencies, the board may deny, withdraw, or
 22 reduce an award of reparations.

23 (d) On its own motion or on request of the claimant, the board may
 24 reconsider a decision granting or denying an award or determining its amount.
 25 An order on reconsideration of an award shall not require a refund of amounts
 26 previously paid unless the award was obtained by fraud. Reconsideration does
 27 not affect the finality of a board decision for the purpose of judicial
 28 review. "

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 30 SECTION 2. All provisions of this act of a general and permanent nature
 31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 32 Revision Commission shall incorporate the same in the Code.

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 34 SECTION 3. If any provision of this act or the application thereof to
 35 any person or circumstance is held invalid, such invalidity shall not affect
 36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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

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8 APPROVED: 4/5/1999
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