Resources for Trafficking Survivors: Crime Victim Compensation Programs by State

The Human Trafficking LEGAL CENTER

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*For information on compensation programs in Washington, D.C., please refer to the District of Columbia Courts website. It may be possible to obtain guidance on District of Columbia crime victim compensation assistance programs through Volare, a local non-profit organization.

INTRODUCTION

Sex and labor trafficking survivors may be eligible for compensation through crime victim compensation funds administered by the states. Crime victim compensation funds provide financial reimbursement for expenses resulting from violent crime, such as medical bills, lost wages, funeral costs, and mental health counseling. In some states, these funds can cover moving costs where the move is necessary due to the criminal victimization.

Orrick, a pro bono law firm, compiled this fifty-state compendium of crime victim compensation funds in partnership with the Human Trafficking Legal Center. This fifty-state survey provides a summary of crime victim compensation programs by state, as well as background information on eligibility requirements.

The compendium is organized by state, with hyperlinks to the websites for each state program. Please note that this is a living document. We encourage you to contact us with any updates to specific state programs to ensure this resource remains current.

To provide updates, feedback, or questions, please contact info@htlegalcenter.org.

The federal Office for Victims of Crime website provides information about Victims of Crime Act (VOCA) funds, if you would like to learn more.

The Human Trafficking Legal Center seeks to put resources in the hands of trafficking survivors through civil litigation, criminal restitution, and administrative compensation programs such as those referenced in this guide. The Center wishes to thank Rene Kathawala, John Kromer, and Lauren Frank of Orrick for their extraordinary pro bono work to compile this state-by-state guide.

ALABAMA

ALABAMA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Claims must be filed within one year after the injury or death upon which the claim is based, unless there is good cause for an exception.	"Compensation shall not be awarded in any of the following circumstances: (1) A claim has been filed with the commission later than one year after the injury or death upon which the claim is based, unless the commission finds there was good cause for the failure to file within that time." Ala. Code § 15-23-12(a)(1). "A claim must be filed with the Commission within one (1) year after the death or injury upon which the claim is based or the Commission finds that there was good cause for the failure to file within that time." Ala. Admin. Code 262-X-4-.01(2). "The application must be filed within one (1) year of the incident unless the Commission finds there was good cause for the failure to report within that time." Ala. Admin. Code 262-X-4-.02(3).
Eligibility Requirements: Identity of Person Seeking Compensation	A claim may be filed by the victim, a dependent of a deceased victim, or a person legally authorized to act on behalf of a deceased victim. When the victim is a minor, a parent or legal guardian may file on his/her behalf. A guardian, conservator, or other person legally authorized to act on behalf of an incapacitated victim may file a claim on his/her behalf.	"A claim may be filed by the victim, a dependent of a deceased victim, or a person legally authorized to act on behalf of a deceased victim. When the victim is a minor, a parent or legal guardian may file on his/her behalf. A guardian, conservator, or other person legally authorized to act on behalf of an incapacitated victim may file a claim on his/her behalf." Ala. Admin. Code 262-X-4-.01(1). "VICTIM. A person who suffered serious personal injury or death as a result of criminally injurious conduct." Ala. Code § 15-23-3(3). "Victim. A person who suffered serious personal injury, psychological injury as a result of a direct face to face threat of physical injury or actual physical injury or death as a result of criminally injurious conduct." Ala. Admin. Code 262-X-1-.01(5)(c). "DEPENDENT. A natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct." Ala. Code § 15-23-3(4). "Dependent. A natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim when the death occurred as the result of criminally injurious conduct." Ala. Admin. Code 262-X-1-.01(5)(d). "CLAIMANT. Any of the following persons applying for compensation under this article: a. A victim. b. A dependent of a deceased victim, if such victim died as a result of criminally injurious conduct. c. A person authorized to act on behalf of a victim or a dependent of a deceased victim if such victim died as a result of criminally injurious conduct." Ala. Code § 15-23-3(5). "Claimant. Any of the following persons applying for compensation under this chapter: 1. A victim; 2. A dependent of a deceased victim, if such victim died as result of criminally injurious conduct; or 3. A person authorized to act on behalf of a victim, or a dependent of a deceased victim if such victim died as a result of criminally injurious conduct." Ala. Admin. Code 262-X-1-.01(5)(e). "Homicide Victims (a) The person legally authorized to act on a homicide victim's behalf may file for compensation benefits. For example: the next-of-kin of the homicide victim or the executor of the homicide victim's estate (b) If a homicide victim has multiple relatives with the same degree of consanguinity, the relative that files for compensation benefits first shall be the claimant." Ala. Admin. Code 262-X-4-.09(1). "Minor Victims (a) When the victim of criminally injurious conduct is a minor, the minor victim's parent or legal guardian may act as a claimant and file for compensation benefits." Ala. Admin. Code 262-X-4-.09(2).
Eligibility Requirements: Types of Crime	The victim must have suffered bodily injury, psychological injury as the result of a direct, face-to-face threat of physical injury, or actual physical injury or death as a result of the criminal actions of another.	"The victim must have suffered bodily injury, psychological injury as the result of a direct, face-to-face threat of physical injury, or actual physical injury or death as a result of the criminal actions of another." Ala. Admin. Code 262-X-4-.02(4).

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Eligibility Requirements: Geographic Nexus	The crime must have been committed in Alabama or have been committed outside Alabama and the victim is a citizen of Alabama and meets one of the additional required criteria set forth (*see* Detailed Description).	"CRIMINALLY INJURIOUS CONDUCT. Criminally injurious conduct includes any of the following acts: a. An act occurring or attempted within the geographical boundaries of this state which results in serious personal injury or death to a victim for which punishment by fine, imprisonment, or death may be imposed. b. An act occurring or attempted outside the geographical boundaries of this state in another state of the United States of America which is punishable by fine, imprisonment, or death and which results in personal injury or death to a citizen of this state, and shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside of the United States, against a resident of this state; provided however, the citizen at the time such act was committed had a permanent place of residence within the geographical boundaries of this state, and in addition thereto any of the following circumstances apply, that the citizen: 1. Had a permanent place of employment located within the geographical boundaries of this state. 2. Was a member of the regular Armed Forces of the United States of America; or the United States Coast Guard; or was a full-time member of the Alabama National Guard, Alabama Air National Guard, U.S. Army Reserve, U.S. Naval Reserve, or U.S. Air Force Reserve. 3. Was retired and receiving Social Security or other retirement income. 4. Was 60 years of age or older. 5. Was temporarily in another state of the United States of America for the purpose of receiving medical treatment. 6. Was temporarily in another state of the United States of America for the purpose of performing employment-related duties required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits. 7. Was temporarily in another state of the United States of America for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits. 8. Was a full-time student at an academic institution, college, or university located in another state of the United States of America. 9. Had not departed the geographical boundaries of this state for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state. The term “criminally injurious conduct” shall not mean: An act committed outside the geographical boundaries of this state upon a person who was not at the time a citizen of Alabama, or an act committed outside the geographical boundaries of this state upon a person who at the time had departed the geographical boundaries of this state for the purpose of becoming a citizen of, or establishing a permanent place of residence in, another state." Ala. Code § 15-23-3(2); *see also* Ala. Admin. Code 262-X-1-.01(5)(b). "VICTIM. A person who suffered serious personal injury or death as a result of criminally injurious conduct." Ala. Code § 15-23-3(3). "(1) Pursuant to §15-23-3(2)b of the Code of Ala. 1975, criminally injurious conduct includes an act occurring or attempted outside the geographical boundaries of this state in another state of the United States of America which is punishable by fine, imprisonment, or death and which results in personal injury or death to a citizen of this state, and shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside of the United States, against a resident of this state; provided however, the citizen at the time such act was committed had a permanent place of residence within the geographical boundaries of this state, and in addition thereto any of the following circumstances apply, that the citizen:

TOPIC	SUMMARY	DETAILED DESCRPTION
		(a) Had a permanent place of employment located within the geographical boundaries of this state. (b) Was a member of the regular Armed Forces of the United States of America; or the United States Coast Guard; or was a full-time member of the Alabama National Guard, Alabama Air National Guard, U.S. Army Reserve, U.S. Naval Reserve, or U.S. Air Force Reserve. (c) Was retired and receiving Social Security or other retirement income. (4)1Was 60 years of age or older. (5) Was temporarily in another state of the United States of America for the purpose of receiving medical treatment. (6) Was temporarily in another state of the United States of America for the purpose of performing employment-related duties required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits. (7) Was temporarily in another state of the United States of America for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits. (8) Was a full-time student at an academic institution, college, or university located in another state of the United States of America. (9) Had not departed the geographical boundaries of this state for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state. (2) The term “criminally injurious conduct” shall not mean: An act committed outside the geographical boundaries of this state upon a person who was not at the time a citizen of Alabama, or an act committed outside the geographical boundaries of this state upon a person who at the time had departed the geographical boundaries of this state for the purpose of becoming a citizen of, or establishing a permanent place of residence in, another state. (3) For the purpose of determining eligibility for out-of state compensation claims, a citizen of the State of Alabama is defined as all citizens of the United States with a permanent place of residence in the State of Alabama." Ala. Admin. Code 262-X-4-.08.
Eligibility Requirements: Criminal Background of Victim	Perpetration or conviction for a crime after an application for compensation has been made will render a claimant ineligible for compensation.	"Any person who shall perpetrate any criminally injurious conduct on the person of another or who shall be convicted of a felony after making application to the Alabama Crime Victims Compensation Commission for compensation shall not be eligible or entitled to receive compensation pursuant to any provision of this article." Ala. Code § 15-23-23. "If the applicant, after making application for compensation to the Commission, then perpetrates any criminally injurious conduct or is convicted of a felony, the applicant shall be ineligible for compensation." Ala. Admin. Code 262-X-4-.02(9).

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Citizenship Requirement?	A person must be a U.S. citizen, a person who is legally present in the U.S., or an alien eligible for public benefits in order to receive compensation benefits. An alien who is defined as an eligible alien pursuant to 8 U.S.C. §1621(a) or 8 U.S.C. §1641, or certified as a victim of human tracking pursuant to 22 U.S.C. §7105 may be eligible for compensation benefits.	"A person must be a U.S. citizen, a person who is legally present in the U.S., or an alien eligible for public benefits in order to receive compensation benefits." Ala. Admin. Code 262-X-4-.02(11). "An alien who is defined as an eligible alien pursuant to 8 U.S.C. §1621(a) or 8 U.S.C. §1641, or certified as a victim of human tracking pursuant to 22 U.S.C. §7105 may be eligible for compensation benefits." Ala. Admin. Code 262-X-4-.02(12). "Proof of U.S. citizenship, legal presence in the U.S., or proof of being an alien eligible for public benefits must be provided for every claimant/victim. (a) A copy of one of the following documents may be accepted as evidence of U.S. citizenship: 1. A birth certificate issued in or by a city, county, state, or other governmental entity within the United States or its outlying possessions. 2. A U.S. Certificate of Birth Abroad (FS-545, DS-135) or a Report of Birth Abroad of a U.S. Citizen (FS-240). 3. A birth certificate or passport issued from: (i) Puerto Rico, on or after January 13, 1941; (ii) Guam, on or after April 10, 1898; (iii) U.S. Virgin Islands, on or after February 25, 1927; (iv) Northern Mariana Islands, after November 4, 1986; (v) American Samoa; (vi) Swains Island; or (vii) District of Columbia. 4. An unexpired U.S. passport. 5. Certificate of Naturalization (N-550, N-57, N-578). 6. Certificate of Citizenship (N-560, N-561, N-645). 7. U.S. Citizen Identification Card (I-179, I-197). 8. Free Alabama Photo Voter Identification Card. If the Commission is not satisfied with the authenticity of a copy of one of the documents in 262-X-4-.02 (13) a, it may request that the original be submitted for inspection. (b) A person may be presumed to not be an alien who is unlawfully present in the U.S. if the person provides a copy of one of the following documents to the Commission for inspection: 1. A valid, unexpired Alabama driver's license. 2. A valid, unexpired Alabama nondriver identification card. 3. A valid tribal enrollment card or other form of tribal identification bearing a photograph or other biometric identifier. 4. Any valid United States federal or state government issued identification document bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful presence in the United States before issuance.

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		5. A foreign passport issued by a visa waiver country with the corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the United States Department of Homeland Security indicating the bearer's admission to the United States. If the Commission is not satisfied with the authenticity of a copy of one of the documents in 262-X-4-.02 (13) b, it may request that the original be submitted for inspection. (c) Submission of a copy of one of the following documents and subsequent positive verification in the Systematic Alien Verification for Entitlements (SAVE) system is proof of legal presence: 1. I-327 (Reentry Permit) 2. I-551 (Permanent Resident Card) 3. I-571 (Refugee Travel Document) 4. I-766 (Employment Authorization Card) 5. Certificate of Citizenship 6. Naturalization Certificate 7. Machine Readable Immigrant Visa (with Temporary I-551 Language) 8. Temporary I-551 Stamp (on Passport or I-94) 9. I-94 (Arrival/Departure Record) 10. I-94 (Arrival/Departure Record) in Unexpired Foreign Passport 11. Unexpired Foreign Passport 12. I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status) 13. DS2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status) 14. Documents not included in this list will be examined on a case-by-case basis. (d) Failure to provide this documentation within the requested time shall result in the non-approval of the compensation claim." Ala. Admin. Code 262-X-4-.02(13).
Is a Police Report or Cooperation with Law Enforcement Required?	Cooperation with law enforcement is required. Crimes must be reported within 72 hours unless there is good cause for failure to report.	"The commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw, or reduce an award of compensation." Ala. Code § 15-23-12(c). "Compensation shall not be awarded in any of the following circumstances: [...] The criminally injurious conduct resulting in injury or death was reported to a law enforcement officer later than 72 hours after its occurrence, unless the commission finds there was good cause for the failure to report within that time." Ala. Code § 15-23-12(a)(4). "The incident must have been reported within 72 hours after its occurrence or the Commission must find there was good cause for the failure to report within that time. Good cause includes, but is not limited to the minority, infirmity or incapacity of the claimant." Ala. Admin. Code 262-X-4-.02(2). "Except as provided elsewhere in this article, an award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered. The commission may suspend the proceedings pending disposition of criminal prosecution that has been commenced or is imminent, but may make a tentative award under this section." Ala. Code § 15-23-13. "The claimant or victim must cooperate fully with law enforcement and the Commission staff. If law enforcement officials or Commission staff are not satisfied with the victim's or claimant's cooperation, the Commission may “not approve” the claim." Ala. Admin. Code 262-X-4-.02(5). "The Commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies or the Commission staff in the processing of a claim, the Commission may deny, withdraw, or reduce an award of compensation. The Commission shall determine the extent of the cooperation by the victim and the following criteria shall be used: (a) The claimant's failure to assist and cooperate with the prosecution of the case or to appear as a witness shall constitute noncooperation and the claim shall be denied. (b) In instances in which the claimant initially fails to cooperate with law enforcement but subsequently begins to cooperate, compensation may be reduced or denied to the extent which his/her failure to cooperate hindered the investigation and/or prosecution of the case. (c) If law enforcement indicates that the claimant was reluctant to give information pertaining to the crime; failed to appear when requested, without good cause, gave false or misleading information, or attempted to avoid law enforcement, the award shall be denied. (d) A claimant's failure to cooperate with ACVCC's processing of the claim shall also be a basis for rendering a claim ineligible." Ala. Admin. Code 262-X-5-.01.

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Is Complicity in Crime Disqualifying?	A claimant who participated in the criminally injurious conduct at issue may not receive compensation. Compensation otherwise payable to a claimant may be diminished or denied to the extent that the economic loss is recouped from collateral sources; or to the extent that the degree of responsibility for the cause of the injury or death is attributable to the victim as determined by the commission.	"Compensation shall not be awarded in any of the following circumstances: [...] (2) To a claimant who was the offender, or an accomplice of the offender, or who encouraged or in any way participated in the criminally injurious conduct. (3) If the award would unjustly benefit the offender or accomplice of the offender." Ala. Code § 15-23-12(a)(2)-(a)(3). "Compensation shall not be awarded if the award would unjustly benefit the offender or accomplice of the offender." Ala. Admin. Code 262-X-6-.01. "The victim or claimant must not be the offender or an accomplice of the offender." Ala. Admin. Code 262-X-4-.02(7). "No portion of the compensation shall benefit the offender or accomplice." Ala. Admin. Code 262-X-4-.02(8). "Compensation otherwise payable to a claimant may be diminished or denied to the extent that the economic loss is recouped from collateral sources; or to the extent that the degree of responsibility for the cause of the injury or death is attributable to the victim as determined by the commission. (a) Compensation may be reduced or denied based on the victim's degree of contribution to the offense. The reduction or denial will be based on the extent of the degree of responsibility for the cause of injury or death attributable to the victim/claimant's actions and/or involvement in the events that led to the crime. Compensation may be reduced in whole or in part if contributory conduct is determined. (b) Eligibility for compensation can be affected by a victim/claimant's involvement in the events that led to the crime. The victim/claimant's actions do not have to be illegal to be deemed contributory conduct. Such actions must relate significantly to the occurrence that caused the victimization and be such that a reasonable or prudent person would know that the actions could lead to their victimization. (c) Contributory conduct is a voluntary action by the victim, which directly or indirectly, produced the victim's injury at the time of the victimization which gives rise to the compensation claim. This action may include, but is not limited to, provocation, drug use, alcohol intoxication, consent or incitement by the victim. (d) Contributory conduct is a factor when the victim knowingly participated in conduct that: 1. Caused, resulted in, or reasonably could have led to the specific crime which caused the victimization; or 2. Was itself clearly wrongful or illegal, thereby placing him/herself in a position to be victimized; or 3. Clearly put himself/herself into a situation where the crime was a reasonably expected and/or a prudent person would have avoided. (e) Contributory conduct to the offense may be determined by the victim's actions or nature of the victim's involvement in the events leading up to victimization. The following factors may be considered in the determination of contributory conduct: 1. Alcohol intoxication that resulted in the use of poor judgment by the victim; 2. Drug use that resulted in the use of poor judgment by the victim; 3. If the offender verbally insulted the victim and the victim failed to retreat, a contribution factor may be assessed; 4. If it appears the victim was injured as a result of poor judgment or as a result of his/her conduct being less than that of a prudent person in the same situation, a contribution factor may be assessed; 5. If it appears that the victim first physically assaulted the offender, the victim's claim for compensation may be denied. (f) The Commission may consider all information relevant to the circumstances, including, but not limited to: 1. Level of responsibility of the victim's conduct; 2. Foreseeability of the consequences of such conduct; 3. Ability to avoid the situation (Victim's failure to retreat or withdraw from situation where an option to do so existed.) 4. Whether there is a direct causal relationship between the victim's actions and his/her victimization. 5. Whether the criminally injurious conduct made the basis of the compensation claim occurred at a place known for illegal activity (shot house, house of gambling, house of prostitution or drug house) or arose out of acts involving violation(s) of federal, state, or municipal laws. A contribution factor shall not be accessed for persons who were in such areas for a legitimate purpose and not involved in any type of illegal activity. 6. Contribution to the offense will be determined by the actions of the victim at the time of or immediately preceding the crime." Ala. Admin. Code 262-X-4-.03.
To Whom are Applications Made?	The Alabama Crime Victims Compensation Commission ("ACVCC" or "Commission").	"COMMISSION. The Alabama Crime Victims Compensation Commission as created by Section 15-23-4." Ala. Code § 15-23-3(1). "It is the intent of the Legislature and the purpose of the Alabama Crime Victims Compensation Commission (ACVCC) to provide financial and other assistance for victims of violent crime for the allowable expenses that are incurred as a direct result of victimization." Ala. Admin. Code 262-X-1-.01(1).
How are Applications Accepted?	Applications are accepted by email.	Please download the completed application and email it to info@acvcc.alabama.gov. Applications must be signed. *See* https://acvcc.alabama.gov/wp-content/uploads/2025/03/ACVCC_Application_03_31_2025.pdf.

ALABAMA

TOPIC	SUMMARY	DETAILED DESCRPTION
Who May Submit an Application?	Applications may be submitted by: A victim of criminally injurious conduct. A surviving spouse or the next of kin of a victim who has died because of criminally injurious conduct. A person authorized to act on behalf of a victim.	*See* https://acvcc.alabama.gov/victims/who-is-eligible/.
What Language Services are Available?	The application states: "You have the right to free language assistance."	*See* https://acvcc.alabama.gov/wp-content/uploads/2025/03/ACVCC_Application_03_31_2025.pdf.
General Documentation Requirements	Requested documentation must be provided within 45 days.	"The Commission will make written request to the claimant for needed information/documentation. The claimant shall have forty-five (45) days to submit the requested information/documentation to the Commission. Failure to provide information/documentation within forty-five (45) days may, at the Commission's discretion, result in the non-approval of the claim." Ala. Admin. Code 262-X-4-.01(4).
Categories of Benefits Available	The Award May Cover the Following: Medical care Psychiatric care Work loss due to the crime Funeral expenses Rehabilitation of the victim The Commission pays only those expenses which are not covered by another source such as insurance, workman's compensation, etc. The victim or claimant must not receive compensation from two sources.	"ALLOWANCE EXPENSE. Charges incurred for needed products, services, and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational rehabilitation, rehabilitative occupational training, and other remedial treatment and care. It also includes a total charge not in excess of seven thousand dollars ($7,000) for expenses related to funeral, cremation, or burial." Ala. Code § 15-23-3(6). *See* https://acvcc.alabama.gov/victims/what-is-covered/.
Requirements/Limits for Relocation Expenses	Moving and temporary relocation expenses may not exceed a combined total of $1,000.	"Moving and Temporary Relocation Expenses (a) The Commission may award moving expenses in cases in which the crime occurred in the victim's home, the victim has a reasonable fear for his/her life if he/she does not move from the home, or moving the victim's personal belongings is necessary. Written estimates and/or receipts are required for payment of moving expenses. (b) The Commission may award temporary relocation expenses when the victim's home has been temporarily made uninhabitable as a direct result of the crime. Claimants/victims who qualify for temporary relocation expenses may receive per diem at a rate of $1050. If the size of the claimant's/victim's family necessitates the rental of two hotel rooms or larger accommodations, the Commission may consider awarding more than per diem for the temporary relocation expense. A copy of the hotel bill, credit card receipt, or other verifiable document is required for verification. (c) Moving and temporary relocation expenses may not exceed a combined total of $1,000." Ala. Admin. Code 262-X-4-.04(14).

ALABAMA

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Requirements/Limits for Mental Health Expenses	Reimbursement for therapy expenses shall not exceed $6,250, or 50 sessions	"(1) Qualified Providers -- The Commission may provide reimbursement/payment of therapy expenses if the therapy was provided by a psychiatrist, psychologist, professional counselor, or clinical social worker that is licensed by the appropriate governmental licensing body. The clinician must have an active license at the time the therapy was provided in order to qualify for reimbursement/payment of therapy expenses. (2) Appropriate Treatment (a) ACVCC must receive a letter from the clinician certifying that the victim is engaged in necessary therapy due to his/her victimization. (b) Quarterly updates from the clinician certifying that the treatment is necessary and the result of victimization must be submitted in order for payment to be considered. (c) The clinician must provide an itemized bill for treatment sessions. (3) Eligibility for Payment. The claimant, victim, and/or the victim's immediate family members may be eligible for mental health benefits. (4) Cost Containment (a) Individual Therapy Rates: $80.00 per hour- Licensed Counselor/Social Worker; $100.00 per hour- Psychologists (Ph.D.); $125 per hour- Psychiatrists (M.D.). (b) Group Therapy Rates: $ 60.00 per hour. (c) Reimbursement for therapy expenses shall not exceed $6,250, or 50 sessions. Reasonable efforts should be made to inform victims/claimants that therapy services are provided by community mental health centers on a sliding fee scale. Inpatient treatment shall be considered a medical condition for purposes of compensation. When the victim is a minor, the claimant shall be limited to 15 individual therapy sessions, unless the victim is deceased. The 15 individual therapy sessions limit shall not apply to homicide claims. (d) Supplemental therapy bills may be submitted to ACVCC as accrued, for consideration of payment. (e) When therapy services have been provided by county mental health centers, ACVCC will only pay what has been charged on a sliding fee scale. (5) Criteria for Payment of Therapy Expenses. Eligibility for payment of therapy expenses is based upon receipt of the following documentation: (a) a written statement from the therapist indicating that the therapy is directly related to the victimization; (b) an itemized bill from the therapist indicating the dates, times and charges for therapy; and (c) evidence that the therapist is licensed by the appropriate governmental licensing body. (6) Therapy via Videoconference. The Commission may reimburse for therapy services rendered via videoconference when the therapy is compliant with all applicable laws and regulations. (7) Interpreters for Victims/Claimants with Limited English Proficiency (LEP). (a) The Commission may provide reimbursement for reasonable fees incurred for the use of interpreters by LEP victims/claimants who seek therapy services as a direct result of the crime. The Commission will determine if the charges are reasonable on a case by case basis. The availability of interpreters in the LEP victim's/claimant's primary or home language will be considered in determining if the charges are reasonable. (b) In order to qualify for reimbursement, the interpreter must be: 1. currently certified by any state, regional or national interpreting association, board or body as proficient in the LEP individual's primary or home language, or 2. found to be qualified to interpret in the LEP individual's primary or home language by a municipal, county, state, or federal court. (3)1 Unrelated by blood or marriage to the claimant and/or victim." Ala. Admin. Code 262-X-4-.07.

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Requirements/Limits for Lost Income	Compensation for work loss, replacement services loss, dependent's economic loss, and dependent's replacement services loss may not exceed $600 per week. Compensation for lost wages may not exceed $400 per week for a maximum of 26 weeks. Future economic loss is limited to $400 per week for a maximum of 26 weeks. A victim of sexual assault may be granted compensation for maximum of two weeks of lost wages without a doctor's excuse. Employer verification is required for all low wages requests.	"WORK LOSS. Loss of income from work the victim or claimant would have performed if the victim had not been injured or died, reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work which he or she was capable of performing but unreasonably failed to undertake. Work loss also includes loss of income of an offender charged with domestic violence under Sections 13A-6-130, 13A-6-131, and 13A-6-132 when the victim was residing with the offender at the time of commission of the offense and the offender's income was a significant source of direct support for the victim." Ala. Code § 15-23-3(7). "Work Loss. Loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work which he or she was capable of performing but unreasonably failed to undertake. Work loss also includes loss of income of an offender charged with domestic violence under Sections 13A-6-130, 13A-6-131, and 13A-6-132 when the victim was residing with the offender at the time of commission of the offense and the offender's income was a significant source of direct support for the victim." Ala. Admin. Code 262-X-1-.01(5)(i). "Compensation for work loss, replacement services loss, dependent's economic loss, and dependent's replacement services loss may not exceed six hundred dollars ($600) per week." Ala. Code § 15-23-15(a). "Compensation for lost wages may not exceed four hundred ($400.00) dollars per week." Ala. Admin. Code 262-X-4-.04(2). "(4) Future Economic Loss. (a) Future economic loss is limited to $400.00 per week for a maximum of 26 weeks. Future economic loss may be awarded if the victim was employed at the time of his/her victimization and the employment is verifiable. (b) If the deceased victim leaves a dependent spouse and no dependent children, the total amount of the future economic loss may be paid to the dependent spouse. (c) If the deceased victim leaves a dependent spouse and a dependent child or dependent children and the dependent spouse is the parent of all the victim's dependent children, then the total amount of the future economic loss may be paid to the dependent spouse for the benefit of himself/herself and the dependent child or dependent children. (d) If the deceased victim does not leave a dependent spouse, but leaves dependent children, funeral/burial expenses may be paid prior to the payment of future economic loss for a dependent child or dependent children. After the payment of funeral/burial expenses, twenty-five percent (25%) of the remaining compensation benefits may be used for the compensation of the claimant's eligible expenses. The remaining compensation benefits will be apportioned equally among the dependent children for whom a request for future economic loss is made within the one-year filing deadline. Dependent children who request future economic loss after the one-year filing deadline may not receive compensation benefits. If there are compensation funds remaining after the one-year filing deadline, they may be equally apportioned and distributed to the deceased victim's dependent children who made a request for future economic loss prior to the expiration of the one-year filing deadline. (e) If the deceased victim leaves a dependent spouse and a dependent child or dependent children for whom the parent or legal guardian is someone other than the dependent spouse, funeral/burial expenses may be paid prior to the payment of future economic loss for a dependent child or dependent children. After the payment of funeral/burial

TOPIC	SUMMARY	DETAILED DESCRPTION
		expenses, fifty percent (50%) of the remaining compensation benefits may be used for the compensation of the dependent spouse's eligible expenses. The remaining compensation benefits will be apportioned equally among the dependent children for whom a request for future economic loss is made within the one-year filing deadline. Dependent children who request future economic loss after the one-year filing deadline may not receive compensation benefits. (f) Legal proof that the dependent spouse was married to the deceased victim at the time of the victim's death will be requested. Legal proof that a dependent child was the legal child of the deceased victim will be requested. For example: marriage certificate, birth certificate, or court order. 1. A claimant that asserts a common-law marriage with a deceased crime victim must provide proof of the marriage by submitting one of the following: (i) an official Internal Revenue Service tax transcript indicating the claimant and deceased victim filed as married; or (ii) affidavits from three blood relatives within the second degree of consanguinity of the deceased crime victim swearing that the claimant and the deceased crime victim presented themselves as married to each other. If the deceased crime victim does not have three blood relatives within the second degree of consanguinity, the claimant may submit an affidavit or affidavits from blood relatives within the third degree of consanguinity. If the deceased crime victim does not have three blood relatives within the third degree of consanguinity, the claimant may submit an affidavit or affidavits from blood relatives within the fourth degree of consanguinity. Birth certificates must be submitted to prove the relationship of the affiant to the deceased crime victim. (I) First-degree relatives include a crime victim's parents and children. (II) Second-degree relatives include a crime victim's siblings and half-siblings. (III) Third-degree relatives include a crime victim's nieces, nephews, aunts, and uncles. (IV) Fourth-degree relatives include a crime victim's first cousins, great aunts, great uncles, grandnieces and grandnephews. (g) All awards for future economic loss shall be diminished or denied to the extent that the future economic loss is recouped from a collateral source. (h) At the discretion of the Commission, future economic loss may be paid in a lump sum, but only upon a finding that the lump sum award will promote the best interest of the claimant. (i) When the Commission determines that compensation for future economic loss will be paid in installments, payments may be made in quarterly installments of $2,500 over a period of one year or until the total compensation award for future economic loss is paid to the recipient(s). The one-year period for the purpose of installment payments will begin the day the compensation award is approved. An award payable in installments for future economic loss may be modified by the Commission upon its findings that a material and substantial change of circumstances has occurred." Ala. Admin. Code 262-X-4-.04. "Lost wages shall be verified by obtaining written documentation from the employer or by submission of a W-2 tax document. A tax transcript from the IRS is required if the person seeking reimbursement of his/her lost wages is self-employed." Ala. Admin. Code 262-X-4-.04(8). "Lost wages (a) The victim's work loss caused by the crime may be considered for reimbursement. (b) The claimant or immediate family member may apply for his/her lost wages if the1 he/she took time off from work to care for the victim if the victim was a minor or a medical professional provides written confirmation that the care was recommended

TOPIC	SUMMARY	DETAILED DESCRPTION
		professional provides written confirmation that the care was recommended. (c) If the victim died as a result of the crime, the victim's dependent spouse and dependent children may apply for future economic loss. (d) Anticipated work may be considered for compensation when accompanied by documentation certifying a definite start date. (e) The victim's, claimant's, and immediate family member's lost wages may be awarded for work loss due to receiving medical treatment as a result of the crime; mental health treatment as a result of the crime; attendance of grand jury proceedings for three days if not subpoenaed; attendance of grand jury proceedings for as many days as required by subpoena, attendance of the offender's preliminary hearing, arraignment, bond hearing, a hearing on any pretrial motion, trial, or any post judgment proceeding; and the offender's parole hearing. (f) Proper documentation is required for consideration of all lost wages requests, including, when applicable: confirmation of court attendance; a parole notification letter; employer's confirmation of work loss; a self-employment affidavit; or a written excuse from a licensed medical professional or licensed mental health provider." Ala. Admin. Code 262-X-4-.04(11). "Lost Wages Payment Limitations. (a) For incidents of criminally injurious conduct occurring on or after October 1, 2014 through July 8, 2020, lost wages are limited to $600.00 per week for a maximum of 52 weeks. For incidents of criminally injurious conduct occurring on or after October 1, 2014 through July 8, 2020, the maximum award for lost wages is $20,000. For incidents of criminally injurious conduct occurring on or after July 9, 2020, lost wages are limited to $400.00 per week for a maximum of 26 weeks. (b) Life insurance shall be considered a collateral source for all claims. If life insurance does not fully compensate the deceased victim's dependents for the eligible expenses they incurred as a result of the victimization, the remaining eligible expenses may be eligible for compensation." Ala. Admin. Code 262-X-4-.04(12). "Lost Wages for Victims of Sexual Assault. A victim of sexual assault may be granted compensation for maximum of two weeks of lost wages without a doctor's excuse. A doctor's excuse must be provided for lost wages in excess of two weeks to be considered for reimbursement. Employer verification is required for all low wages requests." Ala. Admin. Code 262-X-4-.04(28).
Requirements/Limits for Medical Expenses	Medical treatment may be compensated at a reduced rate of 30% of eligible charges up to a maximum amount of $6,000. When the claimant has already paid out-of-pocket for medical treatment and services, the claimant may be fully reimbursed for all eligible expenses not to exceed $15,000	"Compensation payable to service providers for medical treatment may be compensated at a reduced rate. Outstanding charges for medical treatment, excluding psychiatric care, counseling, and dental treatment, may be compensated at a reduced rate of thirty percent (30%) of eligible charges up to a maximum amount of six thousand dollars ($6,000). When the claimant has already paid out-of-pocket for medical treatment and services, the claimant may be fully reimbursed for all eligible expenses not to exceed $15,000." Ala. Admin. Code 262-X-4-.04(3).
Timeframe to Obtain Benefits	None specified.	N/A.

ALABAMA

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Is Emergency Assistance Available?	Yes.	"The Commission may make or authorize the executive director to make in advance an emergency award of compensation to the applicant prior to taking action on an application or pending a final decision when it appears that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made. The Commission may consider undue hardship to exist in the following circumstances: (a) The applicant is without income at the time of application or immediately prior thereto resulting in loss of food, heat or shelter; (b) The applicant is in fear or danger for his/her life due to his/her victimization; or (c) The applicant cannot receive emergency services without emergency payment; (d) Crime scene clean up shall be considered an emergency service. The maximum award for crime scene clean up shall not exceed one thousand dollars ($1,000). (e) Prescription drugs that have been prescribed as a result of victimization shall be considered an emergency product. A copy of the prescription and the pharmacy's statement of the cost of the drug must be received by the Commission in order for the prescription expense to be considered for emergency payment. Prescriptions for pre-existing medical conditions shall not be considered for reimbursement. (f) Moving expenses may be considered an emergency service for applicants. Moving expenses may be considered as an emergency expense for applicants who have moved and applicants who have not yet moved. Proof of moving expenses must be received by the Commission for the moving expense to be considered for emergency payment. The applicant may request in the initial application that consideration be given for an emergency award and provide justification for such award. A decision denying an emergency award shall not be appealable. The amount of such emergency award shall not exceed one thousand dollars. An emergency award shall be deducted from the final compensation made to the applicant. If the final award is less than the amount of the emergency award, the applicant must repay the excess award to the Commission." Ala. Admin. Code 262-X-4-.05.
Compensation Cap (Overall)	$20000 is the maximum compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of a particular victim. $15,000 is the maximum amount of compensation that may be awarded in any one claim.	"Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed twenty thousand dollars ($20,000) in the aggregate." Ala. Code § 15-23-15(b). "The maximum amount of compensation that may be awarded in any one claim is $15,000." Ala. Admin. Code 262-X-1-.01(2).
Sources of Funding	Victim Services Fund	*See* Ala. Code § 15-23-17, providing information on how the Victim Services Fund is funded.
Appeal Process	The commission, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount.	"The commission, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a commission decision for the purpose of judicial review." Ala. Code § 15-23-12(d). "Compensation cannot be paid to a claimant who is ineligible for compensation benefits. When an ineligible claimant files for compensation benefits on behalf of a minor victim, incompetent victim, or deceased victim, the claim must be not approved. The Commission may reconsider a decision denying or reducing a compensation award for a minor victim, incompetent victim, or deceased victim due to the ineligibility of the claimant, in the event of either of the following: (a) The minor victim reaches the age of majority, or can otherwise legally act on his/her own behalf; (b) A person (other than the ineligible claimant) who is legally authorized to act on behalf of a minor victim, incompetent victim, or deceased victim files for compensation benefits on behalf of the victim." Ala. Admin. Code 262-X-4-.10. Detailed appeals procedures previously in effect appear to have been repealed.

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Payer of Last Resort Requirements	Criminally Injurious Conduct Occurring in Alabama: Claimants are not required to seek or accept contributions from collateral sources. However, requested expenses are not eligible for compensation if such have been paid by a collateral source. Criminally Injurious Conduct Occurring Outside of Alabama: All collateral sources must be considered prior to payment of compensation benefits for incidents of criminally injurious conduct occurring outside the geographical boundaries of the State of Alabama.	"The commission shall not require any claimant to seek or accept any collateral source contribution, unless the claimant was receiving or was entitled to receive such benefits prior to the occurrence giving rise to the claim under the provisions of this article; provided, however, no applicant shall be denied compensation solely because such applicant is entitled to income from a collateral source." Ala. Code § 15-23-9. "All collateral sources must be considered prior to payment of compensation benefits for incidents of criminally injurious conduct occurring outside the geographical boundaries of the State of Alabama." Ala. Admin. Code 262-X-4-.08(4). "Requested expenses shall not be eligible for compensation in the event that they have been paid by a collateral source." Ala. Admin. Code 262-X-4-.02(6). "COLLATERAL SOURCE. Source of income, financial or other benefits or advantages for economic loss other than the compensation paid by the compensation commission which the claimant has received or is entitled to receive or is readily available to the claimant, from any one or more of the following: a. The offender. b. The government of the United States or any agency thereof, in the form of benefits, such as Social Security, Medicare and Medicaid, a state or any of its political subdivisions or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this article. c. Any temporary nonoccupational disability insurance. d. Workers' compensation. e. Wage continuation programs of any employer. f. Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct. g. A contract providing prepaid hospital and other health care services or benefits for disability." Ala. Code § 15-23-3(13); *see also* Ala. Admin. Code 262-X-1-.01(5)(o). "Compensation otherwise payable to a claimant may be diminished or denied to the extent that the economic loss is recouped from collateral sources; or to the extent that the degree of responsibility for the cause of the injury or death is attributable to the victim as determined by the commission." Ala. Code § 15-23-12(b). "If compensation is awarded, the commission shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded. In the event the claimant recovers compensation, other than under the provisions of this article, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee for the commission, so much of the recovered funds as necessary to reimburse the Alabama Crime Victims Compensation Fund to the extent that compensation was awarded to the claimant from that fund. The funds retained in trust shall be promptly paid over to the commission and deposited in the Alabama Crime Victims Compensation Fund. Whenever the commission shall deem it necessary to protect, maintain or enforce the commission's right to subrogation or to exercise any of its powers or to carry out any of its duties or responsibilities the commission may initiate legal proceedings or intervene in legal proceedings. If a claimant initiates any legal proceeding to recover restitution or damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the commission written notice within 15

TOPIC	SUMMARY	DETAILED DESCRPTION
		days of the filing of the action. The commission may intervene in the proceeding as a complainant to recover the compensation awarded. If a claimant fails to give such written notice to the commission within the stated time period, or prior to any attempt by claimant to reach a negotiated settlement of claims for recovery of damages related to the criminally injurious conduct, the commission's right of subrogation to receive or recover funds from claimant, to the extent that compensation was awarded by the commission, shall not be reduced in any amount or percentage by the costs incurred by claimant attributable to such legal proceedings or settlement; including, but not limited to, attorney's fee, expert witness fees, investigative costs or cost of court. If such notice is given, attorney fees may be awarded in an amount not to exceed 15 percent of the amount subrogated to the commission. Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the commission may initiate restitution hearings in such criminal proceedings or intervene in the same. The commission shall be entitled to receive restitution in such proceedings to the extent that compensation was awarded. The commission shall be subrogated to all the rights and remedies of such claimant for the collection of restitution to the extent compensation was awarded; provided however, the commission shall be exempt from the payment of any fees or other charges for the recording of restitution orders in the offices of the judges of probate." Ala. Code § 15-23-14. "ACVCC does not award compensation for expenses, which are paid by a collateral source. The program also has a statutory entitlement to subrogation when a claimant has received recovery from a collateral source after having been paid by ACVCC." Ala. Admin. Code 262-X-1-.01(2). "Collateral Source. (a) Life insurance shall be considered a collateral source for compensation. (b) When determining if a collateral source has fully compensated a victim or a deceased victim's dependent, a one-year period of a victim's lost wages or other income will be used for calculation of the collateral source offset. (c) Charitable donations shall not be considered a collateral source for compensation. If an eligible expense has been paid with charitable donations, the Commission will not reimburse the expense. The Commission only provides compensation benefits for payment or reimbursement of actual expenses." Ala. Admin. Code 262-X-4-.04(13). "(1) If compensation is awarded, the Commission shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded. (2) If the claimant received compensation from a source other than the Commission after the Commission has made an award to the claimant, the claimant will be required by law to reimburse the Alabama Crime Victims Compensation Commission Fund. Failure to do so will result in a Class C felony. (3) If a claimant files a civil suit to recover damages related to the criminally injurious conduct upon which compensation has been claimed or awarded, the claimant shall give the Commission written notice within 15 days of the filing of the action. The commission may intervene in the proceedings as a complainant to recover the compensation awarded. If the Commission does give notice, attorneys fees may be awarded in an amount not to exceed fifteen percent (15%) of the amount subrogated to the Commission. (4) If the offender is ordered to pay restitution to the claimant, the claimant must notify the Commission of this action in writing. (5) In the case where compensation has already been paid to the claimant, the judge may award restitution to be paid directly to the Alabama Crime Victims Compensation

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		(5) In the case where compensation has already been paid to the claimant, the judge may award restitution to be paid directly to the Alabama Crime Victims Compensation Commission Fund. (6) Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the Commission may initiate restitution hearings in such criminal proceedings or intervene in same. The Commission shall be entitled to receive restitution in such proceedings to the extent that compensation was awarded. The Commission shall be subrogated to all the rights and remedies of such claimant for the collection of restitution to the extent compensation was awarded; provided, however, the Commission shall be exempt from the payment of fees or other charges for the recording of restitution orders in the offices of the judges of probate. (7) The Commission may reduce an award amount based on the amount already received from a collateral source contribution, unless the claimant was receiving or was entitled to receive such benefits prior to the incident for which a claim is filed. (8) In the event the claimant recovers compensation, other than through the provisions of this chapter, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee for the Commission, so much of recovered funds as necessary to reimburse the Alabama Crime Victims Compensation Commission Fund to the extent that compensation was awarded to the claimant from that fund." Ala. Admin. Code 262-X-7-.01.
References and Resources		Ala. Code § 15-23-1 *et seq.* Ala. Admin. Code 262-X-1-.01 *et seq.* https://acvcc.alabama.gov/

ALASKA

ALASKA

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Time to File	Within two years after the date of the personal injury or death.	An order for the payment of compensation may not be made under AS 18.67.080 unless the application has been made within two years after the date of the personal injury or death. Alaska Stat. Ann. § 18.67.130(a)(1).
Eligibility Requirements: Identity of Person Seeking Compensation	Victims may apply for compensation. In the case of death, a claim may be filed by dependents of the deceased or on behalf of the deceased. For minors, the mentally incompetent, or persons unable to make applications for compensation themselves, claims may be filed by a parent, guardian, or other individual authorized to administer the injured person's estate.	"Claimant" means "the person in whose name the claim is filed; in a case of death, a claim may be filed by the dependents of the deceased or on behalf of the deceased[.]" Alaska Admin. Code tit. 2, § 80.110(3). "Victim" means "a person who is injured or killed by an incident or offense specified in AS 18.67.101 [see row directly below]." Alaska Stat. Ann. § 18.67.180(5). "Dependent" means "a relative of a deceased victim who was dependent upon the victim's income or services at the time of the victim's death; children of a victim born after a victim's death are included[.]" Alaska Stat. Ann. § 18.67.180(2). "Relative" means "spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's parents[.]" Alaska Stat. Ann. § 18.67.180(4). "For minors, the mentally incompetent, or persons unable to make applications for compensation themselves, claims may be filed by a parent, guardian, or other individual authorized to administer the injured person's estate." Alaska Admin. Code tit. 2, § 80.010(a). "A person who may be eligible for compensation under this chapter may make application to the board. In a case in which the person entitled to make application is a minor, the application may be made on the person's behalf by a parent or guardian. In a case in which the person entitled to make application is mentally incompetent, the application may be made on the person's behalf by a parent, guardian, or other individual authorized to administer the person's estate." Alaska Stat. Ann. § 18.67.030(a). In a case in which a person is injured or killed by an incident specified in AS 18.67.101(1) (an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime), or by the act of any other person that is within the description of offenses listed in AS 18.67.101(2) (the commission or attempt on the part of one other than the applicant to commit any enumerated offense), the board may order the payment of compensation in accordance with the provisions of this chapter: (1) to or for the benefit of the injured person; (2) in the case of personal injury or death of the victim, to a person responsible or who had been responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury or death; (3) in the case of death of the victim, to or for the benefit of one or more of the dependents of the victim; or (4) to the provider of a service under AS 18.67.110(b). Alaska Stat. Ann. § 18.67.080(a).
Eligibility Requirements: Types of Crime	Compensation is available in connection with any of the crimes listed in the "Detailed Description" which include human trafficking in any degree.	The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from (1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; or (2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses: (A) murder in any degree; (B) manslaughter; (C) criminally negligent homicide; (D) assault in any degree; (E) kidnapping; (F) sexual assault in any degree; (G) sexual abuse of a minor; (H) robbery in any degree; (I) threats to do bodily harm; (J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance; (K) arson in the first degree; (L) sex trafficking in violation of AS 11.66.110 or 11.66.130(a)(2)(B); (M) human trafficking in any degree; or (N) unlawful exploitation of a minor. Alaska Stat. Ann. § 18.67.101.

ALASKA

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Geographic Nexus	The following claimants may be eligible for compensation, if all other requirements are met: (1) claims from victims of violent crime occurring within this state, regardless of the residency or citizenship of the victim; (2) claims from victims of violent crime prohibited by federal law occurring within this state; (3) claims from residents of this state who are victims of violent crime occurring in another state or territory of the United States that does not have a crime victim's compensation program that will compensate the victim; (4) claims from residents of this state who are victims of terrorism in foreign countries or international waters; and (5) claims from residents of this state who are victims of violent crime other than terrorism occurring in a foreign country that does not have a crime victim's compensation program that will compensate the victim.	"The board will consider equally applications from or on behalf of the following claimants for compensation: (1) claims from victims of violent crime occurring within this state, regardless of the residency or citizenship of the victim; (2) claims from victims of violent crime prohibited by federal law occurring within this state; (3) claims from residents of this state who are victims of violent crime occurring in another state or territory of the United States that does not have a crime victim's compensation program that will compensate the victim; for purposes of this paragraph, a territory of the United States includes the District of Columbia, the United States Virgin Islands, Puerto Rico, Guam, American Samoa, and the Northern Mariana Islands; (4) claims from residents of this state who are victims of terrorism in foreign countries or international waters. (5) claims from residents of this state who are victims of violent crime other than terrorism occurring in a foreign country that does not have a crime victim's compensation program that will compensate the victim." Alaska Admin. Code tit. 2, § 80.050(b).
Eligibility Requirements: Criminal Background of Victim	Any criminal background of the victim may be considered in determining whether an award will be made. However, in general an award may only be denied if the criminal background of the victim relates significantly to the occurrence that caused the victimization, and meets other requirements as described in the "Detailed Description" column.	"In determining whether to make an order under this section, the board shall consider all circumstances determined to be relevant, including provocation, consent, or any other behavior of the victim that directly or indirectly contributed to the victim's injury or death, the prior case or social history, if any, of the victim, the victim's need for financial aid, and any other relevant matters. In applying this subsection, (1) the board may not deny an order based on the factors in this subsection, unless those factors relate significantly to the occurrence that caused the victimization and are of such a nature and quality that a reasonable or prudent person would know that the factors or actions could lead to the crime and the victimization; (2) with regard to circumstances in which the victim consented to, provoked, or incited the criminal act, the board may consider those circumstances only if the board finds that it is more probable than not that those circumstances occurred and were the cause of the crime and the victimization; (3) the board may deny an order based on the victim's involvement with illegal drugs, only if (A) the victim was involved in the manufacture or delivery of a controlled substance at the time of the crime or the crime and victimization was a direct result of the prior manufacture or delivery of a controlled substance; the evidence of this manufacture or delivery must be corroborated by law enforcement or other credible sources; and (B) the evidence shows a direct correlation linking the illegal activity and the crime and victimization; or (4) if a claim is based on a crime involving domestic violence or on a crime of sexual abuse of a minor or sexual assault and the offender is (A) convicted of one of those crimes, notwithstanding (1)--(3) of this subsection, the board may not deny an order based on considerations of provocation, the use of alcohol or drugs by the victim, or the prior social history of the victim; or (B) not convicted of one of those crimes, the board may not deny an order based on the involvement or behavior of the victim." Alaska Stat. Ann. § 18.67.080(c).
Citizenship Requirement?	There is no citizenship requirement. However, a social security number may be required (presumably only if available).	"The board will consider equally applications from or on behalf of the following claimants for compensation: [...] claims from victims of violent crime occurring within this state, regardless of the residency or citizenship of the victim[.]" Alaska Admin. Code tit. 2, § 80.050(b)(1). "[T]he claimant must supply in full the information required by the board, including the claimant's social security number." Alaska Admin. Code tit. 2, § 80.010(a). "In order to perform its duties and responsibilities under AS 18.67, the board may request and collect claimants' social security numbers for the purpose of identity verification and payment of claims." Alaska Admin. Code tit. 2, § 80.010(e).

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Is a Police Report or Cooperation with Law Enforcement Required?	Yes. A police report must have been made within five days of the occurrence of the personal injury or death, or within five days of the time when a report could reasonably have been made (whichever is longer). Further, the applicant must have cooperated with law enforcement.	"An order for the payment of compensation may not be made under AS 18.67.080 unless [...] the personal injury or death was the result of an incident or offense listed in AS 18.67.101 that had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made; and [...] in the discretion of the board, the applicant has cooperated with law enforcement and prosecution officials to further prosecution of the offender if appropriate and to avoid further injury by the offender to the applicant and injury to persons in the care of the applicant who are exposed to possible injury by the offender." Alaska Stat. Ann. § 18.67.130(a). "The applicant must comply with any request by the executive director and administrative staff for [...] a copy of the police report for the relevant crime incident. In cases in which the applicant is unable to obtain such police report, the board shall obtain the police report. No application shall be deemed complete until the board has received a copy of the police report, unless the board is otherwise able to verify that a violent crime occurred." Alaska Admin. Code tit. 2, § 80.015(b)(2). If a person has been convicted of an offense with respect to an act on which a claim under this chapter is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or a proceeding with regard to it is pending. Alaska Stat. Ann. § 18.67.040(e). "An order may be made under this section whether or not a person is prosecuted or convicted of an offense arising out of the act that caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the board may suspend proceedings under this chapter for a period it considers appropriate on the ground that a prosecution for an offense arising out of the act that caused the injury or death involved in the application has been commenced or is imminent." Alaska Stat. Ann. § 18.67.080(d).
Is Complicity in Crime Disqualifying?	Possibly. Complicity may be considered and could impact whether an award is made. Compensation may not be awarded if the victim violated a penal law of Alaska in a manner that caused or contributed to the victim's injuries or death.	"Compensation may not be awarded if the victim [...] violated a penal law of the state, which violation caused or contributed to the victim's injuries or death[.]" Alaska Stat. Ann. § 18.67.130(b)(3). "In determining whether to make an order under this section, the board shall consider all circumstances determined to be relevant, including provocation, consent, or any other behavior of the victim that directly or indirectly contributed to the victim's injury or death, the prior case or social history, if any, of the victim, the victim's need for financial aid, and any other relevant matters. In applying this subsection, (1) the board may not deny an order based on the factors in this subsection, unless those factors relate significantly to the occurrence that caused the victimization and are of such a nature and quality that a reasonable or prudent person would know that the factors or actions could lead to the crime and the victimization; (2) with regard to circumstances in which the victim consented to, provoked, or incited the criminal act, the board may consider those circumstances only if the board finds that it is more probable than not that those circumstances occurred and were the cause of the crime and the victimization; (3) the board may deny an order based on the victim's involvement with illegal drugs, only if (A) the victim was involved in the manufacture or delivery of a controlled substance at the time of the crime or the crime and victimization was a direct result of the prior manufacture or delivery of a controlled substance; the evidence of this manufacture or delivery must be corroborated by law enforcement or other credible sources; and (B) the evidence shows a direct correlation linking the illegal activity and the crime and victimization; or (4) if a claim is based on a crime involving domestic violence or on a crime of sexual abuse of a minor or sexual assault and the offender is (A) convicted of one of those crimes, notwithstanding (1)--(3) of this subsection, the board may not deny an order based on considerations of provocation, the use of alcohol or drugs by the victim, or the prior social history of the victim; or (B) not convicted of one of those crimes, the board may not deny an order based on the involvement or behavior of the victim." Alaska Stat. Ann. § 18.67.080(c).
To Whom are Applications Made?	Applications are made to the Alaska Violent Crimes Compensation Board. The executive director and administrative staff will then investigate the claim.	"Upon receipt of the application, the executive director and administrative staff shall investigate the claim." Alaska Admin. Code tit. 2, § 80.015(a). *See* https://application.vccb.alaska.gov/
How are Applications Accepted?	Applications are accepted online, by mail, or by fax.	"All applications for compensation shall be made on the form authorized by the board or by using the on-line application on the board's official web site." Alaska Admin. Code tit. 2, § 80.010(a). *See* https://vccb.alaska.gov/apply-for-compensation-for-crime-related-expenses/.
Who May Submit an Application?	An eligible claimant may submit an application independently, or may work with an advocate to assist with the application process.	"We encourage applicants to work with advocates to complete the application process." https://vccb.alaska.gov/apply-for-compensation-for-crime-related-expenses/.
What Language Services are Available?	None expressly identified.	N/A.

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General Documentation Requirements	Documentation requirements vary by the type of compensation sought, but may include at a high level: (1) employment information, invoices, estimates, receipts and all other information and documentation relevant to the expenses being claimed; (2) a copy of the police report for the relevant crime incident.	"In order for the board to consider the claim, the claimant must supply in full the information required by the board, including the claimant's social security number. Additional sheets may be used, as necessary, to complete descriptions of the injury, incident, or expenses." Alaska Admin. Code tit. 2, § 80.010(a). "The applicant must comply with any request by the executive director and administrative staff for (1) employment information, invoices, estimates, receipts and all other information and documentation relevant to the expenses being claimed; (2) a copy of the police report for the relevant crime incident. In cases in which the applicant is unable to obtain such police report, the board shall obtain the police report. No application shall be deemed complete until the board has received a copy of the police report, unless the board is otherwise able to verify that a violent crime occurred." Alaska Admin. Code tit. 2, § 80.015(b). "In order to be eligible for compensation under this chapter, the applicant shall, before a hearing on an application under this chapter, submit reports, if reasonably available, from all physicians or surgeons who have treated or examined the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If, in the opinion of the board, reports on the previous medical history of the victim, a report on the examination of the injured victim, or a report on the cause of death of the victim by an impartial medical expert would be of material aid to its determination, the board shall order the reports and examination." Alaska Stat. Ann. § 18.67.030(b). "For the purpose of carrying out the provisions of this chapter, the board or its hearing officer may hold the hearings, sit and act at the times and places, and take the testimony that the board or the hearing officer considers advisable. The board or its hearing officer may administer oaths or affirmations to witnesses. The board has full powers of subpoena and compulsion of attendance of witnesses and production of documents, but a subpoena may not be issued except under the signature of a member of the board. Application to a court for aid in enforcing the subpoena may be made in the name of the board only by a board member. Subpoenas are served by any person designated by the board. The applicant and any other person having a substantial interest in a proceeding may appear and be heard, produce evidence, and cross-examine witnesses in person or by an attorney. The board or its hearing officer also may hear other persons who in the judgment of the board or the hearing officer may have relevant evidence to submit. Admissibility of evidence is governed by AS 44.62 (Administrative Procedure Act)." Alaska Stat. Ann. § 18.67.040(b)-(d). "To strengthen your application, include copies of any supporting documents, such as bills or insurance information." https://vccb.alaska.gov/apply-for-compensation-for-crime-related-expenses/.
Categories of Benefits Available	Benefits are available for: •expenses actually and reasonably incurred as a result of the personal injury or death of the victim; •loss of earning power as a result of total or partial incapacity of the victim, and reasonable expenses of job retraining of or similar employment-oriented rehabilitative services for the victim; •pecuniary loss to the dependents of the deceased victim; and •any other loss resulting from the personal injury or death of the victim that the board determines to be reasonable.	The board may order the payment of compensation under this chapter for (1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; (2) loss of earning power as a result of total or partial incapacity of the victim, and reasonable expenses of job retraining of or similar employment-oriented rehabilitative services for the victim; (3) pecuniary loss to the dependents of the deceased victim; and (4) any other loss resulting from the personal injury or death of the victim that the board determines to be reasonable. Alaska Stat. Ann. § 18.67.110. Categories of assistance include: (1) loss of income; (2) funeral or burial expenses; (3) relocation expenses; (4) security measures; (5) loss of support for a dependent of a homicide victim; (6) any other type of expense, sufficient documentation substantiating the expense incurred or that is to be incurred. Alaska Admin. Code tit. 2, § 80.010(f). *See* https://vccb.alaska.gov/wp-content/uploads/2024/02/Alaska-Benefits-at-a-Glance-F.pdf, for a discussion of additional specific categories of benefits and relevant limitations including those relating to: medical, loss of earnings, relocation, funeral and burial, loss of support, mental health therapy, security measures, crime scene clean-up, items taken as evidence, transportation, and childcare.

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Requirements/Limits for Relocation Expenses	Overall Maximum: $7,500. *See* Detailed Description for additional information on documentation requirements and recovery limitations.	Relocation Expenses that may be recovered include: Relocation Housing application fee, rental and/or pet deposit, truck rental, moving company, storage, motel/hotel, rent, transportation costs, P.O. box rental, utility deposit and/or connection fee for electric, gas, or water. Documentation Requirements: "An applicant shall provide the following information for each category of assistance claimed [...] for relocation expenses, a completed relocation plan with estimates of expenses to be incurred, or receipts for expenses already incurred[.]" Alaska Admin. Code tit. 2, § 80.010(f)(3). Additional requirements may include: Completed Relocation Plan; Copy of lease for new rental, listing claimant as the lessee; Copy of itemized bills and paid receipts for relocation in the claimant's name showing the name, address, and telephone number of the service provider, the date of the service, type of service provided, and the amount charged for each service; Completed Rental Verification Form completed by landlord or property manager OR proof of payment (receipts from the landlord). Limitations on Benefits: Up to $7,500 (per crime/per household), subject to the following: •Rent: Up to $2,000 or two months, whichever is less. •PO box rental: Up to one year. •Motel/Hotel: Up to 5 days (up to $225 per night, including tax and fees). •Licensed/professional moving company fees: Up to $2,500. •Note: If victim is unable to show sufficient income to maintain rent, reimbursement may not exceed $3,000 *See* https://vccb.alaska.gov/wp-content/uploads/2024/02/Alaska-Benefits-at-a-Glance-F.pdf.
Requirements/Limits for Mental Health Expenses	Overall Maximum: $4,000 ($2,000 for secondary victims). *See* Detailed Description for additional information on documentation requirements and recovery limitations.	Mental Health Expenses that may be recovered include: Counseling, co-pays, deductibles, cultural and traditional healing approaches, alternative therapy, such as acupuncture, massage therapy, equine and art therapies, and purchase/training of an emotional support animal (pre-authorization required by VCCB prior to purchase). Documentation Requirements: "If medical or mental health expenses are claimed, the applicant shall provide an itemized statement from the professional provider for all medical or mental health expenses incurred as of the date of the application. The applicant may satisfy this requirement by identifying the provider and the dates of service so that the board may request the itemized statement from the professional provider. The board may require the applicant submit mental health treatment notes or progress notes in order to determine whether the treatment is necessary as a result of the violent crime. Notes are confidential. On the basis of their material aid to the determination of the board, the board may order additional medical reports by an impartial medical expert concerning the previous medical history of the claimant, the injuries sustained by the claimant, or the death of the claimant, as well as any examinations of the claimant." Alaska Admin. Code tit. 2, § 80.010(b). As appropriate, claimants may be required to provide: •Copies of itemized counseling bills and paid receipts in the claimant's name showing the name, address, and telephone number of the service provider, the date of the service, type of service provided, and the amount charged for each service; •Copies of insurance EOB statements, if applicable; •Treatment plan from mental health provider. •If Requesting Additional Therapy Above Initial Award - Additional Counseling Request Form completed by the claimant's mental health provider. •Additional documentation in connection with an emotional support animal. Limitations on Benefits: •Initial maximum award is $4,000 for children and adults. •Secondary Victims: initial maximum $2,000 •VCCB will pay first evaluation and intake session in full. •Payment after first session: $200/session for services provided by a licensed mental health provider; $135/hour for services provided by a mental health provider supervised by a licensed mental health provider; $250/hour for services provided by a clinical psychologist; Psychiatrist charges are paid at 100%; (Additional therapy considered on a case-by-case basis with Treatment plan.) •Alternative therapy: Up to 3 sessions without certification from a physician or licensed mental health care provider; •Emotional support animal: Up to $2,000 if approved by VCCB prior to purchase.

