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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: January 23, 2018
Subject: Bill Brief for SB 266

SB 266 amends the definition of the term “collateral source” for crime victims compensation fund purposes. The bill amends K.S.A. 74-7301, the definition section for the act that establishes the crime victims compensation fund and the crime victims compensation board. Subsection (d)(9) is added so that “any other source” is included in the list of collateral sources that may provide benefits to the victim or claimant. This definition is used in K.S.A. 74-7305(c) and K.S.A. 74-7312(a), included below for reference.

74-7305. Claims for compensation; application; conditions; limitations; amount.

(c) Compensation otherwise payable to a claimant shall be reduced or denied, to the extent, if any that the:

- (1) Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources;
- (2) board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims; or
- (3) board deems reasonable, because the victim was likely engaging in, or attempting to engage in, unlawful activity at the time of the crime upon which the claim for compensation is based. This subsection shall not be construed to reduce or deny compensation to a victim of domestic abuse or sexual assault.

74-7312. State's subrogation rights; actions for damages; board's involvement; disposition of moneys recovered.

(a) If compensation is awarded, the state shall be subrogated to all the claimant's rights to receive or recover benefits or advantages for economic loss for which, and only to the extent that, compensation is awarded, from a source which is or, if readily available to the victim or claimant would be, a collateral source.