

25103092D

HOUSE BILL NO. 1711

Offered January 13, 2025

Prefiled January 4, 2025

A BILL to amend and reenact §§ 19.2-368.3, 19.2-368.3:1, and 19.2-368.18 of the Code of Virginia and to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 16, consisting of a section numbered 9.1-1600, relating to Mass Violence Care Fund established.

Patrons—Bulova, Convors-Fowler, Feggans and Clark

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-368.3, 19.2-368.3:1, and 19.2-368.18 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 16, consisting of a section numbered 9.1-1600, as follows:

CHAPTER 16.**MASS VIOLENCE CARE FUND.****§ 9.1-1600. Mass Violence Care Fund.**

A. As used in this section:

"Commission" means the Virginia Workers' Compensation Commission.

"Family or household member" means the same as that term is defined in § 16.1-228.

"Mass violence event" means an intentional criminal event resulting in physical injury to three or more people, not including the perpetrator, occurring in a public space and in one or more locations in close geographical proximity.

"Unreimbursed medical expenses" includes medical expenses for health and mental health care.

"Unreimbursed medical expenses" may include expenses (i) not covered by the Criminal Injuries Compensation Fund, pursuant to Chapter 21.1 (§ 19.2-368.1 et seq.) of Title 19.2, or (ii) incurred by a family or household member of the victim of mass violence.

"Victim of mass violence" means a person who has suffered physical, emotional, or psychological injury as the result of a mass violence event. "Victim of mass violence" includes a person who directly suffered the physical, emotional, or psychological injury through their physical presence during an event or, if such person was physically injured or killed, such person's spouse, child, parent, sibling, legal guardian or other family or household member.

B. 1. There is hereby established within the Criminal Injuries Compensation Fund a permanent and perpetual subfund to be known as the Mass Violence Care Fund, referred to in this section as "the Fund." The Fund shall be administered by the Comptroller who shall also invest and manage moneys in the Fund. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for (i) investments to maximize the returns for the Fund and (ii) the purpose of reimbursing victims of mass violence for unreimbursed medical expenses related to a mass violence event. All revenues deposited into the Fund and otherwise received or appropriated for the purposes of this section shall be immediately available for the payment of claims to victims of mass violence.

2. Following the initial capitalization of the Fund pursuant to the appropriation act, any disbursements from the Fund for the payment of claims to victims of mass violence shall be made from and capped at the amount of interest earned on the Fund.

C. The Commission shall establish and publish application guidelines and criteria for the payment of claims from the Fund. Such guidelines and criteria shall include distinct policies that (i) administration of the Fund shall be handled in such a manner to minimize burdens and stress for victims of mass violence and (ii) when such claim is eligible for reimbursement from the Fund and the Criminal Injuries Compensation Fund, any application for disbursement from the Fund shall be considered an addendum to a previously granted claim for an award from the Criminal Injuries Compensation Fund. The powers provided in this section may be delegated by the Commission to any member or employee thereof.

D. A disbursement from the Fund for unreimbursed medical expenses shall be made to a victim of mass violence if (i) all awards to which such victim or family or household member is entitled to receive under subsection E of § 19.2-368.11:1 are exhausted and (ii) at least three years have passed from the date of the mass violence event.

E. Claims shall be filed in the office of the Commission in person, by mail, or by electronic means in

INTRODUCED

HB1711

accordance with guidelines approved by the Commission. The provisions of §§ 19.2-368.5:2, 19.2-368.6, 19.2-368.7, 19.2-368.8, 19.2-368.14, and 19.2-368.16 shall apply whenever a claim is filed under this section.

F. Any disbursement from the Fund to a victim of mass violence is exempt from the provisions of subsection H of § 19.2-368.11:1. No award made pursuant to this section shall be subject to execution or attachment other than for unreimbursed medical expenses resulting from the mass violence event that is the basis for the claim.

G. The Commission shall include in the report required by § 19.2-368.3 a detailed section on all moneys disbursed to victims of mass violence from the Fund.

H. The Commission shall establish and conduct a public information program to assure extensive and continuing publicity and public awareness of the provisions of this section. The public information program shall include brochures, posters, and public service advertisements for television, radio, and print media for dissemination to the public of information regarding the right to compensation for innocent victims of mass violence, including information on the right to file a claim, the scope of coverage, and the procedures to be utilized incident thereto.

§ 19.2-368.3. Powers and duties of Commission.