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	Overall Maximum: $10,000, up to two weeks of wages paid at 85% of gross pay. *See* Detailed Description for additional information on documentation requirements and recovery limitations. Note that verification of lawful employment is required for recovery.	Documentation Requirements: "An applicant shall provide the following information for each category of assistance claimed [...] for loss of income, evidence of income loss as well as a statement of disability or work excuse from the treating medical or mental health provider[.]" Alaska Admin. Code tit. 2, § 80.010(f)(1). If Claimant is an Employee: •Copy of two (2) pay stubs for period immediately prior to crime; •Violent Crimes Compensation Board (VCCB) will request the employer complete an Employer Verification for Lost Wages Form; •VCCB will request a Licensed Physician or Mental Health Care Provider complete a Physician/Therapist Certification for Loss Wages Form if the claimant is requesting more than two weeks. If Claimant is Self-Employed: •Completed Self-Employment Verification for Lost Wages Form; •One year of federal income tax returns including the Schedule C form. •If the victim or applicant did not file a return, quarterly deposits, 1099s or other documentation required. Verification of lawful employment is necessary. Limitations on Benefits: •Up to $10,000 •Up to two weeks of wages (though a longer period may be possible based on medical justification); Up to one week if non-relative makes funeral/burial arrangements. •Compensation is reimbursed at a rate of 85% of gross pay. VCCB awards are non-taxable. •VCCB may offset any paid leave (donated, sick, personal, or annual). May offset paid Bereavement/Funeral leave. See https://vccb.alaska.gov/wp-content/uploads/2024/02/Alaska-Benefits-at-a-Glance-F.pdf.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Medical Expenses	Overall Maximum: $40,000. *See* Detailed Description for additional information on documentation requirements and recovery limitations.	Medical Expenses that may be recovered include: Including but not limited to hospital services, physician/dental charges, physical therapy, ambulance fees, tests, x-rays, blood work, cultural and traditional healing approaches, chiropractic care, prescriptions/over-the-counter medications/supplies, home health care, medical co-pays/deductibles, alternative or holistic treatment, job training, childcare, medical equipment, or devices needed or damaged because of the crime that are essential to assist in normal daily life functions. Documentation Requirements: "If medical or mental health expenses are claimed, the applicant shall provide an itemized statement from the professional provider for all medical or mental health expenses incurred as of the date of the application. The applicant may satisfy this requirement by identifying the provider and the dates of service so that the board may request the itemized statement from the professional provider. The board may require the applicant submit mental health treatment notes or progress notes in order to determine whether the treatment is necessary as a result of the violent crime. Notes are confidential. On the basis of their material aid to the determination of the board, the board may order additional medical reports by an impartial medical expert concerning the previous medical history of the claimant, the injuries sustained by the claimant, or the death of the claimant, as well as any examinations of the claimant." Alaska Admin. Code tit. 2, § 80.010(b). Additional documentation requirements may include: •Copies of itemized medical bills and paid receipts in the claimant's name showing the name, address, and telephone number of the service provider, the date of the service, type of service provided, and the amount charged for each service; •If covered by insurance, copies of insurance explanation of benefit (EOB) statements; Confirmation that the applicant is not eligible for Medicaid benefits is required; •Reimbursement of Prescription Medications: A copy of the actual prescription (or pharmacy printout) showing victim's name, the type of medication, the date prescribed, and the physician's name Limitations on Benefits: •Up to $40,000. •Chiropractic care: 20 visits within 12 months of crime. Up to $3,500. •Cultural and traditional healing approaches: Up to $3,000. •Alternative therapy: Up to 3 sessions without certification from a physician or licensed mental health care provider. •Job retraining: Up to $1,500. *See* https://vccb.alaska.gov/wp-content/uploads/2024/02/Alaska-Benefits-at-a-Glance-F.pdf.
Timeframe to Obtain Benefits	No specific timeframe for obtaining benefits is provided.	"Upon completion of an investigation, the executive director shall present the claim to the board at its next meeting. The board will grant an award, deny the claim, or request further investigation or information and will notify the claimant or the claimant's attorney of its decision." Alaska Admin. Code tit. 2, § 80.015(d). The Board meets approximately 10 times per year. *See* https://vccb.alaska.gov/meeting-schedule/. "If the board decides to award compensation, the compensation will be sent to the claimant as soon as reasonably practicable following the board's determination. If a victim has outstanding unpaid bills that were incurred as a result of the incident on which the claim is based, the board may issue a warrant payable directly to the victim's creditor. In determining an award, the board may pre-authorize the payment of compensation for anticipated expenses which are directly related to the incident on which the claim is based or the injuries resulting from that incident. Pre-authorized expenses may include counseling, relocation, including travel expenses, future known medical and dental expenses, and costs associated with attending criminal prosecution proceedings. Once authorized by the board, expenses will be paid upon submission of supporting documentation as the expenses are incurred." Alaska Admin. Code tit. 2, § 80.060. "Upon application made under the provisions of this chapter, the board shall consider the application and rule on it. The board may, upon its own motion, order a hearing, specifying the time and place it is to be held; if a hearing is ordered, the board shall give notice to the applicant. If, after consideration without a hearing, the decision is unfavorable to the applicant, in whole or in part, the board shall furnish the applicant a written statement of the reason for the ruling. If, within 30 days after receipt of this statement, the applicant requests a hearing on the application, the board shall specify a time and place for a hearing and shall give notice to the applicant. If a request for a hearing is not made within the specified time, the decision of the board is final." Alaska Stat. Ann. § 18.67.040.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Is Emergency Assistance Available?	Yes, in an amount not to exceed $5,000.	"Application for emergency compensation shall be made as part of the general application for compensation by indicating in the appropriate place that an emergency award is requested. The application form is available at all offices handling materials for the Violent Crimes Compensation Board. If the general application form is not fully complete, it will be considered an incomplete application which will not be processed, but will be returned to the claimant for completion, and the emergency award will not be considered until the completed application is returned to the board office. Online applications cannot be submitted unless complete. An application for emergency compensation can be applied for online as part of the general submission process." Alaska Admin. Code tit. 2, § 80.090. If it appears to the board, prior to taking action on an application, that the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the board may make an emergency award of compensation to the applicant pending a final decision in the case. However, (1) the amount of the emergency compensation may not exceed $5,000; (2) the amount of the emergency compensation shall be deducted from the final compensation made to the applicant; (3) the excess of the amount of the emergency compensation over the final amount shall be repaid by the applicant to the board. Alaska Stat. Ann. § 18.67.120.
Compensation Cap (Overall)	$40,000 per victim per incident, though up to $80,000 may be awarded in total when there are multiple dependents eligible for compensation in the event of a victim's death or where multiple victims in the same incident jointly have a dependent eligible for compensation.	"Compensation may not be awarded under this chapter in an amount in excess of $40,000 per victim per incident. However, in the case of the death of (1) a victim who has more than one dependent eligible for compensation, the total compensation that may be awarded as a result of that death may not exceed $80,000; the board may prorate the total awarded among those dependents according to relative need; or (2) two or more victims in the same incident who jointly have a dependent eligible for compensation, the total compensation that may be awarded as a result of those deaths may not exceed $80,000." Alaska Stat. Ann. § 18.67.130(c). "When a claim is found by the board to be compensable under AS 18.67, the amount of the claim will be determined by the board upon consideration of the following: (1) the reasonableness of the claim; (2) the actual costs incurred; (3) the documentation submitted to substantiate the claim; (4) the claimant's financial need; (5) any other compensatory legislation which the board may find is applicable; and (6) any other factors or circumstances which the board considers relevant." Alaska Admin. Code tit. 2, § 80.050(a). For the purpose of determining the amount of compensation payable under this chapter, the board shall, insofar as practicable, formulate standards for uniform application of this chapter and take into consideration rates and amounts of compensation payable for injuries and death under other laws of the state and of the United States and the availability of funds appropriated for the purposes of this chapter. Alaska Stat. Ann. § 18.67.070.
Sources of Funding	Funding comes from fines and fees collected from convicted offenders.	"VCCB is 100 percent funded through fines and fees collected from convicted offenders. State funds are allocated from Alaska's Restorative Justice Account (between 10 to 13 percent each year) according to AS 43.23.048. The primary source of funding for this account are dividends withheld from convicted offenders, as well as restitution ordered/collected on behalf of the State. Federal support is dependent on formula-based awards from the Victims of Crime Act (VOCA) fund. The VOCA fund is also made up from fines, fees and penalties ordered from federal crimes. The federal award each year is based on a percentage of compensation payments the State made in prior years." *See* https://vccb.alaska.gov/wp-content/uploads/2024/12/FY24-Annual-Report.pdf.
Appeal Process	If a denial occurs without a hearing, the claimant may appeal within 30 days after receipt of the decision. Once a hearing has occurred, and a subsequent determination has been made, such determination is final.	"If the board's decision was rendered without a hearing, the claimant may, within 30 days after receipt of the decision, make request for a hearing. When issuing its decision, the board will notify the claimant of the claimant's right to a hearing. [...] When a hearing is requested by an applicant, the hearing will be conducted by an administrative law judge employed by the Office of Administrative Hearings. [...] Within a reasonable period of time after a hearing at which a hearing officer presided, the hearing officer shall report the hearing officer's findings of fact and conclusions of law, together with the reasons for them, to the board. The board may request a personal narrative from the hearing officer if a narrative would be helpful in making a determination on a claim." Alaska Admin. Code tit. 2, § 80.020. Orders and decisions of the board are final when a copy of the order, signed by each of the board members, has been filed with the permanent records of the board in the board office in Juneau. Alaska Admin. Code tit. 2, § 80.070. Orders and decisions of the board shall be final. Alaska Stat. Ann. § 18.67.040(f). "Upon application made under the provisions of this chapter, the board shall consider the application and rule on it. The board may, upon its own motion, order a hearing, specifying the time and place it is to be held; if a hearing is ordered, the board shall give notice to the applicant. If, after consideration without a hearing, the decision is unfavorable to the applicant, in whole or in part, the board shall furnish the applicant a written statement of the reason for the ruling. If, within 30 days after receipt of this statement, the applicant requests a hearing on the application, the board shall specify a time and place for a hearing and shall give notice to the applicant. If a request for a hearing is not made within the specified time, the decision of the board is final." Alaska Stat. Ann. § 18.67.040.

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Payer of Last Resort Requirements	The Alaska Violent Crimes Compensation Board is the payer of last resort.	"Crime victim compensation is considered a payer of last resort, meaning that reimbursements only cover expenses that are not already covered by restitution, insurance, or other financial sources." *See* https://vccb.alaska.gov/wp-content/uploads/2024/12/FY24-Annual-Report.pdf. "Awards for losses and expenses will be made by the board only in the absence of prior compensation from any source to the claimant, including payment from the General Relief Medical programs of the State of Alaska authorized by AS 47.25.120 - 47.25.300. If additional recovery is received by the claimant after compensation is awarded, it is the responsibility of the claimant to advise the board of the amount, source, and nature of the additional recovery. The board will consider a request by the claimant or their attorney to waive the requirement to repay the compensation awarded, in full or in part. The board will consider a request at the next board meeting following receipt of the request and will notify the claimant or their attorney of the board's decision as soon as practicable following such meeting." Alaska Admin. Code tit. 2, § 80.080. If the board, after having paid an award, recovers from the offender a sum of money greater than the award made, the board will send the resulting difference by registered mail to the claimant within 20 days after it receives the recovery. Alaska Admin. Code tit. 2, § 80.100. "(a) Up to the maximum set in AS 18.67.130(c), the board may award compensation for losses and expenses allowable under AS 18.67.110 for which the applicant is not compensated by the offender or a person on behalf of the offender, or by the United States, a state, or any of its subdivisions or agencies, or a private source or emergency awards under AS 18.67.120, for injury or death compensable under this chapter. (b) If compensation is awarded under this chapter and the person receiving it also receives a collateral sum under (a) of this section that has not been deducted from it, the board may require that the person refund either the amount of the collateral sum or the amount of compensation paid to the person under this chapter, whichever is less. (c) Notwithstanding the provisions of (a) and (b) of this section, in the case of the death of a victim, the value of a life insurance policy may not be considered a collateral sum that may be deducted under this section." Alaska Stat. Ann. § 18.67.090. When an order for the payment of compensation for personal injury or death is made under this chapter, the board, upon payment of the amount of the order, is subrogated to the cause of action of the applicant against the person responsible for the injury or death and is entitled to bring an action against the person for the amount of the damages sustained by the applicant. If an amount greater than that paid under the order is recovered and collected in the action, the board shall pay the balance to the applicant. Alaska Stat. Ann. § 18.67.140.
References and Resources		Alaska Admin. Code tit. 2, § 80.010 *et seq.* Alaska Stat. Ann. § 18.67.010 *et seq.* https://vccb.alaska.gov/

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Time to File	An application must be submitted to the appropriate Operational Unit within two years after discovery of the criminally injurious conduct. However, the Board may extend this time limit if the Board determines there is a good cause for a delay.	"A claim, as described in R10-4-107, [must be] submitted to the operational unit within two years after discovery of the criminally injurious conduct." Ariz. Admin. Code R10-4-106(A)(7). "The Board shall extend the time limits under subsections (A)(4) and (A)(7) if the Board determines there is good cause for a delay." Ariz. Admin. Code R10-4-106(B).
Eligibility Requirements: Identity of Person Seeking Compensation	A natural person is eligible to submit a claim if the person is: •A victim; •A derivative victim; •A person authorized to act on behalf of a victim or a deceased victim's dependent; or •A person who assumed an obligation for or paid an expense directly related to a victim's economic loss. •**Victim:** The Crime Victim Compensation Board of an Operational Unit ("Board") will make a compensation award only if it determines that a victim has suffered physical injury, mental distress, medical condition, or death as a direct result of "criminally injurious conduct." •**Victim, Derivative Victim, or Claimant:** The victim, derivative victim, or claimant must have incurred economic loss as a direct result of the criminally injurious conduct that is not compensable by a collateral source (*see* discussion of Payer of Last Resort requirements below for a discussion of "collateral sources").	A natural person is eligible to submit a claim if the person is: 1. A victim; 2. A derivative victim; 3. A person authorized to act on behalf of a victim or a deceased victim's dependent; or 4. A person who assumed an obligation for or paid an expense directly related to a victim's economic loss. B. If a person is eligible under subsection (A) to submit a claim regarding more than one incident of criminally injurious conduct, the person shall submit a separate claim regarding each incident of criminally injurious conduct. C. If more than one person is eligible under subsection (A) to submit a claim regarding an incident of criminally injurious conduct, each person shall submit a separate claim. Ariz. Admin. Code R10-4-107(A)-(C). The Crime Victim Compensation Board of an Operational Unit ("Board") will make a compensation award only if it determines that "[t]he criminally injurious conduct directly resulted in the victim's physical injury, mental distress, medical condition, or death[.]" Ariz. Admin. Code R10-4-106(A)(2). The Board will make a compensation award only if it determines "[t]he victim, derivative victim, or claimant incurred economic loss as a direct result of the criminally injurious conduct that is not compensable by a collateral source[.]" Ariz. Admin. Code R10-4-106(A)(6). “Victim” means a natural person who suffers a physical injury or medical condition, mental distress, or death as a direct result of: a. Criminally injurious conduct, b. The person's good faith effort to prevent criminally injurious conduct, or c. The person's good faith effort to apprehend a person suspected of engaging in criminally injurious conduct. Ariz. Admin. Code R10-4-101(31). “Criminally injurious conduct” means conduct that: a. Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted; b. Poses a substantial threat of physical injury, mental distress, or death; and c. Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws. Ariz. Admin. Code R10-4-101(9). “Claim” means an application for compensation submitted under this Article. Ariz. Admin. Code R10-4-101(2). “Claimant” means a natural person who files a claim. Ariz. Admin. Code R10-4-101(3). “Derivative victim” means: a. The spouse, child, parent, stepparent, stepchild, sibling, grandparent, grandchild, or guardian of a victim who died as a result of criminally injurious conduct; b. A child born to a victim after the victim's death; c. A person living in the household of a victim who died as a result of criminally injurious conduct, in a relationship determined by the Board to be substantially similar to a relationship listed in subsection (10)(a); d. A member of the victim's family who witnessed the criminally injurious conduct or who discovered the scene of the criminally injurious conduct; e. A natural person who is not related to the victim but who witnessed the criminally injurious conduct or discovered the scene of the criminally injurious conduct; or f. A natural person whose own mental health counseling and care or presence during the victim's mental health counseling and care is recommended for the successful treatment of the victim. Ariz. Admin. Code R10-4-101(10).

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Eligibility Requirements: Types of Crime	Compensation may be available in connection with “criminally injurious conduct” meaning conduct that: •Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted; •Poses a substantial threat of physical injury, mental distress, or death; and •Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws.	“Criminally injurious conduct” means conduct that: a. Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted; b. Poses a substantial threat of physical injury, mental distress, or death; and c. Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws. Ariz. Admin. Code R10-4-101(9).
Eligibility Requirements: Geographic Nexus	The Board will make a compensation award only if it determines that "criminally injurious conduct": •Occurred in Arizona; or •Occurred outside of Arizona in an area without an accessible crime compensation program and affected a resident.	"The Board shall make a compensation award only if it determines that: [...] Criminally injurious conduct: a. Occurred in Arizona; or b. Occurred outside of Arizona in an area without an accessible crime compensation program and affected a resident[.]" See Ariz. Admin. Code R10-4-106(A)(1). “Criminally injurious conduct” means conduct that: a. Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted; b. Poses a substantial threat of physical injury, mental distress, or death; and c. Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws. Ariz. Admin. Code R10-4-101(9). “Resident” means a natural person who is domiciled in Arizona or is in Arizona for other than a temporary or transitory purpose. Ariz. Admin. Code R10-4-101(27).
Eligibility Requirements: Criminal Background of Victim	The Board shall make a compensation award only if it determines that the victim or person who submits a claim was <u>not</u>: •At the time of the criminally injurious conduct that is the subject of the claim: i. Serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough; or ii. Incarcerated in any detention facility awaiting criminal sentencing or disposition. •At the time of claim submission to the operational unit for a jurisdiction: i. Escaped from serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough; ii. Convicted of a federal crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the offense if the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts have issued a written determination that the entities administering federal victim compensation programs have access to an accurate and efficient criminal debt payment tracking system; or iii. Convicted of a state crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the crime if the delinquency is identified by the Arizona Administrative Office of the Courts or the Clerk of the Superior Court. •Wanted in Arizona on an active warrant, if warrant status is discovered anytime following submission of the claim.	"The Board shall make a compensation award only if it determines that: [...] The victim of the criminally injurious conduct or a person who submits a claim regarding criminally injurious conduct was not: [...] At the time of the criminally injurious conduct that is the subject of the claim: i. Serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough; or ii. Incarcerated in any detention facility awaiting criminal sentencing or disposition." See Ariz. Admin. Code R10-4-106(A)(3)(b). "The Board shall make a compensation award only if it determines that: [...] The victim of the criminally injurious conduct or a person who submits a claim regarding criminally injurious conduct was not: [...] At the time of claim submission to the operational unit for a jurisdiction: i. Escaped from serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough; ii. Convicted of a federal crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the offense if the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts have issued a written determination that the entities administering federal victim compensation programs have access to an accurate and efficient criminal debt payment tracking system; or iii. Convicted of a state crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the crime if the delinquency is identified by the Arizona Administrative Office of the Courts or the Clerk of the Superior Court." See Ariz. Admin. Code R10-4-106(A)(3)(c). "The Board shall make a compensation award only if it determines that: [...] The victim of the criminally injurious conduct or a person who submits a claim regarding criminally injurious conduct was not: [...] Wanted in Arizona on an active warrant, if warrant status is discovered anytime following submission of the claim." See Ariz. Admin. Code R10-4-106(A)(3)(d).

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Citizenship Requirement?	None identified.	N/A.
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. The Board shall make a compensation award only if it determines that: •The criminally injurious conduct was reported to an appropriate law enforcement authority within 72 hours after its discovery (or a longer period if the Board determines there is good cause for a delay); and •The victim, derivative victim, or claimant cooperated with law enforcement agencies.	"The Board shall make a compensation award only if it determines that: [...] The criminally injurious conduct was reported to an appropriate law enforcement authority within 72 hours after its discovery; [and] The victim, derivative victim, or claimant cooperated with law enforcement agencies [...] The Board shall extend the time limits under subsections (A)(4) and (A)(7) if the Board determines there is good cause for a delay." Ariz. Admin. Code R10-4-106(A)(4), (A)(5), (B).
Is Complicity in Crime Disqualifying?	Yes. The Board shall make a compensation award only if it determines that the victim or person who submits a claim was not: the perpetrator, an accomplice of the perpetrator, or a person who encouraged or in any way participated in or facilitated the criminally injurious conduct that is the subject of the claim.	"The Board shall make a compensation award only if it determines that: [...] The victim of the criminally injurious conduct or a person who submits a claim regarding criminally injurious conduct was not: [...] The perpetrator, an accomplice of the perpetrator, or a person who encouraged or in any way participated in or facilitated the criminally injurious conduct that is the subject of the claim[.]" Ariz. Admin. Code R10-4-106(A)(3)(a).
To Whom are Applications Made?	The Arizona Criminal Justice Commission ("ACJC") is responsible for administering the victim compensation program at the sate level. However, claims are processed at the county level. Each county has a designated "Operational Unit" that administers the compensation program at the county level. Victims submit claims to the Operational Unit for the county in which the crime occurred.	"While ACJC is responsible for administering the program at the state level, claims are processed at the county level. Each county program has a compensation coordinator, who is responsible for investigating claims and collect supporting documentation. This begins with a completed application, police reports, and any bills or invoices that victims or claimants are requesting be paid by the program. After the background work is completed, the county coordinator prepares for and conducts compensation board meetings. Compensation board meetings are where decisions are made on whether or not to pay out compensation funds to victims of crime. The compensation coordinator serves as a point of contact for victims, claimants, members of the community, or victim services personnel that would like more information about the victim compensation program." *See* https://www.azcjc.gov/Programs/Victim-Services/Compensation-Program; https://www.azcjc.gov/Portals/0/Documents/pubs/Compensation_Desk_Manual.pdf.
How are Applications Accepted?	Applications may be submitted online through the Arizona Criminal Justice Commission, Victim Compensation Application Portal. Applications may also be submitted by mail to the Operational Unit (usually the County Attorney's Office) for the county in which the crime occurred.	*See* https://www.azcjc.gov/Programs/Victim-Services/Compensation-Program (listing the Operational Units for each county).
Who May Submit an Application?	A natural person is eligible to submit a claim if the person is: •A victim; •A derivative victim; •A person authorized to act on behalf of a victim or a deceased victim's dependent; or •A person who assumed an obligation for or paid an expense directly related to a victim's economic loss.	*See* Ariz. Admin. Code R10-4-107(A)-(C).
What Language Services are Available?	The Victim Compensation Program Brochure is available in English and Spanish. Further, each "operational unit is required to take reasonable steps to ensure that LEP persons [i.e., those with limited English proficiency] have meaningful access to programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary."	*See* https://www.azcjc.gov/Programs/Victim-Services/Compensation-Program. *See* https://www.azcjc.gov/Portals/0/Documents/pubs/Compensation_Desk_Manual.pdf, p. 7.

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General Documentation Requirements	*See* detailed description.	To apply for a compensation award, a person who is eligible under subsection (A) shall submit a claim, using a form that is available from the Commission, to the operational unit for the jurisdiction in which the incident of criminally injurious conduct occurred or to the operational unit for the jurisdiction in which a victim lives if the incident of criminally injurious conduct occurred in an area without an accessible victim compensation program. The claimant shall provide the following: 1. About the victim: a. Full name, b. Residential address, c. Gender, d. Date of birth, e. Residential and work telephone numbers, f. Statement of whether the victim is deceased, g. Ethnicity, h. Statement of whether the victim is a resident, and i. Statement of whether the victim is disabled; 2. About the claimant if the claimant is not the victim: a. Full name; b. Residential address; c. Gender; d. Date of birth; e. Residential and work telephone numbers; f. Relationship to the victim; and g. If there are multiple victims or derivative victims of an incident of criminally injurious conduct, the name, residential address, and date of birth of each, and for derivative victims, the relationship to the victim; 3. About the crime: a. Type of crime; b. Statement of whether the crime was related to domestic violence; c. Statement of whether the crime was a federal crime; d. Date on which crime was committed;

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		e. Date on which crime was reported to law enforcement authorities; f. Name of law enforcement agency to which the crime was reported; g. Name of law enforcement officer to whom the crime was reported; h. Law enforcement report number; i. Location of crime; j. Name of perpetrator, if known; and k. Brief description of the crime and resulting injuries; 4. About a civil lawsuit: a. Statement of whether the claimant has or will file a civil lawsuit related to the crime; and b. If the answer to subsection (D)(4)(a) is yes, the name, address, and telephone number of the claimant's attorney; 5. About benefits from collateral sources: a. List of the benefits the claimant has received since the incident of criminally injurious conduct or is entitled to receive; and b. For each benefit identified: i. Type of benefit, ii. Contact address and telephone number; and iii. Claimant's identification or policy number; 6. About the economic loss for which compensation is requested: a. Medical expenses. A statement of whether the claim includes medical expenses and if so, the name, address, telephone number, account number, and date of service for each provider; b. Mental health counseling and care expenses. A statement of whether the claim includes mental health counseling and care expenses and if so, the name, address, telephone number, account number, and date of service for each provider; c. Work loss expenses. A statement of whether the claim includes work loss expenses and if so, the date on which the claimant was first unable to work, date on which the claimant returned to work, total time lost from work, hourly rate of pay, number of hours worked each week, number of hours worked each day, name, address, and telephone number of employer, and name of supervisor; d. Funeral expenses. A statement of whether the claim includes funeral expenses and if so, the name, address, and telephone number of the provider and the amount paid; and e. Crime scene cleanup expenses. A statement of whether the claim includes crime scene cleanup expenses and if so, the name, address, and telephone number of the provider and the amount paid;

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		f. Transportation costs. A statement of whether the claim includes transportation costs and if so, the reason for travel as listed under R10-4-108(C)(6) and if mileage is claimed, the date and mileage of each trip; and 7. The claimant's dated signature: a. Certifying that the claimant is eligible to submit a claim and that the information provided is true and correct to the best of the claimant's knowledge; b. Subrogating to the state and operational unit the claimant's right to receive benefits from a collateral source; c. Authorizing the release of confidential information necessary to administer the claim; and d. Authorizing the release to the Program of protected health information that relates to care provided as a result of the criminally injurious conduct and is necessary to verify the claim. A claimant shall submit the following in addition to the claim form: 1. A copy of all bills, contracts, receipts, and insurance statements relating to each expense claimed under subsection (D)(6); 2. If work loss expenses are claimed, a signed statement on official letterhead: a. From the claimant's employer verifying the information provided under subsection (D)(6)(c); and b. If applicable, from the physician or mental health care provider indicating the claimant: i. Was unable to work as a result of being a victim or derivative victim, the length of time the claimant was unable to work, and the date on which the claimant was or will be able to return to work; or ii. Is totally and permanently disabled. 3. Any documentation required by the operational unit to fully investigate and substantiate claimant eligibility and all claim expense requests. Ariz. Admin. Code R10-4-107(D), (E).

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Categories of Benefits Available	Available benefit categories are as follows: •Medical expenses. •Mental health counseling and care expenses. •Work loss expenses. •Funeral expenses. •Crime scene cleanup expenses. •Transportation costs.	"The victim compensation program provides financial assistance to victims of crime or others who may have experienced a financial loss as a direct result of a crime. The program covers expenses of physical harm, mental distress, and economic loss directly resulting from victimization. Eligibility to receive benefits from the program does not require the apprehension or conviction of an offender[.]" *See* https://www.azcjc.gov/Programs/Victim-Services/Compensation-Program. "An operational unit shall pay approved compensation program benefit expenses using benefit category cost rate schedules approved by the Commission. If the Commission has not approved a cost rate schedule for a benefit category, or if an eligible benefit cost is not covered by the approved rate schedule, the operational unit may negotiate a reasonable and customary cost with the service provider for the approved benefit expense." Ariz. Admin. Code R10-4-102(I). Compensation may be provided for the following, if eligible, and appropriate documentation as set forth is provided: a. Medical expenses. A statement of whether the claim includes medical expenses and if so, the name, address, telephone number, account number, and date of service for each provider; b. Mental health counseling and care expenses. A statement of whether the claim includes mental health counseling and care expenses and if so, the name, address, telephone number, account number, and date of service for each provider; c. Work loss expenses. A statement of whether the claim includes work loss expenses and if so, the date on which the claimant was first unable to work, date on which the claimant returned to work, total time lost from work, hourly rate of pay, number of hours worked each week, number of hours worked each day, name, address, and telephone number of employer, and name of supervisor; d. Funeral expenses. A statement of whether the claim includes funeral expenses and if so, the name, address, and telephone number of the provider and the amount paid; and e. Crime scene cleanup expenses. A statement of whether the claim includes crime scene cleanup expenses and if so, the name, address, and telephone number of the provider and the amount paid; f. Transportation costs. A statement of whether the claim includes transportation costs and if so, the reason for travel as listed under R10-4-108(C)(6) and if mileage is claimed, the date and mileage of each trip; and Ariz. Admin. Code R10-4-107(D)(6). *See also* Ariz. Admin. Code R10-4-108.
Requirements/Limits for Relocation Expenses	Relocation compensation does not appear to be available.	*See* Ariz. Admin. Code R10-4-108.
Requirements/Limits for Mental Health Expenses	Monetary Limits: •For mental health counseling and care expenses, $5,000 per victim or derivative victim. •For all transportation costs, including those relating to transportation to mental health appointments, $2,000 per victim or derivative victim. Requirements: Compensation that is "reasonable and customary" may be available to mental health counseling and care expenses for a victim or derivative victim's mental distress resulting from criminally injurious conduct, if: •Care is provided by a licensed professional. •The charges do not include a private room in a medical facility or institution unless the Board determines that such private room is medically necessary. Compensation for certain costs incurred in the course of ensuring or arranging transportation to mental health appointments may also be recoverable. Claimants must provide with their application a statement of whether the claim includes mental health counseling and care expenses and if so, the name, address, telephone number, account number, and date of service for each provider.	The Board may award "Reasonable and customary mental health counseling and care expenses due to a victim's or derivative victim's mental distress resulting from the criminally injurious conduct if: a. The mental health counseling and care is provided by an individual who: i. Is licensed for independent practice by the Board of Behavioral Health Examiners, ii. Is a behavioral health professional as defined at A.A.C. R9-20-101, or iii. Is authorized to perform mental health counseling and care by the laws of a federally recognized tribe; and b. The mental health counseling and care expenses do not include a charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or any other institution that provides medical services unless the Board determines that the private room is medically necessary[.]" Ariz. Admin. Code R10-4-108(C)(4). *See* Ariz. Admin. Code R10-4-108, for a discussion of recoverable transportation-related mental health costs. "The Board shall not make a compensation award to a claimant that exceeds: [...] For mental health counseling and care expenses, $5,000 per victim or derivative victim; [...] For transportation costs, $2,000 per victim or derivative victim paid as reimbursement of actual transportation expenses." Ariz. Admin. Code R10-4-108(D)(5), (D)(8). *See also* Ariz. Admin. Code R10-4-107(D)(6).

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Requirements/Limits for Lost Income	Monetary Limits: The maximum overall cap of $25,000 applies. Additionally, recovery is limited to "reasonable and customary" work loss expenses and, in most situations, recovery is also limited to work loss expenses in an amount per calendar week equal to 40 hours at the current minimum wage. *See* Detailed Description for more information. Requirements: Claimants must submit a statement of whether the claim includes work loss expenses and if so, the date on which the claimant was first unable to work, date on which the claimant returned to work, total time lost from work, hourly rate of pay, number of hours worked each week, number of hours worked each day, name, address, and telephone number of employer, and name of supervisor.	C. The Board shall make a compensation award only for the following: [...] 2. Reasonable and customary work loss expenses for: a. A victim whose ability to work is reduced due to physical injury, mental distress, or medical condition resulting from the criminally injurious conduct; b. A victim or derivative victim to: i. Make a medical or mental health counseling and care visit; or ii. Attend a criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the criminally injurious conduct. c. A derivative victim listed in R10-4-101(10)(a) through (c) [i.e., The spouse, child, parent, stepparent, stepchild, sibling, grandparent, grandchild, or guardian of a victim who died as a result of criminally injurious conduct; A child born to a victim after the victim's death; A person living in the household of a victim who died as a result of criminally injurious conduct, in a relationship determined by the Board to be substantially similar to a spouse, child, parent, stepparent, stepchild, sibling, grandparent, grandchild, or guardian] if the Board determines the death resulted in a loss of support from the victim to the derivative victim; d. A parent or guardian of a minor victim to transport or accompany the minor victim to: i. A medical or mental health counseling and care visit; or ii. A criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the criminally injurious conduct. e. A derivative victim to make funeral arrangements for a deceased victim, or tend to the affairs of a deceased victim; or f. A family member or guardian or a person living in the victim's household in a relationship similar to those listed in R10-4-101(10)(a) to provide non-skilled nursing care for the victim that is medically necessary as a result of the criminally injurious conduct[.]" Ariz. Admin. Code R10-4-108(C)(2), 10-4-101(10). "The Board shall not make a compensation award to a claimant that exceeds: [...] For work loss expenses: a. Work loss expenses under subsections (C)(2)(a), (C)(2)(b), (C)(2)(d), (C)(2)(e), and (C)(2)(f), are limited to an amount per calendar week equal to 40 hours at the current minimum wage and the maximum [overall cap of $25,000]; [and] b. Loss of support under subsection (C)(2)(c) may be awarded to the maximum [overall cap of $25,000] in a lump sum or periodic payments[.]" Ariz. Admin. Code R10-4-108(D)(4). *See also* Ariz. Admin. Code R10-4-107(D)(6).
Requirements/Limits for Medical Expenses	Monetary Limit: Reasonable and customary medical expenses, subject to the overall cap of $25,000. Requirements: Claimants must submit a statement of whether the claim includes medical expenses and if so, the name, address, telephone number, account number, and date of service for each provider.	The Board may provide compensation for "Reasonable and customary medical expenses due to the victim's physical injury, medical condition, mental health condition, or death. [...] The Board shall include the following as a medical expense: i. Repair of damage to a victim's prosthetic device, eyeglasses or other corrective lenses, or a dental device; and ii. Durable medical equipment required for treatment of the victim." Ariz. Admin. Code R10-4-108(C)(1)(a). "The Board shall not include as a medical expense: i. A charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or other institution that provides medical services unless the Board determines that the private room is medically necessary; and ii. Any drug, substance, or chemical included under Schedule I of the Federal Controlled Substances Act 21 U.S.C. § 812(c)." Ariz. Admin. Code R10-4-108(C)(1)(b). "The Board shall not make a compensation award to a claimant that exceeds: [...] For medical expenses for a victim, the maximum [cap of $25,000]." Ariz. Admin. Code R10-4-108(D)(3). Limitations on Collection by Licensed Health Care Providers: "A licensed health care provider who agrees to the victim compensation program rules may receive program monies for providing health and medical services to a victim or claimant. A licensed health care provider who accepts the full allowable payment for those services from a victim compensation program funded pursuant to this section is deemed to have accepted the payment as the full payment for those services. The licensed health care provider may not collect or attempt to collect any payment for the same health and medical services from the victim or claimant, except that if a victim compensation program funded pursuant to this section is unable to pay the full allowable payment to a licensed health care provider because of a lack of available monies or for any other reason, the licensed health care provider may collect the unpaid balance for the services from the victim or claimant or from a third-party payor, and the total amount billed or requested by the licensed health care provider may not exceed the full allowable payment that the licensed health care provider agreed to accept from the victim compensation program for the services. If a licensed health care provider receives notice that a person has filed a claim with a victim compensation program funded by this section, the licensed health care provider is prohibited from any debt collection activity for any monies owed by the person that are included in the filed claim until an award is made on the claim or until a determination is made that the claim is noncompensable. For the purposes of this subsection, “debt collection activity” includes repeatedly telephoning or writing to the claimant and threatening to either turn the matter over to a debt collection agency or to an attorney for collection, enforcement or filing of any other debt collection process. Debt collection activity does not include routine billing or inquiries about the status of the claim. For the purposes of this section, “licensed health care provider” means a person or institution that is licensed or certified by this state to provide health care services, medical services, nursing services, emergency medical services and ambulance services that are regulated pursuant to title 36, chapter 21.1, article 21 or other health-related services." Ariz. Rev. Stat. Ann. § 41-2407(E)-(G).

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Timeframe to Obtain Benefits	If the required prerequisites are met, the Board will conduct a hearing regarding a submitted claim. The Board will provide a claimant with at least 10 business days' notice of a hearing or rehearing. The Board will provide written notice of its decision to the claimant within 10 business days after a hearing or rehearing. The Board will serve notice of a compensation-award denial or reduction by personal delivery or certified mail to the last known residence or place of business of the person being served. Service is complete upon personal delivery or five days after mailing by certified mail.	*See* Ariz. Admin. Code R10-4-109(A)-(D).
Is Emergency Assistance Available?	Yes. Emergency compensation up to $1,000 may be provided. No separate application for emergency compensation is required.	After receiving a claim submitted under R10-4-107, an operational unit may grant one emergency compensation award for a claim if the operational unit determines there is a reasonable likelihood that: 1. The person to whom the emergency compensation award is made is or will be an eligible claimant, and 2. Serious hardship will result to the person if an immediate compensation award is not made. An operational unit that makes an emergency compensation award shall ensure that the emergency compensation award does not exceed $1,000. If the Board decides under R10-4-108 to make a compensation award to the claimant, the Board shall ensure that the amount of the emergency compensation award is deducted from the final compensation award made to the claimant. Ariz. Admin. Code R10-4-111.
Compensation Cap (Overall)	$25,000 for all economic loss submitted under a claim as a result of an incident of criminally injurious conduct.	"The Board shall not make a compensation award to a claimant that exceeds: [...] Twenty-five thousand dollars for all economic loss submitted under a claim as a result of an incident of criminally injurious conduct[.]" Ariz. Admin. Code R10-4-108(D)(1).
Sources of Funding	Funding sources include: •Monthly supervision fees paid by persons on parole, community supervision, or probation. •Penalty assessments •Certain monies derived from the sale of seized property subject to judicial forfeiture •Community supervision fees •Certain compensation paid to employed prisoners	"The Arizona criminal justice commission shall administer the fund. The victim compensation and assistance fund shall consist of monies collected pursuant to § 31-411, subsection E and §§ 12-116.08, 13-4310, 31-418, 31-467.06 and 41-1674, unclaimed victim restitution monies pursuant to §§ 22-116 and 44-313 and monies available from any other source." Ariz. Rev. Stat. Ann. § 41-2407(A).

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	•Claimants may request a rehearing of a decision in writing within 30 days after the Board serves notice of the decision. •Claimants may request a state-level claim review of a rehearing in writing within 30 calendar days after the Board services notice of the decision. The review will be completed within 30 days of reviewing the written request, and the decision will be provided within 10 days of the review.	•The operational unit may request a rehearing of a decision by the Board at any time and for any reason under this Article. •A claimant who is aggrieved by a decision of the Board made at a hearing may request a rehearing of the decision within 30 days after the Board serves notice of the decision. A claimant shall request a rehearing in writing and specify the grounds for the request. •A claimant may amend a request for a rehearing of a Board decision at any time before it is ruled on by the Board. •The Board may require additional written explanation of an issue raised in a request for rehearing of a Board decision and may provide for oral argument. •The Board shall grant a rehearing for any of the following reasons materially affecting a claimant's rights: 1. Irregularity in the proceedings of the Board or its operational unit or any order or abuse of discretion that deprived the claimant of a fair Board decision; 2. Misconduct of the Board, the operational unit, or staff of the operational unit; 3. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original Board meeting; 4. Error in the admission or rejection of evidence or other error of law occurring at the Board meeting; and 5. The decision is not justified by the evidence or is contrary to law. •When a rehearing is granted, the Board shall ensure that the rehearing covers only the matters specified under [the bullet above] that materially affect a claimant's rights. •The Board may affirm or modify a decision on all or part of the issues for any of the reasons listed [above]. An order modifying a decision shall specify with particularity the grounds for the order. Ariz. Admin. Code R10-4-109(e)-(K). "A claimant who is aggrieved by a decision of a Board made at a rehearing under R10-4-109 may request a state-level claim review of the decision within 30 calendar days after the Board serves notice of the decision. The claimant shall request a state-level claim review in writing, specify the grounds for the request, and submit the request directly to the Commission." Ariz. Admin. Code R10-4-110(A). "A claimant may amend a request for a state-level claim review of a Board decision at any time before it is ruled on by the State Claim Review Panel. When a state-level claim review is granted, the State Claim Review Panel shall ensure that the review: 1. Considers only evidence previously presented to the Board, and 2. Decides only whether the Board's decision was consistent with the standards in this Article. The State Claim Review Panel may affirm or overturn a decision made by a Board. A decision by the State Claim Review Panel is final. If the Panel overturns a decision made by a Board related to: 1. Eligibility, the operational unit where the claim originated shall proceed with any further action related to the claim; or 2. An economic loss, the operational unit where the claim originated shall pay the economic loss using compensation funds available to the operational unit. The State Claim Review Panel shall provide written notice of the Panel's decision to the claimant and the operational unit that originally heard the claim within 10 business days after the state-level claim review." Ariz. Admin. Code R10-4-110(D)-(H).
Payer of Last Resort Requirements	Yes. The Victim Compensation Program is always the payer of last resort. All other sources of economic recovery must be exhausted before compensation benefits are paid.	The Board will make a compensation award only if it determines "[t]he victim, derivative victim, or claimant incurred economic loss as a direct result of the criminally injurious conduct that is not compensable by a collateral source[.]" Ariz. Admin. Code R10-4-106(A)(6). “Collateral source” means a source of compensation for economic loss that a claimant received or is accessible to and obtainable by the claimant or that is payable to or on behalf of the victim. Collateral source includes the following sources of compensation: a. The perpetrator or a third party responsible for the perpetrator's actions; b. The United States government or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless: i. The law providing for the compensation makes the compensation excess or secondary to benefits under this Article, or ii. The compensation is made with federal funds granted under 42 U.S.C. 10602; c. Social Security, Medicare, or Arizona Health Care Cost Containment System payments; d. State-required, insurance for a temporary, non-occupational disability; e. Worker's compensation insurance; f. Wage continuation program of any employer; g. Insurance proceeds payable to cover a specific compensable cost due to criminally injurious conduct; h. A contract providing for prepaid hospital and other health care services or disability benefits; and i. A gift, devise, or bequest to cover a specific compensable cost. Ariz. Admin. Code R10-4-101(4). *See* https://www.azcjc.gov/Programs/Victim-Services/Compensation-Program

TOPIC	SUMMARY	DETAILED DESCRPTION
References and Resources		Arizona Criminal Justice Commission, Crime Victim Services, Victim Compensation Program, Program Administration Desk Manual (2018), available at https://www.azcjc.gov/Portals/0/Documents/pubs/Compensation_Desk_Manual.pdf. Victim Compensation Program Website: https://www.azcjc.gov/Programs/Victim-Services/Compensation-Program Relevant Regulations: Ariz. Admin. Code R10-4-101 *et seq.*

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Within 1 year after the injury or death upon which the claim is based, unless there is good cause for the failure to timely file.	"Reparations shall not be awarded: (1) Unless the claim has been filed with the Crime Victims Reparations Board within one (1) year after the injury or death upon which the claim is based, unless the board finds good cause for the failure to file a timely claim[.]" Ark. Code Ann. § 16-90-712(a)(1). "The application for compensation must be filed within one (1) year of the incident, unless the Board finds good cause for failure to file a timely claim. (A) Good cause shall include, but not be limited to: (1) the physical incapacity of a victim, (2) the mental incompetence of a victim, (3) the age of the victim, (4) the injury was not reasonably discoverable, (5) restitution or other collateral source was regularly being paid and then terminated, (6) postal service delays which are verifiable." Code Ark. R. 015.12.1-2.3(4).
Eligibility Requirements: Identity of Person Seeking Compensation	Victim, dependent of a victim who has died due to the criminally injurious conduct, and any person authorized to act on behalf of such persons.	"Claimant" means "any of the following persons applying for reparations under this subchapter: (i) A victim; (ii) A dependent of a victim who has died because of criminally injurious conduct; or (iii) A person authorized to act on behalf of any of the persons enumerated in this subdivision (3)(A). [...] 'Claimant' shall not include a service provider[.]" Ark. Code Ann. § 16-90-703(3). "Dependent" means "a natural person wholly or partially dependent upon the victim for care or support and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct[.]" Ark. Code Ann. § 16-90-703(6). "Personal injury" means "actual bodily harm, including pregnancy or mental anguish which is the direct result of a violent criminal act[.]" Ark. Code Ann. § 16-90-703(10). "Victim" means "a person who suffers personal injury or death as a result of criminally injurious conduct committed either within the State of Arkansas or against any Arkansas resident who suffers personal injury as the result of criminally injurious conduct which occurs in states presently not having crime victims reparations programs for which the victim is eligible, and further includes any Arkansas resident who is injured or killed by an act of terrorism committed outside of the United States, as defined in 18 U.S.C. § 2331." Ark. Code Ann. § 16-90-703(11)(A). "Victim" "shall also include a person who: (i) Is the child, whether by blood, adoption, or marriage, of a victim as defined in subdivision (11)(A) of this section; (ii) Is an immediate family member of a deceased victim, a victim of sexual assault, or a child victim; (iii) Is not an immediate family member, but who resided at the time of the crime in the same permanent household as a deceased victim; or (iv) Discovered the body of a victim who died as the result of criminally injurious conduct[.]" Ark. Code Ann. § 16-90-703(11)(B). "The victim must have suffered personal injury or death as a result of the criminal act of another." Code Ark. R. 015.12.1-2.3(5).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	An act that results in personal injury or death to a victim, which act is punishable by fine, imprisonment, or death.	"Criminally injurious conduct" means "an act which occurs or is attempted in this state that results in personal injury or death to a victim, which act is punishable by fine, imprisonment, or death. (ii) "Criminally injurious conduct" shall include acts of terrorism committed outside of the United States as defined in 18 U.S.C. § 2331 against any Arkansas resident. (iii) "Criminally injurious conduct" does not include acts arising out of the operation of motor vehicles, boats, or aircraft unless the acts were committed with the intent to inflict injury or death or unless the acts involve any of the following: (a) Injury or death intentionally inflicted through the use of a motor vehicle, boat, or aircraft; (b) A violation of the Omnibus DWI or BWI Act, § 5-65-101 et seq.; or (c) A violation of § 27-53-101. (B) For the purposes of this subchapter, a person shall be deemed to have committed criminally injurious conduct, notwithstanding that by reason of age, insanity, drunkenness, or other reason he or she was legally incapable of committing a crime[.]" Ark. Code Ann. § 16-90-703(5). "Personal injury" means "actual bodily harm, including pregnancy or mental anguish which is the direct result of a violent criminal act[.]" Ark. Code Ann. § 16-90-703(10). "The injury or death must not have been the result of negligent maintenance or use of a motor vehicle unless the acts are committed with the intent to inflict injury or death or unless the acts committed were in violation of the Omnibus DWI Act, A.C.A. § 5-65-101 et. seq. or A.C.A. § 27-53-101 (Leaving the scene of an accident involving serious injury or death.)" Code Ark. R. 015.12.1-2.3(9).
Eligibility Requirements: Geographic Nexus	The criminally injurious conduct leading to the filing of the reparations claim must have occurred in Arkansas or must have occurred to a resident of Arkansas in a state without a reparations program for which the victim is eligible or to a resident of Arkansas who is injured or killed by an act of terrorism committed outside of the United States.	"Criminally injurious conduct" means "an act which occurs or is attempted in this state that results in personal injury or death to a victim, which act is punishable by fine, imprisonment, or death. (ii) "Criminally injurious conduct" shall include acts of terrorism committed outside of the United States as defined in 18 U.S.C. § 2331 against any Arkansas resident. (iii) "Criminally injurious conduct" does not include acts arising out of the operation of motor vehicles, boats, or aircraft unless the acts were committed with the intent to inflict injury or death or unless the acts involve any of the following: (a) Injury or death intentionally inflicted through the use of a motor vehicle, boat, or aircraft; (b) A violation of the Omnibus DWI or BWI Act, § 5-65-101 et seq.; or (c) A violation of § 27-53-101. (B) For the purposes of this subchapter, a person shall be deemed to have committed criminally injurious conduct, notwithstanding that by reason of age, insanity, drunkenness, or other reason he or she was legally incapable of committing a crime[.]" Ark. Code Ann. § 16-90-703(5). "The criminally injurious conduct leading to the filing of the reparations claim must have occurred in Arkansas or must have occurred to a resident of Arkansas in a state without a reparations program for which the victim is eligible or to a resident of Arkansas who is injured or killed by an act of terrorism committed outside of the United States as defined in § 2331, Title 18, United States Code." Code Ark. R. 015.12.1-2.3.
Eligibility Requirements: Criminal Background of Victim	Victims incarcerated at the time of the injury or death that forms the basis for the claim and any claimant convicted of a felony involving criminally injurious conduct will not be eligible for compensation.	"Reparations shall not be awarded: [...] (4) To a victim who is injured or killed while confined in state, county, or municipal jail, prison, or other correctional facility as a result of conviction of any crime; (5) To any claimant who has been convicted of a felony involving criminally injurious conduct[.]" Ark. Code Ann. § 16-90-712(a)(4)-(a)(5). "Claimant/victim has not been convicted of a felony involving criminally injurious conduct. Awards shall not be made to a victim who is injured or killed while confined in state, county, or municipal jail, prison or other correctional facility as a result of conviction of any crime." Code Ark. R. 015.12.1-2.3(10)-(11).

TOPIC	SUMMARY	DETAILED DESCRPTION
Citizenship Requirement?	None identified.	N/A.
Is a Police Report or Cooperation with Law Enforcement Required?	Crimes must be reported within 72 hours unless there is good cause for delay. Cooperation with law enforcement is not required for trafficking victims.	"The board may contact any law enforcement agency to determine if an applicant has cooperated with that law enforcement agency in the identification, apprehension, and conviction of the perpetrator of the crime." Ark. Code Ann. § 16-90-708(b). "[U]pon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, the board may deny, withdraw, or reduce an award of reparations. [...] This subsection does not apply if the claimant or victim is a victim of human trafficking or a minor victim of a sex offense, as defined in § 12-12-903." Ark. Code Ann. § 16-90-712(c). "Reparations shall not be awarded [...] Unless the criminally injurious conduct resulting in injury or death was reported to the proper authorities within seventy-two (72) hours after its occurrence, or the board finds there was good cause for the failure to report within that time[.]" Ark. Code Ann. § 16-90-712(a)(6). "The incident must have been reported to the proper authorities within 72 hours or would have been reported within the period of time except for good cause. (A) Good cause shall include, but not be limited to: (1) the physical incapacity of a victim, (2) the mental incompetence of a victim, (3) the age of the victim, (4) the injury was not reasonably discoverable." Code Ark. R. 015.12.1-2.3(3). "The claimant and/or victim must to the extent able, have cooperated with law enforcement officials during their investigation. The following issues may be considered when determining cooperation: 1. Failure to cooperate in the prosecution of the defendant or to appear as a witness. 2. Not cooperating initially but later deciding to cooperate and the delay allows the defendant to escape prosecution. 3. Not cooperating initially but later deciding to cooperate without any good cause as to the delay. 4. Causing extra or unnecessary effort on the part of law enforcement to gain prosecution. 5. Reluctantly providing information pertaining to the crime; failing to appear when requested, without good cause; giving false or misleading information; or attempting to avoid law enforcement. 6. Failing to prosecute or cooperate with law enforcement because of fear for his/her personal safety. 7. Failing to give testimony or otherwise cooperate with the prosecutor's office. 8. Failing to cooperate with Arkansas Crime Victims Reparations Board administrative staff by not returning requested information, not returning telephone calls, not providing accurate information, etc." Code Ark. R. 015.12.1-2.3(6).

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Reparations will not be awarded to a claimant who was the offender or an accomplice or to any person where the award would unjustly benefit the offender or accomplice. Additionally, a claimant or victim may be denied if such person was engaged in any illegal activity during the victimization.	Reparations shall not be awarded: To a claimant who was the offender or an accomplice of the offender; To another person if the award would unjustly benefit the offender or accomplice. Ark. Code Ann. § 16-90-712(a)(2)-(a)(3). The award may not unjustly benefit the offender or accomplice except as permitted by the Arkansas Crime Victims Reparations Rules. Code Ark. R. 015.12.1-2.3(12). "The claimant and/or victim was not the offender or an accomplice of the offender. Claimant/victim may be denied if he/she has been engaged in an illegal activity during his/her victimization." Code Ark. R. 015.12.1-2.3(8). "Illegal activity may consist of any of the following but is not limited to: (a) victim was buying drugs; (b) victim was using drugs; (c) victim was a minor and drinking alcohol; (d) victim was in an illegal place of business, such as a crackhouse, house of prostitution, or gambling establishment. If claimant/victim contributed or was offender -- compensation shall not be awarded to a claimant/victim who was the offender or an accomplice to the offender or who encouraged or in any way participated in the criminally injurious conduct. Compensation may be diminished to the extent or the degree of responsibility for the cause of the injury or death attributable to the victim, as determined by the Board. In determining the amount of an award, the Arkansas Crime Victims Reparations Board shall determine whether, because of his conduct, the victim of such crime or the intervenor contributed to the infliction of his injury or to his death, and the Board shall reduce the amount of the award or reject the claim altogether, in accordance with such determination. Contribution is determined by the action portrayed by the victim at the time of or immediately preceding the crime. While there is no set formula for calculating the percentage of contribution to be assessed, the following factors should serve as a guideline: (1) If it appears that the victim was provoked by the defendant in a manner threatening bodily harm to the victim, and the victim acted in self defense, no contribution should be assessed. (2) If it appears that the victim was provoked by the defendant in a manner where bodily harm to the victim appeared unlikely, and the victim used poor judgment because of intoxication or other drug involvement, a 25% contribution factor should be assessed. (3) If it appears that the defendant was provoked by the victim in a manner where bodily harm appeared unlikely, a 50% contribution factor should be assessed. (4) If the victim is injured as a result of his conduct not being that of a prudent person, a 50% contribution factor should be assessed. (5) If it appears that the defendant was provoked by the victim in a manner where bodily harm to the defendant appears intentional, a 75% contribution factor should be assessed. (6) If it appears that the defendant was provoked by the victim in a manner where bodily harm to the defendant is unquestionable, a 100% contribution factor should be assessed and the claim denied. (7) If the victim is not wearing protective equipment as prescribed by law, a 25% contribution factor shall be assessed. This includes helmets, seat belts, etc. (8) If the victim was involved in drugs as verified by the police report or other official documents, a 100% contribution factor should be assessed and the claim denied." Code Ark. R. 015.12.1-2.3(8). "1. No portion of a compensation award shall unjustly benefit the offender or accomplice. However, no award shall be denied solely on the basis of the victim's familial relationship to the offender or the presence of the offender in the household at the time of the award. 2. In determining whether or not an award would unjustly benefit the offender, the following factors should be considered: a. The legal responsibilities of the offender to the victim and collateral resources available to the victim from the offender. Victims of family violence must not be penalized when collateral sources of payment are not viable. b. Payments to victims of family violence that only minimally or inconsequentially benefit the offender. c. The special needs of child witnesses to violence and child victims of criminal violence, especially when the perpetrator is a parent who may or may not live in the same residence. 3. Collateral resources available to the victim from the offender shall be considered when awarding a claim, however, the victim shall not be penalized for the failure of an offender to meet legal obligations to pay for the costs of the victim's recovery. 4. Payments to third-party providers shall be made to prevent cash intended for the victim's bills to be used by or on behalf of the offender. 5. The Board shall not penalize child victims by denying or delaying payment when offender or collateral resources are not forthcoming." Code Ark. R. 015.12.1-2.4.

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TOPIC	SUMMARY	DETAILED DESCRPTION
To Whom are Applications Made?	Arkansas Crime Victim Reparations Board (Administered by the Department of Public Safety).	*See* https://dps.arkansas.gov/crime-info-support/crime-victims-reparations-board/.
How are Applications Accepted?	Online applications are preferred.	"Victims may apply for compensation by submitting an application to the Arkansas Crime Victim's Reparations office. Applications are available from the Arkansas Crime Victim's Reparations office or from one of Arkansas's 28 elected prosecutors." https://dps.arkansas.gov/crime-info-support/crime-victims-reparations-board/about-cvrb/; https://dps.arkansas.gov/crime-info-support/crime-victims-reparations-board/. "Each law enforcement agency in the state shall keep application forms prepared and provided by the Crime Victims Reparations Board and make them available to any person upon request." Ark. Code Ann. § 16-90-708(a).
Who May Submit an Application?	Victim, dependent of a victim who has died due to the criminally injurious conduct, and any person authorized to act on behalf of such persons.	"Claimant" means "any of the following persons applying for reparations under this subchapter: (i) A victim; (ii) A dependent of a victim who has died because of criminally injurious conduct; or (iii) A person authorized to act on behalf of any of the persons enumerated in this subdivision (3)(A). [...] 'Claimant' shall not include a service provider[.]" Ark. Code Ann. § 16-90-703(3).
What Language Services are Available?	Not specified.	N/A.
General Documentation Requirements	A completed application form, itemized statement, and police offense report or other official documentation from the agency to which the incident was reported must be submitted.	"1. A victim, dependent of a victim, or person legally acting in behalf of the victim, must first secure a copy of the official Victims Reparations Application Form from their local prosecuting attorney's office, law enforcement agency, victim/witness coordinator, service provider or from the Board. Assistance in completing the form may be provided by the victim/witness coordinator or the prosecuting attorney's staff in districts that have no victim/witness coordinator. The Crime Victims Reparations Board staff will also be available to assist in the completion of the form. 2. A form must be completed in its entirety, and accompanied with an itemized statement and police offense report or other official documentation from the agency to which the incident was reported. 3. A victim must submit a Victims Reparations Application as a necessary (but not sufficient) condition of directly receiving payment. The Board may directly reimburse a medical-care provider for costs associated with a sexual-assault testing kit, even in the absence of a victim's application. Such costs, which include those associated with testing for sexually transmitted diseases, may be reimbursed regardless of which fund or cost center is used to make the reimbursement. 4. The staff of the Board shall log the application as being received and begin a thorough review and verification process. 5. The Board and staff have the authority to conduct investigations and/or request any additional information from the victim, the investigating law enforcement agency, medical personnel and/or facilities, witnesses, employers and others as may be deemed necessary for the proper review and verification of the application. 6. The staff shall make a thorough analysis of the application and attachments, then prepare staff comments relative to the application which shall be filed in the application folder along with supportive data that is pertinent to the investigation. 7. The administrative staff shall have the authority to review and decide crime victim reparations claims up to the maximum allowable amount of Ten Thousand Dollars ($10,000) or Twenty-five Thousand Dollars ($25,000) for victims whose injuries are catastrophic and result in a total and permanent disability. 8. The administrative staff of the Board shall then make a decision regarding the claim. The claimant/victim shall be mailed notification of the administrative decision within fifteen (15) calendar days by mail. If the claim is denied the claimant/victim will be notified by certified mail, return receipt requested." Code Ark. R. 015.12.1-2.6.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical care Rehabilitation Rehabilitative occupational training Crime scene cleanup Other remedial treatment and care Funeral, cremation, or burial expenses Charges incurred for needed products, services, and accommodations	“Allowable expense” means "charges incurred for needed products, services, and accommodations, including, but not limited to: (i) Medical care; (ii) Rehabilitation; (iii) Rehabilitative occupational training; (iv) Crime scene cleanup; and (v) Other remedial treatment and care. [...] 'Allowable expense' also includes a reasonable and necessary amount for expenses related to funeral, cremation, or burial[.]" Ark. Code Ann. § 16-90-703(1). "For victims, as defined by A.C.A. § 16-90-703(2), compensation is available for the following types of expenses: Economic loss sustained by the victim or a dependent arising from the criminally injurious conduct of another. Future economic loss is also compensable but may be reduced or discontinued if the recipient's circumstances change. For victims, as defined by A.C.A. § 16-90-703(2), compensation is available for the following types of expenses: Mental health expenses incurred as a result of the criminally injurious conduct of another. Awards for mental health expenses, for any victim, shall be made in accordance with guidelines established by a committee of mental health professionals appointed by the Arkansas Crime Victims Reparations Board." Code Ark. R. 015.12.1-2.2.
Requirements/Limits for Relocation Expenses	None identified.	N/A.
Requirements/Limits for Mental Health Expenses	In connection with claims for payment of mental health services, not covered by insurance, incurred by victims, the Board will pay a maximum of $2500 or provide for 6 months, whichever occurs first (subject to limited exceptions).	"1. In connection with claims for payment of mental health services, not covered by insurance, incurred by victims, the Board will pay a maximum of twenty-five Hundred Dollars ($2500) or provide for six (6) months, whichever occurs first, provided the treatment plan is submitted within thirty (30) days of the application to the Board for those victims receiving ongoing therapy or within thirty (30) days of beginning therapy for those victims who seek mental health treatment after making application to the board. This treatment plan must state the basis for the necessity of such treatment, the anticipated extent of the treatment, and the relationship of the treatment to the crime perpetrated upon the victim and whether or not the diagnosis is related to a pre-existing condition. 2. A mandatory review by the Board is required after ninety (90) or twenty-five hundred dollars ($2500), whichever occurs first, should the victim of the provider find that further services are required. a. The provider will be required to submit a new treatment plan to justify the continued need for the treatment and its continued relationship to the crime. b. The Board may way the maximum upon a justification of special need based upon documentation to be submitted by the provider. c. The Board also reserves the right to have any mental health claims and treatment plans reviewed by an independent peer review committee should it so desire." Code Ark. R. 015.12.1-2.11

ARKANSAS

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	To be eligible for work loss, the victim must have been employed at the time of the incident. Attach a copy of your most recent pay stub from your employer. If you are self-employed, you must furnish copies of your tax returns from the last three (3) years so lost wages can be most accurately determined. You must also provide the complete name and address of the physician who can verify your disability period, or you may attach a copy of a recent disability statement. The Reparations Board may provide “loss of support” to dependents of deceased victims who were employed at the time of the incident. The person seeking this loss of support must be the guardian of any dependents for which you are requesting benefits. You must attach copies of the deceased victim’s last three (3) years’ tax returns. You must also provide verification regarding the denial or receipt of any benefits from the Social Security Administration. You must be the legal guardian of a minor dependent to request loss of support on their behalf and must provide verification of guardianship.	“Work loss” means "loss of income from work the victim or claimant would have performed if the victim had not been injured or died, reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work that he or she was capable of performing but unreasonably failed to undertake." Ark. Code Ann. § 16-90-703(12). *See* https://dps.arkansas.gov/wp-content/uploads/CVRB-Application_10-6-2023.pdf.
Requirements/Limits for Medical Expenses	The Board will award up to 65% of medical bills, not to exceed a total reimbursement of $10,000. However, for those victims whose injuries are catastrophic and result in a total and permanent disability, the total reimbursement shall not exceed $25,000.	"(a) The Crime Victims Reparations Board shall award payment for a healthcare service under this subchapter in the same manner as the medical fee schedule established for workers' compensation claims under § 11-9-517. (b)(1) The board, a claimant, or a victim is not liable for healthcare service charges in excess of the medical fee schedule under subsection (a) of this section. (2) A healthcare provider shall accept payment from the board as payment in full for healthcare service charges unless an investigation of the healthcare service charges by the board determines that there is a reasonable healthcare justification for a deviation from the medical fee schedule. (c) The board may contract with a third-party vendor to process payment for healthcare services under this subchapter." Ark. Code Ann. § 16-90-720. "In connection with claims for payment on medical bills, not covered by insurance, made by victims, the Board will award up to 65% of medical bills, not to exceed a total reimbursement of $10,000. However, for those victims whose injuries are catastrophic and result in a total and permanent disability, the total reimbursement shall not exceed $25,000. The provider of medical services to whom the award is made will be notified that by accepting the payment of 65% of their bill, they are agreeing not to commence civil actions against the victim or his legal representative to recover the balance due under the bill. Acceptance of payment for services paid by the Arkansas Crime Victims Reparations Board shall be considered payment in full and bars any legal action for collection." Code Ark. R. 015.12.1-2.10.
Timeframe to Obtain Benefits	Notice of approval or denial will be provided by mail within 15 days of the determination having been made.	"The administrative staff of the Board shall then make a decision regarding the claim. The claimant/victim shall be mailed notification of the administrative decision within fifteen (15) calendar days by mail. If the claim is denied the claimant/victim will be notified by certified mail, return receipt requested." Code Ark. R. 015.12.1-2.6.

