

AN ACT

ENTITLED, An Act to move the Crime Victims Compensation Program from the Department of Corrections to the Department of Social Services.

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

Section 1. That § 23A-28B-1 be amended to read as follows:

23A-28B-1. Terms used in this chapter mean:

- (1) "Claimant," any person entitled to apply for compensation pursuant to this chapter;
- (2) "Commission," the South Dakota Crime Victims' Compensation Commission as established by § 23A-28B-3;
- (3) "Crime," conduct that occurs or is attempted in this state, including that arising from domestic violence, which conduct results in personal injury or death and is punishable as a felony or misdemeanor, or would be so punishable except that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. However, the term does not include conduct arising out of the ownership, maintenance or use of a motor vehicle, boat or aircraft unless the conduct was intended to cause or did recklessly cause personal injury or death or unless the conduct constitutes a violation of § 32-23-1, 22-16-41, or 22-16-42;
- (4) "Department," Department of Social Services;
- (5) "Dependent," any spouse, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or parent of the spouse of a deceased victim who was wholly or partially dependent upon the victim's income at the time of the victim's death, including any child of the victim born after the victim's death;
- (6) "Economic loss," medical and hospital expenses, loss of earnings, loss of future earnings, funeral and burial expenses and loss of economic benefits or support to

dependents, including home maintenance and child care expenses;

- (7) "Fund," the Crime Victims' Compensation Fund established by § 23A-28B-41;
- (8) "Law enforcement officer," any person as defined in § 22-1-2;
- (9) "Medical expense," the cost of all medical and dental services, mental health counseling, dental and prosthetic devices, eyeglasses or other corrective lenses, including services rendered in accordance with any method of healing recognized by the laws of this state or the United States;
- (10) "Person," any natural person;
- (11) "Personal injury," actual bodily harm or emotional distress;
- (12) "Victim," any person who suffers personal injury or death as a direct result of:
 - (a) A crime, including a federal crime occurring in this state;
 - (b) A good faith effort by the person to prevent the commission of a crime; or
 - (c) A good faith effort by the person to apprehend a person suspected of engaging in a crime.

An Act to move the Crime Victims Compensation Program from the Department of Corrections to the Department of Social Services.

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I certify that the attached Act
originated in the
SENATE as Bill No. 68

Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 68
File No.
Chapter No.

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Received at this Executive Office
this ___ day of _____,
19__ at ___ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this ___ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State