

A Bill for an Act Relating to Crime Victim Compensation for Mental Health Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 351-31, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In the event any private citizen is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State after June 6, 1967, or any state resident is injured or killed by any act or omission of any other person after July 1, 1989, in another state, which act or omission is within the description of the crimes enumerated in section 351-32, or any resident of this State who is injured or killed by an act of terrorism occurring outside the United States, as defined in title 18 United States Code section 2331, the commission in its discretion, upon an application, may order the payment of compensation in accordance with this chapter:

- (1) To or for the benefit of the victim;
- (2) To any person responsible for the maintenance of the victim, if that person has suffered pecuniary loss or incurred expenses as a result of the victim’s injury or death;
- (3) In the case of the death of the victim, to or for the benefit of any one or more of the dependents of the deceased victim;
- (4) To any person who has incurred expenses on account of hospital, medical, funeral, and burial expenses as a result of the deceased victim’s injury and death; [ø]
- (5) In cases involving a mass casualty incident, for mental health services to or for the benefit of:
 - (A) A relative of the deceased victim;
 - (B) A witness to the mass casualty; or
 - (C) An individual engaged in business or educational activities at the scene of the mass casualty incident;

provided that compensation to a victim shall have priority over compensation to a relative, a witness, or another individual under this paragraph, and provided further that this paragraph shall not apply to a member of a public or private agency responding to or providing services as a result of a mass casualty incident[-];

- (6) In the case of a death of the victim, for mental health services to or for the benefit of the surviving relatives of a deceased victim: provided that compensation on behalf of a deceased victim shall have priority over compensation to a surviving relative; or
- (7) In the case of a crime of abuse of family or household member under section 709-906, for mental health services to or for the benefit of a child witness: provided that compensation to a victim shall have priority over compensation to a witness under this paragraph.”

SECTION 2. Section 351-33, Hawaii Revised Statutes, is amended to read as follows:

“**§351-33 Award of compensation.** The commission may order the payment of compensation under this part for:

- (1) Expenses actually and reasonably incurred during the period of the injury or death of the victim;
- (2) Loss to the victim of earning power as a result of total or partial incapacity;

- (3) Pecuniary loss to the dependents of the deceased victim;
- (4) Pain and suffering to the victim;
- (5) Any other pecuniary loss directly resulting from the injury or death of the victim that the commission determines to be reasonable and proper; ~~and~~
- (6) Expenses actually and reasonably incurred for mental health services in the case of a mass casualty incident[-];
- (7) Expenses actually and reasonably incurred for mental health services to or for the benefit of the surviving relatives in the case of a deceased victim; and
- (8) Expenses actually and reasonably incurred for mental health services for a child witness in the case of a crime of abuse of family or household member.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 2, 2019.)