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Emergency Assistance Available?	Yes.	"If the board determines that the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant and shall be deducted from the final award or shall be repaid and recoverable from the claimant to the extent that it exceeds the final award." Ark. Code Ann. § 16-90-716(c). "The Board may make or authorize the Administrator to make an advance (emergency) award of compensation to the claimant/victim prior to taking action on an application and pending a final decision when it appears the claim is one for which compensation is probable and undue hardship will result to the claimant/victim if immediate payment is not made. The claimant/victim may request in the application that consideration be given for an advance award and provide justification for such award. A decision denying emergency relief shall not be appealable. The amount of such advance (emergency) award shall not exceed Five Hundred Dollars ($500). Any advance award shall be deducted from the final compensation made to the claimant/victim. If the final award amount is less than the amount of the advance award, the claimant/victim must repay the excess to the Board. If an emergency award is made and the claimant/victim later does not follow through with prosecution or some other requirement of this program, the claimant/victim will be required to reimburse the Board for the amount of the award made. Criteria for payment of emergency awards is listed below: a. Claimant/victim is without an income at the time of application resulting in loss of food, heat or shelter. b. Claimant/victim cannot receive emergency service (i.e. burial) without the emergency payment. Documentation required: a. Proof of financial emergency should be obtained for the file such as notice of eviction from the landlord or a shut-off notice from the power company. b. If no proof is available, then the investigator should note in file why he/she thinks the application is considered an emergency. c. There must be contact with the investigating law enforcement officer to verify what occurred, the victim's innocence and the victim's cooperation. A law enforcement offense report and Crime Victims Reparations Board Law Enforcement Form must be included in the file. d. For wage loss claims, the employer may be contacted by telephone but the written verification must follow to go in the file. If self-employed applicant must provide a copy of his/her last three (3) years tax return or check stubs for the last three (3) months as proof of his/her income. If proof is not available, lost wages can not be considered. e. If the injury is not commensurate with the time lost from work, a doctor's excuse will be required. f. Claimant/victim is required to sign a promissory (demand) note which must be signed and executed by the claimant/victim with the Administrator prior to receiving the emergency award." Code Ark. R. 015.12.1-2.7.
Compensation Cap (Overall)	Eligible victims may qualify for up to $10,000 for medical care, counseling, lost wages, funeral expenses, crime scene clean up and loss of support for dependents of deceased victims. Victims suffering catastrophic injuries may qualify for up to $25,000.	*See* https://dps.arkansas.gov/crime-info-support/crime-victims-reparations-board/about-cvrb/. "Reparations payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed ten thousand dollars ($10,000). However, for those victims whose injuries are catastrophic and result in a total and permanent disability, the maximum reparations amount shall not exceed twenty-five thousand dollars ($25,000)." Ark. Code Ann. § 16-90-716(a). Compensation payable to a victim or claimant incurring expenses due to injury or death may not exceed a total of Ten Thousand Dollars ($10,000.00). However, for those victims whose injuries are catastrophic and result in a total and permanent disability, the maximum reparations amount shall not exceed $25,000. Compensation for funeral expenses of deceased victims may not exceed $7,500." Code Ark. R. 015.12.1-2.5(1)-(2).
Sources of Funding	The program is funded by fees collected from criminal offenders and a federal grant through the Victims of Crime Act, administered by the U.S. Department of Justice.	*See* https://dps.arkansas.gov/crime-info-support/crime-victims-reparations-board/about-cvrb/.

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	The claimant/victim shall have the right to appeal and may do so by notifying the administrative staff of the Board, in writing, by certified mail, return receipt requested, of the intent to appeal within 45 calendar days of the date of the notification letter setting forth the Board's decision. The claimant/victim, if not successful in the appeal to the Board shall then have 30 days from the receipt of the decision to file a petition for judicial review.	"Every party to the claim shall be afforded an opportunity to appear and be heard, to offer evidence and argument on any issues relevant to the claim, and to examine witnesses and offer evidence to reply to any matter of an evidentiary nature in the record relevant to the claim. A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Crime Victims Reparations Board. Without a hearing, the board may settle a claim by stipulation, agreed settlement, consent order, or default." Ark. Code Ann. § 16-90-709. "(1) On its own motion or on request of the claimant, the board may reconsider a decision granting or denying an award or determining its amount. (2) An order on reconsideration of an award shall not require a refund of amounts previously paid unless the award was obtained by fraud. (3) Reconsideration does not affect the finality of a board decision for the purpose of judicial review." Ark. Code Ann. § 16-90-712(d). "1. In the event an application for compensation is approved in a modified form or denied, the administrative staff of the Board shall notify the claimant/victim by certified mail, return receipt requested, within fifteen (15) calendar days setting forth the basis of the decision. 2. The claimant/victim shall have the right to appeal and may do so by notifying the administrative staff of the Board, in writing, by certified mail, return receipt requested, of the intent to appeal within forty-five (45) calendar days of the date of the notification letter setting forth the Board's decision. 3. The claimant/victim shall then be entitled to a formal hearing before the Board. The hearing shall be held within ninety (90) calendar days of the date of the notice from the claimant/victim stating the intent to appeal. 4. The claimant/victim or an authorized representative, in the event the claimant/victim is incapacitated must be present at the appeal hearing. In an appeals hearing, all parties shall be afforded an opportunity to appear and be heard. A record of the proceedings shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Board. 5. Notification of Board meetings shall be made in compliance with Arkansas Code Annotated § 25-19-101 -- 25-19-107 -- the Arkansas Freedom of Information Act. 6. All agendas and supporting documentation necessary shall be mailed to the Board ten (10) calendar days in advance of the Board meeting. 7. The Board may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default. 8. The Board shall render its decision relative to the appeal within ten (10) calendar days of the formal hearing and the claimant/victim will be notified by mail. 9. The claimant/victim, if not successful in the appeal to the Board shall then have thirty (30) days from the receipt of the decision to file a petition for judicial review pursuant to Arkansas Code Annotated 25-15-212 in the circuit court of his/her county of residence or in Pulaski County." Code Ark. R. 015.12.1-2.8.

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	The board shall not require any claimant to seek or accept any collateral source contribution unless the claimant was receiving those benefits prior to the occurrence giving rise to the claim. However, the net amount of compensation requested in the application must not have been paid by another source.	"(a) If reparations are awarded, the state shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that reparations were awarded. (b)(1) In the event the claimant recovers reparations, other than under the provisions of this subchapter for injuries or death resulting from criminally injurious conduct, the claimant shall retain as trustee so much of the recovered funds as necessary to reimburse the Crime Victims Reparations Revolving Fund to the extent that reparations were awarded to the claimant from that fund. (2) The funds retained in trust shall be promptly deposited into the fund. (c)(1) If a claimant brings an action to recover damages related to the criminally injurious conduct upon which reparations are claimed or awarded, the claimant shall give the Crime Victims Reparations Board written notice of the action. (2) After receiving the notice, the board may join in the action as a party plaintiff to recover the reparations awarded. (d) The board shall not require any claimant to seek or accept any collateral source contribution unless the claimant was receiving those benefits prior to the occurrence giving rise to the claim under the provisions of this subchapter." Ark. Code Ann. § 16-90-714. “Collateral source” means "a source of benefits or advantages for economic loss which the claimant has received or which is readily available to the claimant from any one (1) or more of the following: (A) The offender; (B) The United States Government or any agency thereof in the form of benefits, such as Social Security, Medicare, and Medicaid; (C) A state or any of its political subdivisions; (D) State-required temporary nonoccupational disability insurance; (E) Workers' compensation; (F) Wage continuation programs of any employer; (G) Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct; or (H) A contract providing prepaid hospital and other healthcare services or benefits for disability[.]" Ark. Code Ann. § 16-90-703(4). "The net amount of compensation requested in theapplication must not have been paid by another source." Code Ark.
References and Resources		https://dps.arkansas.gov/crime-info-support/crime-victims-reparations-board/ Ark. Code Ann. § 16-90-701 et seq. Code Ark. R. 015.12.1-2.1 et seq.

CALIFORNIA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Applications must be made within 7 years of the date of the crime or, for a minor, within 7 years of the victim or derivative victim's 21st birthday. Extensions may be available, at CalVCB's discretion.	**Timeframe for Applications:** •Adults: Must apply within 7 years of (i) the date of the crime; or (ii) the date the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. Cal. Gov't Code § 13953(a). •Minors: Must apply within 7 years after (i) the victim or derivative victim's 21st birthday; or (ii) the date the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. Cal. Gov't Code § 13953(a). **Special Rules for Derivative Victims:** The period prescribed for filing an application by or on behalf of a derivative victim shall be tolled when the CalVCB accepts the application filed by a victim of the same qualifying crime. Cal. Gov't Code § 13953(c). The period of limitations for filing an application is tolled for derivative victims when the Board accepts and files an application that was submitted by, or on behalf of, a victim for the same qualifying crime. Cal. Code Regs. tit. 2, § 649.16(a). **Extensions:** The CalVCB may for good cause grant an extension of the time periods outlined above. In making this determination, the CalVCB must consider both of the following: •Whether the victim or derivative victim incurs emotional harm or a pecuniary loss while testifying during the prosecution or in the punishment of the person accused or convicted of the crime. •Whether the victim or derivative victim incurs emotional harm or a pecuniary loss when the person convicted of the crime is scheduled for a parole hearing or released from incarceration. Cal. Gov't Code § 13953(b). "A request for relief from the period of limitations on grounds of good cause must be filed with the Board in writing no more than 30 calendar days following the date notice is mailed to the applicant and/or their representative of the late filing. The request shall include a statement under penalty of perjury which describes the reasons the applicant was unable to file their claim within the applicable limitations period. An applicant failing to submit a request for relief in writing within the 30 calendar days will have their application recommended for denial. [...] An applicant seeking relief from the period of limitations on the filing of an application shall, with their request for relief and accompanying statement, submit any corroborating documents which serve to verify the stated justification(s) for late filing. [...] In determining whether good cause exists to justify the late filing of an application, Board staff may consider other factors in determining whether good cause exists, including, but not limited to the following: (1) The physical, emotional, psychological, or developmental condition of the victim (for example, victim's age, cultural or linguistic barriers, disabilities, mental health diagnosis); (2) Whether the victim sought treatment for interpersonal crimes upon which the application is based (for example, sexual assault, child molestation, domestic violence, human trafficking, or child abuse) within one year of the filing date; or (3) Whether the victim incurred a new pecuniary loss within one year of the filing date as a direct result of the qualifying crime. [...] If Board staff does not find good cause for the late filing and recommends that the application be denied, the applicant may request a hearing to determine the existence or nonexistence of good cause. [...] In all cases the determination by the Board as to the existence or nonexistence of good cause constitutes the final administrative determination on the issue, subject only to a proper motion for reconsideration upon a showing of new and additional evidence not reasonably available at the time of the initial hearing. Nothing in this section shall be construed to prevent an applicant or their representative from filing the above stated declaration and request for relief upon a showing of good cause simultaneously with the late application." Cal. Code Regs. tit. 2, § 649.15. **Limitations on Specific Expenses:** No reimbursement may be made for any expense that is submitted more than three years after it is incurred by the victim or derivative victim, unless (i) the victim or derivative victim has affirmed the debt and is liable for the debt at the time the expense is submitted for reimbursement; or (ii) has paid the expense as a direct result of a crime fc which a timely application has been filed or has paid the expense as a direct result of a crime for which an application has been filed and approved. Cal. Gov't Code § 13957.7(a).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Identity of Person Seeking Compensation	Compensation may be sought for any of the following persons: •Victim: An individual who sustains injury or death as a direct result of a qualifying crime. •Derivative Victim: Any individual who sustains pecuniary loss as a result of injury or death to a victim. *See* Detailed Description for addition requirements applicable to derivative victims. •Person Seeking Reimbursement for Certain Expenses: Where a victim dies as a result of a crime, any individual who voluntarily and without anticipation of personal gain pays or assumes the obligation to pay funeral and burial expenses and/or crime scene cleanup for crimes occurring in a residence or vehicle, may seek limited related reimbursement.	Compensation may be sought for any of the following persons: •Victim: An individual who sustains injury or death as a direct result of a qualifying crime. See Cal. Gov't Code § 13951(g). •Derivative Victim: Any individual who sustains pecuniary loss as a result of injury or death to a victim. See Cal. Gov't Code § 13951(c). To be eligible for compensation a Derivative Victim must be a resident of California or another state and meet one of the following criteria: o At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim. o At the time of the crime was living in the household of the victim. o At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in paragraph (1). o Is another family member of the victim, including, but not limited to, the victim's fiancé or fiancée, and who witnessed the crime. o Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime. Cal. Gov't Code § 13955(c); *see* Cal. Code Regs. tit. 2, § 649.13, for more information on derivative victim qualification requirements. An applicant shall only be eligible once as a derivative victim of a crime regardless of the number of direct victims for that same crime. A derivative victim's application shall be denied if the direct victim's application is denied for lack of a qualifying crime. The Board shall determine the eligibility of a derivative victim's application regardless of whether the direct victim has applied to the Board for the crime on which the derivative victim's application is based. An applicant shall either be eligible as a direct or derivative victim. An applicant cannot be eligible as both a direct victim and a derivative victim for the same qualifying crime. Cal. Code Regs. tit. 2, § 649.16. •Person Seeking Reimbursement for Certain Expenses: Additionally, where a victim dies as a result of a crime, any individual who voluntarily and without anticipation of personal gain pays or assumes the obligation to pay certain expenses including funeral and burial expenses and crime scene cleanup for crimes occurring in a residence or vehicle, may seek certain forms of reimbursement. See Cal. Gov't Code § 13952(b)(1), 13957(8)(B), (9), (10). See Cal. Gov't Code §§ 13952(b)(1), 13955(a). •Minor Witnesses: A minor witness is a person under the age of 18 who suffers an emotional injury as a direct result of seeing or hearing a violent crime, and was in close physical proximity to the victim when he or she witnessed the crime. Cal. Code Regs. tit. 2, § 649.14 (*see* this section for additional information on who may or may not qualify as a minor witness eligible for certain compensation). •Ineligible Persons: Under the provisions of Government Code Section 13951(g), “victim” shall not include an “individual” who merely provides medical or medically related services, funeral and/or burial services, estates, or corporations. Further, providers, estates, or corporations are not eligible to file an application with the VCP. Cal. Code Regs. tit. 2, § 649.12.

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	Any crime resulting in physical or qualifying emotional injury to a victim or derivative victim may constitute the basis for a claim for compensation.	The crime in connection with which compensation is sough must have resulted in injury or death, and such injury or death must have resulted in pecuniary loss within the scope of available compensation. *See* Cal. Gov't Code § 13955(g). Specifically, as a direct result of the crime, the victim or derivative victim must have sustained one or more of the following: •Physical injury. The CalVCB may presume a child who has been the witness of a crime of domestic violence has sustained physical injury. A child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed by the CalVCB to have sustained physical injury, regardless of whether the child has witnessed the crime. •Emotional injury and a threat of physical injury. •Emotional injury (in some, but not all, cases; *see* below). •Injury to, or the death of, a guide, signal, or service dog, as defined in Section 54.1 of the Civil Code, as a result of a violation of Section 600.2 or 600.5 of the Penal Code. •Emotional injury to a victim who is a minor incurred as a direct result of the nonconsensual distribution of pictures or video of sexual conduct in which the minor appears. *See* Cal. Gov't Code § 13955(f). Recovery for emotional injury is available only where the crime was a violation of any of the following provisions: •Section 236.1, 261, former Section 262, 271, 273a, 273d, 285, 286, 287, 288, former Section 288a, Section 288.5, 289, or 653.2 of, or subdivision (b) or (c) of Section 311.4 of, the Penal Code. •Felony violations of subdivision (a) of Section 187 of, Section 203, 206, 207, 209, 209.5, 210, 220, 264.1, 269, 288.7, or 646.9 of, or any crime punishable pursuant to Section 667.61 or 667.71 of, or attempted violations of Section 187 of, the Penal Code. •Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed. •Section 261.5 of the Penal Code, and criminal charges were filed. •Section 278 or 278.5 of the Penal Code, and criminal charges were filed. For purposes of this paragraph, the child, and not the nonoffending parent or other caretaker, shall be deemed the victim. Cal. Gov't Code § 13955(f)(3).
Eligibility Requirements: Geographic Nexus	The crime must occur in California or the victim must be one of the following (i) a California resident; (ii) a member of the military stationed in California; or (iii) a family member living with a member of the military stationed in California. A California resident who is a victim of a qualifying crime that occurred entirely outside California must apply first for assistance in the state where the qualifying crime occurred, unless that state does not provide assistance to non-resident victims.	The crime must occur in California or the victim must be one of the following (i) a California resident; (ii) a member of the military stationed in California; or (iii) a family member living with a member of the military stationed in California. Cal. Gov't Code § 13955(b); Cal. Code Regs. tit. 2, § 649(a)(25). A California resident who is a victim of a qualifying crime that occurred entirely outside California must apply first for assistance in the state where the qualifying crime occurred, unless that state does not provide assistance to non-resident victims. Cal. Code Regs. tit. 2, § 649.2(a). A California resident who is a victim of a qualifying crime that occurred entirely outside California who is eligible for assistance shall not receive assistance until one of the following occurs: (i) the program of the state in which the qualifying crime occurred determines that the person is not eligible for the program; or (ii) the program benefits of the state in which the qualifying crime occurred are exhausted or denied or requested benefits are not eligible for reimbursement by the other state. Cal. Code Regs. tit. 2, § 649.2(b)-(c).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Criminal Background of Victim	There are limitations on the periods during which compensation may be received by persons convicted of certain violent felonies or required to register as sex offenders.	**General Limitations:** "The CalVCB shall accept an application or a petition for relief to file a late application from a person who has been convicted of a violent felony or is required to register as a sex offender in the same manner as other applicants. The CalVCB shall not refuse to accept an application because the applicant is presently incarcerated, because the applicant is required to register as a sex offender, or has been convicted of a violent felony and has not been discharged from probation or released from a correctional institution and discharged from parole, or because the applicant has not been released from a county jail or county prison and discharged from post-release community supervision." Cal. Code Regs. tit. 2, § 649.4(a). "The pecuniary loss for which reimbursement is barred because it was sustained after the person was required to register as a sex offender or had been convicted of a violent felony and before the person was discharged from probation, released from a correctional institution and discharged from parole, or released from a county jail or county prison and discharged from post-release community supervision will not become reimbursable if the person is no longer required to register as a sex offender or upon the person's discharge from probation or release from a correctional institution and discharge from parole." Cal. Code Regs. tit. 2, § 649.4(b)(3). **Limitations on Compensation for Persons Convicted of Violent Felonies:** A person who is convicted of a violent felony listed in Cal. Penal Code § 667.5(c) may not be granted compensation until that person has been discharged from probation or has been released from a correctional institution and has been discharged from parole, or has been discharged from postrelease community supervision or mandatory supervision, if any, for that violent crime. Such person may apply for compensation at any time, but the award of that compensation may not be considered until the applicant meets the requirements set forth above. See Cal. Gov't Code § 13956(c). "The CalVCB shall not grant assistance to a person who has been convicted of a violent felony committed on or after January 1, 1989, when the assistance is to compensate for pecuniary loss sustained after the person was convicted of the violent felony and before the person is discharged from probation, has been released from a correctional facility and is discharged from parole, or has been released from a county jail or county prison and discharged from post-release community supervision, if any. [...] The CalVCB shall grant assistance to a person otherwise eligible for assistance who has been convicted of a violent felony to compensate for pecuniary loss sustained as a result of victimization when the loss was incurred after discharge from probation, parole, or post-release community supervision." Cal. Code Regs. tit. 2, § 649.4(b)(1)-(2). **Limitations on Compensation for Persons Required to Register as Sex Offenders:** Compensation shall not be granted to an applicant pursuant to this chapter during any period of time the applicant is held in a correctional institution or while an applicant is required to register as a sex offender pursuant to Cal. Penal Code § 290. See Cal. Gov't Code § 13956(c). **Impact on Derivative Victims:** "The fact that a victim is disqualified from receiving assistance under section 649.4(b) shall not affect the eligibility of a derivative victim of the same qualifying crime who is otherwise eligible for assistance. [...] The fact that a derivative victim is disqualified from receiving assistance under section 649.4(b) shall not affect the eligibility of a victim of the same qualifying crime who is otherwise eligible for assistance." Cal. Code Regs. tit. 2, § 649.5.
Citizenship Requirement?	None	

TOPIC	SUMMARY	DETAILED DESCRPTION
Is a Police Report or Cooperation with Law Enforcement Required?	An application by a human trafficking victim may not be denied solely because a police report was not made by the victim. Alternative evidence of human trafficking may include an affidavit from a human trafficking caseworker.	Victims must reasonably cooperate with law enforcement during the investigation and prosecution of the crime. An application shall be denied if the CalVCB finds that the victim or, if compensation is sought by, or on behalf of, a derivative victim, either the victim or derivative victim failed to cooperate reasonably with a law enforcement agency in the apprehension and conviction of a criminal committing the crime. See Cal. Gov't Code § 13956(b)(1). *However*, an application for a claim based on human trafficking as defined in Section 236.1 of the Penal Code shall not be denied solely because a police report was not made by the victim. The CalVCB shall adopt guidelines that allow the CalVCB to consider and approve applications for assistance based on human trafficking relying upon evidence other than a police report to establish that a human trafficking crime has occurred. Cal. Gov't Code § 13956(b). Factors that may be considered evidence of human trafficking include, but are not limited to: (a) Law Enforcement Agency Endorsement issued pursuant to Section 236.2 of the Penal Code; (b) human trafficking caseworker as identified in Section 1038.2 of the Evidence Code, has attested by affidavit that the individual was a victim of human trafficking; (c) certification or eligibility letter from a government agency for a special visa as a refugee due to human trafficking or other government benefits as a result of human trafficking; or (d) medical records documenting injuries consistent with human trafficking. Medical or mental health records alone shall not be sufficient evidence that the qualifying crime of human trafficking occurred. Cal. Code Regs. tit. 2, § 649.48. In determining whether cooperation has been reasonable, the CalVCB shall consider the victim's or derivative victim's age, physical condition, and psychological state, cultural or linguistic barriers, any compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family or the derivative victim or the derivative victim's family, and giving due consideration to the degree of cooperation of which the victim or derivative victim is capable in light of the presence of any of these factors. See Cal. Gov't Code § 13956(b)(1). In general, a conviction shall be sufficient proof that a crime occurred. Significant weight may be given to the evidence from and conclusions of a law enforcement agency after investigation of the qualifying crime when determining whether or not a qualifying crime occurred. Factors that may be considered as evidence of a qualifying crime include, but are not limited to: (1) an admission of guilt to law enforcement; and (2) the filing of a criminal charge for the qualifying crime. Medical or mental health records alone may not be sufficient evidence that a qualifying crime occurred. Cal. Code Regs. tit. 2, § 649.38. *See* Cal. Code Regs. tit. 2, §§ 649.59, 649.60, 649.61, for additional discussion of specific requirements relating to cooperation with law enforcement, and the impact of failure to cooperate.

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Involvement in the events leading to the crime may be grounds for denial of an application. However, a multifactorial analysis may be undertaken, and involvement may be mitigated by other factors. Additionally, exceptions exist for certain forms of rape, domestic abuse, and unlawful sexual intercourse with a minor as well as self-defense.	An application may be denied, in whole or in part, if the CalVCB finds that denial is appropriate because of the nature of the victim's or other applicant's involvement in the events leading to th crime, or the involvement of the person whose injury or death gives rise to the application. See Cal. Gov't Code § 13956(a). However, committing a crime will not be considered involvement if the victim's injury or death occurred as a direct result of a crime committed in violation of Section 261 (rape), 273.5 (certain forms of domestic abuse), or former Section 262 of, or for a crime c unlawful sexual intercourse with a minor in violation of subdivision (d) of Section 261.5 of, the Penal Code. Id. **Factors Indicating Involvement:** Factors that may be considered in determining whether the victim or derivative victim was involved in the events leading to the qualifying crime include, but are not limited to: (i) The victim or derivative victim initiated the qualifying crime, or provoked or aggravated the suspect into initiating the qualifying crime; (ii) The qualifying crime was a reasonably foreseeable consequence of the conduct of the victim or derivative victim; (iii) The victim or derivative victim was committing a crime that could be charged as a felony and reasonably lead to the victim being victimized. See Cal. Gov't Code § 13956(a)(1). Significant weight may be given to the evidence from and conclusions of a law enforcement agency after investigation of the qualifying crime when determining whether the victim or derivative victim was involved in the events leading to the qualifying crime. Cal. Code Regs. tit. 2, § 649.52(a). Factors that shall be considered when determining whether a minor victim or derivative victim was involved in the events leading to a qualifying crime include, but are not limited to: (1) age; (2 physical condition; (3) psychological or emotional condition; (4) compelling health or personal safety factors; (5) reasonable fear of retaliation or harm to self or family." Cal. Code Regs. tit. 2, § 649.52(b). **Factors Mitigating Involvement:** If the victim is determined to have been involved in the events leading to the qualifying crime, factors that may be considered to mitigate or overcome involvement include, but are not limited to: (i) The victim's injuries were significantly more serious than reasonably could have been expected based on the victim's level of involvement; (ii) A third party interfered in a manner not reasonably foreseeable by the victim or derivative victim; or (iii) The CalVCB shall consider the victim's age, physical condition, and psychological state, a well as any compelling health and safety concerns, in determining whether the application should be denied pursuant to this section. The application of a derivative victim of domestic violence under 18 years of age or derivative victim of trafficking under 18 years of age shall not be denied on the basis of the denial of the victim's application. See Cal. Gov't Code § 13956(a)(2). If factors listed in Government Code section 13956(a)(2) overcome the victim or derivative victim's involvement, the application will be granted and the victim or any individual who pays the victim's expenses as stated in Government Code section 13957(a)(9) shall be eligible for Program benefits. If factors listed in Government Code section 13956(a)(2) mitigate the victim or derivative victim's involvement but do not overcome that involvement, the application will be granted in part, and the victim or any individual who pays the victim's expenses as stated in Government Code section 13957(a)(9) shall only be eligible for medical expenses incurred on behalf of the victim on or after the date of the qualifying crime and funeral/burial expenses incurred on behalf of the victim. Cal. Code Regs. tit. 2, § 649.57. A victim shall not be found to be involved in the events leading to the qualifying crime if the sole involvement of the victim was in self-defense. Cal. Code Regs. tit. 2, § 649.58.
To Whom are Applications Made?	California Victim Compensation Board ("CalVCB")	California Victim Compensation Board ("CalVCB"). *See* Cal. Gov't Code § 13952(a).
How are Applications Accepted?	•Online through CalVCB Online. •By paper form (i) with the assistance of a local victims advocate; or (ii) by printing and completing an application by mail.	**CalVCB provides:** •"To apply online: Create a CalVCB Online account or login[.]" *See* https://victims.ca.gov/for-victims/how-compensation-works/#Steps_to_apply. Online accounts may be created through: https://online.victims.ca.gov/Home/ApplicantInfo. •"To apply by paper form: File with help from a local victims advocate, or Print, complete, and mail an Application for Crime Victim Compensation (available in 18 languages)[.]" *Id.* The paper form may be printed from: https://victims.ca.gov/forms/?vcb_service=&vcb_language=&search_keyword=application.

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Who May Submit an Application?	An application must be signed by one of the following: •Victim •Derivative Victim •Individual seeking reimbursement for burial, funeral, or crime scene cleanup expenses •For a minor: parent with legal custody, guardian, conservator, or relative caregiver (or in some cases, for certain medical or mental health expenses, the minor his or herself) Applicants may select an authorized representative to assist with submitting an application and corresponding with CalVCB. Representatives may include staff advocates at Local Victim Witness Assistance Centers, attorneys, or others.	Each application must be verified under penalty of perjury by the following, as appropriate: •The Victim, meaning any individual who sustains injury or death as a direct result of a qualifying crime. See Cal. Gov't Code § 13951(g). •The Derivative Victim, meaning any individual who sustains pecuniary loss as a result of injury or death to a victim. See Cal. Gov't Code § 13951(c). •The individual seeking reimbursement for burial, funeral, or crime scene cleanup expenses •If the individual seeking compensation is a minor or incompetent, by the parent with legal custody, guardian, conservator, or relative caregiver of the victim or derivative victim for whom the application is made. •If the individual seeking compensation is a minor seeking compensation only for expenses for medical, medical-related, psychiatric, psychological, or other mental health counseling-related services and the minor is authorized by statute to consent to those services, the minor may verify the application. *See* Cal. Gov't Code § 13952(b). CalVCB may recognize an authorized representative of the victim or derivative victim, who shall represent the victim or derivative victim. Cal. Gov't Code § 13952(d)(1). Any of the following may be an authorized representative: **Chosen Representative**: Any person who has written authorization by the victim or derivative victim. However, a medical or mental health provider, or agent of the medical or mental health provider, who has provided services to the victim or derivative victim shall not be allowed to be an authorized representative. Chosen representatives may include: o Assistance Centers: Local Victim Witness Assistance Centers have advocates on staff who may assist victims (in person) with applications. o Attorneys: Victims may engage an attorney for assistance with a claim. **Person Designated by Law**: Any person designated by law including, but not limited to, a legal guardian, conservator, or social worker. Cal. Gov't Code § 13952(d)(2). *NOTE*: Except for attorney's fees awarded under the California Indemnification of Victims of Crime Law, no authorized representative may charge, demand, receive, or collect any amount for services rendered as an authorized representative. See Cal. Gov't Code § 13952(d)(3). The CalVCB shall pay attorney's fees representing the reasonable value of legal services rendered to the applicant, in an amount equal to 10 percent of the amount of the award, or five hundred dollars ($500), whichever is less, for each victim and each derivative victim. An attorney may not charge, demand, receive, or collect any amount for services rendered in connection with any proceedings under this chapter except as awarded under this chapter. A private nonprofit agency shall be reimbursed for its services at the level of the normal and customary fee charged by the private nonprofit agency to clients with adequate means of payment for its services, except tha this reimbursement may not exceed the maximum reimbursement rates set by the CalVCB and may be made only to the extent that the victim otherwise qualifies for compensation under this chapter and that other reimbursement or direct subsidies are not available to serve the victim. Cal. Gov't Code § 13957.7(g), (h).
What Language Services are Available?	Applications may be submitted in any of the following languages and CalVCB will conduct all subsequent communications in that language: •English •Spanish •Chinese •Vietnamese •Korean •East Armenian •Tagalog •Russian •Arabic •Farsi •Hmong •Khmer •Punjabi •Lao	The initial application materials sent by CalVCB to an applicant shall be written in English, Spanish, Chinese, Vietnamese, Korean, East Armenian, Tagalog, Russian, Arabic, Farsi, Hmong, Khmer, Punjabi, and Lao. If the applicant selects one of the languages listed here, CalVCB will send all subsequent communications in that language. Cal. Gov't Code § 13952(d)(4).

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General Documentation Requirements	CalVCB may request documentation from the applicant and from relevant third parties including hospitals, physicians, law enforcement officials, and other interested parties. Failure to provide requested documentation, providing false information, or otherwise refusing to cooperate with CalVCB may result in a denial of an application.	**Documentation from Third Parties:** The CalVCB shall verify with hospitals, physicians, law enforcement officials, or other interested parties involved, the treatment of the victim or derivative victim, circumstances of the crime, amounts paid or received by or for the victim or derivative victim, and any other pertinent information deemed necessary by the CalVCB. Verification information shall be returned to the CalVCB within 10 business days after a request for verification has been made by the CalVCB. Verification information shall be provided at no cost to the applicant, the CalVCB, or victim centers. Cal. Gov't Code § 13954(a). **Documentation from the Victim:** CalVCB may require submission of additional information supporting the application that is reasonably necessary to verify the application and determine eligibility for compensation. Cal. Gov't Code § 13952(c)(1). The staff of the CalVCB shall determine whether an application for compensation contains all of the information required by the CalVCB. If the staff determines that an application does not contain all of the required information, the staff shall communicate that determination to the applicant with a brief statement of the additional information required. The applicant, within 30 calendar days of being notified that the application is incomplete, may either supply the additional information or appeal the staff's determination to the CalVCB, which shall review the application to determine whether it is complete. Cal. Gov't Code § 13952(c)(2). **Documentation Limitations:** •Authorization for Release of Information: When requesting verification information, the CalVCB shall certify that a signed authorization by the applicant is retained in the applicant's file and that this certification constitutes actual authorization for the release of information, notwithstanding any other provision of law. If requested by a physician or mental health provider, the CalVCI shall provide a copy of the signed authorization for the release of information. Cal. Gov't Code § 13954(a). •Use of Documentation to Determine Eligibility for Compensation: The CalVCB shall not require an applicant to submit documentation from the Internal Revenue Service, the Franchise Tax CalVCB, the State CalVCB of Equalization, the Social Security Administration, or the Employment Development Department to determine eligibility for compensation. However, the CalVCB may require and use documentation from these entities to verify the amount of compensation for income or support loss. See Cal. Gov't Code § 13952(c)(3). **Failure to Provide Requested Documentation:** The applicant must cooperate with the staff of the CalVCB or the victim center in the verification of the information contained in the application. Failure to cooperate shall be reported to the CalVCB, which, in its discretion, may reject the application solely on this ground. An applicant may be found to have failed to cooperate with the CalVCB if any of the following occur: •The applicant has information, or there is information that he or she may reasonably obtain, that is needed to process the application or supplemental claim, and the applicant failed to provid the information after being requested to do so by the CalVCB. The CalVCB shall take the applicant's economic, psychosocial, and postcrime traumatic circumstances into consideration, and shall not unreasonably reject an application solely for failure to provide information. •The applicant provided, or caused another to provide, false information regarding the application or supplemental claim. •The applicant refused to apply for other benefits potentially available to him or her from other sources besides the CalVCB including, but not limited to, worker's compensation, state disability insurance, social security benefits, and unemployment insurance. •The applicant threatened violence or bodily harm to a member of the CalVCB or staff. Cal. Gov't Code § 13954(b). **Impact on Privilege:** A privilege is not waived under Section 912 of the Evidence Code by an applicant consenting to disclosure of an otherwise privileged communication if that disclosure is deemed necessary by the CalVCB for verification of the application. Cal. Gov't Code § 13954(g). **Additional Information:** *See* Cal. Code Regs. tit. 2, § 649.7, for additional information on the requirements for ensuring an application is complete.

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Categories of Benefits Available	•Medical or medical-related expenses •Mental health treatment or counseling •Funeral and burial •Income loss up to five years, if the crime disabled the victim. If the victim is permanently disabled, they may be reimbursed for longer. •Income loss up to two years if the crime is human trafficking •Support loss for dependents of a victim who is injured or dies •Up to 30 days income loss for the parent or legal guardian of a minor victim who is hospitalized or dies •Job retraining •Home or vehicle modifications for a victim left permanently disabled •Home security installation or improvement •Relocation •Crime scene clean-up •Veterinary fees or replacement costs for a guide, signal, or service dog •Round trip mileage costs to medical, dental, or mental health appointments •Mental health counseling for minors who witness a violent crime	•Medical or medical-related expenses •Mental health treatment or counseling •Funeral and burial •Income loss up to five years, if the crime disabled the victim. If the victim is permanently disabled, they may be reimbursed for longer. •Income loss up to two years if the crime is human trafficking •Support loss for dependents of a victim who is injured or dies •Up to 30 days income loss for the parent or legal guardian of a minor victim who is hospitalized or dies •Job retraining •Home or vehicle modifications for a victim left permanently disabled •Home security installation or improvement •Relocation •Crime scene clean-up •Veterinary fees or replacement costs for a guide, signal, or service dog •Round trip mileage costs to medical, dental, or mental health appointments •Mental health counseling for minors who witness a violent crime See Cal. Gov't Code § 13957(a).
Requirements/Limits for Relocation Expenses	Direct victims are eligible for relocation benefits in certain circumstances. <u>Monetary Limit</u>: $3,418. Additional funds may be allocated in the event of unusual, dire, or exceptional circumstances. <u>Requirements</u>: •Law enforcement must verify that the relocation is necessary for the victim's personal safety; or •A psychiatrist or other mental health provider must verify that relocation is necessary for the victim's emotional well-being.	CalVCB may: "Authorize a cash payment or reimbursement not to exceed three thousand four hundred and eighteen dollars ($3,418) to a victim for expenses incurred in relocating, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim. For purposes of this paragraph, "expenses incurred in relocating" may include the costs of temporary housing for any pets belonging to the victim upon immediate relocation. The cash payment or reimbursement made under this paragraph shall only be awarded to one claimant per crime giving rise to the relocation. The board may authorize more than one relocation per crime if necessary for the personal safety or emotional well-being of the claimant. However, the total cash payment or reimbursement for all relocations due to the same crime shall not exceed three thousand four hundred and eighteen dollars ($3,418). For purposes of this paragraph, a claimant is the crime victim, or, if the victim is deceased, a person who resided with the decease at the time of the crime." Cal. Gov't Code § 13957(a)(7)(A)-(B). "The board may, under compelling circumstances, award a second cash payment or reimbursement to a victim for another crime if both of the following conditions are met: (i) The crime occurs more than three years from the date of the crime giving rise to the initial relocation cash payment or reimbursement. (ii) The crime does not involve the same offender." Cal. Gov't Code § 13957(a)(7)(C). "When a relocation payment or reimbursement is provided to a victim of sexual assault or domestic violence and the identity of the offender is known to the victim, the victim shall agree not to inform the offender of the location of the victim's new residence and not to allow the offender on the premises at any time, or shall agree to seek a restraining order against the offender. A victim may be required to repay the relocation payment or reimbursement to the board if the victim violates the terms set forth in this paragraph." Cal. Gov't Code § 13957(a)(7)(D). "[T]he board may increase the cash payment or reimbursement for expenses incurred in relocating to an amount greater than three thousand four hundred and eighteen dollars ($3,418) if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim." Cal. Gov't Code § 13957(a)(7)(E). "If a security deposit, pet deposit, or both is required for relocation, the board shall be named as the recipient and receive the funds upon expiration of the victim's rental agreement." Cal. Gov't Code § 13957(a)(7)(F). Further, "All cash payments or reimbursement for expenses incurred in relocating must be necessary as a direct result of the crime. The amount of reimbursement paid by the Board shall not exceed the statutory maximum, less the amount of reimbursement available from other sources. Determinations by law enforcement or mental health providers may be provided in a manner determined by the Board, which may include, but are not limited to, in writing, by telephone, or other electronic means. One claimant per crime giving rise to the relocation means that only one member of a household may receive relocation benefits even if more than one member of a household is a direct victim of the qualifying crime. A higher level of scrutiny will apply to reimbursement requests if a significant amount of time has elapsed between the qualifying crime and the date of the relocation. Relocation expenses may include but are not limited to housin deposits, utility deposits, telephone deposits, connection fees, temporary lodging costs, emergency food expenses, emergency clothing costs, emergency costs of personal items, and other necessary expenses." Cal. Code Regs. tit. 2, § 649.17.

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		"A claim that meets the established criteria for relocation benefits may be eligible for relocation reimbursement of an amount greater than [that otherwise permitted] due to unusual, dire, or exceptional circumstances including, but not limited to, the following: (1) There is a crime report or other verification from law enforcement supporting that the applicant is an ongoing victim of threats or retaliation by or on behalf of the offender with a credible threat of great bodily injury or death and the claim meets the following two criteria: (A) The applicant did not inform the offender of the location of the applicant's new residence or had obtained a restraining order against the offender and the offender has located the applicant; and (B) The applicant's new residence must be located at a distance of no less than 30 miles from the residence at the time the crime occurred. or (2) If a mental health treatment provider has verified that the relocation was necessary for the emotional well-being of the applicant, then at least one of the following factors must be present: (A) The qualifying crime resulted in substantial impairment of the applicant's activities of daily living; (B) The qualifying crime resulted in permanent and substantial disability of the applicant; or (C) The applicant is scheduled to testify or has testified as a witness in any criminal proceeding related to the qualifying crime and the need to relocate is directly related to the applicant testifying. [...] The following circumstances will not qualify a victim for the unusual, dire, or exceptional circumstance relocation benefit on their own merit: (1) Moving to or within a higher cost area. (2) Having a large family. (3) Moving a long distance." Cal. Code Regs. tit. 2, § 649.17.1. *See also* CalVCB Compensation Benefit Reference Guide, available at https://victims.ca.gov/uploads/2024/07/Compensation-Benefit-Reference-Guide_ENG_06.24_locked_EG.pdf (last accessed Feb. 5, 2025).
Requirements/Limits for Mental Health Expenses	Monetary Limits: •Direct Victim: $10,000 •Surviving parent, grandparent, grandchild, sibling, child, spouse, registered domestic partner, or fiancee of a victim who died due to the crime and who witnessed the crime: $10,000 •Minor witness to a violent crime: $5,000 •Derivative victim who was a minor at the time of the crime: $10,000 •Derivative victim who was the primary caretaker of a direct minor victim at the time of the crime who witnessed the crime: $10,000. •Other derivative victims: $5,000 •Caretakers who became the primary caregiver of a minor direct victim after the qualifying crime with no previous filing status relationship to the direct victim: $5,000 *See* Detailed Description for Requirements.	CalVCB may: "[R]eimburse the amount of outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center as defined by Section 13837 of the Penal Code, counseling services provided by a Certified Child Life Specialist, certified by the Association of Child Life Professionals, who provides counseling under the supervision of a licensed provider, subject to the board's approval and subject to the limitations and restrictions the board may impose, and including family psychiatric, psychological, or mental health counseling for the successful treatment of the victim provided to family members of the victim in the presence of the victim, whether or not the family member relationship existed at the time of the crime, that became necessary as a direct result of the crime, subject to the following conditions • The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed ten thousand dollars ($10,000): (i) A victim. (ii) A derivative victim who is the surviving parent, grandparent, sibling, child, grandchild, spouse, or fiancé of a victim of a crime that directly resulted in the death of the victim. (iii) A derivative victim, as described in paragraphs (1) to (4), inclusive, of subdivision (c) of Section 13955, who is the primary caretaker of a minor victim whose claim is not denied or reduced pursuant to Section 1395 in a total amount not to exceed ten thousand dollars ($10,000) for not more than two derivative victims. •The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed five thousand dollars ($5,000): (i) A derivative victim not eligible for reimbursement pursuant to subparagraph (A), provided that mental health counseling of a derivative victim described in paragraph (5) of subdivision (c) of Section 13955, shall be reimbursed only if that counseling is necessary for the treatment of the victim. (ii) A minor who suffers emotional injury as a direct result of witnessing a violent crime and who is not eligible for reimbursement of the costs of outpatient mental health counseling under any other provision of this chapter. To be eligible for reimbursement under this clause, the minor must have been in close proximity to the victim when the minor witnessed the crime." Cal. Gov't Code § 13957(a)(2)(A)-(B). "The board may reimburse a victim or derivative victim for outpatient mental health counseling in excess of that authorized [...] or for inpatient psychiatric, psychological, or other mental health counseling if the claim is based on dire or exceptional circumstances that require more extensive treatment, as approved by the board." Cal. Gov't Code § 13957(a)(2)(C). "Expenses for psychiatric, psychological, or other mental health counseling-related services may be reimbursed only if the services were provided by either of the following individuals: (i) A person who would have been authorized to provide those services pursuant to former Article 1 (commencing with Section 13959) as it read on January 1, 2002. (ii) A person who is licensed in the state in which the victim lives to provide those services, or who is properly supervised by a person who is licensed in the state in which the victim lives to provide those services, subject to the board's approval and subject to the limitations and restrictions the board may impose." Cal. Gov't Code § 13957(a)(2)(D). "A provider who accepts payment from the program for a service shall accept the program's rates as payment in full and shall not accept any payment on account of the service from any other source if the total of payments accepted would exceed the maximum rate set by the board for that service. A provider shall not charge a victim or derivative victim for any difference between the cost of a service provided to a victim or derivative victim and the program's payment for that service. To ensure service limitations that are uniform and appropriate to the levels of treatment required by the victim or derivative victim, the board may review all claims for these services as necessary to ensure their medical necessity." Cal. Gov't Code § 13957.2(a). "The board may request an independent examination and report from any provider of medical or medical-related services or psychological or psychiatric treatment or mental health counseling services, if it believes there is a reasonable basis for requesting an additional evaluation. The victim or derivative victim shall be notified of the name of the provider who is to perform the

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		[illegible] evaluation within 30 calendar days of that determination. In cases where the crime involves sexual assault, the provider shall have expertise in the needs of sexual assault victims. In cases where the crime involves child abuse or molestation, the provider shall have expertise in the needs of victims of child abuse or molestation, as appropriate. When a reevaluation is requested, payments shall not be discontinued prior to completion of the reevaluation." Cal. Gov't Code § 13957.2(b). "Reimbursement for any medical, medical-related, or mental health services shall, if the application has been approved, be paid by the board within an average of 90 days from receipt of the claim for payment. Payments to a medical or mental health provider may not be discontinued prior to completion of any reevaluation. Whether or not a reevaluation is obtained, if the board determines that payments to a provider will be discontinued, the board shall notify the provider of their discontinuance within 30 calendar days of its determination." Cal. Gov't Code § 13957.2(c). "[A]pplicants seeking types of assistance as set forth in Government Code section 13957 of the code shall provide the following information relative to each category of assistance claimed: [...] If medical or mental health expenses are claimed to have been incurred as a direct result of the qualifying crime, a statement from the treating provider itemizing all expenses incurred as of the date the application was filed; and the provider's license number, business address and telephone number. A service provider who is not required to obtain a professional or occupational license but is authorized by law to offer such services as part of their ongoing business activity must provide either their social security number, or their Federal Employer Identification Number The Board may require the submission of mental health treatment session or progress notes in order to determine whether the treatment will best aid the victim or derivative victim and is necessary as a direct result of the qualifying crime. Session notes will be kept in a confidential locked file and after review, shall be returned to the provider or destroyed by the Board upon request of the treating provider." Cal. Code Regs. tit. 2, § 649.7(b)(1). "Psychiatric, psychological, or other mental health counseling related expenses that became necessary as a direct result of the crime may only be reimbursed to a licensed mental health professional when provided by" specific categories of individuals enumerated in Cal. Code Regs. tit. 2, § 649.29. *See also* CalVCB Compensation Benefit Reference Guide, available at https://victims.ca.gov/uploads/2024/07/Compensation-Benefit-Reference-Guide_ENG_06.24_locked_EG.pdf (last accessed Feb. 5, 2025).

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Requirements/Limits for Lost Income	Human trafficking victims specifically are eligible for compensation for loss of income or support directly resulting from the deprivation of liberty during the crime based upon the value of the victim's labor as guaranteed under California law at the time that the services were performed for the number of hours that the services were performed, for up to 40 hours per week. Monetary Limits: •Direct Victim: Subject to the overall maximum for a single application. •Parent or legal guardian of a minor victim who is in the hospital or dies: Up to 30 days of income loss. The total amount payable to all derivative victims for income loss as the result of one crime may not exceed $70,000. •Derivative Victim who was legally dependent upon the victim: *See* Detailed Description. •Human Trafficking Victim (compensated as described above): $10,000 per year that the services were performed, for a maximum of two years. Requirements: •Direct Victim: Evidence of income loss and a statement of disability from a medical or mental health service provider or evidence of income loss when a victim has to take unpaid time of work for medical and/or mental health appointments	**Human Trafficking Victims:** •If the qualifying crime is a violation of Section 236.1 of the Penal Code, and the victim has not been and will not be compensated from any other source, compensate the victim for loss of income or support directly resulting from the deprivation of liberty during the crime based upon the value of the victim's labor as guaranteed under California law at the time that the services were performed for the number of hours that the services were performed, for up to 40 hours per week. •On or before July 1, 2020, the board shall adopt guidelines that allow it to rely on evidence other than official employment documentation in considering and approving an application for that compensation. The evidence may include any reliable corroborating information approved by the board, including, but not limited to, a statement under penalty of perjury from the applicant, a human trafficking caseworker as defined in Section 1038.2 of the Evidence Code, a licensed attorney, or a witness to the circumstances of the crime. •Compensation for loss of income paid by the board pursuant to this paragraph shall not exceed ten thousand dollars ($10,000) per year that the services were performed, for a maximum of two years. •If the victim is a minor at the time of application, the board shall distribute payment under this paragraph when the minor reaches 18 years of age. Cal. Gov't Code § 13957.5(5). A victim of human trafficking pursuant to Government Code section 13957.5, subdivision (a)(5) may be compensated for loss of income or support directly resulting from the deprivation of liberty during the qualifying crime. Acceptable evidence of income or support loss for victims under this section shall include reliable, corroborating information, including, but not limited to: •A statement under penalty of perjury from the applicant, a human trafficking caseworker as defined in Evidence Code section 1038.2, a licensed attorney, or a witness to the circumstances o the qualifying crime; or •A Law Enforcement Agency Endorsement issued pursuant to Penal Code section 236.2; or •A certification or eligibility letter from a government agency for a special visa as a refugee due to human trafficking or other government benefits as a result of human trafficking; or •An approval notice from the United States Citizenship and Immigration Services for an Application for T Nonimmigrant Status. The acceptable evidence must demonstrate the dates on which the acts of trafficking commenced and ended, the approximate number of hours per week that acts of trafficking were performed, and whether reimbursement was or will be received from any other sources. For purposes of Government Code section 13957.5, subdivision (a)(5), the value of the victim's labor as guaranteed under California law is determined by the minimum wage in effect at the time of the trafficking, as set forth in Labor Code section 1182.12, subdivision (a). Cal. Code Regs. tit. 2, § 649.32.1. **Other Victims:** CalVCB may: •Compensate the victim for loss of income directly resulting from the injury, except that loss of income may not be paid by the board for more than five years following the crime, unless the victim is disabled as defined in Section 416(i) of Title 42 of the United States Code, as a direct result of the injury. •Compensate an adult derivative victim for loss of income, subject to all of the following: (A) The derivative victim is the parent or legal guardian of a victim, who at the time of the crime was under 18 years of age and is hospitalized as a direct result of the crime. (B) The minor victim's treating physician certifies in writing that the presence of the victim's parent or legal guardian at

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	medical and/or mental health appointments. •Parent or legal guardian of a minor victim who is in the hospital or dies: Evidence of income loss and verification from the minor victim's physician that certifies the need for the parent or legal guardian's presence at the hospital for treatment.	under 18 years of age and is hospitalized as a direct result of the crime. (B) The minor victim's treating physician certifies in writing that the presence of the victim's parent or legal guardian at the hospital is necessary for the treatment of the victim. (C) Reimbursement for loss of income under this paragraph may not exceed the total value of the income that would have been earne by the adult derivative victim during a 30-day period. •Compensate an adult derivative victim for loss of income, subject to all of the following: (A) The derivative victim is the parent or legal guardian of a victim who at the time of the crime was under 18 years of age. (B) The victim died as a direct result of the crime. (C) The board shall pay for loss of income under this paragraph for not more than 30 calendar days from the date of the victim's death. •Compensate a derivative victim who was legally dependent on the victim at the time of the crime for the loss of support incurred by that person as a direct result of the crime, subject to both of the following: (A) Loss of support shall be paid by the board for income lost by an adult for a period up to, but not more than, five years following the date of the crime. (B) Loss of support shall not be paid by the board on behalf of a minor for a period beyond the child's attaining 18 years of age. The total amount payable to all derivative victims pursuant to this section as the result of one crime shall not exceed seventy thousand dollars ($70,000). Cal. Gov. Code § 13957.5; Cal. Code Reg., tit. 2, § 649.32 (*see* this section for information on verifying income loss and providing additional information on limitations); *See also* CalVCB Compensation Benefit Reference Guide, available at https://victims.ca.gov/uploads/2024/07/Compensation-Benefit-Reference-Guide_ENG_06.24_locked_EG.pdf (last accessed Feb. 5, 2025). "[A]pplicants seeking types of assistance as set forth in Government Code section 13957 of the code shall provide the following information relative to each category of assistance claimed: [...] If loss of income is claimed to have occurred as a direct result of the qualifying crime, the applicant shall produce evidence of income loss as well as a statement of disability from the treating medical or mental health provider, as described in Section 649.32 of these regulations." Cal. Code Regs. tit. 2, § 649.7(b)(2). *See also* Cal. Code Regs. tit. 2, § 649.32, for more information.
Requirements/Limits for Medical Expenses	Direct victims or any third parties who assume legal liability for a deceased victim's expenses, or pay such expenses, may be eligible for reimbursement. Monetary Limits: Subject to the overall maximum for a single application. Requirements: Verification from the crime report or medical records that medical services were required.	Cal. Gov. Code, § 13957(a)(1), (a)(8)(A); *See also* CalVCB Compensation Benefit Reference Guide, available at https://victims.ca.gov/uploads/2024/07/Compensation-Benefit-Reference-Guide_ENG_06.24_locked_EG.pdf (last accessed Feb. 5, 2025). "All cash payments or reimbursement for medical-related services of the victim must have been incurred as a direct result of the qualifying crime. The amount of reimbursement paid by the Board shall not exceed the maximum rate set by the Board, if any, less the amount of reimbursement available from other sources. Reimbursable medical-related services include, but are not limited to: acupuncture, biofeedback, massage therapy, natural healing methods, and skilled and unskilled in-home supportive services. In order to be reimbursed for skilled and unskilled in-home supportive services, the victim must obtain verification from a treating physician specifying the reasons in-home supportive services are necessary, the duration the in-home services are needed, and the number of hours needed daily. A treating physician must re-certify the need for in-home supportive services at 60-day intervals. Skilled in-home supportive services must be provided by the following: licensed nurse, medical social worker, licensed therapists, or a state certified home health aide attendant. Unskilled in-home supportive services may be provided by family members or other persons to assist a victim that is unable to perform daily tasks such as walking, bathing, dressing, preparing meals or similar major-life functions. Unskilled in-home services are limited to eight hours a day and 40 hours per week. Medical-related expenses are reimbursable at the rates and within the limitations established by the Board pursuant to Government Code section 13957.2." Cal. Code Regs. tit. 2, § 649.23; Cal. Gov. Code, § 13957.2.
Timeframe to Obtain Benefits	Applications must be approved or denied within a n	The CalVCB must approve or deny applications, based on recommendations of the CalVCB staff, within an average of 90 calendar days and no later than 180 calendar days of acceptance by the CalVCB or victim center. Cal. Gov't Code § 13958.

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Is Emergency Assistance Available?	Yes. Requests for emergency assistance may be made in an application. Disbursements of funds for emergency awards shall be made within 30 calendar days of application.	**Application:** Requests for emergency assistance (based on need) may be noted in an application. "An applicant may indicate on the application, subsequent application, or bill that he or she is applying for an emergency award." Cal. Code Regs. tit. 2, § 649.8(a). **Eligibility:** An emergency award shall be available to a person eligible for compensation if the CalVCB determines that such an award is necessary to avoid or mitigate substantial hardship that may result from delaying compensation until complete and final consideration of an application. The CalVCB may refuse to grant an emergency award where it has reason to believe that the applicant will not be eligible for compensation under this chapter. The amount of an emergency award shall be dependent upon the immediate needs of the victim or derivative victim subject to rates and limitations established by the CalVCB. Cal. Gov't Code § 13952.5(a),(c)(1),(g). An emergency award may be allowed when it is necessary to avoid or mitigate a substantia hardship to the applicant that is the direct result of the qualifying crime. Substantial hardship shall include the following: (1) The inability to provide for the necessities of life, including but not limited to shelter, food, medical care, or personal safety, without the emergency award. (2) The inability to pay for funeral and burial expenses or crime scene cleaning expenses without the emergency award." Cal. Code Regs. tit. 2, § 649.8(c). **Timeline:** Disbursements of funds for emergency awards shall be made within 30 calendar days of application. However, by mutual agreement between the staff of the CalVCB and the applicant or the applicant's representative, the staff of the CalVCB may take additional 10-day periods to verify the emergency award claim and make payment. Cal. Gov't Code § 13952.5(c)(2), (d). Upon receipt of an application, subsequent application, or bill for an emergency award, the VCP shall expedite the process of verifying the application, subsequent application, or bill to determine if an emergency award is appropriate. The VCP shall make telephone calls and transmit documents electronically or by facsimile to obtain information necessary to evaluate an application, subsequent application, or bill for an emergency award. A decision regarding an application, subsequent application, or bill for an emergency award shal be promptly communicated to the applicant. Cal. Code Regs. tit. 2, § 649.8(b). **Denial:** If an application for an emergency award is denied, the CalVCB shall notify the applicant in writing of the reasons for the denial. An applicant for an emergency award shall not be entitled to a hearing before the CalVCB to contest a denial of an emergency award. However, denial of an emergency award shall not prevent further consideration of the application for a regular award and shall not affect the applicant's right to a hearing if staff recommends denial of a regular award. Cal. Gov't Code § 13952.5(e). **Reimbursement:** If upon final disposition of the regular application, it is found that the applicant is not eligible for compensation from the CalVCB, the applicant shall reimburse the CalVCB fo the emergency award pursuant to an agreed-upon repayment schedule. Cal. Gov't Code § 13952.5(f)(1). **Impact on Overall Compensation:** If upon a final disposition of the application, the CalVCB grants compensation to the applicant, the amount of the emergency award shall be deducted fron the final award of compensation. If the amount of the compensation is less than the amount of the emergency award, the excess amount shall be treated as an overpayment. Cal. Gov't Code § 13952.5(f)(2). **Additional Guidance:** The amount of an emergency award shall be based on the applicant's immediate financial need as a direct result of the qualifying crime. Immediate financial need shal be determined by the financial assistance needed to avoid substantial hardship before the receipt of non-emergency assistance. An applicant for an emergency award shall provide sufficient information to substantiate an emergency award is necessary to avoid substantial hardship, or the applicant has an immediate financial need for an emergency award as a direct result of the qualifying crime. If sufficient information as required by subdivision (e) is not provided, an application for an emergency award shall be processed as an application for non-emergency assistance. The amount of the emergency award being requested shall be considered when determining the amount or type of information required to verify the application for an emergency award. Cal. Code Regs. tit. 2, § 649.8(d)-(f).
Compensation Cap (Overall)	$70,000 (average awards are closer to $5,000)	Maximum Reimbursement for an Individual Victim: $70,000. See Cal. Gov't Code § 13957(b).
Sources of Funding	•Criminal Restitution Fines •Court-Ordered Restitution •Penalty Assessments •Federal Victims of Crimes Act ("VOCA")	•**Criminal Restitution Fines:** Restitution fines are assessed in nearly every criminal case in which an offender is convicted of a crime. A percentage of such fines fund CalVCB. •**Court-Ordered Restitution:** In some instances, criminal offenders may be ordered to repay CalVCB for financial assistance provided to a victim. •**Penalty Assessments:** A portion of most state and local fines (including citations such as parking tickets) go toward the CalVCB restitution fund. •**Victims of Crimes Act ("VOCA"):** This program provides federal grant funds to state compensation programs from penalties paid by offenders convicted of federal crimes. *See* CalVCB Overview, *available at* https://victims.ca.gov/for-advocates/elearning/ (last accessed Nov. 25, 2024).

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Appeal Process	Yes. Appeals must be filed within 45 days of a deni	Yes. The CalVCB shall grant a hearing to an applicant who contests a staff recommendation to deny compensation in whole or in part. The CalVCB shall notify the applicant not less than 10 days prior to the date of the hearing. See Cal. Gov't Code § 13959(a)-(b). At the hearing, the person seeking compensation shall have the burden of establishing, by a preponderance of the evidence, the elements for eligibility. See Cal. Gov't Code § 13959(c). The hearing shall be informal and need not be conducted according to the technical rules relating to evidence and witnesses. The CalVCB may rely on any relevant evidence if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that might make improper the admission of the evidence over objection in a civil action. Cal. Gov't Code § 13959(c). Appeals must be filed within 45 days of the denial determination.
Payer of Last Resort Requirements	CalVCB is considered the payer of last resort.	CalVCB is considered the payer of last resort. Reimbursement from other sources must be sought first. Alternative reimbursement sources means and includes: •All forms of private and public insurance benefits paid to or on behalf of the insured victim, the victim's survivors, or derivative victim, including medical, disability, wage loss, funeral/burial insurance, liability and casualty insurance, including vehicle, commercial and residential insurance. •All forms of public and private assistance paid to, or on behalf of, the victim, the victim's survivors, or derivative victim, including Medi-Cal, social security, state disability insurance, workers' compensation and Medicare. •Any salary or bereavement leave. Sick leave is not required to be used as a reimbursement source; however, if a claimant elects or did elect to use sick leave, he or she shall not be eligible for income loss while that sick leave is or was used. •Any restitution paid by the criminal perpetrator directly to the victim or his or her survivors whether collected by public agencies and paid over to the recipient or collected directly by the recipient. Cal. Code Regs. tit. 2, § 649(a)(18). "In the event that other reimbursement sources are disclosed as required during verification, the applicant shall obtain and provide a written explanation of such benefits from the insurer, or benefit program setting forth a determination of eligibility as regards the victim, the victim's survivors, or derivative victim as well as the dollar amount of assistance or reparations to which the victim, the victim's survivors, or derivative victim is entitled. In the event that the applicant is unable to obtain an explanation of benefits, the VCP or joint powers victim witness center shall tak steps to obtain such explanation of benefits or other verification from the insurer or benefit program. If a supplemental claim or expense is directly related to the qualifying crime and requestec information is not received after a reasonable amount of time, the supplemental claim or expense will be considered allowed. However, no payment will be made until the necessary information regarding reimbursement sources is received." Cal. Code Regs. tit. 2, § 649.31
References and Resources		**Laws and Regulations:** •Cal. Gov't Code § 13950 et seq. •Cal. Code Regs. tit. 2, § 649 et seq. **Guidance:** •CalVCB Overview, available at https://victims.ca.gov/for-advocates/elearning/ (last accessed Nov. 25, 2024). •CalVCB FAQ, available at https://victims.ca.gov/for-victims/frequently-asked-questions/ (last accessed Nov. 25, 2024). •CalVCB Compensation Benefit Reference Guide, available at https://victims.ca.gov/uploads/2024/07/Compensation-Benefit-Reference-Guide_ENG_06.24_locked_EG.pdf (last accessed Nov. 25, 2024). •CalVCB Resources for Victims, available at https://victims.ca.gov/for-victims/ (last accessed Nov. 25, 2024).

