

2018 Kansas Statutes

74-7319. Moneys payable to accused or convicted person for use of crime in publications, broadcast presentations or live entertainments, disposition; victims, notice of receipt of funds, application for award and payment to. (a) Any individual, partnership, corporation or association which contracts with any person accused or convicted of the commission of a crime in this state, or with a representative or assignee of such a person, to use the crime committed or alleged to have been committed by such person or the expression of such person's thoughts, feelings, opinions or emotions regarding the crime in any book, magazine or other publication or in any movie, radio, television presentation or live entertainment shall pay to the crime victims compensation board all moneys which would otherwise by the terms of the contract be owed to the person who committed or is alleged to have committed the crime, or such person's representatives or assignees, provided, such book, magazine or other publication, movie, radio or television presentation or live entertainment of any kind deals principally with the crime for which the person is accused and convicted. If any person is accused and convicted of the commission of two or more crimes, the crimes shall, for purposes of determining whether such publication, presentation or entertainment deals principally with the crime for which the person is accused and convicted, be combined and considered as one crime.

(b) Upon receipt of such funds pursuant to subsection (a), the crime victims compensation board immediately shall notify the victim of the crime, as defined in K.S.A. 74-7301, and amendments thereto, of such receipt. Within six months of such notification, the victim may file a claim with the board for disbursement of such moneys. If proper application is made and the victim can provide the board evidence of a money judgment within two years of such notification of the victim by the board, and such judgment is against the person accused or convicted of committing such crime, the board shall pay such amount, plus accrued interest at the rate imposed on civil money judgments, to the victim. Such amount shall not exceed the lesser of the amount of the judgment or the amount of the funds received by the board.

(c) In the event at the time of the notification provided in subsection (b), the applicable civil statute of limitations on filing a civil action against such person accused of or convicted of the crime shall have run, the victim shall have six months from such notification to file a notice of claim as provided in subsection (b) and a civil action against the person accused or convicted of the crime.

(d) For purposes of this section and a civil action for money damages filed hereunder, the limitations imposed on money damages in K.S.A. 60-1903, K.S.A. 1992 Supp. 60-19a01 and subsection (e) of K.S.A. 1992 Supp. 60-3701, and amendments thereto, shall not apply.

History: L. 1986, ch. 306, § 2; L. 1989, ch. 239, § 21; L. 1992, ch. 244, § 1; May 21.