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**Testimony in Support of Senate Bill 266
An Act Concerning the Crime Victims Compensation Board**

**Presented to the Senate Judiciary Committee
By Assistant Solicitor General Dwight Carswell**

January 23, 2018

Chairman Wilborn and Members of the Committee:

Thank you for the opportunity to offer testimony on behalf of Attorney General Derek Schmidt in support of Senate Bill 266. This bill would expand the definition of “collateral source” in the statutes governing the Crime Victims Compensation Board (CVCB).

CVCB is intended to be a payer of last resort. To this end, the law allows CVCB to reduce or deny compensation to the extent a claimant has recovered from a “collateral source.” *See* K.S.A. 74-7305(c)(1). And when CVCB has already provided compensation and the claimant later recovers from a “collateral source,” the law provides CVCB with subrogation rights to recover compensation it has already paid. *See* K.S.A. 74-7312(a).

The current definition of “collateral source” in K.S.A. 74-7301(d) includes the most common sources from which victims may recover for their economic losses, but occasionally victims recover from other sources that are not currently listed. This bill would expand the definition of “collateral source” to include “any other source” from which a victim recovers. Without this change, victims may receive a double recovery in some situations, recovering compensation from other sources as well as from CVCB for the same loss. We believe it would make more sense to allow CVCB to deny compensation, and provide CVCB with subrogation rights to recover compensation already paid, in situations where the victim recovers from other sources so that CVCB may use those funds to assist other victims.

Thank you for the opportunity to provide this testimony. We respectfully request the committee’s favorable consideration of this bill.