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Time to File	For property damages, within 6 months of the crime. No time limit is imposed for losses related to injury or death. An application must be filed with the Crime Victim Compensation Board ("Board") in the applicable judicial district where the crime occurred. There are 22 judicial districts in Colorado.	Colo. Rev. Stat. § 24-4.1-108(1)(f), (1.5)(d). Note that prior June 15, 2024, there was a requirement that applications be filed within one year of a crime for compensation claims arising from injury or death. See 2024 Colo. SB 120.
Eligibility Requirements: Identity of Person Seeking Compensation	Any person against whom a compensable crime was committed or attempted as well as: • A parent or guardian on behalf of a minor. • A parent, conservator, or guardian or any other individual authorized to administer an estate on behalf of a person that is mentally incompetent.	"A person who may be eligible for compensation under this part 1 may apply to the board in the judicial district in which the crime was committed. In a case in which the person entitled to apply is a minor, the application may be made on the minor's behalf by the minor's parent or guardian. In a case in which the person entitled to apply is mentally incompetent, the application may be made on the person's behalf by the person's parent, conservator, or guardian or by any other individual authorized to administer the person's estate." Colo. Rev. Stat. § 24-4.1-105.
Eligibility Requirements: Types of Crime	• Crimes resulting in damage to the victim's residence. • Crimes that resulted in physical, mental or emotional injury or death and that happened in Colorado after July 1, 1982. • Crimes that occurred against Colorado residents resulting in injury or death that happened in a state or country that does not have a victim compensation program. Eligible crimes include but are not limited to: • Arson • Assault • Burglary • Child Physical Abuse / Neglect • Child Sexual Assault • Domestic Violence • Homicide (Murder) • Human Trafficking • Kidnapping • Robbery • Sexual Assault • Stalking • Vehicular Homicide • Vehicular Assault	Colo. Rev. Stat. 24-4.1-109 provides as follows: (1) Losses compensable under this part 1 resulting from death of or injury to a victim include: (a) Reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices; (b) Loss of earnings; (c) and (d) Repealed. (d.5) Replacement services losses; (e) Funeral and burial expenses; (f) Loss of support to dependents; (g) Mental health counseling; (h) Household support; except that household support is only available to a dependent when: (I) The offender is accused of committing the criminally injurious conduct that is the basis of the dependent's claim under this article; (II) As a result of the criminal event, the offender vacated any home the offender shared with the dependent; and (III) The dependent provides verification of dependency on the offender at the time of the criminal event. (i) Reasonable travel expenses for a victim related to funeral, burial, medical care, or mental health counseling; (j) Reasonable travel expenses for a victim related to attending critical events pursuant to section 24-4.1-302 (2), except when the primary or secondary victim is subpoenaed to testify; (k) Dependent care services; and (l) Reasonable relocation expenses for a victim to relocate as necessary to ensure the victim's safety. (1.5) (a) Losses compensable under this part 1 resulting from property damage include: (I) (A) Repair or replacement of residential property damaged as a result of a compensable crime; or (B) Payment of the deductible amount on a residential or motor vehicle insurance policy; (II) Any modification to the victim's residence that is necessary to ensure victim safety; (III) The rekeying of a motor vehicle or other lock that is necessary to ensure the victim's safety; (IV) Towing or impound fees for a motor vehicle that law enforcement determines to be where a compensable crime was committed; and (V) Repair or replacement of dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices damaged or stolen as a result of a compensable crime

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		compensable crime. (b) (Deleted by amendment, L. 98, p. 517, §2, effective April 30, 1998.) (2) Compensable losses do not include: (a) Pain and suffering or property damage expenses other than those specified in subsection (1.5)(a) of this section; (b) Aggregate damages to the victim or to the dependents of a victim exceeding thirty thousand dollars; or (c) Repealed. (d) Motor vehicle expenses other than those specified in subsections (1.5)(a)(I)(B) and (1.5)(a)(III) of this section.
Eligibility Requirements: Geographic Nexus	• Crimes resulting in damage to the victim's residence. • Crimes that resulted in physical, mental or emotional injury or death and that happened in Colorado after July 1, 1982. • Crimes that occurred against Colorado residents resulting in injury or death that happened in a state or country that does not have a victim compensation program.	Geographic nexus is set forth in the definitions of compensable crimes and victims: “Compensable crime” means: (I) An intentional, knowing, reckless, or criminally negligent act of a person or any act in violation of section 42-4-1301 (1) or (2) that results in residential property damage to or injury or death of another person or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices and which, if committed by a person of full legal capacity, is punishable as a crime in this state; or (II) An act in violation of section 42-4-1402, C.R.S., that results in the death or bodily injury of another person or section 42-4-1601, C.R.S., where the accident results in the death or bodily injury of another person. "Compensable crime" includes, but is not limited to, any state offense that is a crime pursuant to section 24-4.1-302 (1) and any federal offense that is comparable to those specified in subsection (4)(a) of this section and is committed in this state. Colo. Rev. Stat. § 24-4.1-102(4). "Victim means: (a) Any of the following persons who suffer property damage, economic loss, injury, or death as a result of a compensable crime perpetrated or attempted in whole or in part in this state: (I) Any person against whom a compensable crime is perpetrated or attempted. Such a person is a “primary victim”. (II) and (III) (Deleted by amendment, L. 2024.) (b) A person who suffers injury or death, the proximate cause of which is a compensable crime perpetrated or attempted in the person’s presence against a primary victim. Such a person is a “secondary victim” and also includes: (I) Any person who attempts to assist or assists a primary victim; or (II) Any person who is a relative of a primary victim. (c) A person who is a resident of this state and who is a victim of a crime that occurred outside of this state, where the crime would be a compensable crime had it occurred in this state and where the state or country in which the crime occurred does not have a reasonably accessible crime victim compensation program for which the person would be eligible. (d) A person who is a resident of this state who is injured or killed by an act of international terrorism, as defined in 18 U.S.C. sec. 2331, committed outside of the United States. Colo. Rev. Stat. § 24-4.1-102(10).
Eligibility Requirements: Criminal Background of Victim	N/A	
Citizenship Requirement?	No.	

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Is a Police Report or Cooperation with Law Enforcement Required?	Yes. The crime must be reported to the police/sheriff department and within 72 hours with respect to a claim for property damage or there must be documentation that a forensic examination was conducted by a licensed or registered nurse or medical provider. The victim or his or her family must have reasonably cooperated with law enforcement or the board has found good cause exists for the failure to cooperate.	A person is entitled to approval of compensation for an injury or death if, among other things: (b) The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the death of or injury to the victim. The requirement to notify the appropriate law enforcement officials required by this subsection (1)(b) is satisfied if, as the result of the compensable crime that the application is being submitted for, the victim or applicant provides documentation that a forensic examination was conducted by a licensed or registered nurse or medical provider. (c) The applicant has cooperated reasonably with law enforcement officials in the apprehension and prosecution of the assailant, or the board has found good cause exists for the failure to cooperate, or, if the applicant is a victim of assault by strangulation, the applicant cooperates with law enforcement by undergoing a medical forensic examination; Colo. Rev. Stat. § 24-4.1-108(1)(b), (c). A person is entitled to approval of compensation for property damage if, among other things: (b) The appropriate law enforcement officials were notified of the perpetration of the crime causing property damage within seventy-two hours after its perpetration, unless the board finds good cause exists for the failure of notification; (c) The applicant has cooperated reasonably with law enforcement officials in the apprehension and prosecution of the assailant or the board has found that good cause exists for the failure to cooperate; Colo. Rev. Stat. § 24-4.1-108(1.5)(b), (c).
Is Complicity in Crime Disqualifying?	The victim's injury or death or property damage must not be the result of the victim's involvement in a wrongful act or substantial provocation.	An application for compensation for injury or death is entitled to approval if, among other things, the death of or injury to the victim was not substantially attributable to the victim's wrongful act or substantial provocation of the victim's assailant. Colo. Rev. Stat. § 24-4.1-108(1)(e).
To Whom are Applications Made?	Colorado has a decentralized victim compensation process and applications must be made to the Crime Victim Compensation Board in the judicial district where the crime occurred or the victim is located, if the crime occurred outside of Colorado.	A person who may be eligible for compensation under this part 1 may apply to the board in the judicial district in which the crime was committed. In a case in which the person entitled to apply is a minor, the application may be made on the minor's behalf by the minor's parent or guardian. In a case in which the person entitled to apply is mentally incompetent, the application may be made on the person's behalf by the person's parent, conservator, or guardian or by any other individual authorized to administer the person's estate. Colo. Rev. Stat. § 24-4.1-105(1).
How are Applications Accepted?	Consult the Board for the judicial district where an application will be filed.	See https://dcj.colorado.gov/dcj-offices/ovp/crime-victim-compensation for contact information for each local crime victim compensation administrator.
Who May Submit an Application?	The victim or a dependent of a victim or successor in interest, may submit an application with respect to compensation for injury or death. The victim may submit an application for compensation for property damage.	Colo. Rev. Stat. § 24-4.105(1).
What Language Services are Available?	None. May be available depending on resources of judicial district.	
General Documentation Requirements	Medical reports, if reasonably available, from any physician who treated or examined the victim.	An applicant seeking compensation for injury or death must submit reports, if reasonably available, from any physician who has treated or examined the victim at the time of or subsequent to the victim's injury or death. The report shall be in relation to the injury for which compensation is claimed. If, in the opinion of the board, reports on the previous medical history of the victim, a report on the examination of the injured victim, or the report on the cause of death of the victim by a medical expert would be of material aid to its determination, the board may order the reports. Colo. Rev. Stat. § 24-4.1-105(2)(a). An applicant seeking compensation for property damage must submit a report or case number, if reasonably available, from a law enforcement agency which shall set forth the nature of the property damage which is the result of a compensable crime. Colo. Rev. Stat. § 24-4.1-105(2)(b).

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	For losses resulting from death or injury to a victim: • Reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices; • Loss of earnings; • Replacement services losses; • Funeral and burial expenses; • Loss of support to dependents; • Mental health counseling; • Household support; except that household support is only available to a dependent when: • The offender is accused of committing the criminally injurious conduct that is the basis of the dependent's claim under this article; • As a result of the criminal event, the offender vacated any home the offender shared with the dependent; and • The dependent provides verification of dependency on the offender at the time of the criminal event. • Reasonable travel expenses for a victim related to funeral, burial, medical care, or mental health counseling; • Reasonable travel expenses for a victim related to attending critical events pursuant to section 24-4.1-302 (2), except when the primary or secondary victim is subpoenaed to testify; • Dependent care services; and • Reasonable relocation expenses for a victim to relocate as necessary to ensure the victim's safety. For loss resulting from property damage: • Repair or replacement of residential property damaged as a result of a compensable crime; or payment of the deductible amount on a residential or motor vehicle insurance policy; • Any modification to the victim's residence that is necessary to ensure victim safety; • The rekeying of a motor vehicle or other lock that is necessary to ensure the victim's safety; • Towing or impound fees for a motor vehicle that law enforcement determines to be where a compensable crime was committed; and • Repair or replacement of dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices damaged or stolen as a result of a compensable crime.	The Crime Victim Compensation Act provides as follows with respect to compensable losses: (1) Losses compensable under this part 1 resulting from death of or injury to a victim include: (a) Reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices; (b) Loss of earnings; (c) and (d) Repealed. (d.5) Replacement services losses; (e) Funeral and burial expenses; (f) Loss of support to dependents; (g) Mental health counseling; (h) Household support; except that household support is only available to a dependent when: (I) The offender is accused of committing the criminally injurious conduct that is the basis of the dependent's claim under this article; (II) As a result of the criminal event, the offender vacated any home the offender shared with the dependent; and (III) The dependent provides verification of dependency on the offender at the time of the criminal event. (i) Reasonable travel expenses for a victim related to funeral, burial, medical care, or mental health counseling; (j) Reasonable travel expenses for a victim related to attending critical events pursuant to section 24-4.1-302 (2), except when the primary or secondary victim is subpoenaed to testify; (k) Dependent care services; and (l) Reasonable relocation expenses for a victim to relocate as necessary to ensure the victim's safety. (1.5) (a) Losses compensable under this part 1 resulting from property damage include: (I) (A) Repair or replacement of residential property damaged as a result of a compensable crime; or (B) Payment of the deductible amount on a residential or motor vehicle insurance policy; (II) Any modification to the victim's residence that is necessary to ensure victim safety; (III) The rekeying of a motor vehicle or other lock that is necessary to ensure the victim's safety; (IV) Towing or impound fees for a motor vehicle that law enforcement determines to be where a compensable crime was committed; and (V) Repair or replacement of dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices damaged or stolen as a result of a compensable crime. (b) (Deleted by amendment, L. 98, p. 517, §2, effective April 30, 1998.) (2) Compensable losses do not include: (a) Pain and suffering or property damage expenses other than those specified in subsection (1.5)(a) of this section; (b) Aggregate damages to the victim or to the dependents of a victim exceeding thirty thousand dollars; or (c) Repealed. (d) Motor vehicle expenses other than those specified in subsections (1.5)(a)(I)(B) and (1.5)(a)(III) of this section. Colo. Rev. Stat. § 24-4.1-109.

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Relocation Expenses	Reasonable relocation expenses for a victim to relocate as necessary to ensure the victim's safety.	Colo. Rev. Stat. § 24-4.1-109(1)(l).
Requirements/Limits for Mental Health Expenses	In addition to reasonable medical and hospital expenses, the Act permits compensation for mental health counseling.	Colo. Rev. Stat. § 24-4.1-109(1)(g).
Requirements/Limits for Lost Income	Compensation for lost income may include income lost in the past as well as future income.	Colo. Rev. Stat. § 24-4.1-109(1)(b). A Board may reimburse a crime victim for lost wages without specifying whether that amount includes only wages lost in the past, or wages that will be lost in the future. *People v. Bohn* , 2015 COA 178, 381 P.3d 335.
Requirements/Limits for Medical Expenses	Reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices as well as repair or replacement of dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices damaged or stolen as a result of a compensable crime.	
Timeframe to Obtain Benefits	Varies by judicial district.	
Is Emergency Assistance Available?	Yes. A Board may order an emergency award pending a final decision if it appears that undue hardship will result if immediate payment is not made. Emergency awards are capped at $2,000 and are intended to cover expenses incurred by a victim in meeting immediate short-term needs.	Colo. Rev. Stat. § 24-4.1-112 provides: (1) The board may order an emergency approval to the applicant pending a final decision in the claim if it appears to the board, prior to taking action upon the claim, that undue hardship will result to the applicant if immediate payment is not made. Approvals pursuant to this section are intended to cover expenses incurred by crime victims in meeting their immediate short-term needs. The amount of an approval pursuant to this section must not exceed the amount set forth in the board's policies regarding emergency approvals and must be deducted from any final approval made as a result of the claim. (2) If the amount of an emergency approval exceeds the sum the board would have approved pursuant to this part 1, such excess must be repaid by the recipient.
Compensation Cap (Overall)	$30,000	Compensable losses do not include (a) pain and suffering or property damage (other than residential property damage or rekeying a lock), or (b) aggregate damages to the victim or dependents of a victim exceeding $30,000. Colo. Rev. Stat. § 24-4.1-109(2).
Sources of Funding	A fund is established in the office of the court administrator of each judicial district and is funded by moneys paid as a cost or surcharge levied on various criminal actions, as well as any federal moneys available to state or local governments for victim compensation, any moneys recovered in legal actions to compensate crime victims or restitution paid by an assailant to a victim for damages.	
Appeal Process	Decisions of a Crime Victim Compensation Board are subject to appeal under general rules for judicial rule governing agency actions.	Colo. Rev. Stat. § 24-4.1-106(1). Rules governing and judicial review of agency actions are set forth in Colo. Rev. Stat. §§ 24-4-105 and 24-4-106.
Payer of Last Resort Requirements	As the payer of last resort, crime victim compensation programs require that victims apply for all other sources available to them prior to receiving victim compensation funds, including the victim's insurance and other collateral sources.	(1) The board may deduct from compensation it approves under this part 1 any payments received by the applicant from the offender or from a person on behalf of the offender, from the United States or any state, or any subdivision or agency thereof, from a private source, or from an emergency approval under this part 1 for injury or death compensable under this part 1, excluding death or pension benefits. (2) If compensation is approved under this part 1 and the person receiving it also receives a collateral sum under subsection (1) of this section which has not been deducted from it, the person shall refund to the board the lesser of the sums or the amount of compensation paid to the person under this part 1 unless the aggregate of both sums does not exceed the person's losses. The fund is the payer of last resort. (3) If a defendant is ordered to pay restitution under article 18.5 of title 16 to a person who has received compensation awarded under this part 1, an amount equal to the compensation approved must be transmitted from such restitution to the board for allocation to the fund. Colo. Rev. Stat. § 24-4.1-110.

COLORADO

TOPIC	SUMMARY	DETAILED DESCRPTION
References and Resources	Colorado Division of Criminal Justice Crime Victim Compensation page includes a summary of the victim compensation program and other resources available to crime victims, including a listing of each the 22 judicial districts and contact information for each Board: https://dcj.colorado.gov/dcj-offices/ovp/crime-victim-compensation.	The Division of Criminal Justice also issues an annual report on crime victim compensation. The 2024 report is available at: https://cdpsdocs.state.co.us/dcj/DCJ%20External%20Website/OVP/CVC/2023%20CVC%20Annual%20Report%20FINAL.pdf. Questions about the crime victim compensation program can be directed to: The Division of Criminal Justice Office for Victims Programs 700 Kipling Street, Suite 1000 Denver, CO 80215 720 672-2166 or 303 239-5719
Other	The burden of proof is on the applicant to show that a claim is reasonable and compensable. The standard of proof is by a preponderance of the evidence. Compensation payable under the program, prior to actual receipt, shall not be assignable to subject to execution, garnishment, attachment, or any other process. Compensation payable under the program is not taxable income for purposes of Colorado state income tax nor shall it be considered income, property, or support for purposes purposes of determining the eligibility of an applicant for public assistance or the amount of assistance payments.	The burden of proof is on the applicant to show that a claim is reasonable and compensable. The standard of proof is by a preponderance of the evidence. Colo. Rev. Stat. § 24-4.1-106(2). No compensation payable under this article 4.1, prior to actual receipt thereof by the person or beneficiary entitled thereto or the person's or beneficiary's legal representative, is assignable or subject to execution, garnishment, attachment, or any other process, including process to satisfy an order or judgment for support or alimony. Colo. Rev. Stat. § 24-4.1-114. No compensation payable to an applicant under this part 1 is included in the applicant's income for purposes of the Colorado income tax imposed in article 22 of title 39, nor is it considered as income, property, or support for the purposes of determining the eligibility of the applicant for public assistance or the amount of assistance payments pursuant to section 26-2-108. Colo. Rev. Stat. § 24-4.1-114.5.

CONNECTICUT

CONNECTICUT

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Three years	No order for the payment of compensation shall be made unless the application has been made within three years after the date of the personal injury or death. However, any person who fails to make application for compensation within three years after the date of the personal injury or death as a result of physical, emotional or psychological injuries caused by such personal injury or death may apply for a waiver of such time limitation. C.G.S.A. § 54-211(a)(1).
Eligibility Requirements: Identity of Person Seeking Compensation	Victims, persons responsible for the victim, dependents of the victim, or a person who paid expenses to clean up the crime scene.	Compensation may be paid: (1) To or for the benefit of the injured person; (2) in the case of personal injury of the victim, to any person responsible for the care of the victim who has suffered pecuniary loss as a result of such injury; (3) in the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim, including any dependent child of a homicide victim who was killed by the other parent or to any person who has suffered pecuniary loss, including, but not limited to, funeral expenses, as a result of such death; or (4) to any person who has suffered a pecuniary loss due to a crime scene cleanup. C.G.S.A. § 54-208(a).
Eligibility Requirements: Types of Crime	A crime resulting in personal injury or death, child abuse, or a DUI.	Compensation may be paid for personal injury or death which resulted from: (1) An attempt to prevent the commission of crime or to apprehend a suspected criminal or in aiding or attempting to aid a police officer so to do, (2) the commission or attempt to commit by another of any crime, or (3) child abuse. Compensation may also be paid for personal injury or death that resulted from the operation of a motor vehicle, water vessel, snow mobile or all-terrain vehicle by another person who was subsequently convicted of a DUI. C.G.S.A. § 54-209(a)-(b).
Eligibility Requirements: Geographic Nexus	Crimes committed in Connecticut, or to Connecticut residents.	Compensation shall be awarded for personal injury or death resulting from a crime which occurs (1) within this state, regardless of the residency of the applicant; (2) outside this state but within the territorial boundaries of the United States, provided the victim, at the time of injury or death, was a resident of this state and the state in which such crime occurred does not have a program for compensation of victims for which such victim is eligible; (3) outside the territorial boundaries of the United States, provided the victim was a resident of this state at the time of injury or death, the crime would be considered a crime within the State of Connecticut, and the country in which such crime occurred does not have a program for compensation of victims for which such victim is eligible; and (4) outside the territorial boundaries of the United States, provided the applicant is a victim of international terrorism and was a resident of this state at the time of injury or death. C.G.S.A. § 54-211(f).
Eligibility Requirements: Criminal Background of Victim	N/A	N/A
Citizenship Requirement?	N/A	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	It is considered by the OVS.	In determining whether to make an order under this section, the Office of Victim Services or, on review, a victim compensation commissioner shall consider all circumstances determined to be relevant, including, but not limited to, provocation, consent or any other behavior of the victim which directly or indirectly contributed to such victim's injury or death, the extent of the victim's cooperation in investigating the application and the extent of the victim's cooperation with law enforcement agencies in their efforts to apprehend and prosecute the offender, and any other relevant matters. C.G.S.A. § 54-208(c).
Is Complicity in Crime Disqualifying?	Yes	No compensation shall be awarded if the victim violated a penal law of this state, which violation caused or contributed to such victim's injuries or death. C.G.S.A. § 54-211(b).
To Whom are Applications Made?	The Office of Victim Services	Any person who may be eligible for compensation may make application therefor to the Office of Victim Services. C.G.S.A. § 54-204(a).
How are Applications Accepted?	Applications may be mailed, faxed, or emailed to OVS.	https://www.jud.ct.gov/crimevictim/compensation.htm.
Who May Submit an Application?	A person eligible for compensation, or their guardian (for minors or a person lacking capacity).	Any person who may be eligible for compensation may make application therefor to the Office of Victim Services. If the person entitled to make application is a minor or a person who lacks capacity, the application may be made on such person's behalf by a parent, guardian or other legal representative of the minor or person who lacks capacity. C.G.S.A. § 54-204(a).
What Language Services are Available?	N/A	N/A
General Documentation Requirements	Medical reports to substantiate the injuries.	In order to be eligible for compensation services, the applicant shall, prior to a determination on any application submit reports if reasonably available from all physicians, surgeons, physician assistants, advanced practice registered nurses or mental health professionals who have treated or examined the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. C.G.S.A. § 54-204(b).

CONNECTICUT

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical expenses, loss of earnings to the victim, pecuniary losses (dependents or relatives), loss of wages by a parent or guardian, or any other loss the OVS deems reasonable.	The Office of Victim Services or a victim compensation commissioner may order the payment of compensation for: (1) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, provided coverage for the cost of medical care and treatment of a crime victim who does not have medical insurance or who has exhausted coverage under applicable health insurance policies or Medicaid shall be ordered; (2) loss of earning power as a result of total or partial incapacity of such victim; (3) pecuniary loss to the spouse or dependents of the deceased victim, provided the family qualifies for compensation as a result of murder or manslaughter of the victim; (4) pecuniary loss to an injured victim or the relatives or dependents of an injured victim or a deceased victim for attendance at court proceedings, juvenile proceedings, Psychiatric Security Review Board hearings and Board of Pardons and Parole hearings with respect to the criminal case of the person or persons charged with committing the crime that resulted in the injury or death of the victim; (5) loss of wages by any parent or guardian of a deceased victim, provided the amount paid under this subsection shall not exceed one week's net wage; and (6) any other loss resulting from the personal injury or death of the victim which the Office of Victim Services or a victim compensation commissioner, as the case may be, determines to be reasonable. C.G.S.A. § 54-210(a).
Requirements/Limits for Relocation Expenses	N/A	N/A
Requirements/Limits for Mental Health Expenses	Expenses must be actually incurred and reasonable.	C.G.S.A. § 54-210(a).
Requirements/Limits for Lost Income	Parents or guardians of a deceased victim are limited to one week of net wages.	C.G.S.A. § 54-210(a).
Requirements/Limits for Medical Expenses	Expenses must be actually incurred and reasonable.	C.G.S.A. § 54-210(a).
Timeframe to Obtain Benefits	N/A	N/A
Is Emergency Assistance Available?	No, but expedited processing is available.	If based upon a review of all information available, the Office of Victim Services determines that a claim is one with respect to which undue hardship will result to the claimant if payment is not expedited, the Office of Victim Services may expedite the processing of such claim. C.G.S.A. § 54-217.
Compensation Cap (Overall)	$15,000 -- Personal injury $25,000 -- Homicide $5,000 -- Emotional harm only The OVS has discretion to award higher amounts.	(A) Compensation for personal injury shall be in an amount not to exceed fifteen thousand dollars; (B) compensation to or for the benefit of the dependents of a homicide victim shall be in an amount not to exceed twenty-five thousand dollars; (C) the claims of the dependents of a deceased victim shall be considered derivative of the claim of such victim and the total compensation paid for all claims arising from the death of such victim shall not exceed a maximum of twenty-five thousand dollars; and (D) in cases of emotional harm only, compensation for medical and mental health care and security measures shall be in an amount not to exceed five thousand dollars. The OVS may award additional compensation in an amount not to exceed five thousand dollars above the maximum amounts set forth above to a personal injury victim, who is a minor at the time the application for compensation or restitution services is filed, when such victim has additional medical needs or mental health counseling needs. The OVS may, for good cause shown and upon a finding of compelling equitable circumstances, award compensation in an amount in excess of the maximum amounts set forth above. C.G.S.A. § 54-211(d).

CONNECTICUT

TOPIC	SUMMARY	DETAILED DESCRPTION
Sources of Funding	Funded through criminal fines/penalties, federal VOCA funds, and restitution recovery	The Office of Victim Services shall establish a Criminal Injuries Compensation Fund for the purpose of funding the compensation services provided for by sections 54-201 to 54-218, inclusive. The fund may contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. The interest derived from the investment of the fund shall be credited to the fund. Amounts in the fund may be expended only pursuant to appropriation by the General Assembly, except that any recovery from the person or persons responsible for the injury or death or any reimbursement from the applicant received by the Office of Victim Services pursuant to section 54-212 and deposited in the fund may be expended in the subsequent fiscal year. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the fiscal year next succeeding. C.G.S.A. § 54-215.
Appeal Process	Initial determination may be appealed within 30 days. Hearing available. Final appeal to Superior Court possible.	An applicant may request that a determination made pursuant to subsection (a) of this section be reviewed by a victim compensation commissioner by filing a request for review with the Office of Victim Services, on a form prescribed by the Office of the Chief Court Administrator, within thirty days from mailing of the notice of such determination. C.G.S.A. § 54-205(b). Any applicant aggrieved by an order or decision of a victim compensation commissioner may appeal by way of a demand for a trial de novo to the superior court for the judicial district of Hartford. The appeal shall be filed not later than thirty days after the date on which an order or decision is sent to the applicant by first class mail or electronic mail. C.G.S.A. § 54-211a.
Payer of Last Resort Requirements	Victims must exhaust coverage under applicable health insurance policies.	Compensation may be paid for expenses actually and reasonably incurred as a result of the personal injury or death of the victim, provided coverage for the cost of medical care and treatment of a crime victim who does not have medical insurance or who has exhausted coverage under applicable health insurance policies or Medicaid shall be ordered. C.G.S.A. § 54-210(a).
References and Resources	Statutes, OVS's website	C.G.S.A. § 54-201 et seq. https://www.jud.ct.gov/crimevictim/

DELAWARE

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Claims must generally be filed within 1 year after the personal injury on which the claim is based, though discretionary exemptions may be available.	"The Agency shall deny payment of a claim for any of the following reasons: [...] Where the claim has not been filed within 1 year after the personal injury on which the claim in based, unless an extension is granted by the Agency or the Agency, in its discretion, determines that the circumstances render this requirement unreasonable." Del. Code Ann. tit. 11, § 9010(a)(4). "Except for claims on behalf of a child victim subject to Section 9010(d), claims must be filed within one year of the date of the crime, unless an extension is granted by the Agency." Code Del. Regs. 301-11.1. "Where compensation has been paid to a claimant, the Agency may not reopen or reinvestigate a case after 2 years from the date of the last payment by the Agency, or 1 year from the date the award was rendered if no payment has been made, except where the Agency in its discretion determines that the circumstances render this requirement unreasonable. Where compensation has been denied to a claimant, reopening and reinvestigation must be limited to the circumstances set forth in Superior Court Civil Rule 60." Del. Code Ann. tit. 11, § 9009(10). "Notwithstanding the provision of paragraph (10) of this section and § 9010(a)(3), (4), and (5) of this title to the contrary, the Agency may make an award for the payment of mental health counseling services under this chapter on a claim made by the victim of a crime that occurred before the victim's eighteenth birthday so long as the occurrence of the crime is appropriately documented, and the claim is filed before the victim's twentieth birthday. The Agency may also, upon good cause shown, permit a victim whose claim had previously been decided by the Agency to request that such claim be reopened for the purpose of making an award for the payment for mental health counseling services, and the Agency may reopen or reinvestigate the case and award such compensation, if the victim had not yet reached that victim's eighteenth birthday by the date of the Agency's original decision, and provided that the request for reopening is filed before the victim's twentieth birthday. However, the foregoing limitations in this paragraph (11) regarding the victim's twentieth birthday do not apply in cases of crimes involving sexual assault or abuse." Del. Code Ann. tit. 11, § 9009(11). "Notwithstanding any provision to the contrary, the Agency may not limit acceptance or consideration of any applications arising from sexual assault or abuse of a child which may have otherwise been barred from consideration by a statute of limitations." Del. Code Ann. tit. 11, § 9009(12). "a. Notwithstanding the provisions of paragraph (10) of this section or any other provisions of this chapter to the contrary, if any of the following apply, a victim or secondary victim of the crime committed by the offender may apply for reimbursement as set forth in paragraph (13)b. of this section: 1. Further investigation into a previously reported crime is initiated by a law-enforcement agency. 2. An offender appears in any judicial or administrative proceeding regarding a criminal charge, conviction, or sentence, including a trial, appeal, postconviction relief, mediation, penalty, parole or pardon hearing. 3. The offender is released from incarceration. b. A victim or secondary victim may apply for reimbursement of the following costs under the circumstances set forth in paragraph (13)a. of this section provided that the costs are incurred within 1 year before, or within 2 years after, the opening of the investigation, the date of the judicial or administrative proceeding, or the release or execution date of the offender: 1. The cost of mental health counseling services, not to exceed 50 sessions. 2. Reasonable expenses incurred due to attendance at criminal proceedings. 3. Expenses for essential personal safety property, not to exceed $1,500." Del. Code Ann. tit. 11, § 9009(13). "Under the circumstances set forth in subsection (13) of 11 Del.C. § 9009, as amended, a victim or secondary victim may apply for reimbursement for: the cost of mental health counseling services, not to exceed fifty sessions; reasonable expenses incurred due to attendance at criminal proceedings; and expenses for essential personal safety property, not to exceed $1,500; provided that such costs were incurred within one year before or two years after the date of the reopened investigation, judicial or administrative proceeding, release, or execution." Code Del. Regs. 301-13.7. "Where the Agency has made an initial determination and award, a victim or claimant may submit additional requests for compensation arising out of the same crime within two years of the date of the initial determination by the Agency." Code Del. Regs. 301-13.5.

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Identity of Person Seeking Compensation	Compensation may be sought by a victim, secondary victim, or dependent.	Compensation may be sought by a victim, secondary victim, or dependent. Del. Code Ann. tit. 11, § 9002(4). “Victim” means a person who sustains a personal injury or is killed by the act of any other person during the commission of a crime. Del. Code Ann. tit. 11, § 9002(14). "Victim" shall "mean a person who is injured or killed by the act of any other person during the commission of a crime as defined in this Chapter." Code Del. Regs. 301-2.1. “Secondary victim” means any parent, stepparent, grandparent, son, daughter, spouse, sibling, half-sibling, fiance, caretaker of the victim, any child who resides on a regular or semi-regular basis with any adult who is the victim of, or convicted of, any crime involving an act of domestic violence, the parents of a victim's spouse, or any person who resided in the victim's household at the time of the crime or at the time of the discovery of the crime. For purposes of receiving mental health counseling only, this definition includes any person who discovers and reports a homicide. Del. Code Ann. tit. 11, § 9002(13). “Secondary Victim” shall "mean any parent, stepparent, grandparent, son, daughter, spouse, sibling, half-sibling, fiancÉe, caretaker of the victim; any child who resides on a regular or semi-regular basis with any adult who is the victim of, or convicted of, any crime involving an act of domestic violence; the parents of a victim's spouse; or any other person who resided in the victim's household at the time of the crime or at the time of the discovery of the crime." Code Del. Regs. 301-2.1. “Dependent” means "a person wholly or substantially dependent on the income of the victim at the time of victim's death, or would have been so dependent but for the incapacity of the victim due to the injury from which the death resulted, and includes a child born after the death of the victim." Del. Code Ann. tit. 11, § 9002(7). “Personal injury” means bodily harm, mental, emotional or psychological harm, or includes pregnancy resulting from the crime. Del. Code Ann. tit. 11, § 9002(12). ‘Personal Injury’ shall mean bodily harm, mental, emotional, or psychological harm, and shall include pregnancy of the victim resulting from the crime. Code Del. Regs. 301-2.1.
Eligibility Requirements: Types of Crime	Human trafficking is among the eligible crimes. Human traffcking is defined to include a person knowingly recruiting, transporting, harboring, receiving, providing, obtaining, islating, maintaining, advertising, soliciting, or enticing an individual in furtherance of forced labor or sexual servitude.	“Crime” means any of the following: a. Any specific offense set forth in Chapter 5 of this title, if the offense was committed after July 1, 1973, and contains the characteristics of murder, rape, unlawful sexual intercourse, unlawful sexual penetration or unlawful sexual contact, manslaughter, assault, kidnapping, arson, burglary, riot, robbery, unlawful use of explosives, unlawful use of firearms, stalking, or endangering the welfare of a child. b. Any specific offense set forth in former Chapter 3 of this title, if such offense was committed prior to July 1, 1973, and contains the characteristics of murder, rape or any other sexual assault or sexual abuse, manslaughter, assault, kidnapping, arson, burglary, robbery, riot, unlawful use of explosives, or unlawful use of firearms. c. Any specific offense occurring in another state, possession, or territory of the United States or in violation of the United States Criminal Code, in which a person whose domicile is in Delaware is a victim, if the offense contains the characteristics of murder, rape or any other sexual assault or sexual abuse, manslaughter, assault, kidnapping, arson, burglary, riot, robbery, unlawful use of explosives, or unlawful use of firearms as set forth in Chapter 5 of this title. d. Any specific act of delinquency by a child, which if committed by an adult would constitute a specific offense set forth in Chapter 5 of this title, and contains the characteristics of murder, rape, unlawful sexual intercourse, unlawful sexual penetration or unlawful sexual contact, manslaughter, assault, kidnapping, arson, burglary, robbery, riot, unlawful use of explosives, or unlawful use of firearms. e. An act of terrorism, as defined in 18 U.S.C. § 2331, committed outside, or inside, the United States against a resident or domiciliary of this State. f. Any offense under the Criminal Code or the Motor Vehicle Code containing as an element the act of driving under the influence of alcohol or any drug or driving with a prohibited blood alcohol concentration, vehicular homicide in any degree, vehicular assault in any degree, operation of a motor vehicle causing death, leaving the scene of an accident involving personal injury, or operation of a vehicle causing serious physical injury to a vulnerable user. g. Any act that contains the characteristics of domestic violence or abuse. h. *Any act that contains the characteristics of human trafficking as defined in § 787 of this title.* Del. Code Ann. tit. 11, § 9002(6). "A person is guilty of trafficking an individual if the person knowingly recruits, transports, harbors, receives, provides, obtains, isolates, maintains, advertises, solicits, or entices an individual in furtherance of forced labor in violation of paragraph (b)(2) of this section or sexual servitude in violation of paragraph (b)(3) of this section." Del. Code Ann. tit. 11, § 787(b)(1). ‘Crime’ for purposes of this Chapter shall mean: (1) any specific offense set forth in Chapter 5 of Title 11 of the Delaware Criminal Code as the same appears in Chapter 497, Volume 58, Laws of Delaware, if the offense was committed after the effective date of said Criminal Code and contains the characteristics of murder, rape, unlawful sexual intercourse, unlawful sexual penetration or unlawful sexual contact, manslaughter, assault, kidnapping, arson, burglary, riot, robbery, unlawful use of explosives, [or] unlawful use of firearms, stalking, endangering the welfare of a child, driving under the influence of any alcohol or drug or driving with a prohibited blood alcohol concentration, or hit-and-run, or any act of domestic violence or abuse; (2) any specific offense set forth in Chapter 3, Title 11 of the Delaware Code if such offense was committed prior to the effective date of the Delaware Criminal Code, as set

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		(2) Any specific offense set forth in Chapter 5, Title 11 of the Delaware Code if such offense was committed prior to the effective date of the Delaware Criminal Code, as set forth in Chapter 497, Volume 58, Laws of Delaware, and contains the characteristics of murder, rape, manslaughter, assault, kidnapping, arson, burglary, robbery, riot, unlawful use of explosives, or unlawful use of firearms; (3) Any specific offense occurring in another state possession or territory of the United States in which a person whose domicile is in Delaware is a victim, if the offense contain the characteristics of murder, rape, manslaughter, assault, kidnapping, arson, burglary, riot robbery, unlawful use of explosives or unlawful use of firearms as set forth in Chapter 5 of this title. (66 Del. Laws, c. 269, Section 11.) (4) Any specific act of delinquency by a child, which if committed by an adult would constitute a specific offense set forth in Chapter 5 of this Title, and contains the characteristics of murder, rape, unlawful sexual intercourse, unlawful sexual penetration or unlawful sexual contact, manslaughter, assault, kidnapping, arson, burglary, robbery, riot, unlawful use of explosives or unlawful use of firearms; (5) An act of terrorism, as defined in 18 U.S.C. § 2331, committed outside, or inside, the United States against a resident or domiciliary of this State. 'Dependent' shall mean a person wholly or substantially dependent upon the income of the victim at the time of the victim's death, or would have been so dependent but for the incompetency of the victim due to the injury from which the death resulted, and shall include a child born after the death of such victim. Code Del. Regs. 301-2.1.
Eligibility Requirements: Geographic Nexus	Compensation may be provided to: •Any person who is the victim of a crime committed in Delaware; •Any Delaware resident of domiiliary who is the victim of a terrorist act •Any person who is domicied in Delaware and who is the victim/secondary victim of a crime that occurs outside of Delaware if (i) the crimes would be compensable had they occured in Delaware; and (ii) the crime occured in a place that does not have an eligible crime victim compensation program that provides equal benefits.	"A person whose domicile is in Delaware and who is the victim or secondary victim of a crime that occurs in another state, possession, or territory of the United States may make an application for compensation if both of the following are true: a. The crimes would be compensable had they occurred in Delaware. b. The placement of the crime occurred in states, possessions, or territories of the United States not having eligible crime victim compensation programs that provide benefits equal to the benefits provided under this chapter." Del. Code Ann. tit. 11, § 9009(9). "This chapter shall apply to: (1) All persons, including nonresidents of Delaware, who are victims of crimes committed on January 1, 1975, or thereafter within this State; and (2) All Delaware residents and domiciliaries who are victims of terrorist acts." Del. Code Ann. tit. 11, § 9021.
Eligibility Requirements: Criminal Background of Victim	This does not appear to be an expressly relevant factor.	None identified.
Citizenship Requirement?	None identified.	None identified.
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. The victim must generally have reported the crime to a law-enforcement agency within 72 hours of its occurrence, though this requirement may be waived in the discretion of the Agency, and is subject to certain exceptions. Cooperation with law enforcement is also required.	"The Agency shall deny payment of a claim for any of the following reasons: [...] Where the victim refused to give reasonable cooperation to state or local law-enforcement agencies in their efforts to apprehend or convict the perpetrator of the crime in question. [or] Where the victim has failed to report the crime to a law-enforcement agency within 72 hours of its occurrence. This requirement is waived in any of the following circumstances: a. The crime has been reported to an appropriate governmental agency, such as child or adult protective services or the Family Court. b. The victim can provide a protection from abuse order. c. The victim has cooperated with law enforcement or an appropriate government agency in cases of crimes involving domestic violence, sexual assault or abuse. d. Where the Agency, in its discretion, determines that the circumstances of the crime or the victim render this requirement unreasonable." Del. Code Ann. tit. 11, § 9010(a)(3), (a)(5). "Payment may be made in accordance with this chapter, whether or not the alleged perpetrator of the criminal act is prosecuted or convicted, in the discretion of the Agency. Payment may be made even though the person committing the crime is legally deemed to not have intended the act by reason of age, insanity, drunkenness, or is otherwise deemed legally incapable of mens rea." Del. Code Ann. tit. 11, § 9009(7).

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Is Complicity in Crime Disqualifying?	Yes. Compensation may be denied or reduced where the claimant was complicit in the crime that caused the personal injury on which the claim is based.	"The Agency shall deny payment of a claim for any of the following reasons: (1) Where the claimant was the perpetrator of the crime on which the claim is based. (2) Where the victim incurred the personal injury on which the claim is based through collusion with the perpetrator of the crime." Del. Code Ann. tit. 11, § 9010(a). "In determining whether or not to make an award under this chapter, or in determining the amount of any award, the Agency may consider any circumstances it deems to be relevant, including the behavior of the victim which directly or indirectly contributed to injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender. If the victim bears any share of responsibility that caused injury or death, the Agency shall reduce the amount of compensation in accordance with its assessment of the degree of such responsibility attributable to the victim. A claim may be denied or reduced if the victim of the personal injury in question, either through negligence or through wilful and unlawful conduct, substantially provoked or aggravated the incident giving rise to the injury. In no event may the Agency deny any claim solely because the victim was a child victim of sexual assault or abuse, and the victim either delayed reporting the abuse or assault to authorities or the victim delayed an application for services to mitigate the effects of the impact of sexual assault or abuse." Del. Code Ann. tit. 11, § 9010(b)-(d).
To Whom are Applications Made?	The Victim's Compensation Assistance Program ("VCAP"), which is also referred to as the "Agency."	The Victim's Compensation Assistance Program ("VCAP"), which is also referred to as the "Agency." *See* Del. Code Ann. tit. 11, § 9006; Code Del. Regs. 301-2.1.
How are Applications Accepted?	Applications may be submitted by mail in writing.	"All claims filed with the Agency must be in writing on the Agency's provided claim form and signed by the claimant." Del. Code Ann. tit. 11, § 9012(a). "The VCAP shall prepare and furnish claim forms and brochures, and shall provide for the online filing of claims." Code Del. Regs. 301-10.0. Note, however, that at present the claim form provides that such should be submitted by mail. *See* https://attorneygeneral.delaware.gov/wp-content/uploads/sites/50/2017/03/Application.pdf. "In addition to all other statutory requisites, claims must be filed in the office of VCAP on official forms which include subrogation, authorization, and consent agreements." Code Del. Regs. 301-11.1.
Who May Submit an Application?	Any claimant may submit an application.	"Claimants have the right to be represented before the Agency and the Appeals Board by an attorney, who is licensed to practice in the State of Delaware. The attorney shall file a notice of appearance." Code Del. Regs. 301-18.1.
What Language Services are Available?	The Victim's Compensation Brochure and Application are available in English and Spanish. Limited information on the Program is available in six languages.	*See* https://attorneygeneral.delaware.gov/vcap/
General Documentation Requirements	Claimants must provide all documentation requested by VCAP within 45 days of request.	"If VCAP, in its investigation of a claim, requires further documentation from the claimant, such documentation must be submitted to VCAP no later than 45 days of the date of VCAP's request." Code Del. Regs. 301-11.2. "All claimants must fully cooperate with investigators or representatives of VCAP in order to be eligible for an award. In the event that cooperation is refused or denied, VCAP may deny a claim for lack of cooperation." Code Del. Regs. 301-13.1. "In compensation cases, the burden of proof shall be upon the claimant. The claimant also has the burden of proving that he/she sustained a loss or incurred an expense as a result of a violent crime that is compensable according to the statutory authority and the Rules of the Victims' Compensation Assistance Program." Code Del. Regs. 301-14.1-14.2.

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Categories of Benefits Available	Compensation may be available for any of the following: •Crime scene cleanup •Temporary housing •Moving expenses •Essential personal safety property •Lost wages of those charged with the care of a minor victim •Reasonable expenses relating to death of a victim •Certain automobile-related expenses •Housing-related expenses •Loss of support for victims of violence (available only in limited instances when the victim was financially supported by the offender by legal income) •Child care •Cost to change locks and replace items seized as evidence •Reimbursement for reasonable expenses incurred due to attendance at criminal proceedings as a witness for the prosecution •Medical and hospital expenses •Mental health and psychiatric care •Nonmedical remedial care and treatment rendered in accordance with a religious method of healing. •Loss of past or future earnings, including reimbursement for vacation, sick, and compensatory time, because of a disability resulting from personal injury •Funeral and burial expenses •Loss of support to the dependents of a victim of homicide	“Pecuniary loss” means any expenses actually and necessarily incurred as a result of personal injury or death resulting from a crime, but it does not include property damage. “Pecuniary loss” includes the following, except that for secondary victims, “pecuniary loss” means what is in paragraphs (10)d. and (10)o. of this section, and for claimants in homicide cases, “pecuniary loss” means what is in paragraphs (10)b., (10)c., (10)d., (10) f., (10)h., (10)o., (10)s., (10)t., and (10)u. of this section: a. Crime scene cleanup not to exceed $1,000. b. Temporary housing not to exceed $1,500. c. Moving expenses not to exceed $1,000. d. Essential personal safety property not to exceed $1,500. e. Lost wages of parents or others charged with the care, custody, or guardianship of a victim while providing care to the victim. f. Reasonable expenses, other than counseling of secondary victims where the victim has been killed by the act of a person during the commission of a crime, not to exceed $1,000. g. The deductible under a policy of automobile insurance where a motor vehicle is stolen in connection with a crime, not to exceed the amount of the deductible. h. Housing-related expenses, including mortgage, rent, security deposit, or other housing costs and furniture not to exceed 3 times the claimant's monthly prospective housing cost. i. Loss of support for victims of violence, not to exceed $3,000, when all of the following are established: 1. The offender was gainfully employed or had other legal income at the time the crime was committed against the victim. 2. The victim is fully or partially dependent on the income of the offender. 3. The victim no longer has that income from the offender. j. Compensation for towing and impoundment expenses incurred as a direct result of a crime. k. The cost to change locks and replace items seized as evidence. l. Child care not to exceed the deposit plus 2 months of care by a state-approved or licensed day care provider. m. Reimbursement for reasonable expenses incurred due to attendance at criminal proceedings as a witness for the prosecution. n. Medical expenses. o. Psychiatric care and mental health counseling. p. Nonmedical remedial care and treatment rendered in accordance with a religious method of healing. q. Hospital expenses. r. Loss of past or future earnings, including reimbursement for vacation, sick, and compensatory time, because of a disability resulting from personal injury. s. Funeral expenses not to exceed $5,000. t. Burial expenses not to exceed $2,500. u. Loss of support to the dependents of a victim of homicide. Del. Code Ann. tit. 11, § 9002(10). "In the event of a death caused by a crime, a person who legally or voluntarily assumes the obligation to pay the medical or burial expenses incurred as a direct result of the injury and death is eligible to file a claim with the Agency. This provision for payment in case of death does not apply to any insurer or public entity." Del. Code Ann. tit. 11, § 9009(2). "Pecuniary Loss" in "instances of personal injury shall include medical expenses, including psychiatric care, non-medical remedial care and treatment rendered in accordance with a religious method of healing; hospital expenses; loss of past earnings; crime scene cleanup, moving expenses, essential personal safety property, insurance deductibles, and loss of future earnings, including, but not limited to, reimbursement for vacation, sick, and compensatory time because of a disability resulting from such personal injury. ‘Pecuniary Loss' in instances of death of the victim shall include funeral and burial expenses and loss of support to the dependents of the victim. Pecuniary loss includes any other expenses actually and necessarily incurred as a result of the personal injury or death, but it does not include property damage. Pecuniary loss”, as defined in § 9002, shall include only the net amount of enumerated expenses actually and necessarily sustained as a result of personal injury or death occurring due to a crime. Compensation for increased rent or mortgage payments due to relocation of the victim as a result of the crime shall be limited to the net amount of any increase." Code Del. Regs. 301-2.1.

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Requirements/Limits for Relocation Expenses	Compensation may be provided for: •Temporary housing not to exceed $1,500. •Moving expenses not to exceed $1,000. •Housing-related expenses, including mortgage, rent, security deposit, or other housing costs and furniture not to exceed 3 times the claimant's monthly prospective housing cost. •The cost to change locks and replace items seized as evidence. Del. Code Ann. tit. 11, § 9002(10).	"A victim who seeks compensation for temporary housing, rent, security deposit, furniture and/or moving expenses must submit documentation within 45 days of VCAP's request therefor, unless an extension is granted by the Agency." Code Del. Regs. 301-11.3. Compensation may be provided for: •Temporary housing not to exceed $1,500. •Moving expenses not to exceed $1,000. •Housing-related expenses, including mortgage, rent, security deposit, or other housing costs and furniture not to exceed 3 times the claimant's monthly prospective housing cost. •The cost to change locks and replace items seized as evidence. Del. Code Ann. tit. 11, § 9002(10).
Requirements/Limits for Mental Health Expenses	Compensation for psychiatric care and mental health counseling is available and is not subjec to a specific limit beyond the overall cap.	Compensation may be available for psychiatric care and mental health counseling. Del. Code Ann. tit. 11, § 9002(10). "Mental health assessment and counseling expenses shall be paid on behalf of the victim to a qualified mental health practitioner at a rate set by VCAP. If VCAP accepts a claim, the mental health treatment practitioner shall accept the VCAP payment as payment in full, and may not attempt to collect from the victim or third parties any amount exceeding the amount of reimbursement made by VCAP. In the absence of an existing provider agreement, VCAP payments may be accompanied by a notice that provider acceptance constitutes acknowledgment of payment in full. VCAP will pay a mental health provider at the rate of 80% of the usual and customary charge for such services. When a third party has made payment, and the victim is responsible for a co-payment, VCAP may reimburse for the amount of the co-payment. VCAP may pay a lesser amount if payment under this section would exceed a statutory or regulatory cap. If the usual and customary charge cannot readily be established, or in special circumstances, VCAP may, in its discretion, determine the reasonable charge for the procedure performed or the service rendered. If a victim has Medicaid or Medicare benefits, VCAP will pay the mental health provider at the rates established by Medicaid or Medicare regardless of whether the provider is paneled with Medicaid or Medicare. The provider shall accept VCAP's payment as payment in full, and may not attempt to collect from the victim or third parties any amount exceeding the amount of reimbursement made by VCAP." Code Del. Regs. 301-29.1-29.4. "The costs of a psychological assessment done for the purposes of evaluating the mental health needs of a child victim may be paid from the Victims' Compensation Fund. The costs of short-term counseling, as defined by the Agency, for the purposes of meeting the mental health needs of a child victim may be paid from the Victims' Compensation Fund. Any psychological assessment or counseling provided pursuant to this section shall be provided by a qualified mental health practitioner as determined by the Agency. The Agency shall authorize the repayment of reasonable expenses for a psychological assessment and/or short-term counseling. Such reimbursement shall not exceed a maximum amount to be determined by the Agency. Any mental health practitioner performing a psychological assessment and/or short-term counseling pursuant to this section shall seek reimbursement for such services from the patient's insurance carrier, including Medicaid and Medicare, if available. If the mental health practitioner has recovered from insurance, the Agency shall only provide compensation sufficient to total the maximum amount provided for in the Board's rules and regulations. Funding for psychological assessments and/or short-term counseling shall be available to the victim regardless of other health insurance resources which may exist. A parent or guardian acting on behalf of a child victim shall not pay any out-of-pocket costs associated with a psychological assessment or short-term counseling, and shall not be required to file an application with the Agency. Notwithstanding other language in this chapter, all psychological assessments and short-term counseling expenses of child victims shall be paid for through the Victims' Compensation Fund and such payment shall be considered full compensation to the mental health practitioner providing such services. Nothing in this section shall preclude a victim from applying to the Agency for other costs incurred. For the purpose of this section, "child victim" or "child" means any victim or person who had not yet reached that victim's or person's eighteenth birthday on the date of the commission of the crime." Del. Code Ann. tit. 11, § 9024.
Requirements/Limits for Lost Income	Compensation for loss of earnings due to disability resulting from personal injury is available and is not subject to an express limit beyond the overall cap.	Compensation is available for loss of past or future earnings, including reimbursement for vacation, sick, and compensatory time, because of a disability resulting from personal injury. Del. Code Ann. tit. 11, § 9002(10).

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Requirements/Limits for Medical Expenses	Compensation for medical expenses is available and is not subject to an express limit beyond the overall cap.	Medical expenses may be subject to compensation. Del. Code Ann. tit. 11, § 9002(10). "Medical expenses shall be paid on behalf of the victim to a hospital or other licensed health care facility or provider at a rate set by VCAP. If VCAP accepts a claim, the hospital or other licensed health care facility or provider shall accept the VCAP payment as payment in full, and may not attempt to collect from the victim or third parties any amount exceeding the amount of reimbursement made by VCAP. In the absence of an existing provider agreement, VCAP payments may be accompanied by a notice that provider acceptance constitutes acknowledgement of payment in full. 28.2 VCAP will pay a hospital or other licensed health care facility or provider at the rate of 80% of the usual and customary charge for such services. The VCAP may pay a lesser amount if payment under this section would exceed a statutory or regulatory cap. 28.3 If the usual and customary charge cannot readily be established, or in special circumstances, VCAP may, in its discretion, determine the reasonable charge for the procedure performed or the services rendered." Code Del. Regs. 301-28.1. "The cost of a forensic medical examination done for the purpose of gathering evidence that can be used in the prosecution of a sexual offense may be paid from the Victims' Compensation Fund. For purposes of this section, “forensic medical examination” means medical diagnostic procedures examining for physical trauma, and determining penetration, force, or lack of consent. The cost of the examination must include collecting all evidence as called for in the sexual offense evidence collection kits and may include any of the following, if done as part of the forensic medical examination: (1) Physician's fees for the collection of the patient history, physical, collection of specimens, and treatment for the prevention of venereal disease or the provision of emergency contraception, including 1 return follow-up visit. (2) Emergency department expenses, including emergency room fees, cost of pelvic tray, and transportation by ambulance. (3) Laboratory expenses for wet mount for sperm, swabs for acid phosphates and ABH antigen; blood typing, serology for syphilis and Hepatitis B; cultures for gonorrhea, chlamydia, trichomonas, and other sexually transmitted diseases; pregnancy testing; urinalysis; and any other laboratory test needed to collect evidence that could be used in the prosecution of the offense. Hospitals and health-care professionals shall provide forensic medical examinations free of charge to the victims of sexual offenses. Any hospital or health-care professional performing a forensic medical examination shall seek reimbursement for the examination from the patient's insurance carrier, including Medicaid and Medicare, if available. If insurance is unavailable, or does not cover the full costs of the forensic medical examination, the service provider may seek reimbursement from the Victims' Compensation Fund. The Agency shall authorize the repayment for reasonable expenses incurred during the forensic medical examination. The reimbursement may not exceed a maximum amount to be determined by the Agency. If the hospital or health-care professional has recovered from insurance, the Agency shall only provide compensation sufficient to total the maximum amount provided for in the Agency's rules and regulations.The victim of the sexual offense shall not pay any out-of-pocket costs associated with the forensic medical examination and shall not be required to file an application with the Agency. Notwithstanding other language in this chapter, all forensic medical examinations of victims of a sexual offense not covered by insurance must be paid for through the Victims' Compensation Fund and the payment must be considered full compensation to the hospital or health-care professional providing the services. In addition to, and at the same time as, any other fine or penalty assessed on any criminal defendant, all defendants convicted of a sexual offense as defined in § 761 of this title must be assessed an additional fine that must be used to reimburse the Victims' Compensation Fund for forensic medical examination payments. All defendants convicted of sexual offenses shall pay $50 for each misdemeanor level count for which they are convicted and $100 for each felony level count for which they are convicted. All fines paid in accordance with this section must be deposited into the Victims' Compensation Fund. Nothing in this section may preclude victims from applying to the Agency for other costs incurred." Del. Code Ann. tit. 11, § 9023.
Timeframe to Obtain Benefits	The Agency must initiate an investigation within 30 days, but there is no specific timeframe for the conclusion of the investigation and determination as to whether an award will be made.	"The Agency shall initiate an investigation of the claim within 30 days of the filing of the claim. After this investigation, the Agency shall render a decision on whether or not to award compensation to the claimant. The Agency shall immediately mail a copy of its decision to the claimant, together with written notice of the claimant's options for redress if dissatisfied with the Agency decision." Del. Code Ann. tit. 11, § 9012(a).
Is Emergency Assistance Available?	Emergency assistance is available only upon a showing of "dire necessity" and only if a police report or other official documentation from an appropriate law enforcement agency has been acquired.	"The Agency will make an emergency award only upon a showing of dire necessity. The claimant, must, in writing, request an emergency award when submitting his claim form and show just cause as to why such an award should be considered. No such award will be made until the police report or other official documentation from the appropriate law enforcement agency is acquired. An Appeals Board member shall be contacted and, if available, participate in the determination of any such emergency award." Code Del. Regs. 301-23.0.
Compensation Cap (Overall)	Compensation for an individual claimant may not exceed $25,000, or $50,000 in the event of permanent and total disability.	"Compensation may not be awarded under the chapter to a claimant in a total amount in excess of $25,000; provided, however, that the Agency may award compensation to victims who are permanently and totally disabled in an amount not to exceed $50,000." Del. Code Ann. tit. 11, § 9011(d).

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Sources of Funding	Compensation is funded by fines assessed to criminal defendants and children adjudicated delinquent and is issued by the Delaware State Treasurer.	"Upon determination of the Agency of the amount of compensation due, the Agency shall request payment be issued by the Delaware State Treasurer in accordance with the State of Delaware Budget and Accounting Manual or any succeeding document." Del. Code Ann. tit. 11, § 9009(8). "In addition to, and at the same time as, any fine is assessed to any criminal defendant or any child adjudicated delinquent, there must be levied an additional penalty of 18% of every fine, penalty, and forfeiture imposed and collected by the courts for crimes or offenses as defined in § 233 of this title, or $10 per offense of conviction, whichever is greater. Where multiple offenses are involved, the penalty assessment must be based on the total fine for all offenses. When a fine, penalty, or forfeiture is suspended, in whole or in part, the penalty assessment must not be suspended; provided, however, that if the penalty assessment herein imposed remains uncollected for a period in excess of 3 years, the courts may expunge the record of the assessment. Upon collection of the penalty assessment, the penalty assessment must be paid over to the prothonotary or clerk of court, as the case may be, who shall collect the penalty assessment and transmit it to the State Treasury to be deposited in a separate account for the administration of this chapter, which account must be designated the "Victims' Compensation Fund," which is hereby created. Beginning with the fiscal year ending June 30, 2002, the unencumbered balances on June 30 of each fiscal year in excess of $6,000,000 must be deposited in the General Fund." Del. Code Ann. tit. 11, § 9016.
Appeal Process	Appeals may be submitted to the Agency within 15 days of the date an initial decision is mailed. Appeals may subsequently be submitted to the Appeals Board within 15 days after a final Agency decision is mailed. Appeals may be submitted to the Superior Court within 30 days of the decision of the Appeals Board.	"If the claimant is dissatisfied with the Agency's decision, the claimant may, within 30 days after the date the Agency decision is mailed, file a request for reconsideration of the claim. The request must include additional information from the claimant that supports the claim request. If the request is not timely made, then the Agency decision is final and not appealable to the Appeals Board or the Superior Court. If a reconsideration is timely requested, the Executive Director shall review the claimant's information and render a final decision. This decision will immediately be mailed to the claimant, together with written notice of the claimant's right to request an appeal. If the claimant is dissatisfied with the Agency's final decision, the claimant may, within 30 days after the date the decision is mailed, request a hearing before the Appeals Board. If an appeal is timely requested, the Appeals Board shall fix the time and place for hearing the appeal. The Agency shall, at least 20 days before the time set for the hearing, mail notices of the time and place of the hearing to all interested persons and agencies. At the appeal hearing, the claimant may present evidence to the Appeals Board to show why the Agency's decision should be reversed or modified. Within 90 days of the conclusion of all hearings on the matter, the Appeals Board shall mail to the claimant a statement of its final decision to award or deny the claim and a statement of any conditions under which the claim will be awarded. The Appeals Board may affirm, reverse, or modify the Agency's decision. The claimant or the Agency, if dissatisfied by the Appeals Board's decision concerning compensation or any conditions attached to the award of the compensation, may appeal to the Superior Court within 30 days following the date the decision of the Appeals Board is mailed to the appealing party. An appeal to Superior Court must be based on the record of the Appeals Board hearing." Del. Code Ann. tit. 11, § 9012(b)-(e). "Any claimant who is dissatisfied with the initial decision of the Agency may, within 15 days of the date a decision is mailed, request reconsideration of the claim by the Agency. The request should include any additional information from the claimant that supports the claim request. The Executive Director shall review the request and any information provided by the claimant, and render a final decision." Code Del. Regs. 301-13.2. "Any claimant who is aggrieved by the Appeals Board's decision concerning compensation or any conditions attached to the award of such compensation, may appeal to the Superior Court within (30) thirty days of the decision of the Board. Any appeal to Superior Court shall not be de novo." Code Del. Regs. 301-20.2. "I understand if I am dissatisfied with the initial decision of the Victims' Compensation Assistance Program, I may submit a written request for a Reconsideration within 15 days after the date the decision is mailed. If the claimant is dissatisfied with the Agency's final decision, the claimant, may, within 15 days after the date the decision is mailed, request a hearing before the Appeals Board. If I am not satisfied with the Appeals Board's final decision, I understand that I may appeal the decision to the Superior Court of the State of Delaware within thirty (30) days for the final decision." *See* https://attorneygeneral.delaware.gov/wp-content/uploads/sites/50/2017/03/Application.pdf. "Except as set forth in Section 9009 (11) and (13), and in cases of sexual abuse of a minor by an adult, the Agency shall not reopen or reinvestigate a case after the expiration of two (2) years from the date of the final determination rendered by the Agency. The standard governing such an application shall be that set forth in Superior Court Civil Rule 60 (b), namely that relief shall be granted only in the event of mistake, excusable neglect, newly-discovered evidence, fraud, illegality, or other grounds recognized by the Agency." Code Del. Regs. 301-13.4.

