

1 **Senate Bill No. 168**

2 (By Senators Kessler (Mr. President) and Fitzsimmons)

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4 [Introduced February 15, 2013; referred to the Committee on the
5 Judiciary.]
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10 A BILL to amend and reenact §23-4-1f of the Code of West Virginia,
11 1931, as amended, relating to allowing workers' compensation
12 for certain mental illnesses related to being a crime victim.

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

14 That §23-4-1f of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

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

17 **§23-4-1f. Certain psychiatric injuries and diseases not**
18 **compensable; exception.**

19 For the purposes of this chapter, ~~no~~ an alleged injury or
20 disease ~~shall be~~ is not recognized as a compensable injury or
21 disease ~~which~~ if it was solely caused by nonphysical means and
22 ~~which~~ did not result in any physical injury or disease to the

1 person claiming benefits except that a person may qualify for
2 workers' compensation for mental illness when the mental illness is
3 the direct and proximate result of being a victim of a crime of
4 violence against the person. The crime must have occurred during
5 the course of employment of the person filing for benefits under
6 this chapter. The crime must be reported to the police within
7 seventy-two hours after the occurrence of the crime. A person is
8 not eligible for workers' compensation benefits if he or she was
9 engaging in the criminal activity that resulted in the mental
10 illness. It is the purpose of this section to clarify that so-
11 called mental-mental claims are not compensable under this chapter.

NOTE: The purpose of this bill is to 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.