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**CRIME VICTIMS COMPENSATION BOARD**

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To: Chairman Jennings and Members of the House Corrections and Juvenile Justice Committee

From: Richard A. Samaniego, Chair of the Kansas Crime Victims Compensation Board

Re: Written Testimony Opposing HB 2305

Date: January 27, 2020

On behalf of the Kansas Crime Victims Compensation Board (CVCB), I thank you for the opportunity to provide testimony in opposition to HB 2305. HB 2305 would eliminate the requirements that, in order to receive crime victims compensation, claimants must timely report their crimes and cooperate with law enforcement authorities.

CVCB has a number of concerns with this bill. First, this bill could jeopardize federal funding for CVCB, which totaled \$1.23 million in FY 2019. A federal statute, 42 U.S.C. § 10602(b)(2), requires that crime victims compensation programs must “promote victim cooperation with the reasonable requests of law enforcement authorities.” By striking K.S.A. 74-7305(f), which currently serves that purpose, this bill could render CVCB ineligible for federal funding. In addition, CVCB relies heavily on law enforcement reports to determine whether claimants are eligible for compensation, including whether claimants engaged in contributory misconduct or illegal activity. A recent audit of the Missouri crime victims compensation program found that Missouri paid numerous claims with insufficient documentation—in large part because of the lack of law enforcement information—and required Missouri to repay those funds to the federal government. If this bill passes and claimants are no longer required to report crimes and cooperate with law enforcement, Kansas could face a similar dilemma.

Second, state funding of CVCB comes largely from those who commit crimes, such as through fines, penalties, and restitution. *See, e.g.*, K.S.A. 74-7336(a)(1). But if a victim declines to report a crime or cooperate with law enforcement, that jeopardizes the State’s ability to convict and obtain money from the offender. It also allows the offender to go on to commit more crimes, thus increasing the need for crime victims compensation in future cases.

Third, this bill could lead to compensation being provided to undeserving claimants, such as gang members and drug dealers. For example, suppose a claimant seeks medical attention for a gunshot wound but refuses to cooperate with law enforcement. CVCB would have no way of knowing whether the claimant was an innocent victim or was, for instance, engaged in a drug transaction at the time of the crime. Law enforcement reports are critical in allowing CVCB to determine claimants’ eligibility.

CVCB also believes this bill is unnecessary in light of some of the concerns expressed by its supporters. Under existing law, the Board is only required to reduce or deny compensation due to a lack of cooperation with law enforcement to the extent the Board deems reasonable. K.S.A. 74-7305(f). Thus, the Board can assess the particular circumstances of each case in determining whether to award compensation. Similarly, the Board may provide compensation even when a crime has not been reported within 72 hours if the Board finds good cause for the failure to report within that time. K.S.A. 74-7305(e). And the Board is currently seeking, in House Bill 2495, a statutory amendment that would allow the Board to provide mental health counseling to victims of sexually violent offenses even if a claim was not filed with the Board within two years of the crime or its reporting to police.

The Crime Victims Compensation Board respectfully requests that the committee decline to advance this legislation. Thank you for your time, attention, and consideration in this matter. Please feel free to contact me if you have additional questions.

Respectfully submitted,

Richard A. Samaniego, Chair