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		"17.1 Notice of hearings shall be posted in the office of VCAP and online at the Agency website at least seven days prior to the scheduled hearing dates. Special meetings or rescheduled hearings shall be posted no later than 24 hours prior to the scheduled time. 17.2 The Appeals Board is not bound by the Rules of Evidence. Hearsay evidence is admissible, if deemed reliable by the Appeals board. 17.3 The Appeals Board may receive as evidence, any statements, documents, information or material, it finds are relevant and of such nature as to afford the parties a fair hearing. The Board may also accept police reports, hospital records and reports, physicians reports, etc., as proof of the crime and injuries sustained, without requiring the presence of the investigating officer or attending physician at the hearing. 17.4 The Appeals Board shall have the discretion to exclude plainly irrelevant, immaterial, insubstantial, cumulative, and privileged evidence. [Source 29 Del.C. § 10125(b)(3) and (4). Former Rule 6.0] 17.5 All witnesses shall testify under oath (or by affirmation), and a record of the proceedings shall be recorded. The Appeals Board members may examine the claimant and all witnesses. 17.6 Appeals Board hearings shall be open to the public. However, the Appeals Board may hold private deliberations under the following circumstances: 17.6.1 When the claim to be considered derives from any sexual offense; 17.6.2 When the claim to be considered derives from any offense by a child, unless such child has been deemed amenable to the jurisdiction of a criminal court; 17.6.3 When the claim to be considered derives from any matter not yet adjudicated. 17.7 Within 90 days of the conclusion of any and all hearings before the Appeals Board, the Appeals Board shall mail a written final decision to the claimant. The decision shall state whether the claim had been denied or an award has been made to the claimant, shall set forth the contentions of the parties, and the findings of fact and the conclusions of law reached by the Appeals Board, and shall set forth any and all conditions governing an award. 17.8 A request to reopen a claim may be heard by one Member if the reopen request for compensation is less than $5,000.00. If the reopen request for compensation is more than $5,000.00, the request to reopen shall be heard by a quorum of the Board. 17.9 If a claim is filed more than one (1) year after the crime occurrence, or if the claim was reported to law enforcement more than 72 hours after the commission of the crime, the claim may be reviewed by one member to accept or deny for processing. 17.10 Under no circumstances shall the Board reopen or reinvestigate a case after the expiration of two (2) years from the date of decision rendered by the Board. 17.11 Where a victim applies for additional compensation for expenses incurred more than one year from the crime occurrence, the Board may require a new physical or mental examination, in order to ascertain causal connection to the original occurrence." Code Del. Regs. 301-17.1-17.11.

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	The Agency is considered the payer of last resort.	"If a claim is approved, the award must be the amount of pecuniary loss minus the amount the claimant has received or will receive as indemnification from any other source, including any applicable insurance." Del. Code Ann. tit. 11, § 9009(1). "The Agency shall deduct from its award of compensation any payments received from the following by the claimant if the payment were in any manner made to compensate for the personal injury or death arising from the crime or incident giving rise to the claim: (1) The offender. (2) Any person on behalf of the offender. (3) Any insurer. (4) The United States or any state. (5) The State of Delaware or any of its political subdivisions. In the event that payment of an award of compensation has been received by the claimant, and payments as set forth is subsection (f) of this section are received, the claimant is obligated to reimburse the Agency for the funds received, to the full extent of the compensation paid by the Agency. The Executive Director has authority to accept reimbursement of less than the full amount of compensation paid, but only in cases where the claimant is subjected to extreme hardship, as determined in the sole discretion of the Executive Director. The reimbursement provisions [noted above] do not apply to any life insurance proceeds." Del. Code Ann. tit. 11, § 9011(f)-(i). "If the victim seeks compensation for an injury sustained while in the course and scope of employment, the victim must submit a claim for worker's compensation, and provide documentation thereof, before making application to VCAP for compensation." Code Del. Regs. 301-11.4. "Any award made by VCAP shall be reduced by the amount, if any, of compensation the claimant has received or will receive as indemnification from any other source, including insurance of any kind. The proceeds of any life insurance policy shall not be deducted from the award. VCAP shall deduct from its award the amount of any compensation for personal injury of death arising from the crime or incident and received by the victim, or by the victim's dependents. Such compensation includes payments by or on behalf of the offender, from any insurer, and from any governmental entity. The amount of compensation to be deducted from VCAP award shall be the net amount of compensation paid to the victim, after deductions for costs or attorney fees. The proceeds of any life insurance policy shall not be deducted from the award. Where an award has been made, and the claimant subsequently receives reimbursement from any source set forth above, with the exception of life insurance, VCAP may recover reimbursement from the claimant, up to the amount of the award. Prior to making an award, VCAP shall require the claimant to execute an agreement acknowledging the claimant's understanding that any award is net of funds received from collateral sources, and further acknowledging the claimant's obligation to reimburse the Board to the extent of any such funds received from collateral sources. Any attorney representing a client before the Board is bound by the Rules set forth herein regarding collateral sources of compensation." Code Del. Regs. 301-27.1-27.5.
References and Resources		Del. Code Ann. tit. 11, § 9001 *et seq.* Code Del. Regs. 301-1.0 *et seq.* https://attorneygeneral.delaware.gov/vcap/compensation/

FLORIDA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Generally, an application for compensation must be filed 3 years after the later of: a. The occurrence of the crime upon which the claim is based; b. The death of the victim or intervenor; or c. The death of the victim or intervenor is determined to be the result of the crime. The time to file may be extended for certain claims of victims under the age of 18 or victims of sexually violent offenses.	**General Rule:** 1. A claim arising from a crime occurring on or after October 1, 2019, must be filed within 3 years after the later of: a. The occurrence of the crime upon which the claim is based; b. The death of the victim or intervenor; or c. The death of the victim or intervenor is determined to be the result of the crime. 2. Upon a showing that a delay in filing a claim under this paragraph occurred because of a delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation under subsection (1) may receive a waiver of any claim filing deadline. 3. For good cause based on a reason other than a delay described in subparagraph 2., the department may extend the time for filing a claim under subparagraph 1. for a period not to exceed 5 years after such occurrence. Fla. Stat. § 960.07(2)(b). **Victims Under the Age of 18:** If the victim or intervenor was under the age of 18 at the time the crime upon which the claim is based occurred, a claim may be filed in accordance with this subsection. (a) The victim's or intervenor's parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age; (b) For a claim arising from a crime that occurred before October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 1 year to file a claim; or (c) For a claim arising from a crime occurring on or after October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 3 years to file a claim. Upon a showing that a delay in filing a claim occurred because of delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation under this subsection may receive a waiver of any claim filing deadline. For good cause based on any other reason, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year or under paragraph (c) for an additional period not to exceed 2 years. Fla. Stat. § 960.07(3). **Victim of Sexually Violent Offense**: A victim of a sexually violent offense as defined in s. 394.912, may file a claim for compensation for counseling or other mental health services within: (a) One year after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed before October 1, 2019; or (b) Three years after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed on or after October 1, 2019. Upon a showing that a delay in filing a claim occurred because of delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation under this subsection may receive a waiver of any claim filing deadline. Fla. Stat. § 960.07(4).

Eligibility Requirements: Identity of Person Seeking Compensation	The following persons are eligible for victim compensation awards for death or injury: (a) A victim (b) An intervenor (c) A surviving spouse, parent or guardian, sibling, or child of a deceased victim or intervenor (d) Any other person who is dependent for his or her principal support upon a deceased victim or intervenor For claims for property loans, the victim must be a person 60 years of age or older, or a disabled adult. For claims for relocation assistance, the claimant must be a victim of domestic violence or certain forms of human trafficking.	The rules of the Department provide that the following persons are eligible to file a claim: (a) Victim or intervenor; (b) Surviving spouse, parent, stepparent, adult child or sibling of a deceased victim; (c) Guardian applying on behalf of a minor victim, incompetent person, surviving minor child of a deceased victim, or surviving minor sibling of a deceased victim; (d) Relative applying on behalf of a deceased victim when there is no other source for payment of funeral expenses; (e) Non-relative applying for funeral benefits on behalf of a deceased victim when no family member is available to pay for funeral expenses; or, (f) Other person applying for loss of support benefits who was dependent on the deceased victim or intervenor's income for principal support. Fla. Admin. Code 2A-2.2001(5). “Victim” means: (a) A person who suffers personal physical injury or death as a direct result of a crime; (b) A person younger than 18 years of age who was present at the scene of a crime, saw or heard the crime, and suffered a psychiatric or psychological injury because of the crime but who was not physically injured; (c) A person younger than 18 years of age who was the victim of a felony or misdemeanor offense of child abuse that resulted in a mental injury as defined by s. 827.03 but who was not physically injured; (d) A person against whom a forcible felony was committed and who suffers a psychiatric or psychological injury as a direct result of that crime but who does not otherwise sustain a personal physical injury or death; or (e) An emergency responder, as defined in and solely for the purposes of s. 960.194, who is killed answering a call for service in the line of duty. Fla. Stat. § 960.03(14). “Intervenor” means any person who goes to the aid of another and suffers bodily injury or death as a direct result of acting, not recklessly, to prevent the commission of a crime, to lawfully apprehend a person reasonably suspected of having committed a crime, or to aid the victim of a crime. Fla. Stat. § 960.03(9). A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the person entitled to make a claim is mentally incompetent, by the person’s guardian or such other individual authorized to administer his or her estate. Fla. Stat. § 960.07(1).
Eligibility Requirements: Types of Crime	•Any crime that results in physical injury or death. •Specifical violations resulting in physical injury or death. •An act involving the operation of a motor vehicle, boat, or aircraft which results in another person's injury or death that is intentionally inflicted through the use of the vehicle, boat, or aircraft. •A criminal act committed outside Florida against a Florida resident that would have been compensable if it had occurred in Florida and which occurred in a jurisdiction that does not have an eligible crime victim compensation program. •Violations related to online sexual exploitation and child pornography. •A felony or misdemeanor that results in the death of an emergency responder, as defined in and solely for the purposes of s. 960.194, while answering a call for service in the line of duty.	“Crime” means: (a) A felony or misdemeanor offense committed by an adult or a juvenile which results in physical injury or death, a forcible felony committed by an adult or juvenile which directly results in psychiatric or psychological injury, or a felony or misdemeanor offense of child abuse committed by an adult or a juvenile which results in a mental injury, as defined in s. 827.03, to a person younger than 18 years of age who was not physically injured by the criminal act. The mental injury to the minor must be verified by a psychologist licensed under chapter 490, by a physician licensed in this state under chapter 458 or chapter 459 who has completed an accredited residency in psychiatry, or by a physician who has obtained certification as an expert witness pursuant to s. 458.3175. The term also includes a criminal act that is committed within this state but that falls exclusively within federal jurisdiction. (b) A violation of s. 316.027(2), s. 316.193, s. 316.1935, s. 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in physical injury or death. (c) An act involving the operation of a motor vehicle, boat, or aircraft which results in another person’s injury or death that is intentionally inflicted through the use of the vehicle, boat, or aircraft; however, no other act involving the operation of a motor vehicle, boat, or aircraft constitutes a crime for purposes of this chapter. (d) A criminal act committed outside this state against a resident of this state which would have been compensable if it had occurred in this state and which occurred in a jurisdiction that does not have an eligible crime victim compensation program as the term is defined in the federal Victims of Crime Act of 1984. (e) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138, related to online sexual exploitation and child pornography. (f) A felony or misdemeanor that results in the death of an emergency responder, as defined in and solely for the purposes of s. 960.194, while answering a call for service in the line of duty, notwithstanding paragraph (c). Fla. Stat. § 960.03(3)

Eligibility Requirements: Geographic Nexus	The statute is not clear on a geographic nexus to Florida with respect to the residency of victims but rather focuses generally on crimes that are in violation of Florida law. Also, a covered crime includes a criminal act that is committed in Florida but that falls exclusively within federal jurisdiction, as well as a criminal act committed outside of Florida against a Florida resident which would have been compensable if it had occurred in Florida and which occurred in a jurisdiction that does not have an eligible crime victim compensation program as the term is defined in the federal Victims of Crime Act of 1984. Fla. Stat. § 960.03(3).	
Eligibility Requirements: Criminal Background of Victim	While a criminal background is not disqualifying per se, there are several categories of victims with criminal backgrounds who are ineligible to receive awards, including habitual felons or violent offenders and violent career criminals.	Any claim is ineligible when filed by or on behalf of a person who: (a) Committed or aided in the commission of the crime upon which the claim for compensation was based; (b) Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking as described in s. 787.06(3)(b), (d), (f), or (g); (c) Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the claim for compensation is based; (d) Has been adjudicated as a habitual felony offender, habitual violent offender, or violent career criminal under s. 775.084; or (e) Has been adjudicated guilty of a forcible felony offense as described in s. 776.08, Fla. Stat. § 960.065(2). However, a person is not ineligible for an award under (a), (b), or (c) if that person was a victim of sexual exploitation as a child. Fla. Stat. § 960.065(5).
Citizenship Requirement?	No	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. Crimes must be reported to law enforcement within 120 hours.	No award shall be made unless the department finds that: 1. A crime was committed; 2. Such crime directly resulted in personal injury to, psychiatric or psychological injury to, or death of, the victim or intervenor; and 3. Such crime was promptly reported to the proper authorities. (b) In no case may an award be made when the record shows that such report was made more than: 1. Seventy-two hours after the occurrence of such crime, if the crime occurred before October 1, 2019; or 2. Five days after the occurrence of such crime, if the crime occurred on or after October 1, 2019, unless the department, for good cause shown, finds the delay to have been justified. The department, upon finding that any claimant or award recipient has not duly cooperated with the state attorney, all law enforcement agencies, and the department, may deny, reduce, or withdraw any award, as the case may be. Fla. Stat. § 960.13(1).
Is Complicity in Crime Disqualifying?	Yes.	Any claim is ineligible when filed by or on behalf of a person who: (a) Committed or aided in the commission of the crime upon which the claim for compensation was based; (b) Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking as described in s. 787.06(3)(b), (d), (f), or (g) or (5); (c) Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the claim for compensation is based; (d) Has been adjudicated as a habitual felony offender, habitual violent offender, or violent career criminal under s. 775.084; or (e) Has been adjudicated guilty of a forcible felony offense as described in s. 776.08, Fla. Stat. § 960.065(2). However, a person is not ineligible for an award under (a), (b), or (c) if that person was a victim of sexual exploitation as a child. Fla. Stat. § 960.065(5). Payment of a claim may not be made if the person who committed the crime upon which the claim is based will receive any direct or indirect financial benefit from such payment, unless such benefit is minimal or inconsequential. Payment may not be denied based on the victim's familial relationship to the offender or based upon the sharing of a residence by the victim and the offender, except to prevent unjust enrichment of the offender. Fla. Stat. § 960.065(4).

To Whom are Applications Made?	Bureau of Victim Compensation within the Department of Justice.	Claims may be filed in the Tallahassee office of the department in person or by mail. Any employee of the department receiving a claim for compensation shall, immediately upon receipt of such claim, mail the claim to the department at its office in Tallahassee. In no event and under no circumstances shall the rights of a claimant under this chapter be prejudiced or lost by the failure or delay of the employees of the department in mailing claims to the department in Tallahassee. Fla. Stat. § 960.07(5).
How are Applications Accepted?	Claims may be filed in the Tallahassee office of the Department of Justice in person or by mail.	See Fla. Stat. § 960.07(5). Office of the Attorney General Division of Victim Services and Criminal Justice Programs Bureau of Victim Compensation PO-01, The Capitol Tallahassee, Florida 32399-1050
Who May Submit an Application?	A victim, the parent or guardian of a victim that is a minor, or the guardian or other authorized estate administrator of a victim that is mentally incompetent.	A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the person entitled to make a claim is mentally incompetent, by the person's guardian or such other individual authorized to administer his or her estate. Fla. Stat. § 960.07(1). Generally, the following persons are eligible for compensation, subject to the limitations on eligibility: (a) A victim. (b) An intervenor. (c) A surviving spouse, parent or guardian, sibling, or child of a deceased victim or intervenor. (d) Any other person who is dependent for his or her principal support upon a deceased victim or intervenor. Fla. Stat. § 960.065.
What Language Services are Available?	None. However, the state attorney's office is required to aid claimants in the filing and processing of claims, as may be required.	See Fla. Stat. § 960.07(7).
General Documentation Requirements	A completed, signed and dated application. Documentation which proves a compensable crime occurred, such as a law enforcement report, affidavit charging an individual with a crime filed by law enforcement, information report charging an individual with a crime filed by a state attorney, indictment by a grand jury, written communication from any federal law enforcement agency, a cybercrime investigator certification, or a Law Enforcement Information Reporting Form. Proof of crime related expenses, such as itemized bills. Proof of third-party payments, such as insurance, restitution, judgments or settlements, if applicable. Wage loss, disability, and loss of support benefits require additional documentation from the victim's employer and treating physician, if applicable. Relocation benefits require certification documentation from a certified domestic violence or rape crisis center (depending on the claim type selected) in the state of Florida.	The rules issued by the Department outline in detail the documentation requirements for each benefit and claim: (1) The victim/applicant has the ultimate responsibility to provide information and documentation needed to support eligibility and benefit payments under this rule. The victim/applicant must provide updated address and contact information, which shall be considered the address of record. When an incomplete application is received, the bureau will notify the victim/applicant at their address of record, or their email address if provided (exception for relocation benefit requests applies), of the information needed for eligibility determination and benefits. Required documents include: (a) Completed, signed, and dated application. Failure to fully complete, sign, or date the application or provide the requested documentation will cause delays and shall result in a denial of the claim. The application must include the type of benefits requested and provide all respective information required by the application form. (b) Acceptable proof of crime from the proper authorities or form BVC430 Law Enforcement Information Reporting Form (revised 10/20) adopted and incorporated by reference at Rule 2A-2.2001, F.A.C., documenting that: 1. A compensable crime occurred. 2. The victim did not contribute to the infliction of his or her injury or death. Contributory misconduct is based on information in writing from a proper authority that the victim's conduct contributed to his or her injury or death. Penalty assessments, if imposed, based on contribution will be applied only to payments made directly to the victim or applicant at the rate of 25 percent of the amount otherwise payable. A penalty assessment of more than 25 percent will result in the denial of benefits. 3. The victim did not act unlawfully. An establishment of unlawful activity is based on information in writing from a proper authority indicating that the victim's conduct at the time of crime was unlawful. 4. The crime was reported to the proper authorities within the required timeframe in which the incident was known to have occurred. 5. The victim has cooperated with the investigation and prosecution of known offenders. 6. Proof of third-party payments such as insurance, restitution, judgments or settlements (e.g., copy of insurance explanation of benefits, settlement agreements, court documents for restitution and judgments), if applicable. 7. Written materials that substantiate payment of the requested benefit type as described herein (includes proof of crime-related expenses). (2) Victim Compensation Benefits. (a) Collateral sources must be exhausted before any compensable benefit is determined payable, except loss of support and catastrophic disability. (b) Disability benefits. 1. Disability compensation is available to eligible victims who suffered a permanent whole body disability pursuant to Section 440.15(3)(b), F.S., as a result of the crime. a. The disability assessment must be in accordance with the American Medical Association's Guide to Evaluation of Permanent Impairment or the Florida Permanent Impairment Rating Guide. b. Verification that the victim has reached maximum medical improvement, or that the percentage of disability will not change in lieu of maximum medical

b. Verification that the victim has reached maximum medical improvement, or that the percentage of disability will not change in lieu of maximum medical improvement, must be received.
2. The disability allowance is calculated at $ 250.00 per percentage point for disability ratings of one through ten percent, and $ 500.00 per percentage point for disability ratings of eleven percent and above, up to the maximum benefit amount on the Schedule of Benefits.
3. Pre-existing disability is not compensable.
4. The following is needed to calculate crime-related disability benefits:
a. Form BVC409 Victim Compensation Treatment Disability Statement (revised 10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12724, signed by the treating physician, dentist, psychiatrist, or chiropractor.
b. If the documentation specified above cannot be obtained, a signed and dated written statement by the treating physician, dentist, psychiatrist, or chiropractor which specifies all the information provided on form BVC409 Victim Compensation Treatment Disability Statement shall be accepted.
https://www.flrules.org/Gateway/reference.asp?No=Ref-06424https://www.flrules.org/Gateway/reference.asp?No=Ref-06424
(c) Wage loss benefits.
1. Wage loss compensation is available to eligible victims:
a. Who missed time from work because they were unable to work as a result of the physical injuries sustained as a result of the crime; and
b. The victim's parent or legal guardian when he or she misses time from work to provide immediate medical care to the minor victim.
2. Lost wages are compensable within the timeframes established and up to the percentage and maximum benefit amount on the Schedule of Benefits, based on the victim/applicant's actual gross average weekly wage or maximum gross average weekly wage provided by the Department of Financial Services for Workers' Compensation Benefits. In no case may the wage loss payment exceed the maximum gross average weekly wage ("GAWW") established by the Department of Financial Services.
3. The victim or applicant must have been gainfully employed or accruing reemployment assistance benefits at the time of the crime.
4. The following is needed to calculate crime-related wage loss benefits:
a. Form BVC405 Victim Compensation Wage Loss Employment Report (revised 10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12725, which must be signed by the employer's human resources director or other authorized human resources supervisor, employee administrative services supervisor, chief financial officer, chief executive officer, president, or owner.
b. If the documentation specified above cannot be obtained, the following documentation which specifies all the information provided on form BVC405 Victim Compensation Wage Loss Employment Report(revised 10/20) shall be accepted:
i. The victim/applicant's individual earnings statement(s) showing loss of dates and income from work as a result of the crime;
ii. Unemployment compensation (reemployment assistance) benefits statement when the victim was not employed at the time of the crime but was receiving unemployment compensation (reemployment assistance) benefits, and because of the crime injuries the victim is not able to work, or actively seek employment which disqualifies them from procuring unemployment compensation benefits; or,
iii. Federal income tax for the quarter or year preceding the date of the crime (if self-employed or working for a family member).

		iii. Federal income tax for the quarter or year preceding the date of the crime (if self-employed or working for a family member). c. Form BVC409 Victim Compensation Treatment Disability Statement (revised 10/20) adopted and incorporated by reference above, signed by the treating physician, dentist, psychiatrist, or chiropractor. d. If the documentation specified above cannot be obtained, a signed and dated written statement by the treating physician, dentist, psychiatrist, or chiropractor which specifies all the information provided on form BVC409 Victim Compensation Treatment Disability Statement (revised 10/20) adopted and incorporated by reference above, shall be accepted. https://www.flrules.org/Gateway/reference.asp?No=Ref-06424https://www.flrules.org/Gateway/reference.asp?No=Ref-06424 (d) Loss of support benefits. 1. Loss of support compensation is available to the following eligible persons: a. The surviving spouse; b. Dependent parent, sibling, and child(ren); and c. A person who was dependent for his or her principal support on the deceased victim. 2. Loss of support compensation is available to eligible dependents of a deceased victim or intervenor who was employed, was receiving reemployment assistance, or had applied for and would have been eligible for unemployment compensation benefits (reemployment assistance), at the time of the crime. 3. Benefits for loss of support are calculated by determining the earnings lost for a period of three years. The gross average weekly wage is multiplied by 52 weeks then multiplied by 3 years, to equal the total loss of support benefit up to the maximum benefit amount on the Schedule of Benefits. 4. Acceptable documentation for crime-related loss of support includes the following: a. Income tax returns showing earnings for one to three years preceding the date of the crime. If the claim will exhaust the maximum allowable benefit using just the year prior to the date of the crime, then only one year of tax documentation is necessary. If not, two or three years of prior tax documents for the years preceding the date of the crime are required to calculate the gross average weekly wage. b. Reemployment assistance statements may be used in combination with tax documentation to calculate the gross average weekly wage. c. Alternatively, form BVC405 Victim Compensation Wage Loss Employment Report (revised 10/20), which is adopted and incorporated by reference above, may be submitted to document earnings preceding the crime. 4. Proof of dependency is established based on: a. The deceased victim's federal income tax return; b. Marriage certificate; c. Birth or death certificate; d. Copy of approval for Social Security Administration survivor benefits; e. A court order for support; or f. Documentation identifying joint expenses exceeding the applicant's income and that the expenses had been paid by the deceased. Acceptable documentation includes certified copies of financial records, leases, mortgages or other forms of mutual indebtedness for a minimum of one year preceding the occurrence of the

crime.
(e) Itemized bills must be submitted before payment to a provider or reimbursement to the victim/applicant can be considered pursuant to Sections 960.13, 960.197 and 960.28, F.S.
1. The itemized bill (invoice) should be prepared using industry standard forms (e.g., CMS-1450, 1500, J400), or on the provider's letterhead and must include the following information:
a. Service provider/facility's name, street address, city, state and zip code, email address, and telephone number (including area code);
b. Organization/treatment facility's mailing address;
c. Federal tax identification number;
d. Beginning and ending date(s) of service;
e. Name and address of individual being billed for services rendered;
f. Revenue code, description of service, CPT or equivalent code, service date, service units, and total charges;
g. Diagnosis code, diagnosis, or nature of injury; and,
h. First and last name of attending medical professional and license number.
2. Out-of-pocket reimbursement to the victim/applicant for qualified funeral/burial, mental health (includes grief counseling), medical/dental expenses, and crime scene cleanup shall be compensated at 100 percent, when services or treatment was rendered within the timeframes established and up to the maximum benefit amount on the Schedule of Benefits.
3. If the provider rejects payment in full from the bureau, funds may be paid to the victim/applicant, who is then responsible for the bill.
4. Costs for interpreter services for eligible victims with (foreign) language barriers and/or hearing impairment which allows victims to receive assistance in obtaining benefits and medical or mental health treatment services. These costs are included in the respective maximum benefit amounts and must be identified on an itemized bill. This does not apply to interpreter costs incurred for court-related activities which are not compensable.
5. If the offender would be unjustly enriched, either directly or indirectly, no reimbursement is compensable.
(f) Funeral/burial expenses.
1. Funeral/burial compensation is available to eligible applicants when services were directly related to the crime and when such services were rendered by a qualified person.
2. The applicant must be identified on the funeral contract as the party who paid the funeral expenses or the party responsible for the unpaid funeral expense.
3. Funeral/burial expenses are considered expenses associated with the funeral, services that constitute a funeral, transporting the deceased victim's remains, burying, entombing, internment, cremation, procession, wake, or memorial ceremony held in honor or observation of the deceased and any other expenses which are not otherwise listed but are directly related to a funeral/memorial ceremony or the care of the decedent. With exception to religious practices, food, beverages, bereavement travel, and expenses associated with social events are not compensable.
(g) Mental health treatment (inpatient and outpatient) expenses.

(g) Mental health treatment (inpatient and outpatient) expenses.
1. Treatment expenses include any financial obligation or monetary outlay for crime-related mental health or grief counseling services necessary as a result of the crime for which the victim/applicant is responsible for payment. Treatment expenses are compensable when the treatment is rendered by a person qualified to provide mental health counseling pursuant to Chapter 458, 490 or 491, F.S.
2. Inpatient mental health care is limited to acute, crisis stabilization up to seven days.
3. Minors who saw or heard the crime incident and who suffered a psychological or psychiatric injury as a result of the crime, but were not physically injured, may receive mental health care, when the law enforcement report reflects that the minor was present at the crime scene.
4. Minors younger than 18 years of age who were the victim of a felony or misdemeanor offense of child abuse that resulted in a mental injury, as defined in Section 827.03, F.S., but who were not physically injured, are eligible for mental health treatment benefits.
5. Persons who suffered a psychological or psychiatric injury as a direct result of a forcible felony may receive mental health care, when the law enforcement report identifies the individual as a victim of the crime. This is the only benefit available to adult victims who did not suffer a physical injury or death.
6. A surviving spouse, parent, stepparent, child or sibling of a deceased victim may receive mental health grief counseling. When more than one applicant applies, each adult applicant shall be eligible for benefits up to the maximum benefit amount on the Schedule of Benefits.
7. When a minor receiving mental health treatment care reaches the age of 18, the adult benefit maximum amount applies. If that benefit amount has already been paid, no further mental health or grief counseling benefits are available.
8. Reimbursement for transportation costs to mental health treatment appointments requires the submission of an itemized bill by the treating provider and a reasonable estimate of the mileage between the victim/applicant's residence. Rental car charges may be compensable for travel to another city for mental health treatment. A traveler who uses an indirect route for personal convenience must bear any extra costs; reimbursement for expenses shall be based only on such charges as would have been incurred by a usually-traveled route.
(h) Medical/dental/non-medical remedial care treatment costs.
1. Treatment expenses include any financial obligation or monetary outlay for crime-related medical or non-medical remedial care and other services necessary as a result of the crime for which the victim/applicant is responsible for payment.
2. Crime-related medical expenses of a deceased adult victim incurred prior to his or her death are compensable only when an eligible applicant is financially responsible for the expense.
3. Medically necessary equipment (e.g., wheelchairs, oxygen tanks, and prosthetics) that are damaged during the crime are compensable when the law enforcement report specifically identifies what happened to those items.
4. Reimbursement for transportation costs to medical/dental treatment appointments requires the submission of an itemized bill by the treating provider and a reasonable estimate of the mileage between the victim/applicant's residence. A traveler who uses an indirect route for personal convenience must bear any extra costs; reimbursement for expenses shall be based only on such charges as would have been incurred by a usually-traveled route.
(i) Crime scene cleanup.
1. Crime scene cleanup compensation is available to eligible victims/applicants for costs associated with the removal and disposal of biohazardous and/or

1. Crime scene cleanup compensation is available to eligible victims/applicants for costs associated with the removal and disposal of biohazardous and/or biochemical substances following a violent crime that occurs in the private residence or conveyance of the victim. These services must be performed by a government-authorized provider within seven days after law enforcement officially releases the scene as a site closed for investigation.
2. Acceptable documentation for crime scene cleanup services includes an itemized bill which provides the following:
a. Service provider/facility's name, street address, city, state and zip code, email address, and telephone number (including area code);
b. Federal tax identification number;
c. Date(s) of service;
d. Date of occurrence of crime incident for which services are provided;
e. Name and address of individual being billed for services rendered;
f. Description of service, service date, service units, and total charges; and,
g. Documentation must prove that services were performed within seven days from the crime incident, or be accompanied by documentation from law enforcement proving that services were performed within seven days after law enforcement released the scene as a site closed for investigation.
(3) Property Loss Benefits.
(a) Proof of disability predating the crime is required for persons between 18 and 60 years of age. Acceptable documentation includes:
1. Written statements from the Department of Veteran Affairs, the Social Security Administration, or the victim's treating physician; or
2. Form BVC410 Property Loss Disability Verification Form (revised 10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12726.
(b) The law enforcement report must identify the victim as the owner of the tangible personal property and assign a value to the property for which compensation is sought. Alternatively, the law enforcement report must identify the property, and acceptable documentation of replacement costs for actual damage may be provided by the victim if the value or estimated damage is not known at the time the law enforcement report is made.
(c) Acceptable documentation of replacement costs includes a receipt for purchase of the replacement item from a vendor or merchant, official published advertisement, or written estimate from a retail establishment for the cost of an equivalent item. The written estimate must be on company letterhead and must include the retailer's name, address, and an email or website address, if any.
(d) Compensation may be paid for the cost of the item, plus tax, delivery and installation, up to the maximum benefit amount on the Schedule of Benefits. Victims/Applicants may apply and be eligible for issuance of the insurance waiver provision identified in Section 624.128, F.S., regardless of whether the lifetime benefit has been exhausted.
(e) Objects can be valued only at replacement cost, regardless of sentimental value.
(f) Examples of compensable tangible personal property include one's eyeglasses, watch, clock, telephone, personal computer, wheelchair, medicine, tools of one's trade, oxygen tank, and mailbox.
(g) Examples of property that is not compensable includes real property, abandoned property, cash or other negotiable instruments, contraband or other illicit items,

exchange agreements, items that amount to a monetary loss, are intangible, or are cosmetic damage causing a devaluation of the property.
(h) An application may be filed for each incident in which a tangible loss is incurred as the result of criminal or delinquent acts. However; multiple property losses and ongoing victimization within a reasonable period of time qualify as a single incident, and thus, only one application may be filed.
(4) Relocation Benefits.
(a) To be eligible for relocation assistance, the victim must contact and application must be made through a certified domestic violence or rape crisis center representative in the State of Florida.
(b) Certified center representatives who qualify a victim's need for relocation assistance according to the requirements established in Section 960.196, 960.198, or 960.199, F.S., shall use form BVC106 Relocation Certification Worksheet (revised 10/20) adopted and incorporated by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12723, to certify their need. The center representative must verify that they have counseled the recipient in regards to all aspects of the program and the obligations and responsibilities for receiving the funds. The certification worksheet must accompany form BVC100 Bureau of Victim Compensation Claim Form (revised 10/20) adopted and incorporated by reference at Rule 2A-2.2001, F.A.C., for a claim to be determined eligible. Failure to submit a properly completed certification worksheet will result in the denial of benefits.
(c) Documentation of how funds requested will be used must accompany the certification worksheet for a claim to be determined eligible. Written documentation of relocating to a new location for short-term interim shelter, rental agreements, or long-term leases will be accepted for purposes of this program. Acceptable documentation includes standard housing contracts signed by the property manager or landlord and the victim/applicant for tenant occupancy of a house, apartment, or piece of living space such as a room or guest house. In lieu of a standard housing contract, confirmation of the agreement using form BVC110 Notification of Residential Agreement (10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12727, shall be used to document how funds will be used for relocation expenses.
(d) It is the responsibility of the certified center representative to obtain and review personal identification documentation before certifying a victim's need for relocation assistance. The center is not required to forward any personal identification documentation to the bureau.
(e) If approved, funds will be made payable to the victim/applicant in care of the respective certified domestic violence or rape crisis center where the certification of need was obtained. Payments shall be made in the form of a bank card, voucher, check, state warrant, or any other method determined by the bureau. Awards will be administered based on the availability of funds. The bureau shall determine how those funds are disbursed.
(f) Certified center representatives who are distributing relocation assistance funds must witness the victim/applicant's acknowledgement of the terms and conditions for spending the award and acceptance of payment, in addition to verify the certification of need using form BVC421 Notification of Possible Recoupment and/or Prosecution for Fraud (revised 10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12728https://www.flrules.org/Gateway/reference.asp?No=Ref-10376https://www.flrules.org/Gateway/reference.asp?No=Ref-10376. The center is responsible for submitting the recoupment form to the bureau upon collection.
(g) If the victim has not accepted the funds at the center within 30 days of payment issuance, the center shall return the funds to the bureau and certification of need will be revoked. Upon receipt of the returned funds by the bureau, eligibility will be rescinded.

		(5) Domestic Violence Relocation Assistance. (a) Proof of a domestic violence crime which meets the definition of Section 741.28(2), F.S., must come from a proper authority. Only domestic violence crimes will be considered compensable for purposes of this benefit. (b) Certification of need for domestic violence relocation assistance must be received by the bureau within 30 days immediately following the occurrence of the domestic violence offense to demonstrate there is an immediate need to relocate. (c) "Immediate need" is defined as 30 days directly following the occurrence of the domestic violence offense, as defined in Section 741.28, F.S. Exceptions include: 1. Victims for whom a convicted domestic violence offender is within 30 days of pending release from incarceration. In cases involving release, the original domestic violence offense report must be provided along with court or Department of Corrections documentation regarding pending release of the offender. 2. When law enforcement or the state attorney (or by delegation the assistant state attorney) says in writing there is a present need to relocate the victim due to the threat of further domestic violence. (6) Sexual Battery Relocation Assistance. (a) Proof of a sexual battery crime which meets the definition of Section 794.011, F.S., must come from a proper authority. Only sexual battery crimes will be considered compensable for purposes of this benefit. (b) Certification of need for sexual battery relocation assistance must be received by the bureau within the statutory claim form filing time to demonstrate there is a reasonable fear for the victim's continued safety. (7) Human Trafficking Relocation Assistance. (a) Proof of a human trafficking crime which meets the definition of Section 787.06(3)(b), (d), (f) or (g), F.S., must come from a proper authority. Only human trafficking involving the delineated sex crimes will be considered compensable for purposes of this benefit. (b) Certification for relocation assistance must be received by the bureau within 45 days immediately following the crime or an identifiable threat by a human trafficking offender to demonstrate the victim's need for urgent assistance to relocate. Exceptions to urgent assistance include: 1. Victims for whom a convicted human trafficking offender is within 30 days of pending release from incarceration. In cases involving release, the original human trafficking offense report must be provided along with court or Department of Corrections documentation regarding pending release of the offender. 2. When law enforcement, state attorney (or by delegation the assistant state attorney), statewide prosecutor, or federal prosecutor says in writing there is a present need to relocate the victim. Written verification must affirm there is an active ongoing investigation, and that the victim needs to relocate from an unsafe environment due to the threat of further violence which is directly related to the human trafficking offense. Fla. Admin. Code 2A-2.2002.
Categories of Benefits Available	The Department adopted a rule setting forth a schedule for benefit type, maximum benefit amount and the timeframe within which loss must be incurred from the date of the crime.	See the Schedule of Benefits. Fla. Admin. Code 2A-2.2003. Schedule of Benefits for crimes prior to January 6, 2022: https://www.myfloridalegal.com/sites/default/files/ScheduleOfBenefits%5B1%5D.pdf Schedule of Benefits for crimes on or after January 6, 2022: https://www.myfloridalegal.com/sites/default/files/ScheduleOfBenefits2022%5B1%5D.pdf

Requirements/Limits for Relocation Expenses	Relocation assistance is available to victims of domestic violence and certain forms of human trafficking of up to $1,500 for a single claim, subject to a lifetime cap of $3,000.	The Department may award a one-time payment of up to $1,500 for any one claim and a lifetime maximum of $3,000 to (a) a victim of human trafficking who needs urgent assistance to escape from an unsafe environment directly related to the human trafficking offense, or (b) a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment. Fla. Stat. §§ 960.196, 960.198. See also the Schedule of Benefits. The rules of the Department provide as follows for relocation expense reimbursement: Relocation Benefits. (a) To be eligible for relocation assistance, the victim must contact and application must be made through a certified domestic violence or rape crisis center representative in the State of Florida. (b) Certified center representatives who qualify a victim's need for relocation assistance according to the requirements established in Section 960.196, 960.198, or 960.199, F.S., shall use form BVC106 Relocation Certification Worksheet (revised 10/20) adopted and incorporated by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12723, to certify their need. The center representative must verify that they have counseled the recipient in regards to all aspects of the program and the obligations and responsibilities for receiving the funds. The certification worksheet must accompany form BVC100 Bureau of Victim Compensation Claim Form (revised 10/20) adopted and incorporated by reference at Rule 2A-2.2001, F.A.C., for a claim to be determined eligible. Failure to submit a properly completed certification worksheet will result in the denial of benefits. (c) Documentation of how funds requested will be used must accompany the certification worksheet for a claim to be determined eligible. Written documentation of relocating to a new location for short-term interim shelter, rental agreements, or long-term leases will be accepted for purposes of this program. Acceptable documentation includes standard housing contracts signed by the property manager or landlord and the victim/applicant for tenant occupancy of a house, apartment, or piece of living space such as a room or guest house. In lieu of a standard housing contract, confirmation of the agreement using form BVC110 Notification of Residential Agreement (10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12727, shall be used to document how funds will be used for relocation expenses. (d) It is the responsibility of the certified center representative to obtain and review personal identification documentation before certifying a victim's need for relocation assistance. The center is not required to forward any personal identification documentation to the bureau. (e) If approved, funds will be made payable to the victim/applicant in care of the respective certified domestic violence or rape crisis center where the certification of need was obtained. Payments shall be made in the form of a bank card, voucher, check, state warrant, or any other method determined by the bureau. Awards will be administered based on the availability of funds. The bureau shall determine how those funds are disbursed. (f) Certified center representatives who are distributing relocation assistance funds must witness the victim/applicant's acknowledgement of the terms and conditions for spending the award and acceptance of payment, in addition to verify the certification of need using form BVC421 Notification of Possible Recoupment and/or Prosecution for Fraud (revised 10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12728https://www.flrules.org/Gateway/reference.asp?No=Ref-10376https://www.flrules.org/Gateway/reference.asp?No=Ref-10376. The center is responsible for submitting the recoupment form to the bureau upon collection. (g) If the victim has not accepted the funds at the center within 30 days of payment issuance, the center shall return the funds to the bureau and certification of need will be revoked. Upon receipt of the returned funds by the bureau, eligibility will be rescinded. Fla. Admin. Code 2A-2.2002(4).

Requirements/Limits for Mental Health Expenses	Ranges from $5,000 to $10,000 at a rate of 50%	See the Schedule of Benefits. The rules of the Department provide as follows for reimbursement of mental health expenses: Mental health treatment (inpatient and outpatient) expenses. 1. Treatment expenses include any financial obligation or monetary outlay for crime-related mental health or grief counseling services necessary as a result of the crime for which the victim/applicant is responsible for payment. Treatment expenses are compensable when the treatment is rendered by a person qualified to provide mental health counseling pursuant to Chapter 458, 490 or 491, F.S. 2. Inpatient mental health care is limited to acute, crisis stabilization up to seven days. 3. Minors who saw or heard the crime incident and who suffered a psychological or psychiatric injury as a result of the crime, but were not physically injured, may receive mental health care, when the law enforcement report reflects that the minor was present at the crime scene. 4. Minors younger than 18 years of age who were the victim of a felony or misdemeanor offense of child abuse that resulted in a mental injury, as defined in Section 827.03, F.S., but who were not physically injured, are eligible for mental health treatment benefits. 5. Persons who suffered a psychological or psychiatric injury as a direct result of a forcible felony may receive mental health care, when the law enforcement report identifies the individual as a victim of the crime. This is the only benefit available to adult victims who did not suffer a physical injury or death. 6. A surviving spouse, parent, stepparent, child or sibling of a deceased victim may receive mental health grief counseling. When more than one applicant applies, each adult applicant shall be eligible for benefits up to the maximum benefit amount on the Schedule of Benefits. 7. When a minor receiving mental health treatment care reaches the age of 18, the adult benefit maximum amount applies. If that benefit amount has already been paid, no further mental health or grief counseling benefits are available. 8. Reimbursement for transportation costs to mental health treatment appointments requires the submission of an itemized bill by the treating provider and a reasonable estimate of the mileage between the victim/applicant's residence. Rental car charges may be compensable for travel to another city for mental health treatment. A traveler who uses an indirect route for personal convenience must bear any extra costs; reimbursement for expenses shall be based only on such charges as would have been incurred by a usually-traveled route. Fla. Admin. Code 2A-2.2002(2)(g).
Requirements/Limits for Lost Income	$15,000 at a rate of 50% or GAWW	See the Schedule of Benefits. The Victim Compensation Wage Loss Employment Report must be filed to claim lost wages/income: https://www.myfloridalegal.com/sites/default/files/2025.employmentreport.bvc405.pdf Case law confirms that lost earnings are compensable under the program. Ocasio v. Bureau of Crimes Compensation Div. of Workers' Compensation, 408 So. 2d 751, 1982 Fla. App. LEXIS 18931 (Fla. 3rd DCA 1982). The rules of the Department provide as follows for claims for lost wages: Wage loss benefits. 1. Wage loss compensation is available to eligible victims: a. Who missed time from work because they were unable to work as a result of the physical injuries sustained as a result of the crime; and b. The victim's parent or legal guardian when he or she misses time from work to provide immediate medical care to the minor victim. 2. Lost wages are compensable within the timeframes established and up to the percentage and maximum benefit amount on the Schedule of Benefits, based on the victim/applicant's actual gross average weekly wage or maximum gross average weekly wage provided by the Department of Financial Services for Workers' Compensation Benefits. In no case may the wage loss payment exceed the maximum gross average weekly wage ("GAWW") established by the Department of Financial Services. 3. The victim or applicant must have been gainfully employed or accruing reemployment assistance benefits at the time of the crime. 4. The following is needed to calculate crime-related wage loss benefits: a. Form BVC405 Victim Compensation Wage Loss Employment Report (revised 10/20) adopted and incorporated herein by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-12725, which must be signed by the employer's human resources director or other authorized human resources supervisor, employee administrative services supervisor, chief financial officer, chief executive officer, president, or owner. b. If the documentation specified above cannot be obtained, the following documentation which specifies all the information provided on form BVC405 Victim Compensation Wage Loss Employment Report(revised 10/20) shall be accepted: i. The victim/applicant's individual earnings statement(s) showing loss of dates and income from work as a result of the crime; ii. Unemployment compensation (reemployment assistance) benefits statement when the victim was not employed at the time of the crime but was receiving unemployment compensation (reemployment assistance) benefits, and because of the crime injuries the victim is not able to work, or actively seek employment which disqualifies them from procuring unemployment compensation benefits; or, iii. Federal income tax for the quarter or year preceding the date of the crime (if self-employed or working for a family member)

		iii. Federal income tax for the quarter or year preceding the date of the crime (if self-employed or working for a family member). c. Form BVC409 Victim Compensation Treatment Disability Statement (revised 10/20) adopted and incorporated by reference above, signed by the treating physician, dentist, psychiatrist, or chiropractor. d. If the documentation specified above cannot be obtained, a signed and dated written statement by the treating physician, dentist, psychiatrist, or chiropractor which specifies all the information provided on form BVC409 Victim Compensation Treatment Disability Statement (revised 10/20) adopted and incorporated by reference above, shall be accepted. https://www.flrules.org/Gateway/reference.asp?No=Ref-06424https://www.flrules.org/Gateway/reference.asp?No=Ref-06424 Fla. Admin. Code 2A-2.2002(2)(c).
Requirements/Limits for Medical Expenses	$10,000 at a rate of 50%	An award may not exceed: 1. Ten thousand dollars for treatment; 2. Ten thousand dollars for continuing or periodic mental health care of a minor victim whose normal emotional development is adversely affected by being the victim of a crime; 3. A total of $25,000 for all compensable costs; or 4. Fifty thousand dollars when the department makes a written finding that the victim has suffered a catastrophic injury as a direct result of the crime. Fla. Stat. § 960.13(9). The rules of the Department provide as follows for claims for medical expenses: Medical/dental/non-medical remedial care treatment costs. 1. Treatment expenses include any financial obligation or monetary outlay for crime-related medical or non-medical remedial care and other services necessary as a result of the crime for which the victim/applicant is responsible for payment. 2. Crime-related medical expenses of a deceased adult victim incurred prior to his or her death are compensable only when an eligible applicant is financially responsible for the expense. 3. Medically necessary equipment (e.g., wheelchairs, oxygen tanks, and prosthetics) that are damaged during the crime are compensable when the law enforcement report specifically identifies what happened to those items. 4. Reimbursement for transportation costs to medical/dental treatment appointments requires the submission of an itemized bill by the treating provider and a reasonable estimate of the mileage between the victim/applicant's residence. A traveler who uses an indirect route for personal convenience must bear any extra costs; reimbursement for expenses shall be based only on such charges as would have been incurred by a usually-traveled route. Fla. Admin. Code 2A-2.2002(2)(h).
Timeframe to Obtain Benefits	Applications must be received by the Department of Justice within 3 years after the crime date or within 5 years if good cause is shown for the filing delay.	A claim arising from a crime occurring on or after October 1, 2019, must be filed within 3 years after the later of: a. The occurrence of the crime upon which the claim is based; b. The death of the victim or intervenor; or c. The death of the victim or intervenor is determined to be the result of the crime. 2. Upon a showing that a delay in filing a claim under this paragraph occurred because of a delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation under subsection (1) may receive a waiver of any claim filing deadline. 3. For good cause based on a reason other than a delay described in subparagraph 2., the department may extend the time for filing a claim under subparagraph 1. for a period not to exceed 5 years after such occurrence. Fla. Stat. § 960.7(2)(b).

Is Emergency Assistance Available?	Yes. Up to $1,000.	Notwithstanding s. 960.07, if it appears to the department that such claim is one with respect to which an award probably will be made, and that either the claimant is a recipient of benefits under the federal Social Security Act or undue hardship will result to the claimant if immediate payment is not made, the department may make an emergency award to the claimant, pending a final decision in the case, on the following conditions: (1) The amount of such emergency award may not exceed $1,000; (2) The amount of such emergency award shall be deducted from any final award made to the claimant; and (3) The amount of such emergency award which is in excess of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the department. (4) The claimant has not been adjudicated guilty of a forcible felony, as verified through a criminal history records check performed through the Florida Crime Information Center system pursuant to s. 960.045. Fla. Stat. § 960.12.
Compensation Cap (Overall)	$15,000 on a single claim if the victim is not deceased, $25,000 if the victim is deceased, or $50,000 if the victim suffered a catastrophic injury or when an emergency responder was killed while answering a call for service in the line of duty.	See the Schedule of Benefits. Fla. Admin. Code 2A-2.2003. The Act provides that an award may not exceed: 1. Ten thousand dollars for treatment; 2. Ten thousand dollars for continuing or periodic mental health care of a minor victim whose normal emotional development is adversely affected by being the victim of a crime; 3. A total of $25,000 for all compensable costs; or 4. Fifty thousand dollars when the department makes a written finding that the victim has suffered a catastrophic injury as a direct result of the crime. Fla. Stat. § 960.13(9).
Sources of Funding	The sources of funding for the Florida Crimes Compensation Trust Fund include: Legislative Appropriations: Moneys appropriated by the Legislature for the purpose of compensating the victims of crime and other claimants under this act. Subrogation or Other Action: Moneys recovered on behalf of the department by subrogation or other legal actions. Restitution: Moneys recovered through restitution. Federal Government: Moneys received from the Federal Government. Court Costs: Moneys received from additional court costs. Fines: Moneys received from fines. Public or Private Sources: Moneys received from any other public or private source.	The moneys placed in the Crimes Compensation Trust Fund shall consist of all moneys appropriated by the Legislature for the purpose of compensating the victims of crime and other claimants under this act, and of moneys recovered on behalf of the department by subrogation or other action, recovered through restitution, received from the Federal Government, received from additional court costs, received from fines, or received from any other public or private source. Fla. Stat. § 960.21(2).
Appeal Process	Claims decisions are subject to Florida's Administrative Procedures Act. If a claim is denied, a claimant may apply for a hearing, which must be filed within 60 days after notice of the denial. The claim will be referred to a hearing officer designated by the Attorney General for determination by a hearing held pursuant to the Administrative Procedures Act.	If the department or the Crime Victims' Services Office denies or controverts the claim, the right to reimbursement under this chapter shall be barred unless an application for a hearing thereon is filed with the department or the Crime Victims' Services Office at its office in Tallahassee within 60 days after notice to the claimant of such denial or controversion. When such application for a hearing is filed in a timely manner, the claim shall be referred to a hearing officer designated by the Attorney General for determination by a hearing held pursuant to ss. 120.569 and 120.57. Fla. Stat. § 960.09(3).

Payer of Last Resort Requirements	Crimes Compensation Trust Fund will only provide compensation after all other sources of payment have been exhausted. This includes any insurance coverage or other financial resources available to the victim.	(2) Any award shall be granted on an "actual need" basis and shall be provided subsequent to all benefits provided by primary insurance carriers, including, but not limited to, health and accident insurers, workers' compensation, and automobile accident coverage. (3) **Payment made in accordance with this section shall be considered payment of last resort that follows all other sources.** (4) Any award made pursuant to this chapter shall be made in accordance with the schedule of benefits, degrees of disability, and wage-loss formulas specified in ss. 440.12 and 440.15, excluding subsection (5) of that section. (5) If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned among the claimants. (6) Any award made pursuant to this chapter, except an award for loss of support or catastrophic injury, shall be reduced by the amount of any payments or services received or to be received by the claimant as a result of the injury or death: (a) From or on behalf of the person who committed the crime; provided, however, that a restitution award ordered by a court to be paid to the claimant by the person who committed the crime shall not reduce any award made pursuant to this chapter unless it appears to the department that the claimant will be unjustly enriched thereby. (b) From any other public or private source or provider, including, but not limited to, an award of workers' compensation pursuant to chapter 440. (c) From agencies mandated by other Florida statutes to provide or pay for services, except as provided in s. 960.28. (d) From an emergency award under s. 960.12. (7) In determining the amount of an award, the department shall determine whether, because of his or her conduct, the victim of such crime or the intervenor contributed to the infliction of his or her physical injury or psychiatric or psychological injury or to his or her death, and the department shall reduce the amount of the award or reject the claim altogether, in accordance with such determination. However, the department may disregard for this purpose the contribution of the intervenor to his or her own physical injury or psychiatric or psychological injury or death when the record shows that such contribution was attributed to efforts by an intervenor as set forth in s. 960.03. (8) If the department finds that the claimant, if not granted assistance pursuant to this chapter to meet the loss of earnings or support or out-of-pocket loss, will not suffer serious financial hardship as a result of the loss of earnings or support and the out-of-pocket loss incurred as a result of the injury, the department shall deny the award. In determining serious financial hardship, the department shall consider all the financial resources of the claimant. Unless a total dependency is established, members of a family are considered to be partially dependent upon a homemaker with whom they reside, without regard to actual earnings. Fla. Stat. § 960.13.
References and Resources	Bureau of Victim Compensation: https://www.myfloridalegal.com/victim-compensation Victim Compensation Claim Form: https://www.myfloridalegal.com/sites/default/files/2025.applicationclaimform.bvc100.pdf Schedule of Benefits: https://www.myfloridalegal.com/sites/default/files/2025.01.06.2022.schedule-of-benefits.pdf Contact Info: (800) 226-6667 or VCIntake@MyFloridaLegal.com	Statute: Florida Crimes Compensation Act, Fla. Stat. § 960.01 et seq. Administrative Rules: Fla. Admin. Code 2A-2.2001 to 2003

Other	Florida offers a Human Trafficking Relocation program to provide assistance to sexual trafficking victims who need to relocate due to a reasonable fear for their continued safety. Each claim must meet the statutory definition of human trafficking and requires certification of a domestic violence or rape crisis center in the State of Florida. Assistance may include a one-time award of up to $1,500 for any one claim and a lifetime maximum of $3,000 to a victim of human trafficking who needs urgent assistance to escape from an unsafe environment directly related to the human trafficking offense.	(1) Notwithstanding the criteria specified in ss. 960.07(2) and 960.13 for crime victim compensation awards, the department may award a one-time payment of up to $1,500 for any one claim and a lifetime maximum of $3,000 to a victim of human trafficking who needs urgent assistance to escape from an unsafe environment directly related to the human trafficking offense. (2) In order for an award to be granted to a victim for relocation assistance: (a) There must be proof that a human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g), was committed. (b) 1. For a crime occurring before October 1, 2019, the crime must be reported to the proper authorities and the claim must be filed within 1 year, or 2 years with good cause, after the date of the last human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g). 2. For a crime occurring on or after October 1, 2019, the crime must be reported to the proper authorities and the claim must be filed within 3 years, or 5 years with good cause, after the date of the last human trafficking offense, as described in s. 787.06(3)(b), (d), (f), or (g). 3. In a case that exceeds the reporting and filing requirement due to an active and ongoing investigation, a state attorney, statewide prosecutor, or federal prosecutor may certify in writing a human trafficking victim's need to relocate from an unsafe environment due to the threat of future violence which is directly related to the human trafficking offense. (c) The victim's need must be certified by a certified domestic violence or rape crisis center in this state, except as provided in paragraph (b). The center's certification must assert that the victim is cooperating with the proper authorities and must include documentation that the victim has developed a safety plan. (3) Relocation payments for a human trafficking claim shall be denied if the department has previously approved or paid out a domestic violence or sexual battery relocation claim under s. 960.198 or s. 960.199 to the same victim regarding the same incident. Fla. Stat. § 960.196 To be eligible for relocation assistance, the claim must meet the definition of human trafficking pursuant to Fla. Stat. § 787.06(3)(b), (d), (f) or (g), which provides as follows: (3) Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking: (b) Using coercion for commercial sexual activity of an adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. (d) Using coercion for commercial sexual activity of an adult who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. (f) 1. For commercial sexual activity who does so by the transfer or transport of any child younger than 18 years of age or an adult believed by the person to be a child

		1. For commercial sexual activity who does so by the transfer or transport of any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age from outside this state to within this state commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084. 2. Using coercion for commercial sexual activity who does so by the transfer or transport of an adult from outside this state to within this state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. (g) For commercial sexual activity in which any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), is involved commits a life felony, punishable as provided in s. 775.082(3)(a)6., s. 775.083, or s. 775.084. For each instance of human trafficking of any individual under this subsection, a separate crime is committed and a separate punishment is authorized. (a) Proof of a human trafficking crime which meets the definition of Section 787.06(3)(b), (d), (f) or (g), F.S., must come from a proper authority. Only human trafficking involving the delineated sex crimes will be considered compensable for purposes of this benefit. (b) Certification for relocation assistance must be received by the bureau within 45 days immediately following the crime or an identifiable threat by a human trafficking offender to demonstrate the victim's need for urgent assistance to relocate. Exceptions to urgent assistance include: 1. Victims for whom a convicted human trafficking offender is within 30 days of pending release from incarceration. In cases involving release, the original human trafficking offense report must be provided along with court or Department of Corrections documentation regarding pending release of the offender. 2. When law enforcement, state attorney (or by delegation the assistant state attorney), statewide prosecutor, or federal prosecutor says in writing there is a present need to relocate the victim. Written verification must affirm there is an active ongoing investigation, and that the victim needs to relocate from an unsafe environment due to the threat of further violence which is directly related to the human trafficking offense. Fla. Admin. Code 2A-2.2002(7).

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	3 years from the date of the crime, unless good cause is shown.	For crimes occurring on or after July 1, 2014, the victim/witness must file a claim within 3 years of the crime or the death of the victim. However, if the victim is a minor at the time of the victimization, he or she can file an application until 3 years after his or her eighteenth birthday. If good cause is shown, the Board may extend the time for filing a claim. *See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "A claim shall be filed by a victim not later than three years after the occurrence of the crime upon which such claim is based or not later than three years after the death of the victim; provided, however, that if such victim was a minor at the time of the commission of the crime, he or she shall have until three years after his or her eighteenth birthday to file such claim; and provided, further, that upon good cause shown, the board may extend the time for filing a claim." Ga. Code Ann. § 17-15-5(b)(1).
Eligibility Requirements: Identity of Person Seeking Compensation	**A person may be eligible for an award if such person:** - Is injured physically, who dies, or who suffers financial hardship as a result of being injured physically as a direct result of a crime; - Suffers a serious mental or emotional trauma as a result of being threatened with a crime which could result in physical injury or death; - Suffers a serious mental or emotional trauma as a result of being present during the commission of a crime; - **Suffers a serious mental or emotional trauma as a result of being trafficked for labor servitude or sexual servitude as defined in Code Section 16-5-46**; or - Is a dependent spouse, parent, step-parent, child, or step-child of a person who is injured physically, who dies, or who suffers financial hardship as a result of being injured physically as a direct result of a crime.	"Except as otherwise provided in this Code section, the following persons shall be eligible for awards pursuant to this chapter: (1) A person who: (A) Is injured physically, who dies, or who suffers financial hardship as a result of being injured physically as a direct result of a crime; (B) Suffers a serious mental or emotional trauma as a result of being threatened with a crime which could result in physical injury or death; (C) Suffers a serious mental or emotional trauma as a result of being present during the commission of a crime; (D) Suffers a serious mental or emotional trauma as a result of being trafficked for labor servitude or sexual servitude as defined in Code Section 16-5-46; or (E) Is a dependent spouse, parent, step-parent, child, or step-child of a person who is injured physically, who dies, or who suffers financial hardship as a result of being injured physically as a direct result of a crime; (2) For purposes of an award under subsection (k) of Code Section 17-15-8, any member of the immediate family of a victim of homicide by vehicle caused by a violation of Code Section 40-6-391; (3) Any person who goes to the aid of another and suffers physical injury, serious mental or emotional trauma, or death as a direct result of acting, not recklessly, to prevent the commission of a crime, to apprehend lawfully a person reasonably suspected of having committed a crime, or to aid the victim of a crime or any person who is injured, traumatized, or killed while aiding or attempting to aid a law enforcement officer in the prevention of a crime or apprehension of a criminal at the officer's request; (4) Any person who is a victim of family violence as defined by Code Section 19-13-1 and anyone who is a victim as a result of a violation of Code Section 40-6-391; or (5) Any person who is not a direct service provider and who assumes the cost of an eligible expense of a victim regardless of such person's relationship to the victim or whether such person is a dependent of the victim." Ga. Code Ann. § 17-15-7(a).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	The following are the most common (but not exclusive) compensable crimes: Child Molestation Cruelty to Children Child Abuse **Human Trafficking** Sexual Offenses Domestic Violence Reckless Conduct Homicide Homicide by Vehicle Hit-and-Run Serious Injury By Vehicle DUI Crashes Assault/Battery Robbery	*See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "Crime" means: "(A) An act which is committed in this state; in a state which does not have a victims' compensation program, if the claimant is a resident of this state; or in a state which has compensated the claimant in an amount less than the claimant would be entitled to pursuant to this chapter, if the claimant is a resident of this state, and which constitutes: (i) Hit and run in violation of Code Section 40-6-270; (ii) Homicide by vehicle in violation of Code Section 40-6-393; (iii) Serious injury by vehicle in violation of Code Section 40-6-394; (iv) **A violation of Code Section 16-5-46 [human trafficking];** (v) A violation of Chapter 6 of Title 16; (vi) A violation of Part 2 of Article 3 of Chapter 12 of Title 16; (vii) A violation of Code Section 16-5-70; (viii) Aggravated assault with the intent to rape in violation of Code Section 16-5-21; (ix) An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or (x) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; (B) An act which constitutes international terrorism as defined in 18 U.S.C. Section 2331 against a resident of this state when such resident was outside the territorial boundaries of the United States when such act was committed; or (C) An act of mass violence involving a resident of this state when such resident was outside the territorial boundaries of the United States when such act was committed." Ga. Code Ann. § 17-15-2(3) (emphasis added). "No award may be made unless the board or director finds that: (1) A crime was committed; (2) The crime directly resulted in the victim's physical injury, serious mental or emotional trauma, or financial hardship as a result of the victim's physical injury, serious mental or emotional trauma, or the victim's death[.]" Ga. Code Ann. § 17-15-8(a).
Eligibility Requirements: Geographic Nexus	The crime must have been committed in Georgia or in a state which does not have a victims' compensation program, where the claimant is a resident of tGeorgia; or in a state which has compensated the claimant in an amount less than the claimant would be entitled to pursuant to this chapter, if the claimant is a resident of Georgia. Victims may be legal residents or nonresidents of Georgia.	"Crime" means: "An act which is committed in this state; in a state which does not have a victims' compensation program, if the claimant is a resident of this state; or in a state which has compensated the claimant in an amount less than the claimant would be entitled to pursuant to this chapter, if the claimant is a resident of this state[.]" Ga. Code Ann. § 17-15-2(3)(A). "Victims may be legal residents or nonresidents of this state. A surviving spouse, parent, step-parent, child, or step-child who is legally dependent for his or her principal support upon a deceased victim shall be entitled to file a claim under this chapter if the deceased victim would have been so entitled, regardless of the residence or nationality of the surviving spouse, parent, step-parent, child, or step-child. Victims of crimes occurring within this state who are subject to federal jurisdiction shall be compensated on the same basis as resident victims of crimes." Ga. Code Ann. § 17-15-7(b).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Criminal Background of Victim	No award of any kind shall be made under this chapter to a victim injured while confined in any federal, state, county, or municipal jail, prison, or other correctional facility. A victim or claimant who has been convicted of a felony involving criminally injurious conduct and who is currently serving a sentence therefor shall not be considered eligible to receive an award.	"No award of any kind shall be made under this chapter to a victim injured while confined in any federal, state, county, or municipal jail, prison, or other correctional facility." Ga. Code Ann. § 17-15-7(c). "A victim or claimant who has been convicted of a felony involving criminally injurious conduct and who is currently serving a sentence therefor shall not be considered eligible to receive an award under this chapter. For purposes of this subsection, “criminally injurious conduct” means a crime which occurs or is attempted in this state that results in physical injury, serious mental or emotional trauma, or death to a victim, which act is punishable by fine, imprisonment, or death. Such term shall not include acts arising out of the operation of motor vehicles, boats, or aircraft unless the acts were committed with the intent to inflict injury, trauma, or death or unless the acts committed were in violation of Code Section 40-6-391. For the purposes of this subsection, a person shall be deemed to have committed criminally injurious conduct notwithstanding that by reason of age, insanity, drunkenness, or other reason, he or she was legally incapable of committing a crime." Ga. Code Ann. § 17-15-7(h).
Citizenship Requirement?	None identified.	N/A.
Is a Police Report or Cooperation with Law Enforcement Required?	Crimes must have been reported within 72 hours (unless good cause is shown). Trafficking victims will be presumed to have good cause for delay, however, cooperation with law enforcement may nonentheless be required.	The victim/witness must have reported the crime to the proper authorities within 72 hours of the crime, (unless good cause is shown). *See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "No award may be made unless the board or director finds that: [...] Police records, records of an investigating agency, or records created pursuant to a mandatory reporting requirement show that the crime was promptly reported to the proper authorities. In no case may an award be made where the police records, records of an investigating agency, or records created pursuant to a mandatory reporting requirement show that such report was made more than 72 hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified and provided, further, that good cause shall be presumed if the person is eligible for awards pursuant to this chapter corresponding to subparagraph (a)(1)(D) of Code Section 17-15-7 [i.e., a person who Suffers a serious mental or emotional trauma as a result of being trafficked for labor servitude or sexual servitude as defined in Code Section 16-5-46]. Ga. Code Ann. § 17-15-8(a). "The board, upon finding that any claimant or award recipient has not fully cooperated with all law enforcement agencies, may deny, reduce, or withdraw any award." Ga. Code Ann. § 17-15-8(a.1).
Is Complicity in Crime Disqualifying?	Generally complicity in a crime is disqualifying, but for trafficking victims complicity is <u>not</u> disqualifying.	"A person who is criminally responsible for the crime upon which a claim is based or is an accomplice of such person shall not be eligible to receive an award with respect to such claim; provided, however, that such ineligibility shall not apply if the person is as defined in subparagraph (a)(1)(D) of this Code section [i.e., a person who Suffers a serious mental or emotional trauma as a result of being trafficked for labor servitude or sexual servitude as defined in Code Section 16-5-46]. There shall be no denial of compensation to a claimant based on that victim's or claimant's familial relationship with the person who is criminally responsible for the crime." Ga. Code Ann. § 17-15-7(e)-(f). "In determining the amount of an award, the director and board shall determine whether because of his or her conduct the victim contributed to the infliction of his or her injury, serious mental or emotional trauma, or financial hardship, and the director and board may reduce the amount of the award or reject the claim altogether in accordance with such determination." Ga. Code Ann. § 17-15-8(d).
To Whom are Applications Made?	The Criminal Justice Coordinating Council ("Board").	“Board” means the Criminal Justice Coordinating Council. Ga. Code Ann. § 17-15-2(1).