The Commission shall have the following powers and duties in the administration of the provisions of this chapter:

1. To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions and purposes of this chapter, to include a distinct policy (i) for the payment of physical evidence recovery kit examinations and (ii) to require each health care provider as defined in § 8.01-581.1 that provides services under this chapter to negotiate with the Commission or its designee to establish prospective agreements relating to rates for payment of claims for such services allowed under § 19.2-368.11:1, such rates to discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

2. Notwithstanding the provisions of §§ 2.2-3706 and 2.2-3706.1, to acquire from the attorneys for the Commonwealth, State Police, local police departments, sheriffs' departments, and the Chief Medical Examiner such investigative results, information, and data as will enable the Commission to determine if, in fact, a crime was committed or attempted, and the extent, if any, to which the victim or claimant was responsible for his own injury. ~~These~~ Such data shall include prior adult arrest records and juvenile court disposition records of the offender. For such purposes and in accordance with § 16.1-305, the Commission may also acquire from the juvenile and domestic relations district courts a copy of the order of disposition relating to the crime. The use of any information received by the Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section, and this information shall be confidential and shall not be disseminated further. The agency from which the information is requested may submit original reports, portions thereof, summaries, or such other configurations of information as will comply with the requirements of this section.

3. To hear and determine all claims for awards filed with the Commission pursuant to this chapter and § 9.1-1600, and to reinvestigate or reopen cases as the Commission deems necessary.

4. To require and direct medical examination of victims.

5. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation, and to issue summonses requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, or documentary or other evidence. The powers provided in this subsection may be delegated by the Commission to any member or employee thereof.

6. To take or cause to be taken affidavits or depositions within or without the Commonwealth.

7. To render each year to the Governor and to the General Assembly a written report of its activities. This report shall include a detailed section on all unclaimed restitution collected and disbursed to the victim from the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1 and moneys disbursed to victims of mass violence pursuant to § 9.1-1600.

8. To accept from the government of the United States grants of federal moneys for disbursement under the provisions of this chapter and § 9.1-1600.

9. To collect and disburse unclaimed restitution pursuant to subsection I of § 19.2-305.1 and develop, in consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme Court of Virginia, policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to victims of crime.

10. To identify and locate victims of crime for whom restitution owed to such victims has been deposited into the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1. Notwithstanding the provisions of §§ 2.2-3706 and 2.2-3706.1, the Commission may acquire from the attorneys for the Commonwealth, State Police, local police departments, and sheriffs' departments such information as will enable the Commission to identify and locate such victims. The use of any information received by the Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section,

and this information shall be confidential and shall not be disseminated further.

§ 19.2-368.3:1. Crime victims' ombudsman.

A. The Commission shall employ a crime victims' ombudsman and adequate staff to facilitate the prompt review and resolution of crime victim compensation claims, *including claims filed pursuant to § 9.1-1600*, and to assure that crime victims' rights are safeguarded and protected during the claims process. The ombudsman shall report directly to the Commission.

B. The ombudsman shall ensure that all parties, including service providers and Criminal Injuries Compensation Fund *and Mass Violence Fund* personnel, are acting in the best interests of the crime victim. The ombudsman shall also provide assistance to crime victims in filling out the necessary forms for compensation and obtaining necessary documentation.

§ 19.2-368.18. Criminal Injuries Compensation Fund.

A. There is hereby created a special fund to be administered by the Comptroller, known as the Criminal Injuries Compensation Fund. *The Criminal Injuries Compensation Fund shall include the Mass Violence Care Fund established pursuant to § 9.1-1600 as a special subfund. The subfund shall include such moneys as may be appropriated by the General Assembly and designated for the subfund.*

B. Whenever the costs provided for in §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9 or subsections B or C of § 16.1-69.48:1 are assessed, a portion of the costs, as specified in those sections, shall be paid over to the Comptroller to be deposited into the Criminal Injuries Compensation Fund. Under no condition shall a political subdivision be held liable for the payment of this sum.

C. No claim shall be accepted under the provisions of this chapter when the crime that gave rise to such claim occurred prior to July 1, 1977.

D. Sums available in the Criminal Injuries Compensation Fund shall be used for the purpose of payment of the costs and expenses necessary for the administration of this chapter and for the payment of claims pursuant to this chapter.

E. All revenues deposited into the Criminal Injuries Compensation Fund, and appropriated for the purposes of this chapter, shall be immediately available for the payment of claims.

2. That the Virginia Workers' Compensation Commission shall establish the guidelines and criteria required by subsection C of § 9.1-1600 of the Code of Virginia, as created by this act, within one year of the effective date of this act.