1   **Senate Bill No. 99**

2   (By Senator Kessler (Acting President), Unger, Klempa, Yost and

3   D. Facemire)

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5   [Introduced January 17, 2011; referred to the Committee on the

6   Judiciary; and then to the Committee on Finance.]

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11 A BILL to amend and reenact §23-4-1f of the Code of West Virginia,

12   1931, as amended, relating to allowing workers' compensation

13   for certain mental illnesses related to being a crime victim.

14 *Be it enacted by the Legislature of West Virginia:*

15   That §23-4-1f of the Code of West Virginia, 1931, as amended,

16 be amended and reenacted to read as follows:

17 **ARTICLE 4. DISABILITY AND DEATH BENEFITS.**

18 **§23-4-1f.   Certain psychiatric injuries and diseases not**

19   **compensable; exception.**

20   For the purposes of this chapter, ~~no~~ an alleged injury or

21 disease ~~shall be~~ is not recognized as a compensable injury or

22 disease ~~which~~ if it was solely caused by nonphysical means and

23 ~~which~~ did not result in any physical injury or disease to the

24 person claiming benefits ~~It is the purpose of this section to~~

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1 ~~clarify that so-called mental-mental claims are not compensable~~

2 ~~under this chapter.~~ except that a person may qualify for workers

3 compensation for mental illness when the mental illness is the

4 direct and proximate result of being a victim of a crime of

5 violence against the person. Such crime must have occurred during

6 the course of employment of the person filing for benefits under

7 this chapter. The crime must be reported to the police within

8 seventy-two hours after the occurrence of the crime. A person is

9 not eligible for workers compensation benefits if he or she was

10 engaging in the criminal activity that resulted in the mental

11 illness.

NOTE: The purpose of this bill is to is allow payment of workers compensation benefits for mental illness when a person becomes ill after being a victim of a crime.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.