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TOPIC	SUMMARY	DETAILED DESCRPTION
How are Applications Accepted?	Applications must be submitted in person or by mail.	Mail a Complete Application Packet to Georgia Crime Victims Compensation at 104 Marietta Street NW, Suite 440 Atlanta, GA 30303. *See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "Claims shall be filed in the office of the board in person or by mail." Ga. Code Ann. § 17-15-5(b)(2).
Who May Submit an Application?	A claim may be filed by a person eligible to receive an award, or, if such person is a minor, by his or her parent or guardian. In any case in which the person entitled to make a claim is mentally incompetent, the claim may be filed on his or her behalf by his or her guardian. In any case in which the person entitled to make a claim is deceased, the claim may be filed on his or her behalf by an individual authorized to administer his or her estate.	"A claim may be filed by a person eligible to receive an award, as provided in Code Section 17-15-7, or, if such person is a minor, by his or her parent or guardian. In any case in which the person entitled to make a claim is mentally incompetent, the claim may be filed on his or her behalf by his or her guardian. In any case in which the person entitled to make a claim is deceased, the claim may be filed on his or her behalf by an individual authorized to administer his or her estate." Ga. Code Ann. § 17-15-5(a).
What Language Services are	None specified.	N/A.
General Documentation Requirements	*See* Detailed Description.	"The claim shall be verified and shall contain the following: (1) A description of the date, nature, and circumstances of the crime; (2) A complete financial statement, including, but not limited to, the cost of medical care or burial expense, the loss of wages or support the claimant has incurred or will incur, any other emergency expenses incurred by the claimant, and the extent to which the claimant has been or may be indemnified for these expenses from any source; (3) When appropriate, a statement indicating the extent of a victim's disability resulting from the injury or serious mental or emotional trauma incurred; (4) An authorization permitting the board to verify the contents of the application; and (5) Such other information as the board may require." Ga. Code Ann. § 17-15-5(c). "A claim, once accepted for filing and completed, shall be assigned to an investigator. The investigator shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim. The investigation shall include, but shall not be limited to, an examination of law enforcement, court, and official records and reports concerning the crime and an examination of medical, psychiatric, counseling, financial, and hospital reports relating to the injury, serious mental or emotional trauma, or loss upon which the claim is based. All claims arising from the death of an individual as a direct result of a crime shall be considered together by a single investigator." Ga. Code Ann. § 17-15-6(a).

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TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical Expenses: up to $15,000 Funeral Expenses: up to $6,000 Counseling Expenses: up to $3,000 Lost Wages Expenses: up to $10,000 Loss of Support Expenses: up to $10,000 Crime Scene Sanitization: up to $1,500	*See https://crimevictimscomp.ga.gov/our-programs/victims-compensation/.* "No award under this chapter for the following losses shall exceed the maximum amount authorized: [...] Lost wages $ 10,000.00 Funeral expenses 6,000.00 Financial hardship or loss of support 10,000.00 Medical 15,000.00 Counseling 3,000.00 Crime scene sanitization 1,500.00" Ga. Code Ann. § 17-15-8(c)(2).
Requirements/Limits for Relocation Expenses	None identified.	N/A.
Requirements/Limits for Mental Health Expenses	Counseling Expenses: up to $3,000	*See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "No award under this chapter for the following losses shall exceed the maximum amount authorized: [...] Lost wages $ 10,000.00 Funeral expenses 6,000.00 Financial hardship or loss of support 10,000.00 Medical 15,000.00 **Counseling** **3,000.00** Crime scene sanitization 1,500.00" Ga. Code Ann. § 17-15-8(c)(2).

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TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	Lost Wages Expenses: up to $10,000	*See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "No award under this chapter for the following losses shall exceed the maximum amount authorized: [...] **Lost wages** **$ 10,000.00** Funeral expenses 6,000.00 **Financial hardship or loss of support** **10,000.00** Medical 15,000.00 Counseling 3,000.00 Crime scene sanitization 1,500.00" Ga. Code Ann. § 17-15-8(c)(2).
Requirements/Limits for Medical Expenses	Medical Expenses: up to $15,000	*See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "No award under this chapter for the following losses shall exceed the maximum amount authorized: [...] Lost wages $ 10,000.00 Funeral expenses 6,000.00 Financial hardship or loss of support 10,000.00 **Medical** **15,000.00** Counseling 3,000.00 Crime scene sanitization 1,500.00" Ga. Code Ann. § 17-15-8(c)(2).
Timeframe to Obtain Benefits	No specific timeframe is set forth.	"The investigator conducting the investigation shall file with the director a written report setting forth a recommendation and the investigator's reason therefor. The director shall render a decision and furnish the claimant with a copy of the report if so requested. In cases where an investigative report is provided, information deemed confidential in nature shall be excluded." Ga. Code Ann. § 17-15-6(c).
Is Emergency Assistance Available?	Emergency assistance does not appear to be available.	N/A.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Compensation Cap (Overall)	The maximum program award is $25,000 per victim, per victimization.	*See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. "Any award made pursuant to this chapter shall be in an amount not exceeding actual expenses, including indebtedness reasonably incurred for medical expenses, loss of wages, funeral expenses, mental health counseling, or support for dependents of a deceased victim necessary as a direct result of the injury or hardship upon which the claim is based." Ga. Code Ann. § 17-15-8(b). "Notwithstanding any other provisions of this chapter, no award made under the provisions of this chapter shall exceed $1,000.00 in the aggregate; provided, however, that with respect to any claim filed with the board as a result of a crime occurring on or after July 1, 1994, no award made under the provisions of this chapter payable to a claimant sustaining economic loss because of injury to or death of a victim shall exceed $5,000.00 in the aggregate; provided, further, that with respect to any claim filed with the board as a result of a crime occurring on or after July 1, 1995, no award made under the provisions of this chapter payable to a claimant sustaining economic loss because of injury to or death of a victim shall exceed $10,000.00 in the aggregate; provided, further, that with respect to any claim filed with the board as a result of a crime occurring on or after July 1, 2002, no award made under the provisions of this chapter payable to a claimant sustaining economic loss because of injury to or death of a victim shall exceed $25,000.00 in the aggregate; provided, further, that with respect to any claim filed with the board for serious mental or emotional trauma, no award shall be made for a crime occurring before July 1, 2009." Ga. Code Ann. § 17-15-8(c)(1).
Sources of Funding	Funding is provided through the Georgia Crime Victims Emergency Fund.	"(a) There is created a fund to be known as the Georgia Crime Victims Emergency Fund. The custodian of the fund shall be the board. The director shall administer the fund and may invest the resources of the fund in the same manner and fashion that an insurer authorized to issue contracts of life insurance is authorized to invest its resources. The board shall be specifically authorized to contract with any person or organization, public or private, to administer the fund, assume the powers of the director, and carry out the duties of the board relating to the fund. (b)(1) The fund shall consist of all moneys received pursuant to Article 7 of Chapter 21 of Title 15 from the assessment of additional penalties in cases involving a violation of Code Section 40-6-391 or a violation of an ordinance of a political subdivision of this state which has adopted by reference Code Section 40-6-391 pursuant to Article 14 of Chapter 6 of Title 40. (2) The funds placed in the fund shall also consist of all moneys appropriated by the General Assembly, if any, for the purpose of compensating claimants under this chapter and money recovered on behalf of the state pursuant to this chapter by subrogation or other action, recovered by court order, received from the federal government, received from additional court costs, received from specific tax proceeds allocated to the fund, received from other assessments or fines, or received from any other public or private source pursuant to this chapter." Ga. Code Ann. § 17-15-9.
Appeal Process	Written appeals may be submitted within 30 days after receipt of the final report.	"The claimant may, within 30 days after receipt of the report of the decision of the director, make an application in writing to the director for review of the decision." Ga. Code Ann. § 17-15-6(d). "Upon receipt of an application for review pursuant to subsection (d) of this Code section, the director shall forward all relevant documents and information to the board. The board shall review the records and shall affirm or modify the decision of the director. If considered necessary by the board or if requested by the claimant, the board shall order a hearing prior to rendering a decision. At the hearing, any relevant evidence not legally privileged shall be admissible. The board shall render a decision within 90 days after completion of the investigation. If the director receives no application for review pursuant to subsection (d) of this Code section, the director's decision shall become final. The board, for purposes of this chapter, may subpoena witnesses, administer or cause to be administered oaths, and examine such parts of the books and records of the parties to proceedings as relate to questions in dispute.The director shall, within ten days after receipt of the board's final decision, make a report to the claimant, including a copy of the final decision and the reasons why the decision was made." Ga. Code Ann. § 17-15-6(e)-(g).

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Payer of Last Resort Requirements	Claimants are obligated to pursue restitution rights and certain civil remedies.	"No award may be made unless the board or director finds that: [...] The applicant has pursued restitution rights against any person who committed the crime unless the board or director determines that such action would not be feasible." Ga. Code Ann. § 17-15-8(a)(4). "Acceptance of an award made pursuant to this chapter shall subrogate the state, to the extent of such award, to any right or right of action occurring to the claimant to recover payments on account of losses resulting from the crime with respect to which the award is made. The board may waive subrogation when the claimant presents documentation and the board verifies that judgment, settlement, or other sources have not fully reimbursed the claimant for expenses compensable under this chapter. Acceptance of an award made pursuant to this chapter based on damages from a crime shall constitute an agreement on the part of the recipient reasonably to pursue any and all civil remedies arising from any right of action against the person or persons responsible for or committing the crime." Ga. Code Ann. § 17-15-12.
References and Resources		Ga. Code Ann. § 17-15-1 *et seq.* *See* https://crimevictimscomp.ga.gov/our-programs/victims-compensation/. Ga. Comp. R. & Regs. 144-1-.01 *et seq.*

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Time to File	Applications must be submitted to the Commission within 18 months of the crime date. Applications will only be accepted after 18 months if there is a showing of good cause (usually, a good cause letter from a physician or therapist).	*See* https://dcr.hawaii.gov/cvcc/apply-for-compensation/. "No order for the payment of compensation shall be made under this chapter unless the application has been made within eighteen months after the date of injury, death, or property damage; provided that upon a showing of good cause, the commission may consider applications filed beyond this time period." Haw. Rev. Stat. Ann. § 351-62(a). “Good cause” means "a determination that the applicant was unable to file an application within 18 months after the date of the incident or report the incident to the police without undue delay due to a mental, physical or legal impairment. Good cause may not be established by ignorance of the law, incarceration, or negligent failure to ascertain the facts giving rise to a claim." Haw. Code R. 23-605-2.
Eligibility Requirements: Identity of Person Seeking Compensation	The following persons may be eligible for compensation: •A victim who was injured as a result of the crime •A person responsible for the maintenance of the victim who has suffered monetary loss because of the victim’s death or injury. •A person engaged in business or educational activity at the scene of a mass casualty (mental health counseling expenses only). •A relative of a deceased victim who has incurred medical or funeral expenses as the result of the victim’s death or injury. •A dependent of a deceased victim. •A Hawai'i resident who is a victim of an act of international terrorism.	*See* https://dcr.hawaii.gov/cvcc/who-is-eligible/; https://dcr.hawaii.gov/cvcc/wp-content/uploads/sites/2/2024/01/CVCC-COMPLETE-APPLICATION-PACKET-2024.pdf. Compensation may be available: (1) To or for the benefit of the victim; (2) To any person responsible for the maintenance of the victim, if that person has suffered pecuniary loss or incurred expenses as a result of the victim's injury or death; (3) In the case of the death of the victim, to or for the benefit of any one or more of the dependents of the deceased victim; (4) To any person who has incurred expenses on account of hospital, medical, funeral, and burial expenses as a result of the deceased victim's injury and death; (5) In cases involving a mass casualty incident, for mental health services to or for the benefit of: (A) A relative of the deceased victim; (B) A witness to the mass casualty; or (C) An individual engaged in business or educational activities at the scene of the mass casualty incident; provided that compensation to a victim shall have priority over compensation to a relative, a witness, or another individual under this paragraph, and provided further that this paragraph shall not apply to a member of a public or private agency responding to or providing services as a result of a mass casualty incident; (6) In the case of a death of the victim, for mental health services to or for the benefit of the surviving relatives of a deceased victim; provided that compensation on behalf of a deceased victim shall have priority over compensation to a surviving relative; or (7) In the case of a crime of abuse of family or household member under section 709-906, for mental health services to or for the benefit of a child witness; provided that compensation to a victim shall have priority over compensation to a witness under this paragraph. Haw. Rev. Stat. Ann. § 351-31(a). “Victim” means: (1) A person who is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State; (2) Any resident of the State who is injured or killed in another state by an act or omission of another person, which act or

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		omission is within the description of any of the crimes specified in section 351-32; or (3) A person who is a resident of this State who is injured or killed by an act of terrorism occurring outside the United States, as defined in title 18 United States Code section 2331. Haw. Rev. Stat. Ann. § 351-2. “Dependents” mean "such relatives of a deceased victim who were wholly or partially dependent upon the victim's income at the time of the victim's death or would have been so dependent but for the incapacity due to the injury from which the death resulted and includes the child of the victim born after the victim's death." Haw. Rev. Stat. Ann. § 351-2. “Injury” means actual bodily harm and, in respect of a victim, includes pregnancy and mental or nervous shock; and “injured” has a corresponding meaning. Haw. Rev. Stat. Ann. § 351-2.
Eligibility Requirements: Types of Crime	You may be eligible for compensation if you are the victim or surviving family member of a victim of one of the following crimes that occurred in the jurisdiction of Hawai‘i: •Murder I or II •Manslaughter •Negligent Homicide I or II •Negligent Injury I or II •Assault I, II or III •Sexual Assault I, II, III or IV •Kidnapping •Abuse of a Family or Household Member **•Sex Trafficking** •International Terrorism (a Hawai‘i resident who is a victim of international terrorism)	*See* https://dcr.hawaii.gov/cvcc/who-is-eligible/; https://dcr.hawaii.gov/cvcc/wp-content/uploads/sites/2/2024/01/CVCC-COMPLETE-APPLICATION-PACKET-2024.pdf. "The crimes to which part III of this chapter applies are the following and no other: (1) Murder in the first degree (section 707-701); (2) Murder in the second degree (section 707-701.5); (3) Manslaughter (section 707-702); (4) Negligent homicide in the first degree (section 707-702.5); (5) Negligent homicide in the second degree (section 707-703); (6) Negligent injury in the first degree (section 707-705); (7) Negligent injury in the second degree (section 707-706); (8) Assault in the first degree (section 707-710); (9) Assault in the second degree (section 707-711); (10) Assault in the third degree (section 707-712); (11) Kidnapping (section 707-720); (12) Sexual assault in the first degree (section 707-730); (13) Sexual assault in the second degree (section 707-731); (14) Sexual assault in the third degree (section 707-732); (15) Sexual assault in the fourth degree (section 707-733); (16) Abuse of family or household members (section 709-906); (17) Sex trafficking (section 712-1202); and (18) Terrorism, as defined in title 18 United States Code section 2331." Haw. Rev. Stat. Ann. § 351-32. "To be eligible for compensation, the victim must be the victim of a covered crime under section 351-32, Hawaii Revised Statutes. A victim may be eligible for compensation whether or not any person is prosecuted for or convicted of a crime as set forth in section 351-32, Hawaii Revised Statutes, provided that the crime has been reported to the police without undue delay. The filing of criminal charges by the prosecuting attorney shall be considered as conclusive proof that a crime has been committed. However, a victim may be eligible for compensation notwithstanding the fact that the prosecuting attorney has not

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		filed criminal charges." Haw. Code R. 23-605-6(d)-(e).
Eligibility Requirements: Geographic Nexus	Compensation is available to: •Any private citizen injured or killed by any act or omission, which is a covered crime, of any other person coming within the criminal jurisdiction of the State. • Any state resident who is injured or killed by any act or omission of any other person in another state, which act or omission is a covered crime. •Any resident of this State who is injured or killed by an act of terrorism occurring outside the United States, as defined in title 18 United States Code section 2331.	You can get help if you were involved in a covered crime that occurred in the jurisdiction of Hawai‘i (or are a resident of Hawai'i who is a victim of international terrorism). *See* https://dcr.hawaii.gov/cvcc/wp-content/uploads/sites/2/2024/01/CVCC-COMPLETE-APPLICATION-PACKET-2024.pdf. "In the event any private citizen is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State after June 6, 1967, or any state resident is injured or killed by any act or omission of any other person after July 1, 1989, in another state, which act or omission is within the description of the crimes enumerated in section 351-32, or any resident of this State who is injured or killed by an act of terrorism occurring outside the United States, as defined in title 18 United States Code section 2331, the commission in its discretion, upon an application, may order the payment of compensation[.]" Haw. Rev. Stat. Ann. § 351-31(a). “Resident” means every individual who: (1) Intends to permanently reside in this State; (2) Has a permanent abode in this State; (3) Is a student at any institution of learning and claimed as a dependent of a Hawaii resident; (4) Files a Hawaii income tax return; or (5) Is registered to vote in this State. Haw. Rev. Stat. Ann. § 351-2. "Compensation may be paid to those persons identified in subsection (b) when a person is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State, victims of Federal crimes occurring within the State; a resident of this State who is injured or killed in another state by any act or omission within the description of any of the crimes specified in section 351-32 in a state not having an eligible crime victim compensation program or a person who is a resident of this State who is injured or killed by an act of terrorism occurring outside the United States, as defined in United States Code section 2331, but does not include a law enforcement officer who is actively engaged in the performance of official duties whether on or off duty." Haw. Code R. 23-605-6(a).
Eligibility Requirements: Criminal Background of Victim	Compensation is not available to victims or intervenors who were confined in a correctional facility at the time of the injury or death that forms the basis for the application for compensation.	"No compensation of any kind shall be awarded to a victim or intervenor who suffered injury or death while confined in any federal, state, or county jail, prison, or other correctional facility." Haw. Rev. Stat. Ann. § 351-31(f).
Citizenship Requirement?	There does not appear to be a citizenship requirement.	"It is the policy of the crime victim compensation commission that no person shall, on the grounds of race, color, religion, sex, national origin, age, handicap, sexual orientation, marital status or political affiliation be excluded from participation in or be subjected to discrimination when making a claim for compensation." Haw. Code R. 23-605-3.

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Is a Police Report or Cooperation with Law Enforcement Required?	Yes. To apply, a person must report the crime to law enforcement officials (police, naval investigative service, military police or Federal Bureau of Investigation) without undue delay.	*See* https://dcr.hawaii.gov/cvcc/apply-for-compensation/. "An order may be made under this section whether or not any person is prosecuted for or convicted of a crime arising out of an act or omission described in subsection (a) if an arrest has been made or the act or omission has been reported to the police without undue delay. No order may be made under this section unless the commission finds that: (1) The act or omission did occur; and (2) The injury or death of the victim resulted from the act or omission." Haw. Rev. Stat. Ann. § 351-31(d).
Is Complicity in Crime Disqualifying?	Complicity in the crime may be considered, and may reduce or eliminate eligibility for compensation.	"In determining whether to make an order under this section, the commission may consider any circumstances it determines to be relevant, and the commission shall consider the behavior of the victim, and whether, because of provocation or otherwise, the victim bears any share of responsibility for the crime that caused the victim's injury or death and the commission shall reduce the amount of compensation in proportion to the amount of responsibility for the crime which caused the victim's injury or death; provided that if the proportion is greater than the responsibility of the person who committed the act or omission or, in the case of more than one person, the aggregate responsibility of such persons because of whom compensation is sought, the commission shall not award any compensation to the victim." Haw. Rev. Stat. Ann. § 351-31(c). "(a) An award shall not be reduced or denied, except as provided in section 351-31(c). Factors that shall not be considered in reducing or denying an award include, but are not limited to: (1) Cases involving sexual assault: (A) The manner in which the victim was dressed at the time of the assault; (B) Where the victim was prior to the sexual assault; (C) The time of the sexual assault; (D) Whether the victim was or may have been under the influence of alcohol or drugs; (E) Whether the victim had a previous sexual relationship with the offender; (F) Whether the victim was married to the offender; (G) Whether the victim was dating the offender; (H) Whether the victim consented to prior sexual activity with the offender; (I) The occupation of the victim; (J) Whether the victim has a record of prior sexual assaults; (K) Whether the victim has a criminal record; and (L) Whether the victim consented to the sexual act if the victim is below the age of consent, mentally defective, mentally incapacitated or physically helpless. (2) In cases involving assault or abuse of a family or household member: (A) Whether the victim continued to live with the offender after the assault; (B) The number of applications submitted by the victim; and (C) Where the victim has a familial relationship to he offender." Haw. Code R. 23-605-7.
To Whom are Applications Made?	The Crime Victim Compensation Commission.	The Crime Victim Compensation Commission ("Commission"). *See* https://dcr.hawaii.gov/cvcc/.

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How are Applications Accepted?	Regulations state that applications may be submitted by mail, electronically, or in person.	*See* https://dcr.hawaii.gov/cvcc/wp-content/uploads/sites/2/2024/01/CVCC-COMPLETE-APPLICATION-PACKET-2024.pdf. "Any person who seeks compensation under this chapter shall file a written application with the commission on an official application form. All documents may be sent by mail, electronically transmitted or hand-carried to the commission office. The postmark or the date the electronic transmittal or hand-carried documents are received shall be deemed to be the date of filing. All applications and other documents must be typewritten, or legibly printed and signed in ink by the party submitting the same. In cases where documents have been electronically transmitted, an original signed application shall also be submitted. The original signature of the person signing the document or application constitutes a certification that the person read the document, and that to the best of the person's knowledge, information, and belief every statement contained in the document is true and no such statements are misleading." Haw. Code R. 23-605-4.
Who May Submit an Application?	Applications may be submitted by: •The victim or other eligible person. •On a child's behalf by any person acting as the child's parent or guardian. •In any case in which the person entitled to make an application is mentally defective, the application may be made on the person's behalf by the person's guardian or any other individual authorized to administer the person's estate.	"For those applications that will be heard by the commission, the applicant and the commission's legal adviser shall be entitled to appear and be heard. Any other person may appear and be heard who satisfies the commission that the person has a substantial interest in the proceedings. In any case in which the person entitled to make an application is a child, the application may be made on the child's behalf by any person acting as the child's parent or guardian. In any case in which the person entitled to make an application is mentally defective, the application may be made on the person's behalf by the person's guardian or any other individual authorized to administer the person's estate." Haw. Rev. Stat. Ann. § 351-14. "The applicant who makes a claim on behalf of dependents must have legal custody of the dependents or be otherwise legally authorized to act on the dependents' behalf. The commission may require proof of such authority." Haw. Code R. 23-605-6(c).
What Language Services are Available?	Yes. Free interpreters are available and may be requested by phone or email.	The Crime Victim Compensation Commission website provides that if victims need help in another language, a free interpreter will be provided, and may be requested at: Patrick.J.DeCosta@hawaii.gov or call (808) 587-1341. *See* https://dcr.hawaii.gov/wp-content/uploads/2023/12/LEP-Notice-for-Top-14-languages.pdf; https://dcr.hawaii.gov/cvcc/. Limited information about language services is provided in the "top 14 languages spoken by individuals with limited English Proficiency (LEP) in Hawaii." *Id.*

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General Documentation Requirements	Submit the following: •The original signed Application Form. •The original signed Authorization to Release Medical/Mental Health •Treatment Information Form for each treatment provider. •Proof to substantiate your claim (bills, receipts, insurance statements, and medical records). •If you are making a claim for lost wages, completely fill out and sign the Authorization to Release Employment Information Form and submit it to your employer. •Submit proof to substantiate your claim for lost wages (pay stubs, Income Tax returns if self-employed, and a medical disability certificate) to the Commission. The commission may require statements of the facts surrounding the claim and may require certification of all supporting statements. The statements may include, among other things, information regarding recovery from other sources, amount of expenses incurred, dates of hospitalization or medical treatment and statements about the incident and such other information as the commission may request.	*See* https://dcr.hawaii.gov/cvcc/apply-for-compensation/. Haw. Code R. 23-605-4(c).

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Categories of Benefits Available	The Commission may provide compensation for the following expenses: •Medical and mental health counseling expenses that are not covered by other sources. •Lost earnings or support that is not covered by other sources. •Funeral and burial expenses that are not covered by other sources. •Acknowledgement award for victims only. Acknowledgement awards are symbolic in nature and are awarded to acknowledge a victim's suffering. Such awards are not intended to quantify physical and/or emotional losses suffered as the result of a crime. These awards are based on the facts and circumstances of the crime and the severity of the criminal offense. The maximum acknowledgement award is $400, subject to change at any time, based on the availability of funding •Pecuniary loss directly resulting from the injury or death of the victim. •Property damage ("Good Samaritans" only).	*See* https://dcr.hawaii.gov/cvcc/benefits/; https://dcr.hawaii.gov/cvcc/wp-content/uploads/sites/2/2024/01/CVCC-COMPLETE-APPLICATION-PACKET-2024.pdf. "The commission may order the payment of compensation under this part for: (1) Expenses actually and reasonably incurred during the period of the injury or death of the victim; (2) Loss to the victim of earning power as a result of total or partial incapacity; (3) Pecuniary loss to the dependents of the deceased victim; (4) Pain and suffering to the victim; (5) Any other pecuniary loss directly resulting from the injury or death of the victim that the commission determines to be reasonable and proper; (6) Expenses actually and reasonably incurred for mental health services in the case of a mass casualty incident; (7) Expenses actually and reasonably incurred for mental health services to or for the benefit of the surviving relatives in the case of a deceased victim; and (8) Expenses actually and reasonably incurred for mental health services for a child witness in the case of a crime of abuse of family or household member." Haw. Rev. Stat. Ann. § 351-33.
Requirements/Limits for Relocation Expenses	Relocation expenses are not expressly authorized, but could potentially be recoverable as a general "monetary loss."	"Verification is required to establish other monetary losses and may include, but not limited to: (1) Reasonable cleaning of the crime scene; (2) Reasonable replacement or rental cost for items taken as evidence; (3) Loss of financial support as the result of an eligible crime; or (4) Replacement for dependent care or independent living support when evidenced by the attending medical or therapeutic service provider." Haw. Code R. 23-605-14.

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Requirements/Limits for Mental Health Expenses	Mental health expenses are subject to the overall cap of $10,000, or if such constitute medical expenses, to an overall cap of $20,000.	"Mental health expenses are those expenses directly related to the crime. The following charges are not normally considered customary therapy expenses: (1) Preparation of reports or documents; (2) Consultation meeting between service provider and other agencies or persons; (3) Sessions in which the victim or applicant fails to show up; (4) Sessions in which the victim is not present, except in cases where the session is required for the treatment of the victim and is part of the victim's treatment. (5) Transporting or accompanying a victim to appointments." Haw. Code R. 23-605-10(c). "A mental health treatment provider shall be qualified in the field in which they are providing services. A mental health treatment provider may be required to submit a treatment plan as specified under section 23-605-8." Haw. Code R. 23-605-10(a)-(b). "No compensation shall be awarded under this chapter in an amount in excess of $10,000; provided that, if a case involves compensable medical expenses in excess of $10,000, no compensation shall be awarded in excess of $20,000 or the actual amount of compensable medical expenses, whichever is lower. In determining the amount of compensable medical expenses to be awarded, the commission shall deduct amounts or benefits as provided under section 351-63." Haw. Rev. Stat. Ann. § 351-62(b). "(a) The commission may request a treatment plan from service providers who provide continuous treatment to the victim at any time after the date of the injury. The information may be used to determine appropriateness of the treatment, the connection between the treatment and the injury, and the portion for which the commission shall be responsible. (b) The treatment plan shall include, but not be limited to the following information: (1) All the dates of treatment; (2) The anticipated or actual date that treatment is terminated; (3) The initial diagnosis, measurable treatment goals; (4) The estimated cost of treatment, including a breakdown of anticipated payments from collateral sources, including insurance; and (5) Any pre-existing condition. If any pre-existing condition exists, the percentage of treatment and costs that are directly related to the injury received as a result of the crime. (c) After each confirmation period, the service provider must submit a treatment update that includes what goals were attained, why goals were not attained, expected duration, and goals to be accomplished in the following quarter." Haw. Code R. 23-605-8.

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Requirements/Limits for Lost Income	Lost income is subject to the overall cap of $10,000.	"(a) An applicant may be awarded compensation for lost earnings provided they were employed on a full time, part time or intermittent basis, paid appropriate federal and state taxes and exhausted sick or administrative pay during the period of disability and have met one of the following criteria. In order to make a determination for lost earnings, the applicant must have: (1) Been on an approved leave without pay and the employer has kept the position open or if the position has been filled it shall be vacated once the victim has been certified as able to work; (2) Been called to work and would have worked, except for the crime-related disability; (3) Been scheduled to begin work, signed an employment contract and fulfilled all the requirements of the position, but was unable to start because of the crime related disability; (4) Filed income tax returns and there was taxable gross income as evidenced by IRS Form 1040 “Schedule C” for sole proprietors, IRS Form 1065 for partnerships or IRS Form 1120 for corporate officers; or (5) Lost their job as the result of the crime. (b) During the disability period, the applicant must have been under the care of a medical or mental health service provider. The service provider must certify the nature and duration of disability. A disability retirement from any private, county, state or federal employer shall be considered as conclusive proof of disability. (c) If a medical certificate is not submitted, the lost earnings will be administratively limited to four days." Haw. Code R. 23-605-12. "No compensation shall be awarded under this chapter in an amount in excess of $10,000; provided that, if a case involves compensable medical expenses in excess of $10,000, no compensation shall be awarded in excess of $20,000 or the actual amount of compensable medical expenses, whichever is lower. In determining the amount of compensable medical expenses to be awarded, the commission shall deduct amounts or benefits as provided under section 351-63." Haw. Rev. Stat. Ann. § 351-62(b).

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Requirements/Limits for Medical Expenses	Compensable medical expenses are capped at the lower of (i) $20,000; or (ii) actual compensable medical expenses.	"[N]o compensation shall be awarded in excess of $20,000 or the actual amount of compensable medical expenses, whichever is lower. In determining the amount of compensable medical expenses to be awarded, the commission shall deduct amounts or benefits as provided under section 351-63." Haw. Rev. Stat. Ann. § 351-62(b). "Medical expenses are those expenses directly related to the incident that may include: (1) Hospitalization; (2) Home nursing care; (3) Plastic surgery; (4) Air and ground ambulance service; (5) Prescription drugs; (6) Prescription eyeglasses, contact lens, dentures, and prosthetics if damaged in the crime; (7) Nontraditional medical treatment; (8) Rehabilitation and retraining by a licensed physical therapist; (9) Emergency room treatment; (10) Outpatient physicians care; (11) Modifications to home or vehicle because of disability; (12) Naturopathic treatment; (13) Chiropractic treatment; or (14) Other appropriate medical care." Haw. Code R. 23-605-9(c). "A medical treatment provider shall be qualified in the field in which they are providing services. A medical treatment provider may be required to submit a treatment plan as specified under section 23-605-8." Haw. Code R. 23-605-9(a)-(b). "(a) The commission may request a treatment plan from service providers who provide continuous treatment to the victim at any time after the date of the injury. The information may be used to determine appropriateness of the treatment, the connection between the treatment and the injury, and the portion for which the commission shall be responsible. (b) The treatment plan shall include, but not be limited to the following information: (1) All the dates of treatment; (2) The anticipated or actual date that treatment is terminated; (3) The initial diagnosis, measurable treatment goals; (4) The estimated cost of treatment, including a breakdown of anticipated payments from collateral sources, including insurance; and (5) Any pre-existing condition. If any pre-existing condition exists, the percentage of treatment and costs that are directly related to the injury received as a result of the crime. (c) After each confirmation period, the service provider must submit a treatment update that includes what goals were attained, why goals were not attained, expected duration, and goals to be accomplished in the following quarter." Haw. Code R. 23-605-8.

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Timeframe to Obtain Benefits	Once the Commission has received your application, the Commission staff will subpoena the police report and determine if you are an eligible crime victim. Obtaining such reports may take up to two months.	*See* https://dcr.hawaii.gov/cvcc/apply-for-compensation/.
Is Emergency Assistance Available?	Emergency assistance does not appear to be available.	N/A.
Compensation Cap (Overall)	Compensation is subject to a $10,000 overall cap; compensable medical expenses are subject to a $20,000 cap.	"No compensation shall be awarded under this chapter in an amount in excess of $10,000; provided that, if a case involves compensable medical expenses in excess of $10,000, no compensation shall be awarded in excess of $20,000 or the actual amount of compensable medical expenses, whichever is lower. In determining the amount of compensable medical expenses to be awarded, the commission shall deduct amounts or benefits as provided under section 351-63." Haw. Rev. Stat. Ann. § 351-62(b). "Except as otherwise provided in this chapter, any order for the payment of compensation under this chapter may be made on such terms as the commission deems appropriate. Without limiting the generality of the preceding sentence, the order may provide for apportionment of the compensation, for the holding of the compensation or any part thereof in trust, for the payment of the compensation in a lump sum or periodic installments, and for the payment of compensation for hospital, medical, funeral, or burial expenses directly to the person who has provided such services. All such orders shall contain words clearly informing the claimant that all awards and orders for payments under this chapter are subject to the making of an appropriation by the legislature to pay the claim, except as otherwise provided in section 351-62.5." Haw. Rev. Stat. Ann. § 351-61. "An award under chapter 351, Hawaii Revised Statutes, shall not exceed the statutory limit. Payment of compensation to the dependents of the deceased victim shall not, in the aggregate, exceed the statutory limit. Compensation shall only be paid for those types of losses and injuries recognized under chapter 351, Hawaii Revised Statutes." Haw. Code R. 23-605-5.

TOPIC	SUMMARY	DETAILED DESCRPTION
Sources of Funding	Compensation payments are made through the "crime victim compensation special fund," which is funded by compensation fees imposed upon certain defendants who are convicted or enter a plea.	"There is established a crime victim compensation special fund from which the commission may make payments as provided in subsection (b). The fund shall be administered by the director of corrections and rehabilitation for purposes of this chapter. Interest and investment earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of any fiscal year shall be carried forward for the next fiscal year. Where the commission has made an award pursuant to this chapter, the commission shall make the payments to or on behalf of the victim or one or more of the dependents of a deceased victim, or to or for the benefit of other persons who have suffered pecuniary loss or incurred expenses on account of hospital, medical, funeral, or burial expenses as a result of the victim's injury or death. Victims or dependents entitled to receive awards shall be notified of the option to have payments made on their behalf to other designated persons. Payments made pursuant to this section shall not exceed the total amount of the award. The amount appropriated under section 351-70 shall be redeposited into the fund and applied to other payments as authorized by the commission. Funds received pursuant to section 354D-12(b)(1) and amounts received pursuant to sections 351-35, 351-62.6, 351-63, 706-605, and 853-1 shall be deposited into the crime victim compensation special fund. Moneys received shall be used for compensation payments, operating expenses, salaries of positions as authorized by the legislature, and collection of fees. The commission may enter into memorandums of agreement with the judiciary for the collection of fees by the judiciary; provided that no funds shall be deposited by the judiciary into the crime victim compensation special fund until collected." Haw. Rev. Stat. Ann. § 351-62.5. "The court shall impose a compensation fee upon every defendant who has been convicted or who has entered a plea under section 853-1 and who is or will be able to pay the compensation fee. The amount of the compensation fee shall be commensurate with the seriousness of the offense as follows: (1) Not less than $105 nor more than $505 for a felony; (2) $55 for a misdemeanor; and (3) $30 for a petty misdemeanor. The compensation fee shall be separate from any fine that may be imposed under section 706-640 and shall be in addition to any other disposition under this chapter; provided that the court shall waive the imposition of a compensation fee if the defendant is unable to pay the compensation fee. Moneys from the compensation fees shall be deposited into the crime victim compensation special fund under section 351-62.5. The criteria of section 706-641 may apply to this section. In setting the amount of the compensation fee to be imposed, the court shall consider all relevant factors, including but not limited to: (1) The seriousness of the offense; (2) The circumstances of the commission of the offense; (3) The economic gain, if any, realized by the defendant; (4) The number of victims; and (5) The defendant's earning capacity, including future earning capacity. (c) The compensation fee shall be considered a civil judgment." Haw. Rev. Stat. Ann. § 351-62.6.

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	An applicant may appeal the Commission's decision in writing within 60 days of the mailing date of the administrative decision and order. The Commission will set a hearing for the appeal and the applicant will have an opportunity to tell the Commission why the applicant disagrees with the decision and have an opportunity to present documentation. The Commission's decision may be appealed to the Circuit Court of the victim's county of residence within 30 days of the mailing date of the Commission's decision and order. The sole ground for such an appeal is that the Commission exceeded its jurisdiction or authority.	*See* https://dcr.hawaii.gov/cvcc/apply-for-compensation/. "If the applicant is dissatisfied with the determination by the administrator, the applicant may appeal to the commission for a hearing; provided that to be considered, the written appeal shall be received by the commission within sixty days of the mailing of a certified copy of the decision and order, and the commission shall review the case as if it was not heard before and as if no decision had been previously rendered. In such an event, the commission's decision shall be final." Haw. Rev. Stat. Ann. § 351-13(d). "In the absence of an appeal to the commission, the commission, at any time, on its own motion, may reconsider the order or decision and revoke, confirm, or vary the order or decision, based upon the findings of the commission." Haw. Rev. Stat. Ann. § 351-17(a). "Any applicant aggrieved by an order or decision may request reconsideration; provided that, to be considered, the request shall be received by the commission within thirty days after mailing of a certified copy of the order or decision to the applicant's last known address." Haw. Rev. Stat. Ann. § 351-17(a). "Any person aggrieved by an order or decision of the commission on the sole ground that the order or decision was in excess of the commission's authority or jurisdiction, shall have a right of appeal to the circuit court of the circuit in which the person resides; provided the appeal is filed within thirty days after mailing of an original or a certified copy of the order or decision to the applicant's last known address. Except as otherwise provided in this section, orders and decisions of the commission shall be conclusive and not subject to judicial review." Haw. Rev. Stat. Ann. § 351-17(b). "Appeal from administrative decision hearing" means "the hearing conducted by the commission members that is the result of an appeal from an administrative decision." Haw. Code R. 23-605-2.
Payer of Last Resort Requirements	The Commission is the payer of last resort.	"The Commission is a payor of last resort. The Commission may pay compensation only after all other sources have been exhausted. An award may be reduced by amounts received from Workers' Compensation, Motor Vehicle Insurance, Civil Suits, Temporary Disability Insurance or Restitution from the offender. You must file timely claims with Workers' Compensation, Motor Vehicle Insurance, Temporary Disability Insurance and your medical insurance carrier. You must reimburse the Commission if you receive moneys from these sources." *See* https://dcr.hawaii.gov/cvcc/benefits/. "In determining the amount of compensation to be awarded under this chapter, the commission shall deduct amounts or benefits received or to be received from any source, whether from the offender or from any person on behalf of the offender, or from public or private funds, and which amounts or benefits result from or are in any manner, directly or indirectly, attributable to the injury or death which gave rise to the award; provided that no deduction shall be made for death benefits received or to be received under any insurance policy covering the life of a deceased victim. Where compensation is awarded under this chapter and the person receiving same also receives any sum required to be, and that has not been deducted under subsection (a), the person shall refund to the State the lesser of the sum or the amount of the compensation paid to the person under this chapter." Haw. Rev. Stat. Ann. § 351-63.

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References and Resources		Haw. Rev. Stat. Ann. § 351-1 *et seq.* Haw. Code R. 23-605-1 *et seq.* https://dcr.hawaii.gov/cvcc/

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Time to File	Claims must be filed within 1 year of the crime, unless good cause for delay is shown.	"Compensation may not be awarded unless the claim is filed with the commission within one (1) year after the day the criminally injurious conduct occurred causing the injury or death upon which the claim is based. The time for filing a claim may be extended by the commission for good cause shown." Idaho Code Ann. § 72-1016(1). Compensation may not be awarded unless the claim is filed with the commission within one (1)year after the day the crime occurred. Failure to meet this requirement may result in a denial of benefits, unless good cause can be shown. Program Guidelines, 4001.001. "In determining whether there is good cause for failure to timely file a claim or make a report to law enforcement, the Program may take into consideration extenuating circumstances such as: 1) whether the victim is under age 18; 2) whether the victim or claimant possesses a physical condition that would render him/her unable to comply with the requirement; 3) whether the victim or claimant's psychological state, such as a presence of a mental condition, contributes to the inability to meet the requirement; 4) whether there is any circumstance where filing a claim or reporting the crime would cause the victim or claimant concern for their physical wellbeing or life; 5) any other extenuating circumstance where it is found that any reasonable person would have acted in a similar manner, which would justify the failure to meet the requirement; 6) whether the claimant is the victim of domestic violence or sexual assault." Program Guideliens, 4001.003.
Eligibility Requirements: Identity of Person Seeking Compensation	An application for the Idaho Crime Victims Compensation Program may be completed by any of the following persons: Victim Dependents of a deceased victim Parent Legal guardian of a minor victim Sibling(s) of a minor victim Individuals designated through a minor power of attorney Social Workers with the Idaho Department of Health and Welfare Emancipated minors	*See* Program Website FAQ ("FAQ"), https://crimevictimcomp.idaho.gov/frequently-asked-questions/. Authorized person means "A person acting on behalf of a victim or dependent of a deceased victim. Includes the parent(s), legal guardian(s) and sibling(s) of a victim who is a minor. The Program may construe this definition broadly on a case-by-case basis. Requests may be made for documentation (e.g. durable power of attorney, probate document appointing person representative, etc.)." *See* Idaho Industrial Commission Crime Victims Compensation Program Guidelines V. 2.0, June 10, 2020 ("Program Guidelines"), 2000.001.

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Eligibility Requirements: Types of Crime	The crime at issue must have: - occured or been attempted in Idaho or have occured outside Idaho against a resident of the state of Idaho and occurred in a state which does not have a crime victims compensation program for which the victim is eligible as eligibility is set forth in this statute; or constitute an act of terrorism as defined by 18 U.S.C. 2331, committed outside the United States against a resident of this state; - Results in injury or death; and - Is punishable by fine, imprisonment, or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.	“Criminally injurious conduct” means "intentional, knowing, or reckless conduct that: (a) Occurs or is attempted in this state or occurs outside the state of Idaho against a resident of the state of Idaho and which occurred in a state which does not have a crime victims compensation program for which the victim is eligible as eligibility is set forth in this statute; (b) Constitutes an act of terrorism as defined by 18 U.S.C. 2331, committed outside the United States against a resident of this state; (c) Results in injury or death; and (d) Is punishable by fine, imprisonment, or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death; provided that criminally injurious conduct shall include violations of the provisions of section 18-4006 3(b), 18-8004, 18-8006, 18-8007, 67-7027, 67-7034 or 67-7035, Idaho Code." Idaho Code Ann. § 72-1003(4).
Eligibility Requirements: Geographic Nexus	The crime at issue must have occured or been attempted in Idaho or have occured outside Idaho against a resident of the state of Idaho and occurred in a state which does not have a crime victims compensation program for which the victim is eligible as eligibility is set forth in this statute; or constitute an act of terrorism as defined by 18 U.S.C. 2331, committed outside the United States against a resident of Idaho.	“Criminally injurious conduct” means "intentional, knowing, or reckless conduct that: (a) Occurs or is attempted in this state or occurs outside the state of Idaho against a resident of the state of Idaho and which occurred in a state which does not have a crime victims compensation program for which the victim is eligible as eligibility is set forth in this statute; (b) Constitutes an act of terrorism as defined by 18 U.S.C. 2331, committed outside the United States against a resident of this state; (c) Results in injury or death; and (d) Is punishable by fine, imprisonment, or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death; provided that criminally injurious conduct shall include violations of the provisions of section 18-4006 3(b), 18-8004, 18-8006, 18-8007, 67-7027, 67-7034 or 67-7035, Idaho Code." Idaho Code Ann. § 72-1003(4).
Eligibility Requirements: Criminal Background of Victim	Persons serving a sentence of imprisonment or similar may not receive compensation.	"Persons serving a sentence of imprisonment or residing in any other public institution that provides for the maintenance of such persons are not entitled to the benefits of this chapter." Idaho Code Ann. § 72-1016(6).
Citizenship Requirement?	None identified.	N/A.

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Is a Police Report or Cooperation with Law Enforcement Required?	A police report must be filed within 72 hours of the crime, unless good cause for failure to file is shown. Failure to cooperate fully with law enforcement may lead to a denial or reduction in the award of compensation.	"Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the commission finds there was good cause for the failure to report within that time." Idaho Code Ann. § 72-1016(3). "Compensation may not be awarded unless the crime was reported to a law enforcement officer within seventy-two (72l'hours after the occurrence of the crime. Failure to meet this requirement may result in a denial of benefits, unless good cause can be shown." Program Guidelines, 4001.002. "In order to be entitled to benefits under this chapter, a claimant must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender causing the criminally injurious conduct. The commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies or prosecuting attorneys, may deny or reconsider and reduce an award of compensation." Idaho Code Ann. § 72-1016(4). "In determining whether there is good cause for failure to timely file a claim or make a report to law enforcement, the Program may take into consideration extenuating circumstances such as: 1) whether the victim is under age 18; 2) whether the victim or claimant possesses a physical condition that would render him/her unable to comply with the requirement; 3) whether the victim or claimant's psychological state, such as a presence of a mental condition, contributes to the inability to meet the requirement; 4) whether there is any circumstance where filing a claim or reporting the crime would cause the victim or claimant concern for their physical wellbeing or life; 5) any other extenuating circumstance where it is found that any reasonable person would have acted in a similar manner, which would justify the failure to meet the requirement; 6) whether the claimant is the victim of domestic violence or sexual assault." Program Guideliens, 4001.003. "In order to be eligible for benefits, a victim or claimant must fully cooperate with all law enforcement agencies and

TOPIC	SUMMARY	DETAILED DESCRPTION
		"In order to be eligible for benefits, a victim or claimant must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender causing the criminally injurious conduct." Program Guidelines, 4002. "The Program will promote victim cooperation with the reasonable requests of law enforcement, taking into consideration extenuating circumstances such as: 1) whether the victim is under age 18; 2) whether the victim or claimant possesses a physical condition that would render him/her unable to comply with the requirement; 3) whether the victim/claimant's psychological state, such as a presence of a mental condition, contributes to their lack of cooperation; 4l whether there is any circumstance where cooperating would cause the victim or claimant concern for their physical wellbeing or life; 5) whether there is any other extenuating circumstance where the Program, in their discretion may reach a finding that any reasonable person would have acted in a similar manner, which would justify the failure to meet the requirement 6) whether the claimant is the victim of domestic violence or sexual assault." Program Guidelines, 4002.001.

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Is Complicity in Crime Disqualifying?	Compensation may be denied or reduced as a result of contributory conduct.	"Compensation may not be awarded to a claimant who is the offender or an accomplice of the offender or to any claimant if the award would unjustly benefit the offender or accomplice." Idaho Code Ann. § 72-1016(2). "Compensation may not be awarded to a claimant who is the offender or an accomplice, or to any claimant if the award would unjustly benefit the offender or accomplice, as outlined in Idaho Code 572-LOL6(2). In cases where the benefit is minimal, compensation shall not be denied. In determining whether the unjust benefit is substantial, the following may be considered: 1) if it is in the best interest of the victim or claimant to pay or reimburse the claimant for all eligible crime-related medical and mental health bills for which the claimant has liability; 2l whether the award is essential to the well-being of the victim and other innocent and dependent family members." Program Guidelines 4004. "Compensation may be denied or reduced if the victim contributed to the infliction of death or injury with respect to which the claim is made. Any reduction in benefits under this paragraph shall be in proportion to what the commission finds to be the victim's contribution to the infliction of death or injury. Compensation otherwise payable to a claimant shall be reduced by fifty percent (50%) if at the time the injury was incurred the claimant was engaged in a felony or was in violation of section 18-8004 or 67-7034, Idaho Code, and compensation otherwise payable may be further reduced pursuant to regulation of the industrial commission if the claimant's actions contributed to the injury." Idaho Code Ann. § 72-1016(7). "The Program may reduce or deny compensation if it is found that the victim contributed to the infliction of death or injury with respect to which the claim is made. Furthermore, the Program shall reduce compensation by fifty percent (50%), if at the time the injury was incurred, the victim was engaged in a felony or was in violation of Idaho Code 518-8004 or 67-7034 (crimes involving Driving or Boating Under the Influence of any intoxicating substance). This reduction may be further increased if it is found that the victim contributed to the injury or death, in addition to the commission of a felony or a violation of Idaho Code 518-8004 or 67-7034." Program Guidelines, 4003. "In determining whether a victim has contributed to the criminal injurious act, the Program may take into consideration extenuating circumstances such as: 1) whether the victim or claimant is under age 18, and possesses the maturity necessary to understa nd contributory behavior; 2l whether the victim or claimant possesses a physical condition that would render him/her unable to prevent or control contributory behavior; 3) whether the victim/claimant's psychological state, such as a presence of a mental condition, results in the incapacitation of the person to prevent, controlor understand contributory behavior; 4) whether the presence of any circumstance where noncontributory behavior would cause the victim or claimant concern for their physical wellbeing or life; 5) whether there are any other extenuating circumstances where any reasonable person would have acted in a similar manner, which would justify the contributory behavior." Program Guidelines, 4003.001. Additional information on contributory conduct may be found in Program Guidelines 4003.002 *et seq.*

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To Whom are Applications Made?	Idaho Crime Victims Compensation Program ("Program")	"All applicants for compensation benefits must complete and file an application with the Program. Applications may be obtained by contacting the Program by phone at (800) 95O-2LLO, by mail at P.O. Box 83720, Boise, ID 83720-0041-, at the Industrial Commission,1.I32L W. Chinden Blvd., Bldg. #2, Boise, ID or at crimevictimcomp.idaho.gov." Program Guidelines, 3000.
How are Applications Accepted?	Signed applications can be submitted via mail, fax (208-332-7559) or email to cvcp.admin@iic.idaho.gov.	"Claim for Benefits. A claim for benefits is initiated by filing an Application in the form available on the agency's website. An Application for Compensation is deemed filed when the claimant has provided the required information and the signed application is received at the Commission's office in Boise." Idaho Admin. Code r. 17.10.01.011(01). "Signed applications can be submitted via mail, fax (208-332-7559) or email to cvcp.admin@iic.idaho.gov." *See* https://crimevictimcomp.idaho.gov/forms/.
Who May Submit an Application?	An application for the Idaho Crime Victims Compensation Program may be completed by any of the following persons: Victim Dependents of a deceased victim Parent Legal guardian of a minor victim Sibling(s) of a minor victim Individuals designated through a minor power of attorney Social Workers with the Idaho Department of Health and Welfare Emancipated minors	*See* Program Website FAQ ("FAQ"), https://crimevictimcomp.idaho.gov/frequently-asked-questions/. Authorized person means "A person acting on behalf of a victim or dependent of a deceased victim. Includes the parent(s), legal guardian(s) and sibling(s) of a victim who is a minor. The Program may construe this definition broadly on a case-by-case basis. Requests may be made for documentation (e.g. durable power of attorney, probate document appointing person representative, etc.)." *See* Idaho Industrial Commission Crime Victims Compensation Program Guidelines V. 2.0, June 10, 2020 ("Program Guidelines"), 2000.001.
What Language Services are Available?	Spanish-speaking program staff and forms are available. For all other languages, program staff will use a translation service as needed.	All publications, forms and information on the Program's website will be available in Spanish. The Program will have a Spanish speaking staff member. For other languages, program staff will utilize a language translation service such as CTS LanguageLink. *See* Program Guidelines, 14000.

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General Documentation Requirements	Claimants must submit all documentation reasonably requested including a W-9.	"If a claimant fails to cooperate with, or to comply with the reasonable requests of Program stafl the Program may not pay benefits. The Program considers a "reasonable request" to be a request for any documentation deemed necessary by the Program to assist in processing applications for eligibility, and in examining the compensability of provider claims and requests for reimbursement." Program Guidelines, 4002.002. "All providers shall be instructed to submit documentation of services and related charges to the Program regardless of whether reimbursement is made to the provider or to the claimant. All claims submitted, shall include all information specifically requested by the Program. [...] In addition to the required documentation to determine claim compensability, the Program also requires a current completed W-9 form from the parties to be paid/reimbursed. A W9 is considered current if the Program has made a payment to the party within the previous two years. If two parties (i.e. provider and claimant) are eligible for payment on a claim and only one of those parties have submitted a current completed W-9, the Program will make attempts to obtain the necessary W-9 before making any payment on the claim. These attempts will be in accordance with the claims department and/or case managers' desk manuals. When attempts are unsuccessful, all parties who are eligible for payment/reimbursement will be paid in accordance with the procedures established by the Program." Program Guidelines 6001.
Categories of Benefits Available	Medical Sexual Assault Forensic and Medical Evaluations Mental Health Family Assistance Benefits Travel Expenses Funeral and Burial Expenses Economic Support & Loss of Support	*See* Idaho Code Ann. § 72-1019; https://crimevictimcomp.idaho.gov/frequently-asked-questions/.
Requirements/Limits for Relocation Expenses	Relocation expense compensation does not appear to be available.	N/A.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Mental Health Expenses	Mental health expenses are subject to a $2,500 limit, except where extenuating circumstances require an exception.	"All claims for mental health benefits with an application date later than 03/07 /L997 , are subject to a benefit cap at 52,500, regardless of the incident date. Extension of Mental Health Benefits Upon reaching the $2,500 mental health benefit cap, claimants may request an extension of mental health benefits. A review of the case will then be initiated and a determination of eligibility for extension of benefits will be made." Program Guidelines, 7002. The mental health benefit cap may be exceeded when "extenuating circumstances" are found which justify doing so. "Extenuating circumstances are defined as the need for further mental health treatment due to trauma arising out of covered criminal conduct in order to perform major life functions or the activities of daily living." Program Guidelines, 7002.001. "The Program shall consider claims for the cost of all medications, including medications for psychiatric conditions, as medical costs. [...] The Program will not pay for psychiatric medications unless the victim is simultaneously receiving mental health counseling. However, in the event that the claimant has expended all mental health benefits awarded to them, payment for psychiatric medications and psychiatric medical evaluations shall continue for a period not to exceed 3 months from the date that the mental health benefit cap is reached. Furthermore, if the victim continues to receive mental health treatment on a regular and therapeutically appropriate basis, at their own cost beyond the 3-month time frame, payment for psychiatric medications and psychiatric medical evaluations will continue until such treatment terminates, or the medical benefit award cap is reached. After which, no mental health, psychiatric medication or psychiatric medical evaluations will be paid for by the program. The Program may periodically request documentation indicating that such medical treatment is related to the criminal act and/or is necessary to facilitate the victim's recovery." Program Guidelines, 8000.001.

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	The weekly benefit amount is capped at 66 2/3% of the wages received at the time of the criminally injurious conduct. *See* Detailed Description for documentation requirements.	"A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks such weekly benefits, the claimant, as a result of such injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is sixty-six and two-thirds percent (66 2/3 %) of the wages received at the time of the criminally injurious conduct, subject to a maximum of one hundred seventy-five dollars ($175). Weekly compensation payments shall be made at the end of each two (2) week period. No weekly compensation payments may be paid for the first week after the criminally injurious conduct occurred, but if total actual loss of wages continues for one (1) week, weekly compensation payments shall be paid from the date the wage loss began. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market." Idaho Code Ann. § 72-1019(1). "02. Wage Loss Benefits. “Wages received at the time of the criminally injurious conduct” shall be the claimant's gross weekly wage; which shall be determined under Section 72-419(1)-(3), Idaho Code, if applicable, and if not, as follows: (7-1-24) a. If the Wages were fixed by the hour, and the claimant worked or was scheduled to work the same number of hours each week, the weekly wage shall be the hourly rate times the number of hours that the claimant worked or was scheduled to work each week. (7-1-24) b. If the Wages were fixed by the hour and the claimant did not work the same number of hours each week, or if the claimant was paid on a piecework or commission basis, the weekly wage shall be computed by averaging the amounts that the claimant was paid during his last four completed pay periods prior to the criminally injurious conduct and converting that amount to a weekly basis using a method consistent with 72-419(1)-(3); provided that, if the claimant was employed for less than four (4) pay periods before the criminally injurious conduct, the average shall be computed based upon the time period that they worked. (7-1-24) c. If none of the above methods are applicable, the weekly wage shall be computed in a manner consistent with the above methods. (7-1-24) 03. Weekly Compensation Benefits If Claimant Employable But Not Employed. If a claimant qualifies under Section 72-1019(7)(a), Idaho Code, the following provisions apply: (7-1-24) a. If at the time of the criminally injurious conduct the claimant was receiving unemployment benefits and as a result of that conduct the claimant becomes ineligible for those benefits, the claimant's weekly benefits under the Crime Victim's Compensation Act shall be the lesser of one hundred fifty dollars ($150) or their weekly benefit amount under the Employment Security Law. (7-1-24) b. If at the time of the criminally injurious conduct the claimant was unemployed, but scheduled to begin employment on a date certain and if they were unable to work for one (1) week as a result of that conduct, weekly benefits under the Crime Victim's Compensation Act shall be the lesser of one hundred fifty dollars ($150) or two-thirds (2/3) of the amount that they would have earned at their scheduled employment, and those benefits shall be payable beginning on the date that their employment was scheduled to begin. (7-1-24) c. If prior to the criminally injurious conduct the claimant was performing necessary household duties which they are disabled from performing as a result of that conduct and it is necessary to employ a person who does not reside in the claimant's house to perform those duties, the claimant shall receive weekly benefits under the Crime Victim's Compensation Act equal to the amount paid to the person so employed, but not exceeding one hundred fifty dollars ($150) per week. (7-1-24) d. In other circumstances, the Commission may award an amount it deems appropriate. (7-1-24)." Idaho Admin. Code r. 17.10.01.013.

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Medical Expenses	No separate cap appears to apply. However, specific documentation requirements apply, as described in the Detailed Description.	"The commission may require the claimant to supplement the application with any reasonably available medical reports or other documents relating to the injury or condition for which compensation is claimed. Failure to provide the requested supporting documents or reports may result in the denial of the claimant's application for compensation or claim for payment. Health care providers are authorized to submit directly to the commission, pursuant to the claimant's original release as provided in the application for compensation, any information that is required to support a claimant's application or that is necessary to process a claim for payment. If the physical or mental condition of a victim or claimant is material to a claim, the commission may order the victim or claimant to submit from time to time to an examination by a physician or other licensed health professional or may order an autopsy of a deceased victim. The commission shall pay for such examination or autopsy. The order shall specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made and shall require the person to file with the commission a detailed written report of the examination or autopsy. The report shall set out his findings, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions. On request of the person examined, the commission shall furnish a copy of the report to him. If the victim is deceased, the commission, on request, shall furnish a copy of the report to the claimant." Idaho Code Ann. § 72-1014. "The commission may order payment of reasonable expenses actually incurred by the claimant for reasonable services by a physician or surgeon, reasonable hospital services and medicines, mental health counseling and care, and such other treatment as may be approved by the commission for the injuries suffered due to criminally injurious conduct. Payment for the costs of forensic and medical examinations of alleged victims of sexual assault performed for the purposes of gathering evidence for possible prosecution, after collections from any federal or federally financed third party who has liability, shall be made by the commission; provided however that payment for the costs of forensic and medical examinations of alleged victims under eighteen (18) years of age shall be made by the commission after collections from any third party who has liability. The commission shall establish a procedure for summary processing of such claims." Idaho Code Ann. § 72-1019(2). "Allowable Payments for Medical Services. The Commission shall pay providers the allowable payment for medical services [as provided by regulation]." *See* Idaho Admin. Code r. 17.10.01.011(03). Specific information on payments in connection with sexual assault forensiv examinations may be found in Program Guidelines 13000-13002.
Timeframe to Obtain Benefits	None specified.	N/A.
Is Emergency Assistance Available?	Yes. Emergency assistance may be provided at the discretion of the Commission.	"If the commission determines that the claimant will suffer financial hardship unless a tentative award is made and it appears likely that a final award will be made, an amount may be paid to the claimant, to be deducted from the final award or repaid by and recoverable from the claimant to the extent that it exceeds the final award." Idaho Code Ann. § 72-1017.

