



2025 South Dakota Legislature

Senate Bill 96

Introduced by: **Senator Davis**

1 **An Act to revise eligibility requirements for the crime victims' compensation**
 2 **program.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 23A-28B-25 be AMENDED:**

5 **23A-28B-25.** No claim for compensation may be awarded:

6 (1) Unless an application for compensation is filed with the department within one year
 7 after the date of the personal injury or death and the personal injury or death was
 8 the result of a crime ~~which had been~~ that was reported to a law enforcement officer
 9 or agency within five days of its occurrence, or, if the crime could not reasonably
 10 have been reported within that period, within five days of the date when a report
 11 could reasonably have been made. The department may waive the ~~one-year~~ one-
 12 year application requirement for good cause shown;

13 (2) If the victim:

14 (a) Engaged in conduct ~~which~~ that substantially contributed to the infliction of
 15 the victim's injury or death, or engaged in conduct ~~which~~ that the victim
 16 should reasonably have foreseen could lead to the injury or death. ~~However,~~
 17 ~~this~~ This subsection does not apply to any victim defined in subsections
 18 23A-28B-1(12)(b) ~~and~~ or (c); to any victim who was a minor at the time
 19 the offense occurred; or to any victim of: a sex offense under chapter 22-
 20 22; human trafficking under chapter 22-49; abuse, neglect, or exploitation
 21 of an elder or an adult with a disability under chapter 22-46; domestic
 22 abuse ~~under~~ as defined by § 25-10-1; or child abuse, neglect, or exploitation
 23 under § 26-8A-2; ~~or abuse, neglect, or exploitation of an elder or an adult~~
 24 ~~with a disability under chapter 22-46~~;

25 (b) Committed or otherwise participated in a crime ~~which~~ that caused or
 26 contributed to the victim's injury or death; or

- 1 (c) Fails or refuses to cooperate fully with any appropriate law enforcement
2 officer or agency, or with the department in the administration of this
3 chapter. If a claimant other than a victim fails or refuses to cooperate
4 pursuant to this subsection, no compensation may be awarded to that
5 claimant; or
6 (3) To any claimant, if the award would unjustly benefit an offender or an accomplice.