

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0304

SENATE BILL NO. 68

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to move the Crime Victims Compensation Program from
2 the Department of Corrections to the Department of Social Services.

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

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

5 23A-28B-1. Terms used in this chapter mean:

- 6 (1) "Claimant," any person entitled to apply for compensation pursuant to this chapter;
- 7 (2) "Commission," the South Dakota Crime Victims' Compensation Commission as
8 established by § 23A-28B-3;
- 9 (3) "Crime," conduct that occurs or is attempted in this state, including that arising from
10 domestic violence, which conduct results in personal injury or death and is punishable
11 as a felony or misdemeanor, or would be so punishable except that the person
12 engaging in the conduct lacked the capacity to commit the crime under the laws of
13 this state. However, the term does not include conduct arising out of the ownership,
14 maintenance or use of a motor vehicle, boat or aircraft unless the conduct was
15 intended to cause or did recklessly cause personal injury or death or unless the

- 1 conduct constitutes a violation of § 32-23-1, 22-16-41 or 22-16-42;
- 2 (4) "Department," ~~the department of corrections~~ Department of Social Services;
- 3 (5) "Dependent," any spouse, parent, grandparent, stepparent, child, stepchild, adopted
- 4 child, grandchild, brother, sister, half brother, half sister, or parent of the spouse of
- 5 a deceased victim who was wholly or partially dependent upon the victim's income at
- 6 the time of the victim's death, including any child of the victim born after the victim's
- 7 death;
- 8 (6) "Economic loss," medical and hospital expenses, loss of earnings, loss of future
- 9 earnings, funeral and burial expenses and loss of economic benefits or support to
- 10 dependents, including home maintenance and child care expenses;
- 11 (7) "Fund," the Crime Victims' Compensation Fund established by § 23A-28B-41;
- 12 (8) "Law enforcement officer," any person as defined in § 22-1-2;
- 13 (9) "Medical expense," the cost of all medical and dental services, mental health
- 14 counseling, dental and prosthetic devices, eyeglasses or other corrective lenses,
- 15 including services rendered in accordance with any method of healing recognized by
- 16 the laws of this state or the United States;
- 17 (10) "Person," a any natural person;
- 18 (11) "Personal injury," actual bodily harm or emotional distress;
- 19 (12) "Victim," any person who suffers personal injury or death as a direct result of:
- 20 (a) A crime, including a federal crime occurring in this state;
- 21 (b) A good faith effort by the person to prevent the commission of a crime; or
- 22 (c) A good faith effort by the person to apprehend a person suspected of engaging
- 23 in a crime.