IDAHO

TOPIC	SUMMARY	DETAILED DESCRPTION
Compensation Cap (Overall)	The maximum amount of available compensation is $25,000 per claimant.	"In cases where the total of all claims received, or expected to be received, exceeds the statutory maximum of $25,000, and involves multiple providers, the Program will determine a plan for making proportional reductions on bills and weekly compensation benefits. All pending bills for services provided to victims shall be put on hold untilthe Program has developed a payment plan for the case. If the Program has made payments to providers prior to having knowledge that the case will reach the maximum allowable benefits, those payments shall be exempted from the proportionate reduction." Program Guidelines, 7001.
Sources of Funding	Funding is provided through the Crime Victims Compensation Account.	"The crime victims compensation account is hereby established in the dedicated fund. Moneys shall be paid into the account as provided by law. Moneys in the account may be appropriated only for the purposes of this chapter, which shall include administrative expenses." Idaho Code Ann. § 72-1009. "In addition to any other fine which may be imposed upon each person found guilty of criminal activity, the court shall impose a fine or reimbursement according to the following schedule, unless the court orders that such fine or reimbursement be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court: (a) For each conviction or finding of guilt of each felony count, a fine or reimbursement of not less than seventy-five dollars ($75.00) per felony count; (b) For each conviction or finding of guilt of each misdemeanor count, a fine or reimbursement of thirty-seven dollars ($37.00) per misdemeanor count; (c) For each conviction or finding of guilt of an infraction under section 18-8001 or 49-301, Idaho Code, or for each first-time conviction or finding of guilt of an infraction under section 23-604 or 23-949, Idaho Code, a fine or reimbursement of thirty-seven dollars ($37.00) per count; (d) In addition to any fine or reimbursement ordered under paragraph (a) or (b) of this subsection, the court shall impose a fine or reimbursement of not less than three hundred dollars ($300) per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses pursuant to sections 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, and 18-6604, Idaho Code. Notwithstanding the provisions of section 19-4705, Idaho Code, the fines or reimbursements imposed under the provisions of this section shall be paid into the crime victims compensation account." Idaho Code Ann. § 72-1025.

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Appeal Process	A claimant may request a reconsideration within 20 days of the date of a Program decision and may request a hearing if the claimant disagrees with the determination on reconsideration. Hearings may be requested within 45 days from any final and conclusive initial determination.	"The commission, on its own motion or on request of the claimant, may reconsider a decision making or denying an award or determining its amount. The commission shall reconsider at least annually every award being paid in installments. An order on reconsideration of an award may not require refund of amounts previously paid unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a commission decision." Idaho Code Ann. § 72-1021. "There shall be no right of appeal from a final determination of the commission." Idaho Code Ann. § 72-1022. "Initial Determination by CVCP Division. After sufficient information has been gathered, the CVCP Division may make an initial determination granting, partially granting, or denying benefits. An initial determination of the CVCP Division shall be final and conclusive as to all matters adjudicated in the determination. Request for Reconsideration. **Within twenty (20) days from the date that the initial determination is issued, the claimant may file a request with the CVCP Division that the division reconsider its decision, or the CVCP Division may reconsider the matter on its own motion.** The decision of the CVCP Division on reconsideration shall be final and conclusive as to all matters adjudicated in the decision." Idaho Admin. Code r. 17.10.01.011(02). "**A claimant may request reconsideration of a Program decision within 20 days of the date the decision was issued.** The Program may reconsider the decision on its own motion within 3 years of the date the decision was issued. Reconsiderations are reviewed by either the Program's Bureau Chief or Bureau Supervisor. If reviewed by the Bureau Supervisor, a recommendation will be made to the Bureau Chief. The decisions on reconsideration are issued by the Bureau Chief. If the claimant disagrees with the reconsideration decision, they may request a hearing with the Industrial Commission. There shall be no right of appeal from a final decision of the Commission." Program Guidelines, 16000. "01. Request for Hearing Before Commission. **Within forty-five (45) days from any final and conclusive initial determination of the CVCP Division, a claimant who disagrees with the determination may request a de novo hearing** on the compensability of the subject claim before the Commission. Such a request must be received by the Commission within forty-five (45) days following the initial determination or order on reconsideration of the initial determination. The Commission may conduct the hearing or it may assign the matter to a Commissioner or Referee. If the matter is assigned to a Commissioner or a Referee, the Commissioner or Referee shall submit recommended findings and

TOPIC	SUMMARY	DETAILED DESCRPTION
		decision to the Commission for its review. (7-1-24) 02. Recommendation. If the Commission does not approve the recommendations of a Commissioner or Referee, the Commission may review the record and enter its own findings and decision. (7-1-24) 03. Notice of Hearing. The Commission shall give the claimant at least ten (10) days' advance written notice of the time and place of hearing and of the issues to be heard, either by personal service, certified mail, or electronically to the email address provided by the claimant. Service by mail shall be deemed complete when a copy of such notice is deposited in the United States post office, with postage prepaid, addressed to a party at their last known address as shown in the records and files of the Commission. Evidence of service by certificate or affidavit of the person making the same shall be filed with the Commission. Service by electronic means is deemed complete upon receipt by the intended party. (7-1-24) 04. Transcript of Hearing. All hearings shall be recorded. (7-1-24) 05. Subpoenas. Subpoenas shall be served in the manner provided by the Idaho Rules of Civil Procedure. Witness fees and mileage shall be in the amounts provided by the Idaho Rules of Civil Procedure and the claimant shall pay the fees of any witness who is subpoenaed to testify on their behalf. (7-1-24) 06. Record. At the hearing the Application for Compensation filed by the claimant and any other documents in the Commission's file that contain information relevant to the issues in the case shall be admitted into the record. Such documents shall be marked for identification and the record shall specify that those documents are admitted. The Commission, Commissioner, or Referee conducting the hearing shall give those documents the weight that is appropriate under the circumstances of the particular case. (7-1-24) 07. Evidence. At the hearing the claimant may present such testimonial or other evidence that the claimant would have the Commission consider in support of the claim for benefits. Such evidence may include evidence previously considered by the CVCP Division in connection with the initial determination, or new evidence. The Commission shall allow a representative of the CVCP Division to present testimonial or other evidence in support of the CVCP Division's initial determination. (7-1-24) 08. Finality of Decision. After a hearing, the decision of the Commission shall be final and conclusive as to all matters adjudicated. **Within twenty (20) days from the date that such decision is issued, the claimant may file a Motion for Reconsideration or the Commission may reconsider the matter on its own motion.** (7-1-24) 09. Modification of Final Order. At the request of the claimant or on its own motion the Commission may review and amend any final order or decision, within three (3) years of the date of issue of such order or decision: (7-1-24) a. If there is a change in circumstances that affects the claimant's entitlement to benefits; (7-1-24) b. To correct a manifest injustice; (7-1-24) c. If the order or award is based upon facts which were misrepresented or that were not fully disclosed; or (7-1-24) d. To correct payments made erroneously. (7-1-24)" Idaho Admin. Code r. 17.10.01.012.

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	The Idaho Crime Victims Compensation Program is the Payer of Last Resort.	"Subject to the limitations on payments for the costs of forensic and medical examinations of alleged victims of sexual assault described in section 72-1019(2), Idaho Code, compensation otherwise payable to a claimant shall be reduced or denied to the extent the compensation benefits payable are or can be recouped from collateral sources." Idaho Code Ann. § 72-1016(5). "If a claimant seeks compensation under this chapter and compensation is awarded, the account is entitled to full subrogation against a judgment or recovery received by the claimant against the offender or from or against any other source for all compensation paid under this chapter. The account's right of subrogation shall be a first lien on the judgment or recovery. If the claimant does not institute the action against the offender or against another source from which payment may be recovered for benefits compensable under this chapter within one (1) year from the date the criminally injurious conduct occurred, the commission may institute the action in the name of the claimant or the claimant's personal representative. If the claimant institutes the action, the commission shall pay a proportional share of costs and attorneys' fees if it recovers under its subrogation interest. If the commission institutes the action in the name of the claimant or the claimant's personal representative and the recovery is in excess of the amount of compensation paid to the claimant and costs incurred by the account in pursuit of the action, the excess shall be paid to the claimant. If a judgment or recovery includes both damages for bodily injury or death for which the commission has ordered compensation paid under this chapter and damages for which the commission has not ordered compensation paid, then the account's subrogation interest shall apply only to that proportion of the judgment or recovery for which it has paid compensation. In a civil action in a court of this state arising out of criminally injurious conduct, the judge, on timely motion, shall direct the jury to return a special verdict indicating separately the amounts of the various items of damages awarded. A claimant may not make recoveries against the offender or other source from which payment can be recovered for benefits compensable under this chapter in such a way as to avoid and preclude the account from receiving its proper subrogation share as provided in this section. The commission shall order the release of any lien provided for in subsection (1) of this section upon receipt of the account's subrogation share. Moneys received under the provisions of this section shall be paid to the account." Idaho Code Ann. § 72-1023. "The Commission's right to recover its full economic loss under a restitution order as a victim under Section 19-5304, Idaho Code, is independent from any other legal remedy it may have, including its statutory right to subrogation under Section 72-1023, Idaho Code, and is not barred by civil settlements entered into by other victims. The Commission may reduce or waive its subrogated interest in a settlement or civil action." Idaho Admin. Code r. 17.10.01.013(08). Detailed information on collateral sources may be found in Program Guidelines, 4005.
References and Resources		Idaho Code Ann. § 72-1001 *et seq.* Idaho Admin. Code r. 17.10.01.010 *et seq.* Program Guidelines, https://crimevictimcomp.idaho.gov/wp-content/uploads/2022/06/CVCP-Guidelines-6-2020.pdf. Program Website, https://crimevictimcomp.idaho.gov/frequently-asked-questions/.

ILLINOIS

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Time to File	Within 5 years of the crime date or within one year after a criminal charge of a person for an offense, upon which the claim is based (3 years after age 18 for minors or 3 years from removal of a disability). Applications filed after the prescribed periods may be accepted if the applicant can show good cause for the delay.	Timing. Within 5 years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, the applicant presents an application, under oath, to the Attorney General that is filed with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or is determined by a court to be under a legal disability as a result of the occurrence, he or she may present the application required by this subsection within 3 years after he or she attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder. 740 Ill. Comp. Stat. Ann. 45/6.1(a). The Attorney General and the Court of Claims may accept an application presented after the period provided in subsection (a) if the Attorney General determines that the applicant had good cause for a delay. 740 Ill. Comp. Stat. Ann. 45/6.1(a-1).
Eligibility Requirements: Identity of Person Seeking Compensation	Applicants may include: (1) A victim. (2) If the victim was a guardian or primary caregiver to an adult who is physically or mentally incapacitated, that adult who is physically or mentally incapacitated. (3) A guardian of a minor or of a person under legal disability. (4) A person who, at the time the crime occurred, resided in the same dwelling as the victim, solely for the purpose of compensating for any of the following: (A) Pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime. (B) Loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim. (C) Relocation expenses. (5) A person who assumes a legal obligation or voluntarily pays for a victim's medical or funeral or burial expenses. (6) Any other person the Court of Claims or the Attorney General finds is entitled to compensation.	(a) “Applicant” means any of the following claiming compensation under this Act: (1) A victim. (2) If the victim was a guardian or primary caregiver to an adult who is physically or mentally incapacitated, that adult who is physically or mentally incapacitated. (3) A guardian of a minor or of a person under legal disability. (4) A person who, at the time the crime occurred, resided in the same dwelling as the victim, solely for the purpose of compensating for any of the following: (A) Pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime. (B) Loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim. (C) Relocation expenses. [All defined below] (5) A person who assumes a legal obligation or voluntarily pays for a victim's medical or funeral or burial expenses. (6) Any other person the Court of Claims or the Attorney General finds is entitled to compensation. 740 Ill. Comp. Stat. Ann. 45/2(a). “Victim” means (1) a person killed or injured in this State as a result of **a crime of violence** perpetrated or attempted against him or her, (2) the spouse, parent, or child of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the dwelling of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) any person who is the grandparent, grandchild, brother, sister, half brother, or half sister of a person killed or injured in this State as a result of a crime of violence, applying solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim, or relocation if the crime occurred within the dwelling of the applicant, (5.2) any person who was in a dating relationship with a person killed in this State as a result of a crime of violence, solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, (6) an Illinois resident who is a victim of a “crime of violence” as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) the parent, spouse, or child of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, (8) (blank), or (9) an individual who is injured or killed in an incident in which a law enforcement officer's use of force caused bodily harm or death to that individual. 740 Ill. Comp. Stat. Ann. 45/2(d).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	The Illinois Crime Victims Compensation Act applies to "crimes of violence" defined at right.	"Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-20.1, 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-20.5, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012,2 Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code,3 a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or crash involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331. 740 Ill. Comp. Stat. Ann. 45/2(c). 9-1: First Degree Murder - Intentional killing or causing great bodily harm that leads to death. 9-1.2: Intentional Homicide of an Unborn Child - Killing an unborn child with intent. 9-2: Second Degree Murder - Murder with mitigating circumstances, such as provocation. 9-2.1: Voluntary Manslaughter of an Unborn Child - Killing an unborn child in the heat of passion. 9-3: Involuntary Manslaughter and Reckless Homicide - Unintentional killing due to reckless actions. 9-3.2: Involuntary Manslaughter and Reckless Homicide of an Unborn Child - Similar to 9-3, but involving an unborn child. 10-1: Kidnapping - Unlawful confinement or transportation of a person. 10-2: Aggravated Kidnapping - Kidnapping with additional factors like ransom demands or causing harm. **10-9: Trafficking in Persons - Exploiting individuals through force, fraud, or coercion.** 11-1.20: Criminal Sexual Assault - Non-consensual sexual penetration. 11-1.30: Aggravated Criminal Sexual Assault - Sexual assault with aggravating factors like causing injury. 11-1.40: Predatory Criminal Sexual Assault of a Child - Sexual assault of a child under 13. 11-1.50: Criminal Sexual Abuse - Non-consensual sexual conduct. 11-1.60: Aggravated Criminal Sexual Abuse - Sexual abuse with aggravating factors. 11-11: Sexual Relations Within Families - Incestuous sexual acts. 11-14.4: Promoting juvenile prostituion (exept for subdivision (a)(4)). 11-20.1: Child Pornography - Possession, distribution, or production of child pornography. 11-23: Posting of Identifying or Graphic Information on a Pornographic Internet Site - Posting such information without consent. 11-23.5: Non-consensual Dissemination of Private Sexual Images - Sharing private sexual images without consent. 12-1: Assault - Threatening behavior causing reasonable fear of harm. 12-2: Aggravated Assault - Assault with a weapon or other aggravating factors. 12-3: Battery - Intentional and harmful physical contact. 12-3.05: Aggravated Battery - Battery causing great bodily harm or involving special circumstances (except for subdivision (a)(4) or (g)(1)) 12-3.1: Battery of an Unborn Child - Intentional harm to an unborn child. 12-3.2: Domestic Battery - Battery against a family or household member. 12-3.3: Aggravated Domestic Battery - Domestic battery with serious injury or strangulation. 12-3.4: Violation of an Order of Protection - Violating a protective order. 12-5: Reckless Conduct - Reckless actions causing bodily harm or endangering safety. 12-7.1: Hate Crime - Crime motivated by bias against race, religion, or other protected status. 12-7.3: Stalking - Repeatedly following or harassing a person, causing fear. 12-7.4: Aggravated Stalking - Stalking with additional threats or violations. 12-20.5: Ritual Mutilation - Mutilation in connection with religious or ritual practices. 20-1: Arson - Intentional burning of property. 20-1.1: Aggravated Arson - Arson with risk to human life or causing injury. Sections 1(a) and 1(a-5) of the Cemetery Protection Act: Destroying, damanaging or desecrates human remains. Section 125 of the Stalking No Contact Order Act: Knowingly violate a stalking no contact order. Section 219 of the Civil No Contact Order Act: A knowing violation of a civil no contact order. Section 11-401 of the Illinois Vehicle Code: Motor vehicle crashes involving death or personal injuries. Section 11-501 of the Illinois Vehicle Code: DUI

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Eligibility Requirements: Geographic Nexus	(1) Any person who is killed or injured as a result of a crime of violence that occurs in Illinois or (2) any Illinois resident who is a victim if the crime occurred outside of Illinois upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible.	See definition of "victim" above. 740 Ill. Comp. Stat. Ann. 45/2(d).
Eligibility Requirements: Criminal Background of Victim	Not applicable, but awards may not be made to an applicant who is currently held in a correctional institution.	A victim's criminal history or felony status **shall not prevent** compensation to that victim or the victim's family. No compensation may be granted to an applicant under this Act while the applicant is held in a correctional institution. An applicant who is held in a correctional institution may apply for assistance under this Act at any time, but no award of compensation may be considered until the applicant meets the requirements of this Section. 740 Ill. Comp. Stat. Ann. 45/2.5
Citizenship Requirement?	No.	*See Hernandez v. Fahner*, 135 Ill. App. 3d 372, 381 (1985) (affirming lower court decision that the definition of "person" in Crime Victims Compensation Act meant every human being regardless of immigration status.)
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. In order to be eligible for an award, law enforcement must be notified within 72 hours of the crime. The time limit may be extended if circumstances dictate. For certain offenses, the timingn requirement is seven days.	A person is entitled to compensation under this Act if … [t]he appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim. If the notification was made more than 72 hours after the perpetration of the crime and the applicant establishes that the notice was timely under the circumstances, the Attorney General and the Court of Claims may extend the time for reporting to law enforcement. 740 Ill. Comp. Stat. Ann. 45/6.1(b). For victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and 12-14 of the Criminal Code of 1961 or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, if the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances. 740 Ill. Comp. Stat. Ann. 45/6.1(b). If, in lieu of a law enforcement report, the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented to a medical facility for medical care or sexual assault evidence collection, has presented to a mental health provider for an independent medical evaluation, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking or law enforcement use of force, such action shall constitute appropriate notification under this Section. 740 Ill. Comp. Stat. Ann. 45/6.1(b-1). (b-2) For purposes of notification under this Act, a victim who presents to a medical facility shall provide information sufficient to fulfill the requirements of this Section, except that the victim shall not be required to identify the offender to the medical provider. 740 Ill. Comp. Stat. Ann. 45/6.1(b-2). An applicant who is filing a claim that a law enforcement officer's use of force caused injury or death, may fulfill the notification requirement by complying with subsection (b), filing a complaint with the Illinois Law Enforcement Training Standards Board, filing a lawsuit against a law enforcement officer or department, or presenting evidence that the victim has obtained a settlement or a verdict in a civil suit. An application filed by an individual presenting evidence of a verdict in a civil suit must be filed within one year after the resolution of the civil suit. 740 Ill. Comp. Stat. Ann. 45/6.1(b-3). A person is entitled to compensation under this Act if …The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented to a medical facility for medical care or sexual assault evidence collection, obtained an independent medical examination from a mental health provider as described in subsection (b-4), has taken any of the actions described in subsection (b-3), or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute cooperation under this subsection (c). If the victim is under 18 years of age at the time of the commission of the offense, the following shall constitute cooperation under this subsection (c): (1) the applicant or the victim files a police report with a law enforcement agency;

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		(1) the applicant or the victim files a police report with a law enforcement agency; (2) a mandated reporter reports the crime to law enforcement; or (3) a person with firsthand knowledge of the crime reports the crime to law enforcement. In evaluating cooperation, the Attorney General and Court of Claims may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant. 740 Ill. Comp. Stat. Ann. 45/6.1(c).
Is Complicity in Crime Disqualifying?	Possibly, but not necessarily disqualifying in all cases.	Except for claims listed under subsection (d-1) of this Section, an award shall be **reduced or denied** according to the extent to which the victim's injury or death was caused by provocation or incitement by the victim or the victim assisting, attempting, or committing a criminal act. 740 Ill. Comp. Stat. Ann. 45/10.1(d). For claims that a law enforcement officer's use of force resulted in injury or death to a victim, an award shall be reduced or denied to the extent by which the victim's behavior posed an imminent threat of death or serious bodily injury to the law enforcement officer or another person and such behavior of the victim was a direct and proximate cause of the victim's injury or death. If a police report has been made, the police report shall not be the sole factor if the Attorney General or Court of Claims has identified reliable information that conflicts with the police report. 740 Ill. Comp. Stat. Ann. 45/10.1(d-1). A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive an award with respect to such claim. A member of the family of a person criminally responsible for the crime upon which a claim is based or a member of the family of an accomplice of such person shall be eligible to receive an award, unless the person criminally responsible will receive substantial economic benefit or unjust enrichment from the compensation. In no event shall an applicant be denied compensation solely because of the applicant's or the victim's familial relationship with the offender or because of the sharing of a dwelling by the victim or applicant and the offender. 740 Ill. Comp. Stat. Ann. 45/10.1(d-2). A denial or reduction shall not automatically bar the survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs, and loss of support. 740 Ill. Comp. Stat. Ann. 45/10.1(d-3).
To Whom are Applications Made?	Illinois Attorney General's Office.	Within 5 years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, **the applicant presents an application, under oath, to the Attorney General** that is filed with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. 740 Ill. Comp. Stat. Ann. 45/6.1(a).
How are Applications Accepted?	Through an online portal, or by mail, email or fax.	Application (English): https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationEnglish.pdf Online portal: https://forms.illinoisattorneygeneral.gov/Forms/CrimeVictims_CompensationRequest Applications can also be downloaded, printed, and mailed to: Office of the Illinois Attorney General Crime Victim Compensation Bureau 115 South LaSalle Street Chicago, IL 60603

ILLINOIS

TOPIC	SUMMARY	DETAILED DESCRPTION
Who May Submit an Application?	See requirements at right.	The application must be completed by one of the following: 1) A person who is over the age of 18 and listed in the Crime Victims Compensation Act as an eligible applicant under 740 ILCS 45/2 that is seeking reimbursement for their own expenses [reger to Identity of Person Seeking Compensation above]; or 2) If the victim is under the age of 18 or under a legal disability, then the victim's parent or legal guardian should fill out the application on their behalf; or 3) Any person that has paid or become obligated to pay expenses of the victim (medical / hospital, funeral / burial). The application must be signed by either the applicant, or the victim's parent or legal guardian if the victim is under 18 or under a legal disability.
What Language Services are Available?	Crime Victims Compensation Guide and applications are available in English, Polish, Simplified Chinese, Traditional Chinese, Spanish, and Tagalog.	Crime Victims Compensation Guide English - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVCompensationGuide.pdf Polish - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVCompensationGuidePolish.pdf Simplified Chinese - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVCompensationGuideChineseSimplified.pdf Traditional Chinese - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVCompensationGuideChineseTraditional.pdf Spanish - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVCompensationGuideSpanish.pdf Tagalog - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVCompensationGuideTagalog.pdf Paper Application English - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationEnglish.pdf Polish - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationPolish.pdf Simplified Chinese - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationChineseSimplified.pdf Traditional Chinese - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationChineseTraditional.pdf Spanish - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationSpanish.pdf Tagalog - https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationTagalog.pdf
General Documentation Requirements	In addition to the application, the required documents depends on the expense reimbursements requested. Common documents include police report, plenary order of protection, civil no-contact order, hospital, or doctor bills.	*See* Crime Victim Compenstion Application, pg. 1. https://www.illinoisattorneygeneral.gov/Page-Attachments/CVApplicationEnglish.pdf

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical/Hospital Dental Transportation Accessibility Costs Crime Scene Cleanup Counseling Relocation Costs Temporary Lodging Tattoo Removal (victims of Human Trafficking only) Loss of Earnings Tuition Replacement Service Loss Locks Windows Clothing Bedding Prosthetic Appliances Eyeglasses/Contacts Hearing Aids Replacement Costs Loss of Support Towing and Storage Loss of Future Earnings Legal Fees Doors Funeral/Burial/Cremation/Headstone Dependent Replacement Service Loss	(1) in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; (2) transportation expenses to and from medical and counseling treatment facilities; (3) prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; (4) expenses incurred for the towing and storage of a victim's vehicle in connection with a crime of violence, to a maximum of $1,000; (5) costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; for victims of offenses defined in Section 10-9 of the Criminal Code of 2012, the victim shall submit a statement under oath on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of the offense; (6) replacement costs for clothing and bedding used as evidence; (7) costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first 2 months' rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime; (8) locks, doors, or windows necessary or damaged as a result of the crime; (9) the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; “real and personal property” includes, but is not limited to, vehicles, houses, apartments, townhouses, or condominiums; (10) the costs of appropriate crime scene clean-up; (11) replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation; (12) dependents replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation; (13) loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; (14) loss of earnings, loss of future earnings because of disability resulting from the injury. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing but unreasonably failed to undertake; loss of earnings and loss of future earnings shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month; (14.5) loss of earnings for applicants or loss of future earnings for applicants. The applicant must demonstrate that the loss of earnings is a direct result of circumstances attributed to the crime including, but not limited to, court appearances, funeral preparation and bereavement, receipt of medical or psychological care; loss of earnings and loss of future earnings shall be determined on the basis of the applicant's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month; (15) loss of support of the dependents of the victim. Loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Loss of support for minors shall be divided in proportion to the amount of the actual loss among those entitled to such compensation; (16) in the case of death, expenses for reasonable funeral, burial, headstone, cremation, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of $10,000 for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial expenses, including a headstone, for the deceased shall share a maximum award of $10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; (17) in the case of dismemberment or desecration of a body, expenses for reasonable funeral, burial, headstone, and cremation, all of which may be awarded up to a maximum of $10,000 for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial expenses, including a headstone, for the deceased shall share a maximum award of $10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; and (19) legal fees resulting from proceedings that became necessary solely because of the crime, including, but not limited to, establishing a legal guardian for the minor victim or the minor child of a victim, or obtaining a restraining order, no contact order, or order of protection, awarded up to a maximum of $3,500. “Pecuniary loss” does not include pain and suffering or property loss or damage.

TOPIC	SUMMARY	DETAILED DESCRPTION
		740 Ill. Comp. Stat. Ann. 45/2(h).
Requirements/Limits for Relocation Expenses	Must be necessary and reasonable.	Expenses include "costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first 2 months' rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime." 740 Ill. Comp. Stat. Ann. 45/2(h)(7).
Requirements/Limits for Mental Health Expenses	Must be provided by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and treatment by Christian Science practitioners.	Expenses include those for "appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto." 740 Ill. Comp. Stat. Ann. 45/2(h)(1).
Requirements/Limits for Lost Income	Loss of earnings and loss of future earnings shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less.	(14) **loss of earnings, loss of future earnings because of disability resulting from the injury**. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing but unreasonably failed to undertake; loss of earnings and loss of future earnings shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month; (14.5) **loss of earnings for applicants or loss of future earnings for applicants**. The applicant must demonstrate that the loss of earnings is a direct result of circumstances attributed to the crime including, but not limited to, court appearances, funeral preparation and bereavement, receipt of medical or psychological care; loss of earnings and loss of future earnings shall be determined on the basis of the applicant's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month; (15) **loss of support of the dependents of the victim**. Loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Loss of support for minors shall be divided in proportion to the amount of the actual loss among those entitled to such compensation.
Requirements/Limits for Medical Expenses	None	Expenses include "in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto." 740 Ill. Comp. Stat. Ann. 45/2(h)(1).
Timeframe to Obtain Benefits	None provided	None provided.

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Emergency Assistance Available?	Yes.	(a) If it appears, prior to taking action on an application, that the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the Attorney General may recommend and the Court may make an emergency award of compensation to the applicant, pending a final decision in the case. Emergency awards may be issued to the applicant for the purpose of paying funeral and burial expenses directly to a funeral home and for relocation expenses incurred by an applicant. The amount of emergency compensation shall be deducted from any final award made as a result of the claim. The full amount of the emergency award if no final award is made shall be repaid by the applicant to the State of Illinois. (b) Emergency award applicants must satisfy all requirements under Section 6.1 of this Act. 740 Ill. Comp. Stat. Ann. 45/10.2. *See also* https://www.illinoisattorneygeneral.gov/Page-Attachments/EmergencyAwards.pdf.
Compensation Cap (Overall)	$45,000	A final award shall not exceed $10,000 for a crime committed prior to September 22, 1979, $15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, $25,000 for a crime committed on or after January 1, 1986 and prior to August 7, 1998, $27,000 for a crime committed on or after August 7, 1998 and prior to August 7, 2022, or $45,000 per victim for a crime committed on or after August 7, 2022. For any applicant who is not a victim, if the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the amount of actual loss among those entitled to compensation who are not victims. 740 Ill. Comp. Stat. Ann. 45/10.1(f).
Sources of Funding	The Violent Crime Victims Assistance Fund	The "Violent Crime Victims Assistance Fund" is created as a special fund in the State Treasury to provide monies for the grants to be awarded under [the Illinois Violent Crime Victims Assistance Act]. 725 Ill. Comp. Stat. Ann. 240/10.
Appeal Process	Appeals may be made to the Court of Claims upon petition for a hearing within 30 days of issuance of the determination by the AG that an application has been denied.	A hearing before a Commissioner of the Court of Claims shall be held for those claims in which … a claim has been disposed of without a hearing and an applicant has been denied compensation or has been awarded compensation which he or she thinks is inadequate and he or she petitions the Court of Claims for a hearing within 30 days of the date of issuance of the determination sought to be reviewed. The petition shall set forth the reasons for which review is sought and a recitation of any additional evidence the applicant desires to present to the Court. A copy of the petition shall be provided to the Attorney General. Documentation to be presented at a hearing of the Court of Claims must be submitted to the Attorney General at least 10 working days before the hearing date. Failure to do so may result in a continuance of the hearing. 740 Ill. Comp. Stat. Ann. 45/13.1(a). (b) At hearings held under this Act before Commissioners of the Court of Claims, any statement, document, information or matter may be received in evidence if in the opinion of the Court or its Commissioner such evidence would contribute to reaching a decision on the claim, regardless of whether such evidence would be admissible in a court of law. 740 Ill. Comp. Stat. Ann. 45/13.1(b). Petition for rehearing. (1) The Court of Claims may order a rehearing of a matter decided after a hearing, if, in reaching its decision: (A) the court has overlooked, misapplied, or failed to consider a statute, decision, or directly controlling principle; (B) the court has overlooked or misconceived some material fact or proposition of law; or (C) the court has overlooked or misconceived a material question in the case. (2) A rehearing may not be granted if it is sought merely for the purpose of obtaining a reargument on and reconsideration of matters which have already been fully considered by the court. (3) The petition shall specify which of the grounds in paragraph (1) of this subsection (c) exists and shall specifically designate that portion of the opinion, or the record, or that particular authority, which the petitioner wishes the court to consider. A copy of the petition shall be served on the opposing party. No petition for rehearing shall exceed 10 typewritten pages. No memoranda or briefs in support of a petition for rehearing, and no response to a petition for rehearing, shall be received unless requested by the court. 740 Ill. Comp. Stat. Ann. 45/13.1(c).

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	Any award shall be reduced by the amount of any payment received from the sources described at right.	Compensation under this Act is a secondary source of compensation and the applicant must show that he or she has exhausted the benefits reasonably available under the Criminal Victims' Escrow Account Act1 or any governmental or medical or health insurance programs, including, but not limited to, Workers' Compensation, the Federal Medicare program, the State Public Aid program, Social Security Administration burial benefits, and Veterans Administration burial benefits, and life, health, accident, full vehicle coverage (including towing insurance, if available), or liability insurance. Crowdfunding resources available to applicants are not considered collateral sources of payment, regardless of any statements made about what expenses the crowdfunding resources will be used to pay. 740 Ill. Comp. Stat. Ann. 45/10.1(g). An award shall be reduced by the amount of benefits, payments or awards payable under those sources which are required to be listed under item (7) of Section 7.1(a) and any other sources except annuities, pension plans, Federal Social Security payments payable to dependents of the victim and the net proceeds of the first $25,000 of life insurance that would inure to the benefit of the applicant, which the applicant or any other person dependent for the support of a deceased victim, as the case may be, has received or to which he or she is entitled as a result of injury to or death of the victim. 740 Ill. Comp. Stat. Ann. 45/10.1(e). The sources of compensation listed under item (7) of Section 7.1(a) are: (a) the Workers' Compensation Act, (b) the Dram Shop Act, (c) any claim, demand, or cause of action based upon the crime-related injury or death, (d) the Federal Medicare program, (e) the State Public Aid program, (f) Social Security Administration burial benefits, (g) Veterans administration burial benefits, (h) life, health, accident, vehicle, towing, or liability insurance, (i) the Criminal Victims' Escrow Account Act, (j) the Sexual Assault Survivors Emergency Treatment Act, (k) restitution, or (l) any other source;
References and Resources		Crime Victims Assistance Line: 1.800.228.3368 Crime Vicims Resource Center: https://www.illinoisattorneygeneral.gov/safer-communities/supporting-victims-of-crime/crime-victim-compensation/

INDIANA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Generally within 180 days after the date of the crime was committed with additional time granted for good cause shown by claiming, and in any event, not later than two years after the crime was committed. Victims of crimes against children are permitted to apply up to 5 years after the occurrence of certain actions.	Except as provided in subsections (e) and (f) [relating to child sex crimes as described below], the application must be received by the division not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, and except as provided in subsections (e) and (f), the division may not accept an application that is received more than two (2) years after the date the crime was committed. (e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age or in accordance with subsection (f). Ind. Code Ann. § 5-2-6.1-16(e). (f) An alleged victim of a child sex crime described in IC 35-41-4-2(e) which meets the requirements of IC 35-41-4-2(p) may submit an application to the division not later than five (5) years after the earliest of the date on which: (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or (3) a person confesses to the offense. (g) An alleged victim of a battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age may submit an application to the division not later than five (5) years after the commission of the offense. Ind. Code Ann. § 5-2-6.1-16(f).
Eligibility Requirements: Identity of Person Seeking Compensation	(1) A victim. (2) A surviving spouse of a victim. (3) A legal dependent of a victim. (4) A family member of a victim. (5) A personal representative of a victim. Other individuals (and certain of their dependents) may be eligible for assistance to the extent that they were injured or killed while trying to prevent a violent crime from occurring or while trying to apprehend a person who had committed a violent crime.	As used in this chapter, “claimant” means any of the following individuals filing an application for assistance under this chapter: (1) A victim. (2) A surviving spouse of a victim. (3) A legal dependent of a victim. (4) A family member of a victim. (5) A personal representative of a victim. Ind. Code Ann. § 5-2-6.1-1. As used in this chapter, “victim” means an individual who suffers bodily injury or death as a result of a violent crime. Ind. Code Ann. § 5-2-6.1-7. See definition of "violent crime" below. Also eligible for assistance: A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime. (6) A surviving spouse or dependent child of a person who dies as a result of: (A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or (B) trying to apprehend a person who had committed a violent crime. (7) A person legally dependent for principal support upon a person who dies as a result of: (A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or (B) trying to apprehend a person who had committed a violent crime. (8) A person who is injured or killed while giving aid and assistance to: (A) a law enforcement officer in the performance of the officer's lawful duties; or (B) a member of a fire department who is being obstructed from performing lawful duties. (b) A legal dependent who witnesses a violent crime in which the legal dependent's parent or guardian suffers bodily injury or death may be eligible for limited assistance under this chapter, as determined by the division. Ind. Code Ann. § 5-2-6.1-12.

INDIANA

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	A crime under the Indiana Code that is a felony of any kind or a Class A misdemeanor that results in bodily injury or death to the victim, with certain exceptions. If the crime occurred in another jurisdiction in which the elements of the crime are substantially similar to the elements of a crime that would be a felony or Class A misdemeanor in Indiana. Terrorists acts.	As used in this chapter, "violent crime" means the following: (1) A crime under the Indiana Code that is **a felony of any kind or a Class A misdemeanor** that results in bodily injury or death to the victim but **does <u>not</u> include** any of the following: (A) A crime under IC 9-30-5 resulting from the operation of a vehicle other than a motor vehicle. (B) Involuntary manslaughter resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-4). (C) Reckless homicide resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-5). (D) Criminal recklessness involving the use of a motor vehicle, unless the offense was intentional or the person using the motor vehicle was intoxicated (IC 35-42-2-2). (E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5. (2) A crime in another jurisdiction in which the elements of the crime are substantially similar to the elements of a crime that, if the crime results in death or bodily injury to the victim, would be a felony or a Class A misdemeanor if committed in Indiana. However, the term **does <u>not</u> include** any of the following: (A) A crime in another jurisdiction resulting from operating a vehicle, other than a motor vehicle, while intoxicated. (B) A crime in another jurisdiction with elements substantially similar to involuntary manslaughter resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated. (C) A crime in another jurisdiction with elements substantially similar to reckless homicide resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated. (D) A crime in another jurisdiction with elements substantially similar to criminal recklessness involving the use of a motor vehicle unless the offense was intentional or the person using the motor vehicle was intoxicated. (E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5. (3) A terrorist act. Ind. Code Ann. § 5-2-6.1-8.
Eligibility Requirements: Geographic Nexus	A resident of Indiana A non-resident of Indiana where the violent crime was committed in Indiana. Certain classes of dependents and other family members if the victim died as a result of a violent crime.	The following persons are eligible for assistance under this chapter: (1) **A resident of Indiana** who is a victim of a violent crime committed: (A) in Indiana; or (B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter. (2) **A nonresident of Indiana who is a victim of a violent crime committed in Indiana**. (3) If a victim died as a result of a violent crime, the victim's: (A) surviving spouse; (B) dependent child; or (C) family member who incurred expenses related to the victimization of the victim. (4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime. Ind. Code Ann. § 5-2-6.1-12.
Eligibility Requirements: Criminal Background of Victim	None.	No limitations.
Citizenship Requirement?	None.	No limitations.

TOPIC	SUMMARY	DETAILED DESCRPTION
Is a Police Report or Cooperation with Law Enforcement Required?	Yes to both. A police report must be filed within 72 hours after the occurrence of the crime, except for an alleged victim of a child sex crime. Additionally, compensation may not be awarded until law enforcement records concerning the crime are available and any criminal investigation directly related to the crime has been substantially completed. If the crime involved a motor vehicle, compensation may not be awarded until an information or indictment alleging the commission of a crime has been filed by a prosecuting attorney, unless justice requires. Full cooperation with law enforcement is required. Exceptions can be made to the above on an exception basis.	Except for an alleged victim of a child sex crime, the division may not award compensation under this chapter unless the violent crime was reported to a law enforcement officer not more than seventy-two (72) hours after the occurrence of the crime. Ind. Code Ann. § 5-2-6.1-17(a). The division may not award compensation under this chapter until: (1) law enforcement and other records concerning the circumstances of the crime are available; and (2) any criminal investigation directly related to the crime has been substantially completed. Ind. Code Ann. § 5-2-6.1-17(b). If the crime involved a motor vehicle, the division may not award compensation under this chapter until an information or indictment alleging the commission of a crime has been filed by a prosecuting attorney. The division may award compensation under this chapter before an information or indictment alleging the commission of a crime has been filed where justice requires. Ind. Code Ann. § 5-2-6.1-17(c). The division shall deny an award of compensation under this chapter if the claimant fails to fully cooperate with law enforcement personnel in the investigation, apprehension, and prosecution of the offender before the date the award is paid. Ind. Code Ann. § 5-2-6.1-18. A claimant who fails to fully cooperate with law enforcement personnel in the investigation, apprehension, and prosecution of the offender after an award is paid forfeits the award. Ind. Code Ann. § 5-2-6.1-19. If: (1) the division finds a compelling reason for failure to report to or cooperate with law enforcement officials; and (2) justice requires; the division may suspend the requirements of section 17, 18, or 19 of this chapter. Ind. Code Ann. § 5-2-6.1-20. The division shall deny an award of compensation under this chapter if the claimant fails to fully cooperate with the division in the review, investigation, and processing of the claim. Ind. Code Ann. § 5-2-6.1-20.5.

INDIANA

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Yes, with exceptions for (1) dependent children and (2) in cases where the victim was intoxicated and is the victim of a sex crime, a crime involving domestic or family violence, a crime of domestic violence, or incest.	Subject to subsection (b) and except as provided in subsection (c), benefits may not be awarded: (1) if the victim sustained the injury as a result of participating or assisting in, or attempting to commit or committing a criminal act; (2) if the injury occurred while the victim was a resident in a county, city, or federal jail or prison or in an institution operated by the department of correction; (3) if the victim profited or would have profited from the criminal act; (4) if, at the time the injury occurred, the victim was intoxicated and contributed to the commission of an unrelated felony; or (5) to a claimant who contributed to the injury or death of the victim. (b) If the victim is a dependent child or dependent parent of the person who commits a violent crime, compensation may be awarded where justice requires. (c) Benefits may be awarded to a person described in subsection (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime involving domestic or family violence (as defined in IC 35-31.5-2-76), a crime of domestic violence (as defined in IC 35-31.5-2-78), or incest (as defined in IC 35-46-1-3). Ind. Code Ann. § 5-2-6.1-13. “Intoxicated” means under the influence of: (1) alcohol; (2) a controlled substance (as defined in IC 35-48-1); (3) a drug other than alcohol or a controlled substance; (4) [inhalants] (5) a combination of substances described in subdivisions (1) through (4); or (6) any other substance, not including food and food ingredients (as defined in IC 6-2.5-1-20), tobacco (as defined in IC 6-2.5-1-28), or a dietary supplement (as defined in IC 6-2.5-1-16); so that there is an impaired condition of thought and action and the loss of normal control of a person's faculties. Ind. Code Ann. § 9-13-2-86.
To Whom are Applications Made?	Victim Services Division of the Indiana Criminal Justice Institute	A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division. Ind. Code Ann. § 5-2-6.1-16(a). As used in this chapter, “division” refers to the victim services division of the Indiana criminal justice institute. Ind. Code Ann. § 5-2-6.1-2.
How are Applications Accepted?	Online, mail, or delivered by hand.	You can file a claim either online or by submitting a paper application. The paper application must be mailed or hand-delivered. https://www.in.gov/cji/victim-compensation/ PDF applications can be mailed or hand delivered to the Indiana Criminal Justice Institute at: Indiana Government Center South, 402 W. Washington Street, Room W469, Indianapolis, IN 46204. They can also be faxed to: 317-232-7103.
Who May Submit an Application?	The claimant/applicant must be a victim, surviving spouse, or a dependent child of a victim of an eligible violent crime.	
What Language Services are Available?	The application is available in English and Spanish.	English: https://www.in.gov/cji/victim-compensation/files/23776-fill-in-R14-10-21.pdf Spanish: https://www.in.gov/cji/victim-compensation/files/2377-Violent-Crime-Application-fill-in_Spanish.pdf
General Documentation Requirements		

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical, dental and mental health counseling-related expenses Loss of income Loss of financial support Funeral, burial and cremation expenses.	The division may order the payment of compensation under this chapter for any of the following reasonable, documented expenses incurred within one hundred eighty (180) days after the date of the violent crime: (1) Necessary: (A) medical, chiropractic, hospital, dental, optometric, and ambulance services; (B) prescription drugs; and (C) prosthetic devices; that do not exceed the claimant's out-of-pocket expense. Ind. Code Ann. § 5-2-6.1-21.1(d)(1). (2) Loss of income: (A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; (B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim; or (C) the spouse of a victim incurred by taking time off from work to care for the victim. A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages. Ind. Code Ann. § 5-2-6.1-21.1(d)(2). (3) Emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime. (4) Expense incurred for child care, not to exceed one thousand dollars ($1,000), to replace child care the victim would have supplied had the victim not died or been injured. (5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured. (6) Expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars ($5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division. (7) Outpatient mental health counseling, not to exceed three thousand dollars ($3,000), concerning mental health issues related to the violent crime. (8) Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable. (9) Replacement of windows or door locks. (10) Cleanup of the scene of a violent crime. Ind. Code Ann. § 5-2-6.1-21.1(d)(3)-(10). If a victim of a violent crime dies as a result of the crime, the division may pay the reasonable expenses incurred for funeral, burial, or cremation. Ind. Code Ann. § 5-2-6.1-15. As used in this chapter, “out-of-pocket expense” means: (1) funeral expenses; (2) burial expenses; (3) cremation expenses; and (4) medical expenses that are payable under IC 27-8-10-3 for each of the types of services and items provided to a victim as a result of the bodily injury or death upon which an application is based. Ind. Code Ann. § 5-2-6.1-5.7. As used in this chapter, “loss of income” means wages the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the crime. Ind. Code Ann. § 5-2-6.1-5.8.
Requirements/Limits for Relocation Expenses	Not available	Not available
Requirements/Limits for Mental Health Expenses	$3,000 limit for outpatient mental health	Permissible expenses include "Outpatient mental health counseling, **not to exceed three thousand dollars ($3,000)**, concerning mental health issues related to the violent crime." Ind. Code Ann. § 5-2-6.1-21.1(d)(7).
Requirements/Limits for Lost Income	None.	No limit other than $15,000 aggregate limit.
Requirements/Limits for Medical Expenses	None.	No limit other than $15,000 aggregate limit.

INDIANA

TOPIC	SUMMARY	DETAILED DESCRPTION
Timeframe to Obtain Benefits	There is no time limit on the length of an investigation and granting of an award. Once the division grants an award, it will be paid within 30 days.	(a) If the division determines that an award from the fund becomes final during a month, the division shall compute the award before the fifteenth day of the following month. (b) Except as provided in section 44 of this chapter, an award must be paid not more than thirty (30) days after the date on which the award is computed. (c) Awards must be paid in the order in which the awards become final. Ind. Code Ann. § 5-2-6.1-43.
Is Emergency Assistance Available?	No	N/A
Compensation Cap (Overall)	Total compensation limit is $15,000.	An award to a claimant under this chapter: (1) may not exceed fifteen thousand dollars ($15,000) Ind. Code Ann. § 5-2-6.1-35.
Sources of Funding	See column at right.	The fund consists of amounts deposited under IC 5-2-6.3-6(b)(3)[income or other proceeds derived directly or indirectly from a felony], IC 11-10-7-5 [employment of offenders by private persons], IC 11-10-8-6 [earnings of an offender employed in a work release program], IC 33-37-7-9 [funds from the state treasury], IC 34-51-3-6 [punitive damages awarded in a civil action], and IC 35-50-5-3 [pursuant to a restitution order] and appropriations from the general assembly. Ind. Code Ann. § 5-2-6.1-41.
Appeal Process	A claimant aggrieved by an action under this chapter may request an appeal by making a written request to the director within thirty (30) days of the date of the denial letter.	A claimant aggrieved by an action under this chapter may request an appeal under IC 4-21.5 [Administrative Orders and Procedures] by making a written request to the director within thirty (30) days of the date of the denial letter. Ind. Code Ann. § 5-2-6.1-28.5. (a) The state or a claimant may appeal an order issued by an administrative law judge under IC 4-21.5 within twenty-one (21) days of the date of the written determination by filing a written appeal with the director who shall place the appeal on the docket for review by the board of trustees of the institute. (b) An appeal under this section shall be limited to those facts evidenced in the record or proceedings and may, at the discretion of the board of trustees of the institute, be supplemented with a written statement by either the division or the claimant. (c) A decision by the board of trustees of the institute shall be conclusive and binding upon the state and claimant, subject to judicial review under IC 4-21.5. Ind. Code Ann. § 5-2-6.1-29.5.
Payer of Last Resort Requirements	The Indiana Victim Compensation Program is classified as a “payer of last resort,” which means awards will be made only in situations where the claimant has no other recourse, with the exception of forensic exams for sex crime victims. The final payment awarded by the program may be reduced by the amount of benefits covered by other parties, including insurance, unemployment compensation, Social Security, public funds (such as Medicare or Medicaid) or any other source.	The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based: (1) Benefits from public or private pension programs, including Social Security benefits. (2) Benefits from proceeds of an insurance policy. (3) Benefits under IC 22-3-2 through IC 22-3-6. (4) Unemployment compensation benefits. (5) Benefits from other public funds, including Medicaid and Medicare. Compensation must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources. (b) The division shall further reduce an award under this chapter by the following: (1) The amount of court ordered restitution actually received by the claimant from the offender. (2) Benefits actually received by the claimant from a third party on behalf of the offender. (c) The division shall determine whether the claimant vigorously pursued recovery against available collateral sources described in this section. (d) If the division finds that a claimant has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the claimant through the collateral source. (e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the claimant for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time. Ind. Code Ann. § 5-2-6.1-32.
References and Resources		**English application**: https://www.in.gov/cji/victim-compensation/files/23776-fill-in-R14-10-21.pdf **Spanish application:** https://www.in.gov/cji/victim-compensation/files/2377-Violent-Crime-Application-fill-in_Spanish.pdf **Website**: https://hopeandhelpin.org/victim-compensation/

IOWA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Within 2 years after the date of the crime, the discovery of the crime, or the date of death of the victim. Limit may be waived for good cause shown.	To claim compensation under the crime victim compensation program, a person shall apply in writing on a form prescribed by the department and file the application with the department within two years after the date of the crime, the discovery of the crime, or the date of death of the victim. The department may waive the time limitation if good cause is shown. Iowa Code Ann. § 915.84(1).
Eligibility Requirements: Identity of Person Seeking Compensation	1. The crime victim or other applicant, 2. A person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim. 3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to compensation, the compensation may be apportioned by the department as the department determines to be fair and equitable among the dependents. 4. To a victim of an act committed outside this state who is a resident of this state, if the act would be compensable had it occurred within this state and the act occurred in a state that does not have an eligible crime victim compensation program, as defined in the federal Victims of Crime Act of 1984, Pub. L. No. 98-473, section 1403(b), as amended and codified in 42 U.S.C. § 10602(b). 5. To or for the benefit of a resident of this state who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331, which occurred outside of the United States.	The department may order the payment of compensation: 1. To or for the benefit of the person filing the claim [see definition of "applicant" below]. 2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim. 3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to compensation, the compensation may be apportioned by the department as the department determines to be fair and equitable among the dependents. 4. To a victim of an act committed outside this state who is a resident of this state, if the act would be compensable had it occurred within this state and the act occurred in a state that does not have an eligible crime victim compensation program, as defined in the federal Victims of Crime Act of 1984, Pub. L. No. 98-473, section 1403(b), as amended and codified in 42 U.S.C. § 10602(b). 5. To or for the benefit of a resident of this state who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331, which occurred outside of the United States. Iowa Code Ann. § 915.85.
Eligibility Requirements: Types of Crime	Any conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony or misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. The law exempts conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for those listed to the right.	“Crime” means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony or misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. “Crime” does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for violations of section 321.261, 321.277, 321J.2, 462A.7, 462A.12, 462A.14, or 707.6A, or when the intention is to cause personal injury or death. A license revocation under section 321J.9 or 321J.12 shall be considered by the department as evidence of a violation of section 321J.2 for the purposes of this subchapter. A license suspension or revocation under section 462A.14, 462A.14B, or 462A.23 shall be considered by the department as evidence of a violation of section 462A.14 for the purposes of this subchapter. Iowa Code Ann. § 915.80(2). The vehicular crimes listed above are: 321.261: Duty in Accident Involving Injury or Death - This section outlines the legal obligations of a driver involved in an accident resulting in injury or death. The driver must immediately stop at the scene, provide information, and render aid. 321.277: Reckless Driving - This offense involves operating a vehicle with willful or wanton disregard for the safety of persons or property. 321J.2: Operating While Intoxicated (OWI) - This section addresses the crime of operating a motor vehicle while under the influence of alcohol or drugs, with a blood alcohol concentration (BAC) of 0.08 or higher. 462A.7: Operation Without Proper Lights - This section pertains to the requirement for boats to have proper lighting when operated between sunset and sunrise or during periods of restricted visibility. 462A.12: Muffling Devices - This section mandates that boats must have effective muffling devices to prevent excessive noise from the engine. 462A.14: Operation of Unnumbered or Unregistered Vessel - This offense involves operating a vessel on Iowa waters without proper numbering or registration. 707.6A: Homicide by Vehicle - This section covers causing the death of another person while operating a vehicle, which can occur under circumstances such as reckless driving, OWI, or eluding law enforcement.

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Geographic Nexus	1. A victim of a crime occurring in Iowa. 2. A victim of an act committed outside this state who is a resident of this state, if the act would be compensable had it occurred within this state and the act occurred in a state that does not have an eligible crime victim compensation program. 3. To or for the benefit of a resident of this state who is a victim of an act of terrorism which occurred outside of the United States.	The department may order the payment of compensation: 1. To or for the benefit of the person filing the claim. 2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim. 3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to compensation, the compensation may be apportioned by the department as the department determines to be fair and equitable among the dependents. 4. To a victim of an act committed outside this state who is a resident of this state, if the act would be compensable had it occurred within this state and the act occurred in a state that does not have an eligible crime victim compensation program, as defined in the federal Victims of Crime Act of 1984, Pub. L. No. 98-473, section 1403(b), as amended and codified in 42 U.S.C. § 10602(b). 5. To or for the benefit of a resident of this state who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331, which occurred outside of the United States. Iowa Code Ann. § 915.85.
Eligibility Requirements: Criminal Background of Victim	Not applicable.	Not applicable.
Citizenship Requirement?	None specified.	None specified.
Is a Police Report or Cooperation with Law Enforcement Required?	Yes, within 72 hours of the crime or the time when the crime can reasonably be reported, with exceptions good cause shown and in the case of minors subjected to sexual abuse	A person is not eligible for compensation unless the crime was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. If the crime cannot reasonably be reported within that time period, the crime shall have been reported within seventy-two hours of the time a report can reasonably be made. The department may waive this requirement if good cause is shown. Iowa Code Ann. § 915.84(3). Notwithstanding subsection 3, a victim under the age of eighteen or dependent adult as defined in section 235B.2 who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 or 726 or who has been the subject of a forcible felony is not required to report the crime to the local police department or county sheriff department to be eligible for compensation if the crime was allegedly committed upon a child by a person responsible for the care of a child, as defined in section 232.68, subsection 8, or upon a dependent adult by a caretaker as defined in section 235B.2, and was reported to an employee of the department of health and human services and the employee verifies the report to the department. Iowa Code Ann. § 915.84(4). The victim shall cooperate with reasonable requests by the appropriate law enforcement agencies in the investigation or prosecution of the crime. Iowa Code Ann. § 915.84(7). A person in possession or control of investigative or other information pertaining to an alleged crime or a victim filing for compensation shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the administration and enforcement of the crime victim compensation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section. Iowa Code Ann. § 915.90(1).
Is Complicity in Crime Disqualifying?	Yes, except in the case of minors involved in commercial sexual activity.	Compensation shall not be made when the bodily injury or death for which a benefit is sought was caused by any of the following: a. Consent, provocation, or incitement by the victim. b. The victim assisting, attempting, or committing a criminal act. This paragraph shall not apply to a victim under the age of eighteen involved in commercial sexual activity as defined in section 710A.1. Iowa Code Ann. § 915.87(2). “Commercial sexual activity” means any sex act or sexually explicit performance for which anything of value is given, promised to, or received by any person and includes, but is not limited to, prostitution, participation in the production of pornography, and performance in strip clubs. Iowa Code Ann. § 710A.1(1).

IOWA

TOPIC	SUMMARY	DETAILED DESCRPTION
To Whom are Applications Made?	The Iowa Department of Justice.	To claim compensation under the crime victim compensation program, a person shall apply in writing on a form prescribed by the department and **file the application with the department** within two years after the date of the crime, the discovery of the crime, or the date of death of the victim. The department may waive the time limitation if good cause is shown. Iowa Code Ann. § 915.84(1). "Department" means the department of justice. Iowa Code Ann. § 915.80(3). *See also* https://ccvcia.org/ (online application portal hosted by the Office of the Attorney General of Iowa).
How are Applications Accepted?	Via online portal, mail, fax or email.	Online Portal https://ccvcia.org/ Mail Office of the Attorney General of Iowa Victim Assistance Section Hoover State Office Building 1305 East Walnut Street Des Moines, IA 50319 Phone: 515-281-5044 Toll-Free: 800-373-5044 FAX: 515-281-8199 Email: crimevictiminfo@ag.iowa.gov
Who May Submit an Application?	A victim of a crime A person responsible for the care and maintenance of a victim. A resident of Iowa who is the victim of an act that would be compensable had it occurred within the state of Iowa and any of the following apply: • The act occurred in a state or foreign country that does not have a victim compensation program as defined in the federal law; • The act occurred in a state or foreign country whose victim compensation program has insufficient or inadequate benefits; or • The act occurred on an aircraft while in flight or occurred on waters outside of the jurisdiction of any particular state or country. In the event of a victim's death, the spouse, former spouse, child, foster child, parent, legal guardian, foster parent, stepparent, sibling, or foster sibling of a victim, or a person cohabiting with, or related by blood or affinity to the victim. A legal representative authorized to act on behalf of any of the persons listed above.	"Applicant" includes the following individuals who file an application with the crime victim compensation program: 1. A victim of a crime, as defined in Iowa Code section 915.80(9). 2. A person responsible for the care and maintenance of a victim. 3. A resident of Iowa who is the victim of an act that would be compensable had it occurred within the state of Iowa and any of the following apply: • The act occurred in a state or foreign country that does not have a victim compensation program as defined in the federal law; • The act occurred in a state or foreign country whose victim compensation program has insufficient or inadequate benefits; or • The act occurred on an aircraft while in flight or occurred on waters outside of the jurisdiction of any particular state or country. 4. In the event of a victim's death, the spouse, former spouse, child, foster child, parent, legal guardian, foster parent, stepparent, sibling, or foster sibling of a victim, or a person cohabiting with, or related by blood or affinity to the victim. An estate is not an eligible applicant for crime victim compensation. An estate shall, however, be reimbursed for funeral and burial expenses if the estate paid the costs on behalf of an eligible applicant who shall benefit from the proceeds of the estate. 5. A legal representative authorized to act on behalf of any of the persons listed above. Iowa Admin. Code r. 61-9.26(915). "Victim" means a person who suffers personal injury or death as a result of any of the following: a. A crime. b. The good faith effort of a person attempting to prevent a crime. c. The good faith effort of a person to apprehend a person suspected of committing a crime. Iowa Code Ann. § 915.80(9).
What Language Services are Available?	Application is available in English and Spanish	English https://www.iowaattorneygeneral.gov/media/cms/Compensation_Application_English_0E6E8B08B04B2.pdf Spanish: https://www.iowaattorneygeneral.gov/media/cms/Compensation_Application_Spanish_CFAAC693C639D.pdf
General Documentation Requirements	Just the application.	Just the application.

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical Care: Up to $25,000 for reasonable medical charges. Mental health care is capped at $5,000, covering services by licensed psychologists, social workers, counselors, or victim counselors. Loss of Income: Up to $6,000 for the victim's lost income due to injury. Caretaker Loss of Income: Up to $1,000 per parent or caretaker for lost income due to assisting the victim or attending medical/counseling services, for up to three days. Cooperation or Attendance at Proceedings: Up to $1,000 per person for income loss due to cooperating with investigations, attending criminal proceedings, or planning/attending funeral services. Clothing Held for Evidence: Up to $200 for the replacement of clothing held as evidence. Funeral and Burial Expenses: Up to $7,500 for reasonable funeral and burial costs. Loss of Support for Dependents: Up to $4,000 per dependent for loss of support due to the victim's death or prolonged disability. Counseling for Survivors: Up to $5,000 per person for counseling costs incurred by survivors of a deceased victim. Healthcare for Survivors: Up to $3,000 per survivor for reasonable healthcare charges. Survivor's Loss of Income: Up to $6,000 for income lost by a survivor due to the victim's death. Crime Scene Cleaning: Up to $1,000 per crime scene for cleaning costs. Mental Health Care for Secondary Victims: Up to $2,000 per secondary victim for mental health services. Dependent Care Expenses: Up to $1,000 per person for dependent care while attending relevant services or proceedings. Residential Security Expenses: Up to $500 per residence for replacing or installing security items. Transportation Expenses: Up to $1,000 per person for transportation related to medical, counseling, or legal proceedings. Emergency Relocation Expenses: Up to $1,000 per person per lifetime for emergency relocation. Housing Assistance: Up to $2,000 per person per lifetime for up to three months of housing assistance. Additional Compensation: Up to $5,000 per person for additional compensable charges, expenses, or losses that were not covered initially due to eligibility limits or new events related to the crime.	The department shall award compensation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim: 1. Reasonable charges incurred for medical care not to exceed twenty-five thousand dollars. Reasonable charges incurred for mental health care not to exceed five thousand dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 915.20A. a. The department shall establish the rates at which it will pay charges for medical care. b. If the department awards compensation, in full, at the established rate for medical care, and the medical provider accepts the payment, the medical provider shall hold harmless the victim for any amount not collected that is more than the rate established by the department. 2. Loss of income from work the victim would have performed and for which the victim would have received remuneration if the victim had not been injured, not to exceed six thousand dollars. 3. Loss of income from work that the victim's parent or caretaker would have performed and for which the victim's parent or caretaker would have received remuneration for up to three days after the crime or the discovery of the crime to allow the victim's parent or caretaker to assist the victim and when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars per parent or caretaker. 4. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a deceased victim would have performed and for which that person would have received remuneration, where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings including the trial and sentencing in the case, or due to the planning of or attendance at a funeral, memorial, or burial service, not to exceed one thousand dollars per person. 5. Reasonable replacement value of clothing that is held for evidentiary purposes not to exceed two hundred dollars. 6. Reasonable funeral and burial expenses not to exceed seven thousand five hundred dollars. 7. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed four thousand dollars per dependent. 8. In the event of a victim's death, reasonable charges incurred for counseling a survivor of a deceased victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 148. The allowable charges under this subsection shall not exceed five thousand dollars per person. 9. In the event of a victim's death, reasonable charges incurred for health care for a survivor of a deceased victim, not to exceed three thousand dollars per survivor. 10. In the event of a victim's death, loss of income from work that, but for the death of the victim, would have been earned by a survivor of a deceased victim, not to exceed six thousand dollars. 11. Reasonable expenses incurred by the victim, secondary victim, or survivor of a deceased victim for cleaning the scene of a crime, not to exceed one thousand dollars per crime scene. 12. Reasonable charges incurred for mental health care for secondary victims which include the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work, counseling, or a related field, a victim counselor as defined in section 915.20A, or a psychiatrist licensed under chapter 148. The allowable charges under this subsection shall not exceed two thousand dollars per secondary victim. 13. Reasonable dependent care expenses incurred by the victim, the victim's parent or caretaker, or the survivor of a deceased victim for the care of dependents while attending criminal justice proceedings, medical or counseling services, or funeral, burial, or memorial services, not to exceed one thousand dollars per person. 14. Reasonable crime-related expenses incurred by a victim, the victim's parent or caretaker, or a survivor of a deceased victim to replace inadequate or damaged locks, windows, and other residential security items or install new locks, windows, and other residential security items, not to exceed five hundred dollars per residence. 15. Reasonable expenses incurred by the victim, a secondary victim, the parent or guardian of a victim, or a survivor of a deceased victim for transportation to medical or counseling services, criminal justice proceedings, or a funeral, memorial, or burial service, not to exceed one thousand dollars per person. 16. Reasonable charges incurred by a victim, a secondary victim, a survivor of a deceased victim, or by a victim service program on behalf of a victim, for emergency relocation expenses, not to exceed one thousand dollars per person per lifetime. 17. Reasonable expenses incurred by a victim, or by a victim service program on behalf of a victim, for up to three months of housing assistance, not to exceed two thousand dollars per person per lifetime. 18. a. Additional compensation to a victim, secondary victim, or survivor of a deceased victim in an amount not to exceed a total of five thousand dollars per person for charges, expenses, or loss of income incurred that would otherwise be compensable under this section but for the eligibility requirements and compensation limits provided for at the time of initial application for compensation under this section under the following circumstances: (1) The charges, expenses, or loss of income incurred were not compensable under this section at the time of initial application for compensation under this section. (2) The victim, secondary victim, or survivor of a deceased victim demonstrates that a denial of additional compensation under this subsection would constitute an undue hardship. (3) The victim, secondary victim, or survivor of a deceased victim incurs additional charges, expenses, or loss of income upon occurrence of a new event related to the event authorizing compensation under this section that would otherwise be compensable under this section but for the compensation limits provided for the applicable compensation category. For purposes of this subparagraph, “new event” includes additional criminal justice proceedings due to a mistrial, retrial, or separate or additional trials resulting from the existence of multiple offenders; a new appellate court decision relating to the event authorizing compensation under this section; a change of venue of a trial; a change in offender custody status; the death of the offender; or the exoneration of the offender.

TOPIC	SUMMARY	DETAILED DESCRPTION
		b. Additional compensation otherwise authorized by this subsection shall not be awarded for an application for compensation under subsection 7, 16, or 17. Iowa Code Ann. § 915.86.
Requirements/Limits for Relocation Expenses	$1,000 per person.	Reasonable charges incurred by a victim, a secondary victim, a survivor of a deceased victim, or by a victim service program on behalf of a victim, for emergency relocation expenses, not to exceed one thousand dollars per person per lifetime. Iowa Code Ann. § 915.86(16).
Requirements/Limits for Mental Health Expenses	$5,000. Services must be provided by a psychologist , a person holding at least a master's degree in social work or counseling and guidance, or a certified victim counselor.	Reasonable charges incurred for mental health care not to exceed five thousand dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 915.20A. Iowa Code Ann. § 915.86(1).
Requirements/Limits for Lost Income	Up to $6,000 for the victim's lost income due to injury. Up to $1,000 per parent or caretaker for income lost due to time spent assist the victim and when the victim's parent or caretaker accompanies the victim to medical and counseling services. Up to $1,000 per person for where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings.	2. Loss of income from work the victim would have performed and for which the victim would have received remuneration if the victim had not been injured, not to exceed six thousand dollars. 3. Loss of income from work that the victim's parent or caretaker would have performed and for which the victim's parent or caretaker would have received remuneration for up to three days after the crime or the discovery of the crime to allow the victim's parent or caretaker to assist the victim and when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars per parent or caretaker. 4. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a deceased victim would have performed and for which that person would have received remuneration, where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings including the trial and sentencing in the case, or due to the planning of or attendance at a funeral, memorial, or burial service, not to exceed one thousand dollars per person. Iowa Code Ann. § 915.86(2)-(4).
Requirements/Limits for Medical Expenses	$25,000	Reasonable charges incurred for medical care not to exceed twenty-five thousand dollars. Iowa Code Ann. § 915.86(1).
Timeframe to Obtain Benefits	None specified.	None specified.
Is Emergency Assistance Available?	Yes. Up to $500 for general expenses. Up to $1,000 for emergency relocation expenses.	If the department determines that compensation may be made and that undue hardship may result to the person if partial immediate payment is not made, the department may order emergency compensation to be paid to the person, not to exceed five hundred dollars. Iowa Code Ann. § 915.91. Reasonable charges incurred by a victim, a secondary victim, a survivor of a deceased victim, or by a victim service program on behalf of a victim, for emergency relocation expenses, not to exceed one thousand dollars per person per lifetime. Iowa Code Ann. § 915.86(16).
Compensation Cap (Overall)	No overall cap, but each type of benefit has an individual cap.	Not applicable.
Sources of Funding	Grants received under the federal Victims of Crime Act. Human trafficking victim fund. Victim compensation fund.	A victim assistance program is established in the department of justice, which shall do all of the following ...1. Administer grants received under the federal Victims of Crime Act pursuant to Pub.L. No. 98-473, Tit. 2, ch. 14, 42 U.S.C. § 10601, as amended by the federal Children's Justice and Assistance Act, Pub.L. No. 99-401, 100 Stat. 903 (1986). Iowa Code Ann. § 13.31. A fund is created as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for awarding moneys to programs that provide services and support to victims of human trafficking under section 710A.2, including public outreach and awareness programs and service provider training programs, and for reimbursing the Iowa law enforcement academy for domestic abuse and human trafficking training. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state. Iowa Code Ann. § 915.95. A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 [medical examination costs] and this[for crime victim compensation]. Iowa Code Ann. § 915.94(1).
Appeal Process	Appeals may be made to a district court within 30 days of the decision.	A victim aggrieved by the denial or disposition of the victim's claim may appeal to the district court within thirty days of receipt of the board's decision. Iowa Code Ann. § 915.82(b)(3).

IOWA

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	Any award shall be reduced by the amount of any payment received from the sources described at right.	Compensation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death: a. From or on behalf of a person who committed the crime or who is otherwise responsible for damages resulting from the crime. b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation. c. From public funds. d. As an emergency award under section 915.91. Iowa Code Ann. § 915.87(1).
References and Resources		Website: https://www.iowaattorneygeneral.gov/for-crime-victims/crime-victim-compensation Compensation Quick Guide: https://www.iowaattorneygeneral.gov/media/cms/Quick_Guide_to_Crime_Victim_Compens_C2F74213F919D.pdf Victims of human trafficking are also entitled to restitution under Chapter 710A. These include restorative expenses pursuant to Iowa Code Ann. § 710A.4. "Restorative expenses" means the projected costs of education, vocational training, medical health, mental health, transportation, housing, child care, or other projected costs that will aid in a victim's recovery. *Id.* These expenses are paid by the defendant pursuant to Iowa Code Ann. ch. 910. For 24/7 victim support, call the Iowa Victim Service Call Center at 1-800-770-1650 or text "IOWAHELP" to 20121

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Generally within 5 years, but see Detailed Description (which has special rules for, among others, trafficking victims less than 16 years of age).	"Compensation may not be awarded unless an application has been filed with the division within two years of the reporting of the incident to law enforcement officials if the victim was less than 16 years of age and the injury or death is the result of any of the following crimes: (A) Enticement of a child as defined in K.S.A. 21-3509, prior to its repeal; (B) human trafficking as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 21-5426(a), and amendments thereto; (C) aggravated human trafficking as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto; or (D) a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto. (2) For all other incidents of criminally injurious conduct, compensation may not be awarded unless: (A) The claim has been filed with the division within five years after the injury or death upon which the claim is based; (B) in a case where a victim who is notified that DNA testing of a sexual assault kit or other evidence has revealed a DNA profile of a suspected offender who victimized the victim or the victim on whose behalf the claim is made, or is notified of the identification of a suspected offender who victimized the victim or the victim on whose behalf the claim is made, the claim has been filed with the division within two years of such notification; (C) the board finds that compensation may be awarded to: (i) A victim as defined in K.S.A. 74-7301(m)(4), and amendments thereto, if the claim has been filed before the victim turns 19 years of age; (ii) a victim of a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, if: (a) The claim has been filed with the division within 10 years after the date such crime was committed; or (b) the victim was less than 18 years of age at the time such crime was committed, and the claim has been filed within 10 years after the date the victim turns 18 years of age; or (iii) a victim who is or will be required to testify in a sexually violent predator commitment pursuant to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, of an offender who victimized the victim or the victim on whose behalf the claim is made, if the claim has been filed with the division within two years of such testimony; or (D) the board determines that denying compensation would be a severe injustice to the victim. (3) If more than one of the time limitations described in subsection (b)(1) or (b)(2) apply to a victim, the longest time limitation to file a claim shall apply to the victim." Kan. Stat. Ann. § 74-7305(b).
Eligibility Requirements: Identity of Person Seeking Compensation	Compensation may be provided to: - a victim; - a dependent of a deceased victim; - a third person other than a collateral source; or - an authorized person acting on behalf of any of them	“Claimant” means "any of the following persons claiming compensation under this act: (1) A victim; (2) a dependent of a deceased victim; (3) a third person other than a collateral source; or (4) an authorized person acting on behalf of any of them." Kan. Stat. Ann. § 74-7301(c). “Victim” means "a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct; or (4) witnessing a violent crime when the person was 16 years of age or younger at the time the crime was committed." Kan. Stat. Ann. § 74-7301(m). "Compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress as the result of economic loss otherwise reparable. A claimant suffers financial stress only if the claimant cannot maintain the claimant's customary level of health, safety and education for self and dependents without undue financial hardship. In making its determination of financial stress, the board shall consider the totality of the circumstances based on the following factors: (1) The number of the claimant's dependents; (2) the usual living expenses of the claimant and the claimant's family; (3) the special needs of the claimant and the claimant's dependents; (4) the claimant's income and potential earning capacity; (5) the claimant's resources; and (6) other factors deemed appropriate by the board." Kan. Stat. Ann. § 74-7305(e).

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TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	The crime must poses a substantial threat or personal injury or death and be punishable by fine, imprisonment or death or must be an act of terrorism.	"Criminally injurious conduct" means "conduct that: (1)(A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if: (i) The crimes would be compensable had it occurred in the state of Kansas; and (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs; (B) poses a substantial threat or personal injury or death; and (C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or (2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty." Kan. Stat. Ann. § 74-7301(e). "Criminally injurious conduct" "does not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 or 21-3414, prior to their repeal, or K.S.A. 21-5405, 21-5406 or 21-5413(b), and amendments thereto, or when such conduct was intended to cause personal injury or death." Kan. Stat. Ann. § 74-7301(e).
Eligibility Requirements: Geographic Nexus	Compensation is available for crimes that occur or are attempted in Kansas or occur to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America and meets the following requirements: - the crimes would be compensable had such occurred in the state of Kansas; and - the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs; - the crimes posed a substantial threat or personal injury or death; and - the crimes are punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of Kansas; or - is an act of terrorism.	"Criminally injurious conduct" means "conduct that: (1)(A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if: (i) The crimes would be compensable had it occurred in the state of Kansas; and (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs; (B) poses a substantial threat or personal injury or death; and (C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or (2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty." Kan. Stat. Ann. § 74-7301(e).
Eligibility Requirements: Criminal Background of Victim	None identified.	N/A.
Citizenship Requirement?	None identified.	N/A.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Is a Police Report or Cooperation with Law Enforcement Required?	The crime must have been reported to law enforcement within 72 hours unless there is good cause for the failure to report and a forensic medical exam must have been obtained within 7 days unless there is good cause for the failure. Additionally, the claimant or victim must fully cooperate with law enforcement agencies. *However,* the foregoing requirements will not be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation.	"Compensation may not be awarded unless: (1) The criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after the occurrence of the criminally injurious conduct; (2) the victim obtained a forensic medical examination within seven days after the occurrence of the criminally injurious conduct; or (3) the board finds there was good cause for the failure to report or obtain an examination within the time limits provided in this subsection. The board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation." Kan. Stat. Ann. § 74-7305(f)-(g). "Nothing in subsections (d)(1)(B), (d)(1)(C), (f) and (g) shall be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking as defined in K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child as defined in K.S.A. 21-6422, and amendments thereto, who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation." Kan. Stat. Ann. § 74-7305(j). "(a) To be eligible for an award of compensation, each victim shall report any criminally injurious conduct resulting in injury or death to a law enforcement officer within 72 hours after its occurrence. Subject to the restrictions of K.S.A. 74-7305, as amended, this rule may be waived by the board if the board finds that there was good cause for the failure to timely report. (b) The following factors may be considered by the board in determining the existence of good cause: (1) The physical, emotional and mental condition of the victim; (2) the nature and circumstances of the crime; (3) the victim's family situation at the time of the criminally injurious conduct; (4) the earliest point at which the criminally injurious conduct could reasonably have been reported; (5) the victim's good faith belief that a timely report had been made to the appropriate law enforcement officials or agency; or (6) whether the victim was a minor at the time of an offense specified in K.S.A. 74-7305(b) and the report was made within the statute of limitations for prosecution of the offense." Kan. Admin. Regs. 20-2-6. "(a) For the purpose of K.S.A. 74-7305 and amendments thereto, full cooperation with appropriate law enforcement agencies shall include the following: (1) Reporting the crime in a timely manner to permit law enforcement agencies to investigate, identify, and charge those responsible for the crime; (2) providing information, upon request, to law enforcement officers and prosecutors investigating the crime; (3) cooperating with law enforcement procedures; (4) appearing in court to testify as required, unless just cause is shown for any failure to appear; and (5) requesting that the offender be prosecuted, which is commonly known as “pressing charges.” (b) The term “law enforcement agencies” shall include the offices and agencies responsible for investigating the crime or prosecuting the offender." Kan. Admin. Regs. 20-2-7.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Status as an offender or accomplice or other participation in a crime may result in rejection of an application for compensation or a reduction in the amount of compensation provided. *However,* such participation will not be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation. Additionally, contributory misconduct may be excused in cases involving domestic abuse or sexual assault	"Compensation may not be awarded to a claimant who was the offender or an accomplice of the offender and may not be awarded to another person if the award would unjustly benefit the offender or accomplice." Kan. Stat. Ann. § 74-7305(c). "(d)(1) Compensation otherwise payable to a claimant shall be reduced or denied to the extent, if any, that the: (A) Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources; (B) board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims; or (C) board deems reasonable, because the victim was likely engaging in, or attempting to engage in, unlawful activity at the time of the crime upon which the claim for compensation is based. (2) The provisions of subsection (d)(1)(C) shall not be construed to reduce or deny compensation to a victim of domestic abuse or sexual assault." Kan. Stat. Ann. § 74-7305(d). "Nothing in subsections (d)(1)(B), (d)(1)(C), (f) and (g) shall be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking as defined in K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child as defined in K.S.A. 21-6422, and amendments thereto, who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation." Kan. Stat. Ann. § 74-7305(j). "(a) For the purpose of K.S.A. 74-7305 and amendments thereto, “contributory misconduct” may include the following: (1) Consent, provocation, or incitement, which may consist of the use of fighting words or obscene gestures; (2) willing presence in a vehicle operated by a person who is known to be under the influence of alcohol or an illegal substance; (3) abuse of alcohol or an illegal substance; (4) failure to retreat or withdraw from a threatening situation if an option to do so is readily available; (5) failure to act as a prudent person; and (6) unlawful activity. (b) The acts and behaviors listed in subsection (a) may be excused in cases involving domestic abuse or sexual assault." Kan. Admin. Regs. 20-2-8.
To Whom are Applications Made?	The Crime Victims Compensation Board.	“Board” means "the crime victims compensation board" Kan. Stat. Ann. § 74-7301(b).
How are Applications Accepted?	Applications appear to be accepted by mail, in person, or by fax.	*See* https://www.ag.ks.gov/home/showpublisheddocument/10146/638816895575900000.
Who May Submit an Application?	Compensation may be provided to: - a victim; - a dependent of a deceased victim; - a third person other than a collateral source; or - an authorized person acting on behalf of any of them	“Claimant” means "any of the following persons claiming compensation under this act: (1) A victim; (2) a dependent of a deceased victim; (3) a third person other than a collateral source; or (4) an authorized person acting on behalf of any of them." Kan. Stat. Ann. § 74-7301(c).
What Language Services are Available?	The application form allows applicants to specify a preferred language of English, Spanish, or "other."	*See* https://www.lyoncountyks.gov/DocumentCenter/View/843/Application-for-Crime-Victim-Compensation-PDF.
General Documentation Requirements	All documentation requested by the Board must be provided.	"(a) All claimants and claimants' attorneys shall fully cooperate with the board and the board's investigators, agents, and representatives. If a claimant or a claimant's attorney fails to fully cooperate, the claim may be reduced or denied by the board. (b) Failure to fully cooperate shall include the following: (1) Failing to fully complete the application for compensation provided by the board; (2) not responding to requests for information or evidence; and (3) knowingly making false statements to the board or the board's investigators, agents, and representatives." Kan. Admin. Regs. 20-2-2.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Any "allowable expenses" as defined in the Detailed Description column may be recouped. The Application Form specifically sets forth the following categories: - Medical - Counseling - Loss of wages - Funeral - Crime scene cleanup - Clothing/Bedding - Moving	"Allowance expense" means "reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. “Allowance expense” includes a total charge not in excess of $7,500 for expenses in any way related to funeral, cremation or burial; but “allowance expense” shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. “Allowance expense” includes a total charge not in excess of $2,500 for expenses in any way related to crime scene cleanup." Kan. Stat. Ann. § 74-7301(a). "Moving costs may be deemed allowable expenses if one of the following individuals has recommended the move in writing for reasons related to the crime: (1) A law enforcement officer; (2) a prosecutor; or (3) a victims' advocate working for a law enforcement agency or prosecutor's office." Kan. Admin. Regs. 20-2-9(b). *See* https://www.lyoncountyks.gov/DocumentCenter/View/843/Application-for-Crime-Victim-Compensation-PDF
Requirements/Limits for Relocation Expenses	Moving costs may be recouped if one of the following individuals has recommended the move in writing for reasons related to the crime: (1) A law enforcement officer; (2) a prosecutor; or (3) a victims' advocate working for a law enforcement agency or prosecutor's office.	"Moving costs may be deemed allowable expenses if one of the following individuals has recommended the move in writing for reasons related to the crime: (1) A law enforcement officer; (2) a prosecutor; or (3) a victims' advocate working for a law enforcement agency or prosecutor's office." Kan. Admin. Regs. 20-2-9.

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Mental Health Expenses	Any victim of a crime may be considered for up to a $5,000 mental health counseling award, or a higher amount if the Board determines such is justified by extenuating circumstances. *See* Detailed Description for additional requirements and limitations.	"(a) Any victim of a crime may be considered for up to a $5,000 mental health counseling award. (1) A standard treatment plan based on this limit shall be approved by the board. (2) Compensation beyond the $5,000 maximum for mental health counseling may be awarded if the board finds that extenuating circumstances justify this action and this action is supported by information, reports, or a mental health treatment plan and by recommendations of a mental health counseling provider or physician. (3) The award for a mental health evaluation shall not exceed $350, which may be in addition to the $5,000 maximum. For purposes of this paragraph, mental health evaluation shall mean a diagnostic interview examination, including history, mental status, or disposition, that is administered in order to determine a plan of mental health treatment. (b) Each victim by reason of family grief may be considered for up to a $1,500 grief therapy award. Compensation beyond the $1,500 maximum may be awarded if the board finds that extenuating circumstances justify this action and this action is supported by information, reports, or a mental health treatment plan and by recommendations of a mental health counseling provider or physician. (c) If the mental health treatment plan for a victim requires that others, not including the offender, be involved in treatment, costs for third-party mental health counseling may be compensable up to the $5,000 maximum, if the third-party mental health counseling is directly and beneficially related to the plan for treatment of the victim. Mental health counseling involving a third party shall not be compensable unless both of the following conditions are met: (1) The primary victim is present in the mental health counseling sessions, or the focus of the treatment is to assist in the victim's recovery. (2) The mental health treatment plan addresses the need for third-party mental health counseling. (d) Compensable mental health counseling may be provided in either of the following: (1) A medical or psychiatric setting under the supervision of a medical doctor or a psychiatrist licensed or registered by the Kansas board of healing arts or comparable governmental agencies in other jurisdictions having similar licensure or registration requirements. The costs of this mental health counseling incurred during inpatient treatment shall be applied toward the maximum claim for inpatient treatment; or (2) a nonmedical setting by an individual licensed or registered by the Kansas behavioral sciences regulatory board, the Kansas board of healing arts, or comparable governmental agencies in other jurisdictions having similar licensure or registration requirements, if the mental health counseling falls within the professional parameters of the provider's license or registration. (e) Compensation for inpatient hospitalization shall be considered only if the condition is life-threatening and the hospitalization has been recommended by the victim's physician or mental health counseling provider. Reimbursement for each instance of inpatient treatment and care shall not exceed the cost of treatment for a period of 10 days or $10,000, whichever is less. Compensation beyond the $10,000 maximum may be awarded if the board finds that extenuating circumstances justify this action and this action is supported by information, reports, or a mental health treatment plan and by recommendations of a mental health counseling provider or physician. (f) The following limits on mental health counseling rates shall apply to outpatient mental health counseling: (1) Individual and family mental health counseling in a nonmedical setting $90 per hour (2) Group therapy $60 per hour These rates shall apply to individuals performing treatment. Compensation shall not be awarded to pay the costs of persons supervising treatment. (g) If it is apparent from the treatment plan that the treatment is addressing issues not directly related to the crime, only that portion of the treatment that is addressing the victimization shall be compensable. (h) Compensation for mental health counseling shall be based on the version of this regulation that was in effect when the service was provided." Kan. Admin. Regs. 20-2-3.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	Compensation for work loss for a victim of human trafficking or aggravated human trafficking shall be awarded in an amount not less than $350 per week and not more than $800 per week.	"Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed $800 per week or actual loss, whichever is less. Compensation for work loss for a victim of human trafficking or aggravated human trafficking as defined in K.S.A. 21-5426, and amendments thereto, shall be awarded in an amount not less than $350 per week and not more than $800 per week." Kan. Stat. Ann. § 74-7305(h). "Dependent's economic loss" means "loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death." Kan. Stat. Ann. § 74-7301(g). "Work loss" means "loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake." Kan. Stat. Ann. § 74-7301(l).
Requirements/Limits for Medical Expenses	None identified.	N/A.
Timeframe to Obtain Benefits	The Application indicates the process may take approximately 3 months.	"Claims for reparations shall be processed in accordance with the provisions of the Kansas administrative procedure act. Unless otherwise precluded by law, informal disposition may be made of a claim by stipulation, agreed settlement or consent order. A claim not so disposed of is a contested case. In a contested case, all parties shall be afforded an opportunity for hearing." Kan. Stat. Ann. § 74-7307. *See* https://www.ag.ks.gov/home/showpublisheddocument/10146/638816895575900000.
Is Emergency Assistance Available?	Yes.	"If the board determines that the claimant will suffer financial hardship unless a tentative award is made, and it appears likely that a final award will be made, an amount may be paid to the claimant and shall be deducted from the final award, or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award." Kan. Stat. Ann. § 74-7314.
Compensation Cap (Overall)	None identified.	N/A.
Sources of Funding	Funding is provided through the crime victims compensation fund.	"(a) There is hereby established in the state treasury the crime victims compensation fund. (b) Moneys in the crime victims compensation fund shall be used only for the payment of compensation pursuant to K.S.A. 74-7301 et seq., and amendments thereto, and for state operations of the board and the crime victims compensation division of the office of the attorney general created pursuant to K.S.A. 75-773, and amendments thereto. Payments from the fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board and the attorney general or by a person or persons designated by the chairperson and the attorney general. (c) The crime victims compensation board may apply for, receive and accept money from any source, including financial contributions from inmates as provided by K.S.A. 75-5211(b), and amendments thereto, for the purposes for which money in the crime victims compensation fund may be expended. Upon receipt of any such money, the chairperson of the board shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the crime victims compensation fund." Kan. Stat. Ann. § 74-7317.
Appeal Process	Appeals to the board and subsequent judicial review is permitted, though specific timelines and procedures do not appear to be set forth in the statutes or regulations governing the compensation program.	"(a) The board, on its own motion or on request of the claimant, may reconsider a decision making or denying an award or determining its amount. The board shall reconsider, at least annually, every award upon which periodic payments are being made. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a board decision for the purpose of judicial review. (b) A final decision of the board shall be subject to judicial review on the filing of a petition by the claimant, the attorney general or the offender in accordance with the Kansas judicial review act." Kan. Stat. Ann. § 74-7315.

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	Compensation may be reduced to the extent that economic losses are recouped from other persons or collateral sources.	"Compensation otherwise payable to a claimant shall be reduced or denied to the extent, if any, that the: Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources[.]" Kan. Stat. Ann. § 74-7305(d)(1)(A). "Collateral source" means "the net financial benefit, after deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets, credits or other deductions, from a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from: (1) The offender; (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act; (3) social security, Medicare and Medicaid; (4) state-required temporary nonoccupational disability insurance; (5) workers' compensation; (6) wage continuation programs of any employer; (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct; (8) a contract providing prepaid hospital and other health care services or benefits for disability; or (9) damages awarded in a tort action." Kan. Stat. Ann. § 74-7301(d). "(a) If compensation is awarded, the state shall be subrogated to all the claimant's rights to receive or recover benefits or advantages for economic loss for which, and only to the extent that, compensation is awarded, from a source which is or, if readily available to the victim or claimant would be, a collateral source. (b) As a prerequisite to bringing an action to recover damages related to criminally injurious conduct upon which compensation is claimed or awarded, the claimant must give the board prior written notice of the proposed action. After receiving the notice, the board shall promptly: (1) Join in the action as a party plaintiff to recover compensation awarded; (2) require the claimant to bring the action in the claimant's individual name, as a trustee in behalf of the state, to recover compensation awarded; or (3) reserve its rights and do neither in the proposed action. If, as requested by the board, the action is brought by the claimant as trustee and the claimant recovers compensation awarded by the board, the claimant may deduct from the compensation recovered in behalf of the state the reasonable expenses, including attorney fees, allocable by the court for that recovery. (c) If a judgment or verdict indicates separately economic loss and noneconomic detriment, payments on the judgment shall be allocated between them in proportion to the amounts indicated. In an action in a court of this state arising out of criminally injurious conduct, the judge, on timely motion, shall direct the jury to return a special verdict, indicating separately the award for noneconomic detriment, punitive damages, if any, and the award for economic loss. (d) Any moneys received or recovered by or on behalf of the state pursuant to the provisions of this section, less any deductions allowable hereunder, shall be deposited in the state treasury and credited to the crime victims compensation fund." Kan. Stat. Ann. § 74-7312.
References and Resources		Kan. Stat. Ann. § 74-7301 *et seq.* Kan. Admin. Regs. 20-1-1 *et seq.* *See* https://www.ag.ks.gov/reports-resources/affiliated-organizations/crime-victims-compensation-board. *See* https://www.ag.ks.gov/home/showpublisheddocument/10146/638816895575900000.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	No limitation, but see exception at right. **Once a claim is filed, the claimant must take all actions requested by the Crime Victims Compensation Board within 90 days of the requirement is made by the board.**	An award may be made for a claim filed more than ten (10) years after the criminally injurious conduct, due to a delay in the testing of or DNA profile matching from a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, in which case the victim may collect a lump sum in the amount of five thousand dollars ($5,000) to cover the victim's out-of-pocket expenses incurred due to the crime which may not be provable due to the delay. Ky. Rev. Stat. Ann. § 49.370(7). Following the initial filing of a claim, if a claimant or victim does not take any further steps as may be necessary to support or perfect the claim as may be required by the Crime Victims Compensation Board within ninety (90) days after a requirement is made by the board, the claimant or victim shall be deemed in default. In a case in default, the board may dismiss the claim with leave to refile. A claimant or victim may revive the claim at any time by submitting a response to the requirement made by the board. Ky. Rev. Stat. Ann. § 49.350.
Eligibility Requirements: Identity of Person Seeking Compensation	A victim of criminally injurious conduct; A surviving family member* or personal representative of a victim of criminally injurious conduct who died as a direct result of the conduct; Any other person dependent for his or her principal support upon a victim of criminally injurious conduct who died as a direct result of the crime; Any person who is legally responsible for the medical expenses or funeral expenses of a victim; or Any person acting as the primary caregiver for a victim of criminally injurious conduct.	Except as provided in subsection (2) of this section, the following persons shall be eligible for awards pursuant to KRS 49.270 to 49.490: (a) A victim of criminally injurious conduct; (b) A surviving family member or personal representative of a victim of criminally injurious conduct who died as a direct result of the conduct; (c) Any other person dependent for his or her principal support upon a victim of criminally injurious conduct who died as a direct result of the crime; (d) Any person who is legally responsible for the medical expenses or funeral expenses of a victim; and (e) Any person acting as the primary caregiver for a victim of criminally injurious conduct. No victim or dependent shall be denied compensation solely because he or she is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the Crime Victims Compensation Board may award compensation to a victim or dependent who is a relative, family, or household member of the offender only if the board can reasonably determine the offender will not receive significant economic benefit or unjust enrichment from the compensation. Ky. Rev. Stat. Ann. § 49.310(1)-(2). (a) “Victim” means a person who suffers personal physical or psychological injury or death from a criminal act in Kentucky as a result of: 1. Criminally injurious conduct; 2. A good-faith effort to prevent criminally injurious conduct; or 3. A good-faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct. (b) “Victim” shall also mean a resident who is a victim of a crime occurring outside this state if: 1. The crime would be compensable had it occurred inside this state; and 2. The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in KRS 49.310. (c) “Victim” shall also mean a resident of this state who is injured or killed by an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside the United States. Ky. Rev. Stat. Ann. § 49.280(5). “Family,” when used with reference to a person, means: (a) The person's spouse; (b) Any person related to the person within the second degree of consanguinity; (c) Any person maintaining a sexual relationship with the person; (d) Any person residing in the same household with the person; or (e) Any stepchild, stepparent, stepbrother, or stepsister. Ky. Rev. Stat. Ann. § 49.280(4).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	Conduct that occurs or is attempted in this jurisdiction, poses a substantial threat of personal physical or psychological injury or death, and is punishable by fine, imprisonment, or death. Acts of terrorism commed outside of the United States. Most violations of law relating to the operation of a motor vehicle are not subject to victim compensation.	"Criminally injurious conduct" means conduct that occurs or is attempted in this jurisdiction, poses a substantial threat of personal physical or psychological injury or death, and is punishable by fine, imprisonment, or death. Criminally injurious conduct shall include an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside of the United States against a resident of Kentucky. Acts which, but for the insanity or mental irresponsibility or lack of capacity of the perpetrator, would constitute criminal conduct shall be deemed to be criminally injurious conduct. The operation of a motor vehicle, motorcycle, train, boat, aircraft, or other vehicle in violation of law does not constitute a criminally injurious conduct unless the injury or death was intentionally inflicted, involved a violation of KRS 189A.010, driving under the influence, involved the operator of a vehicle in an accident who did not stop and disclose his or her identity as required by KRS 189.580, or involved the operator of a vehicle in an accident who acted recklessly or with wantonness Ky. Rev. Stat. Ann. § 49.280(3).
Eligibility Requirements: Geographic Nexus	Applies to crimes committed or attempted within Kentucky and acts of terrorism outside of the US.	"Criminally injurious conduct" means conduct that occurs or is attempted **in this jurisdiction**, poses a substantial threat of personal physical or psychological injury or death, and is punishable by fine, imprisonment, or death. Criminally injurious conduct shall include an act of terrorism, as defined in 18 U.S.C. sec. 2331, **committed outside of the United States against a resident of Kentucky**. Acts which, but for the insanity or mental irresponsibility or lack of capacity of the perpetrator, would constitute criminal conduct shall be deemed to be criminally injurious conduct. Ky. Rev. Stat. Ann. § 49.280. (1) "Victim" shall also include nonresidents of this state who suffer losses as a direct result of criminal acts occurring within this state. (2) This section shall be operative only during those time periods during which the Crime Victims Compensation Board determines that federal funds are available to the state for the compensation of victims of crime. Ky. Rev. Stat. Ann. § 49.290.
Eligibility Requirements: Criminal Background of Victim	Not applicable.	Not applicable.
Citizenship Requirement?	None specified.	None specified.
Is a Police Report or Cooperation with Law Enforcement Required?		

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TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Possibly, but not necessarily disqualifying in all cases.	The board may deny, reconsider, or reduce an award if the board finds that, in relation to the criminally injurious conduct alleged in the claim, the victim or claimant: (a) Has been charged with a criminal offense; (b) Has been offered immunity from prosecution in exchange for testimony; (c) Knowingly participated in the conduct; or (d) Engaged in conduct which may constitute mutual aggression with another person. Ky. Rev. Stat. Ann. § 49.390.
To Whom are Applications Made?	Crime Victims Compensation Board	Claims shall be filed with the board in accordance with the administrative regulations promulgated by the board. The board shall accept for filing all claims submitted by persons eligible under subsection (1) of this section and alleging the jurisdiction requirements set forth in KRS 49.270 to 49.490 and meeting the requirements as to form in the administrative regulations of the board. Ky. Rev. Stat. Ann. § 49.330(2). *See also* Crime Victims Compensation Board FAQs: https://kycc.ky.gov/Documents/CVFAQJuly2024.pdf.
How are Applications Accepted?	Online, in person, via mail, or via email.	A claim shall be filed: (a) In person or by private delivery to the Crime Victims Compensation Board, 500 Mero Street, 2 SC1, Frankfort, Kentucky 40601; (b) By mail to the address listed above; or (c) By electronic mail to crimevictims@ky.gov, if the document can be sent in one (1) electronic message. 802 Ky. Admin. Regs. 3:010(2). Online application portal: https://kycc.ky.gov/CVOnline/home Paper application form: https://kycc.ky.gov/Documents/CVC%20Form-July%202024.pdf.
Who May Submit an Application?	A claim form may be filed by a person eligible to receive an award or, if the person is a minor, by his or her parent or guardian.	A claim form may be filed by a person eligible to receive an award, as provided in KRS 49.310 or, if the person is a minor, by his or her parent or guardian. Ky. Rev. Stat. Ann. § 49.330(1).
What Language Services are Available?	All materials are solely in English.	All materials are solely in English.

TOPIC	SUMMARY	DETAILED DESCRPTION
General Documentation Requirements	The application plus any materials listed at right, as applicable.	In addition to the claim form, you will need to submit, if applicable, 1) Police Report 2) Itemized bills for medical or mental health counseling expenses a. For mental health counseling, also submit the Mental Health Counselor's Report filled out by your therapist and your treatment plan. 3) Signed funeral service contract for funeral expenses a. Also submit documentation showing benefit amounts received due to the death, if applicable. 4) Lost earnings a. Completed Employment Verification Form filled out by your employer. If you are self-employed, please submit the preceding two years' worth of tax returns. b. Physician's Statement if time missed from work is due to physical trauma. The Mental Health Counselor's Report will suffice for psychological trauma. 5) Loss of support a. Documentation outlining amount of support brought into household by the supporter at the time of the crime. See https://kycc.ky.gov/Documents/CVCB%20Documents%20to%20include.pdf. If applying for lost wages or loss of support, a claim shall be supplemented by: (a) A notarized Employment Verification form; and (b) If requested by board staff: 1. A Physician Statement form; or 2. A Mental Health Counselor's Report form. 802 Ky. Admin. Regs. 3:010(3).
Categories of Benefits Available	Medical/dental expenses; Funeral/burial expenses; Mental health counseling expenses; Lost earnings; Loss of support; Relocation (from one primary residence to another); Temporary housing; Tattoo removal (for survivors of human trafficking only); Crime scene cleanup; Reimbursement for the replacement of items seized by police as part of their investigation; Replacement or repair of windows or locks (at the primary residence or business of the victim); Rehabilitative or wellness practices; Expenses related to criminal court proceedings related to the crime; and Replacement of eyeglasses and other corrective lenses; Funeral/burial expenses.	Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including loss of earnings or support resulting from the injury on which the claim is based and indebtedness reasonably incurred for medical or other services, including: 1. For the victim and for any child who is the victim's dependent, when the crime was committed at the primary residence of the victim: a. Relocation if the victim is moving from one (1) primary residence to another due to concern for the safety of themselves or other persons at the residence as a result of a crime within six (6) months of the crime, not to exceed two thousand dollars ($2,000). The board may, in its discretion, allow relocation expenses incurred after six (6) months; and b. Temporary housing costs incurred within thirty (30) days of the crime, when the victim is unable to stay in the primary residence due to the crime, not to exceed two thousand dollars ($2,000); 2. Tattoo removal for victims of human trafficking, not to exceed four thousand dollars ($4,000); 3. Crime scene cleanup within thirty (30) days of the crime when the crime was committed at the primary residence or business of the victim, not to exceed two thousand dollars ($2,000); 4. Reimbursement for the replacement of items owned by the victim and for any child who is the victim's dependent that were seized by law enforcement as evidence of the commission of the crime, not to exceed five hundred dollars ($500) per item; 5. Replacement or repair of windows and locks at the primary residence or business of the victim which were damaged by the commission of the crime, not to exceed one thousand five hundred dollars ($1,500); 6. Rehabilitative or wellness practices recommended by a healthcare provider, engaged in by the victim and any juveniles dependent upon the victim due to the crime, not to exceed one thousand dollars ($1,000) per year per person, for a maximum of two (2) years; 7. Expenses related to court proceedings related to the crime for a victim or for a victim's caregiver; 8. Mental health counseling, necessary as a result of the injury upon which the claim is based. Mental health counseling: a. Shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the board stating what treatment is planned and for what period of time; and b. Need not be for a consecutive period and may be paused and resumed at a later time; and 9. Replacement of eyeglasses and other corrective lenses stolen, destroyed, or damaged during the crime. Ky. Rev. Stat. Ann. § 49.370(2). The board is authorized to set a reasonable limit for the payment of funeral and burial expenses, which shall include funeral costs, a monument, and grave plot. In no event shall an award for funeral expenses exceed ten thousand dollars ($10,000). Ky. Rev. Stat. Ann. § 49.370(4)

TOPIC	SUMMARY	DETAILED DESCRPTION
		Ky. Rev. Stat. Ann. § 49.370(4). An award may be made for a claim filed more than ten (10) years after the criminally injurious conduct, due to a delay in the testing of or DNA profile matching from a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, in which case the victim may collect a lump sum in the amount of five thousand dollars ($5,000) to cover the victim's out-of-pocket expenses incurred due to the crime which may not be provable due to the delay. Ky. Rev. Stat. Ann. § 49.370(7). Pursuant to KRS 49.370 the Board may also: Grant awards for lost earnings constituting bereavement in cases of homicide for up to four (4) weeks. Proof of employment/income, Employment Verification Form, and all other elements of the claim are still required in order for bereavement to be paid. Grant awards for emotional support animals. The Board must find that the emotional support animal is medically necessary as a direct result of the crime, similar to all other awardable medical expenses, in order for payment to be made. Provide a lump sum payment to survivors of sexual assault who do not file their claims within ten (10) years of the date of the criminally injurious conduct when the delay in filing is due to either a delay in testing the Sexual Assault Forensic Exam (“SAFE”) kit or a delay in matching DNA to a perpetrator. *See* Crime Victims Compensation Board FAQs: https://kycc.ky.gov/Documents/CVFAQJuly2024.pdf; see also Emotional Support Animal Policy: https://kycc.ky.gov/Documents/emotional%20support%20animal%20policy%20pdf.pdf.
Requirements/Limits for Relocation Expenses	$2,000.00	For the victim and for any child who is the victim's dependent, when the crime was committed at the primary residence of the victim: a. Relocation if the victim is moving from one (1) primary residence to another due to concern for the safety of themselves or other persons at the residence as a result of a crime within six (6) months of the crime, **not to exceed two thousand dollars ($2,000)**. The board may, in its discretion, allow relocation expenses incurred after six (6) months; and b. Temporary housing costs incurred within thirty (30) days of the crime, when the victim is unable to stay in the primary residence due to the crime, **not to exceed two thousand dollars ($2,000)**; Ky. Rev. Stat. Ann. § 49.370(2)(a)(1).
Requirements/Limits for Mental Health Expenses	Just the $50,000 cap.	Mental health counseling, necessary as a result of the injury upon which the claim is based. Mental health counseling: a. Shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the board stating what treatment is planned and for what period of time; and b. Need not be for a consecutive period and may be paused and resumed at a later time. Ky. Rev. Stat. Ann. § 49.370(2)(a)(8); *see also* Crime Victims Compensation Board FAQs, p. 5 ("Mental health counseling expenses (up to two (2) years): up to overall $50,000.00 cap)".
Requirements/Limits for Lost Income	$500 for each week of lost earnings or financial support.	Any award made for loss of earnings or financial support may be considered for a claimant who has loss of support or wages due to the crime for which the claim is filed. Unless reduced pursuant to other provisions of KRS 49.270 to 49.490, the award shall be equal to net earnings at the time of the criminally injurious conduct; however, no award under this subsection shall exceed five hundred dollars ($500) for each week of lost earnings or financial support. The wage earner or source of support must have been employed or paying support at the time the crime occurred. Said employment or support shall be verified by the staff of the board after information is provided by the claimant or victim. Should the claimant or victim fail to supply the board with the information requested, the portion of the claim for lost wages or support shall be denied. If there are two (2) or more persons entitled to an award as a result of the injury or death of a person which is the direct result of criminally injurious conduct, the award shall be apportioned by the board among the claimants. Ky. Rev. Stat. Ann. § 49.370(3).
Requirements/Limits for Medical Expenses	Just the $50,000 cap.	Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including loss of earnings or support resulting from the injury on which the claim is based and indebtedness reasonably incurred for medical or other services Ky. Rev. Stat. Ann. § 49.370(2)(a).
Timeframe to Obtain Benefits	Not specified.	Not specified.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Is Emergency Assistance Available?	Yes, up to $1,000. A decision by the board to make an emergency reward must be made within 2 weeks of the receipt of application.	(1) Notwithstanding the provisions of KRS 49.340, if it appears to the Crime Victims Compensation Board member to whom a claim is assigned, prior to taking action upon the claim, that: (a) The claim is one with respect to which an award probably will be made; and (b) Undue hardship will result to the claimant if immediate payment is not made; emergency payment under subsection (2) of this section may be made. (2) Upon findings under subsection (1) of this section, the board member may make an emergency award to the claimant pending a final decision in the case provided that: (a) The amount of an emergency award shall not exceed one thousand dollars ($1,000); (b) The amount of an emergency award shall be deducted from any final award made to the claimant; and (c) The excess of the amount of an emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the board. (3) A decision to make an emergency award pursuant to this section shall be made within two (2) weeks of the receipt of the claim by the Crime Victims Compensation Board. Ky. Rev. Stat. Ann. § 49.360.
Compensation Cap (Overall)	$50,000	Any award made under KRS 49.270 to 49.490 shall not exceed fifty thousand dollars ($50,000) in total compensation to be received by or paid on behalf of a claimant from the fund. Ky. Rev. Stat. Ann. § 49.370(5).
Sources of Funding	Crime Victims Compensation Fund.	(1) There is established in the State Treasury the crime victims' compensation fund, hereinafter referred to as the “fund,” to be administered by the Crime Victims Compensation Board. Nothing herein shall be construed to limit the power of the court to order additional forms of restitution, including public or charitable work or reparation to the victim, to the fund, or otherwise as authorized by law. (2) The fund shall consist of moneys from the following: appropriations by the General Assembly; the federal government; disbursements provided under KRS 42.320(2)(g); and any other public or private source. Any unexpended balance remaining in the fund at the end of the biennium shall not lapse and be transferred to the general fund, but shall remain in the crime victims' compensation fund. Any funds not utilized by the board shall be used to provide assistance to programs for victims, and the board shall allocate such funds to any agency providing services to victims. In the event there are insufficient funds in the fund to pay all claims in full, all claims shall be paid at seventy percent (70%). If there are no moneys in the fund, then no claim shall be paid until moneys have again accumulated. In addition to payment of claims, moneys in the fund shall be used to pay all the necessary and proper expenses of the board. Ky. Rev. Stat. Ann. § 49.480.
Appeal Process	A final order of the board may be appealed by filing a petition for judicial review in the county where the claim accrued or in Franklin Circuit Court.	A final order of the board may be appealed by filing a petition for judicial review in the county where the claim accrued or in Franklin Circuit Court in accordance with KRS Chapter 13B. Ky. Rev. Stat. Ann. § 49.340(8).
Payer of Last Resort Requirements	Any award shall be reduced by the amount of any payment received from the sources described at right.	Any award made pursuant to KRS 49.270 to 49.490 shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from the following sources: (a) From or on behalf of the person who committed the crime; (b) Under insurance programs mandated by law; (c) From public funds; (d) Under any contract of insurance wherein the claimant is the insured or beneficiary; (e) As an emergency award pursuant to KRS 49.360; and (f) From donations made on behalf of the victim or claimant toward expenses incurred as a result of the crime. Ky. Rev. Stat. Ann. § 49.390(1).
References and Resources		Kentucky also maintains a Human Trafficking Victims' Fund pursuant to Ky. Rev. Stat. Ann. § 529.140, however, these funds are to be "distributed to **agencies** serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies," not to the victims directly. *See* 40 Ky. Admin. Regs. 6:030. The AG's Office of Victims Advocacy assists victims and their families by explaining their rights and helping them get the support they need to recover from the trauma of crime. https://www.ag.ky.gov/about/Office-Divisions/OVA/Pages/default.aspx. Crime Victims Compensation Board FAQs: https://kycc.ky.gov/Documents/CVFAQJuly2024.pdf.

LOUISIANA

LOUISIANA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	The application must be filed **within a year of the crime** unless there is a good reason why the application was not submitted within this time period.	**Timeframe for Applications:** A.(1)(a) An application for reparations shall be filed in writing with the board within one year after the date of the personal injury, death, or catastrophic property loss or within such longer period as t board determines is justified by the circumstances. The application shall be valid only if reasonable documentation of the crime resulting in the personal injury, death, or catastrophic property loss is submitted with the application. *(LA RS 46:1806)* **Special Rules:** (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection and except as provided in Subparagraph (b) of this Paragraph, an application filed by a dependent or legal representative o deceased victim of a homicide offense, or filed by a claimant as defined in R.S. 46:1802(4), shall be filed within five years after the date on which the judgment of conviction becomes final or within five years after the date on which the supreme court denies the defendant's first application for appeal. (b) Notwithstanding the provisions of Paragraph (1) of this Subsection, when the death of the offender occurs prior to a conviction for a homicide offense, an application filed by a dependent or legal representative of a deceased victim of a homicide offense, or filed by a claimant as defined in R.S. 46:1802(4), shall be filed within five years after the date of the death of the offender. B.(1) An application for reparations related to a sexually oriented criminal offense shall be filed in writing with the board within one year after the date on which the personal injury, death, or catastrophic property loss occurred or within such longer period as the board determines is justified by the circumstances. *(LA RS 46:1806)*
Eligibility Requirements: Identity of Person Seeking Compensation	- Victim: An innocent Victim of a violent crime who suffers physical and/or emotional harm or death or catastrophic property loss. - Involved Individual: a person who legally assumes the obligations or voluntarily pays certain expenses related to the crime on behalf of the victim. - Immediate Family Member: Immediate Family members needing counseling as a result of the consequence of the death of the victim.	(4) "Claimant" means a victim or a dependent of a deceased victim, or the legal representative of either, an intervenor, the healthcare provider who provides healthcare services associated with a forensic medical examination as defined in R.S. 15:622, or in the event of a death, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime. *(LA RS 46:1802)* A person who believes he is a victim of a crime enumerated in R.S. 46:1805, or his legal representative, or in the case of death, a dependent or the legal representative of a dependent, or the rightfu claimant as defined in R.S. 46:1802(4), shall be eligible to make application to the board for reparations and shall be eligible for an award of reparations in accordance with the provisions of this Chapter. *(LA RS 46:1804)*
Eligibility Requirements: Types of Crime	- Crimes that involve the use of force or the threat of the use of force and result in personal injury, death or catastrophic property loss, and those victims of human trafficking. - Only these motor vehicle-related crimes: DWI, Hit and Run, the victim of a driver who is fleeing apprehension by law enforcement, or a victim whose injuries were intentionally inflicted with a vehicle, are eligible.	A. The board may make an award and order the payment of reparations for pecuniary loss in accordance with the provisions of this Chapter for personal injury, death, or catastrophic property loss resulting from any act or omission to act that is defined as a misdemeanor under any local ordinance or as a crime under state or federal law and involves the use of force or the threat of the use of force or any human trafficking-related offense. B.(1) For the purposes of this Chapter, the operation of a motor vehicle, boat, or aircraft that results in personal injury or death shall not constitute a crime unless the personal injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft, or was caused by an operator in violation of R.S. 14:98, 98.1, or 100. (2) "Intentionally inflicted" includes, but is not limited to personal injury or death resulting due to operation of a motor vehicle, boat, or aircraft used to flee the scene of a crime in which the operator the motor vehicle, boat, or aircraft knowingly participated. (3) "Human trafficking-related offense" shall include the perpetration or attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving commercial exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282. *(LA RS 46:1805)*
Eligibility Requirements: Geographic Nexus	The crime must occur in Louisiana or the crime must involve a Louisiana resident who becomes a victim in another state that does not have a crime victim compensation program for which the victim would be eligible.	The crime must occur in Louisiana or the crime must involve a Louisiana resident who becomes a victim in another state that does not have a crime victim compensation program for which the victir would be eligible.

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Criminal Background of Victim	**Who is Not Eligible:** - A victim whose own behavior contributed to the crime (in those cases, benefits may be reduced or denied). - A victim or claimant who was engaged in illegal activity at the time of the crime. - An offender or an accomplice of the offender. - Anyone who was incarcerated in a penal institution when the crime occurred. - Victims of motor vehicle accidents except those listed above ("Eligibility Requirements: Types of Crimes").	(3)(a) No award of reparations shall be made if the board finds that: (i) The claimant failed or refused to cooperate substantially with reasonable requests of appropriate law enforcement officials. (ii) A totality of the circumstances indicate that the claimant was the offender or an accessory, or that an award to the claimant would unjustly benefit any of them. However, such ineligibility shall no apply if the claimant is a victim of human trafficking or trafficking of children for sexual purposes. (b) The ineligibility provisions provided for in Items (a)(i) and (ii) of this Paragraph shall not apply if the claim for reparations results from a sexually oriented criminal offense. (4) The board may deny or reduce an award: (a) If a totality of the circumstances indicate that the behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss. However, such ineligibility shall not apply if the claimant is a victim a human trafficking-related offense as defined by R.S. 46:1805 or a sexually oriented criminal offense as defined by R.S. 15:622. (b) To the extent that the pecuniary loss is recouped from collateral or other sources. (c) If it finds that the vehicle operated by the victim was without security as required by R.S. 32:861. (d) If it finds that the victim was not wearing a safety belt in compliance with R.S. 32:295.1. (e) If it finds that the victim was a willing passenger in a motor vehicle, boat, or aircraft that was operated by an individual who was in violation of R.S. 14:98 or 98.1. (5) No reparations of any kind shall be awarded under this Chapter to a victim who is injured or killed while confined in any state, parish, or city jail, prison, or other correctional facility as a result of conviction of any crime. However, if, prior to a conviction, the victim was injured or killed while incarcerated, the board may deny reparations if it is subsequently determined that the victim was guilt of the offense which resulted in his incarceration. C. No victim or dependent shall be denied reparations solely because he or she is a relative of the offender or was living with the offender at the time of the injury or death. However, reparations ma be awarded to a victim or dependent who is a relative, family or household member of the offender at the time of the award only if it can be reasonably determined that the offender will receive no substantial economic benefit or unjust enrichment from the award. *(LA RS 46:1809)*
Citizenship Requirement?	No	The crime must occur in Louisiana or the crime must involve a Louisiana resident who becomes a victim in another state that does not have a crime victim compensation program for which the victi would be eligible.
Is a Police Report or Cooperation with Law Enforcement Required?	The victim and/or claimant must cooperate fully with law enforcement officials in the investigation and prosecution of the case.	(3)(a) No award of reparations shall be made if the board finds that: (i) The claimant failed or refused to cooperate substantially with reasonable requests of appropriate law enforcement officials. (ii) A totality of the circumstances indicate that the claimant was the offender or an accessory, or that an award to the claimant would unjustly benefit any of them. However, such ineligibility shall no apply if the claimant is a victim of human trafficking or trafficking of children for sexual purposes. (b) The ineligibility provisions provided for in Items (a)(i) and (ii) of this Paragraph shall not apply if the claim for reparations results from a sexually oriented criminal offense. (4) The board may deny or reduce an award: (a) If a totality of the circumstances indicate that the behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss. However, such ineligibility shall not apply if the claimant is a victim a human trafficking-related offense as defined by R.S. 46:1805 or a sexually oriented criminal offense as defined by R.S. 15:622. (b) To the extent that the pecuniary loss is recouped from collateral or other sources. (c) If it finds that the vehicle operated by the victim was without security as required by R.S. 32:861. (d) If it finds that the victim was not wearing a safety belt in compliance with R.S. 32:295.1. (e) If it finds that the victim was a willing passenger in a motor vehicle, boat, or aircraft that was operated by an individual who was in violation of R.S. 14:98 or 98.1. (5) No reparations of any kind shall be awarded under this Chapter to a victim who is injured or killed while confined in any state, parish, or city jail, prison, or other correctional facility as a result of conviction of any crime. However, if, prior to a conviction, the victim was injured or killed while incarcerated, the board may deny reparations if it is subsequently determined that the victim was guilt of the offense which resulted in his incarceration. C. No victim or dependent shall be denied reparations solely because he or she is a relative of the offender or was living with the offender at the time of the injury or death. However, reparations ma be awarded to a victim or dependent who is a relative, family or household member of the offender at the time of the award only if it can be reasonably determined that the offender will receive no substantial economic benefit or unjust enrichment from the award. *(LA RS 46:1809)*

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	- A victim whose own behavior contributed to the crime (in those cases, benefits may be reduced or denied). - A victim or claimant who was engaged in illegal activity at the time of the crime. - An offender or an accomplice of the offender.	(3)(a) No award of reparations shall be made if the board finds that: (i) The claimant failed or refused to cooperate substantially with reasonable requests of appropriate law enforcement officials. (ii) A totality of the circumstances indicate that the claimant was the offender or an accessory, or that an award to the claimant would unjustly benefit any of them. However, such ineligibility shall no apply if the claimant is a victim of human trafficking or trafficking of children for sexual purposes. (b) The ineligibility provisions provided for in Items (a)(i) and (ii) of this Paragraph shall not apply if the claim for reparations results from a sexually oriented criminal offense. (4) The board may deny or reduce an award: (a) If a totality of the circumstances indicate that the behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss. However, such ineligibility shall not apply if the claimant is a victim a human trafficking-related offense as defined by R.S. 46:1805 or a sexually oriented criminal offense as defined by R.S. 15:622. (b) To the extent that the pecuniary loss is recouped from collateral or other sources. (c) If it finds that the vehicle operated by the victim was without security as required by R.S. 32:861. (d) If it finds that the victim was not wearing a safety belt in compliance with R.S. 32:295.1. (e) If it finds that the victim was a willing passenger in a motor vehicle, boat, or aircraft that was operated by an individual who was in violation of R.S. 14:98 or 98.1. (5) No reparations of any kind shall be awarded under this Chapter to a victim who is injured or killed while confined in any state, parish, or city jail, prison, or other correctional facility as a result of conviction of any crime. However, if, prior to a conviction, the victim was injured or killed while incarcerated, the board may deny reparations if it is subsequently determined that the victim was guilt of the offense which resulted in his incarceration. C. No victim or dependent shall be denied reparations solely because he or she is a relative of the offender or was living with the offender at the time of the injury or death. However, reparations ma be awarded to a victim or dependent who is a relative, family or household member of the offender at the time of the award only if it can be reasonably determined that the offender will receive no substantial economic benefit or unjust enrichment from the award. *(LA RS 46:1809)*
To Whom are Applications Made?	Applications are also available from all Louisiana sheriffs' offices. The victim reparations coordinators provide assistance to victims who ask for help in filling out application forms. Victims may also get an application directly from the Crime Victims Reparations Office by calling 1-888-6-VICTIM (nationwide).	Applications are also available from all Louisiana sheriffs' offices (*see* LA RS 46:1817) The victim reparations coordinators provide assistance to victims who ask for help in filling out application forms. Victims may also get an application directly from the Crime Victims Reparations Office by calling 1-888-6-VICTIM (nationwide).
How are Applications Accepted?	Applications are also available from all Louisiana sheriffs' offices. The victim reparations coordinators provide assistance to victims who ask for help in filling out application forms. Victims may also get an application directly from the Crime Victims Reparations Office by calling 1-888-6-VICTIM (nationwide).	Applications are also available from all Louisiana sheriffs' offices. The victim reparations coordinators provide assistance to victims who ask for help in filling out application forms. Victims may also get an application directly from the Crime Victims Reparations Office by calling 1-888-6-VICTIM (nationwide).
Who May Submit an Application?	- Victim: An innocent Victim of a violent crime who suffers physical and/or emotional harm or death or catastrophic property loss. - Involved Individual: a person who legally assumes the obligations or voluntarily pays certain expenses related to the crime on behalf of the victim. - Immediate Family Member: Immediate Family members needing counseling as a result of the consequence of the death of the victim.	(4) "Claimant" means a victim or a dependent of a deceased victim, or the legal representative of either, an intervenor, the healthcare provider who provides healthcare services associated with a forensic medical examination as defined in R.S. 15:622, or in the event of a death, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime. *(LA RS 46:1802)* A person who believes he is a victim of a crime enumerated in R.S. 46:1805, or his legal representative, or in the case of death, a dependent or the legal representative of a dependent, or the rightfu claimant as defined in R.S. 46:1802(4), shall be eligible to make application to the board for reparations and shall be eligible for an award of reparations in accordance with the provisions of this Chapter. *(LA RS 46:1804)*
What Language Services are Available?	N/A	N/A

TOPIC	SUMMARY	DETAILED DESCRPTION
General Documentation Requirements	- Form (provided by the board) - Description of the incident - Complete financial statement - Verification of board's review of form	**Special Requirements:** B.(1) An application for reparations related to a sexually oriented criminal offense shall be filed in writing with the board within one year after the date on which the personal injury, death, or catastrophic property loss occurred or within such longer period as the board determines is justified by the circumstances. (2) A victim of a sexually oriented criminal offense shall not be required to report a sexually oriented criminal offense to any law enforcement officer for purposes of a claimant filing a valid applicatic for reparations pursuant to this Subsection. (3) A claimant that files an application for reparations for personal injury or death resulting from a sexually oriented criminal offense shall submit certification from a healthcare provider or coroner th a forensic medical examination of the victim was conducted and an itemized billing statement for all related services provided by the healthcare provider or coroner. (4) The coroner shall provide certification to the healthcare provider that a forensic medical examination was conducted. (5) The healthcare provider shall submit certification to the board that a forensic medical examination was conducted when requested by a claimant. **General Requirements:** C. Application shall be made on a form prescribed and provided by the board, which shall contain at least the following: (1) A description of the date, nature, and circumstances of the act or acts resulting in the physical injury, death, or catastrophic property loss, and of the crime, if known. (2) A complete financial statement, including the cost of medical care or funeral, burial, or cremation expenses, the loss of wages or support, and the extent of the property loss, if any, which the claimant has incurred or will incur and the extent to which the claimant has been indemnified for these expenses from any collateral source. (3) Where appropriate, a statement indicating the extent of any disability resulting from the injury incurred. (4) An authorization permitting the board or its representatives to verify the contents of the application. (5) Such other information as the board may require. ... F. A victim who was owed restitution as a condition of an offender's parole pursuant to R.S. 15:574.4.2(C)(1)(a) but whose restitution payments were directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b) may file an application for recovery of the restitution in a written format developed by the board. *(LA RS 46:1806)*
Categories of Benefits Available	Reimbursement for property damage or loss is not an eligible expense. Approved claims may be awarded compensation for the following only if they are related to the crime (Some expenses are limited): - Reasonable medical and prescription expenses - Dental expenses - Mental health counseling - Funeral expenses - Loss of earnings or support - Child care or dependent - Crime Scene cleanup (eff. 8/15/2010) - Reasonable replacement costs for items or items were taken as evidence or made unusable as a result of the criminal investigation. - Forensic Medical Exams - Relocation Expenses (eff. 8/01/2022)	**General Expenses:** A. The board shall order the payment of reparations in an amount determined by it if, with or without hearings, it finds by a preponderance of the evidence that pecuniary loss w sustained by the victim or other claimant by reason of personal injury, death, or catastrophic property loss suffered by the victim and that such loss was proximately caused by a crime enumerated i R.S. 46:1805 and that such pecuniary loss has or will not be compensated from any collateral or other source. *(LA RS 46:1809)* **Pecuniary Loss:** (11) "Pecuniary loss" means the amount of expense reasonably and necessarily incurred by reason of personal injury, as a consequence of death, or a catastrophic property loss, and includes: (a) For personal injury: (i) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy. (ii) Actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury or the receipt of medically indicated services by a victim related to the personal injury. (iii) Care of a child or dependent. (iv) Counseling or therapy for the parents or siblings of a child who is the victim of a sexual crime. (v) Loss of support for a child victim of a sexual crime not otherwise compensated for as a pecuniary loss for personal injury. (vi) Relocation for claimants who have to relocate as a result of the crime for reasons of personal safety or other reasons reasonably related to the crime. (b) As a consequence of death: (i) Funeral, burial, or cremation expenses. (ii) Loss of support to one or more dependents not otherwise compensated for as a pecuniary loss for personal injury. (iii) Care of a child or children enabling the surviving spouse of a victim or the legal custodian or caretaker of the deceased victim's child or children to engage in lawful employment, where that expense is not otherwise compensated for as a pecuniary loss for personal injury. (iv) Counseling or therapy for any surviving family member of the victim or any person in close relationship to such victim. (v) Crime scene cleanup. (vi) Relocation for claimants who have to relocate as a result of the crime due to the death of the victim. (c) As to catastrophic property loss, the loss must be so great as to cause overwhelming financial effect on the victim or other claimant and shall be restricted to loss of abode. (d) Any other expense associated with the collection and securing of crime scene evidence. (12) "Pecuniary loss" does not include loss attributable to pain and suffering. *(LA RS 46:1802)* **Attorney's Fees:** As part of an order resulting from a hearing, the board shall determine and award reasonable attorney's fees, commensurate with services rendered, to be paid from the fund in accordance with rules adopted by the board. Additional attorney's fees may be awarded by a court in the event of a review by the court in which the claimant prevails. Attorney's fees may be denie on a finding that the claim or appeal is frivolous. Awards of attorney's fees shall be in addition to awards of reparations and may be made whether or not compensation is awarded. In no event shal an award of attorney's fees be in excess of a rate of fifty dollars per hour. *(LA RS 46:1820)*

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Relocation Expenses	$15,000. *See* "General Limitations on Expenses."	**General Limitations on Expenses:** A. Awards payable under this Chapter shall not exceed fifteen thousand dollars in the aggregate for all claims arising out of the same crime except for those victims who are permanently, totally, or permanently and totally disabled as a result of the crime, the aggregate award shall not exceed twenty-five thousand dollars. B. In no case shall the total aggregate of awards given during any fiscal year to claimants residing in the same parish exceed the total amount of costs levied, collected, and remitted by that parish t the Louisiana Commission on Law Enforcement and Administration of Criminal Justice as required by R.S. 46:1816(D) for the preceding two fiscal years prior to the date of the crime to which this Chapter applies, or ten thousand dollars, whichever is greater. This Subsection shall not apply if the board determines that a qualified claimant would suffer severe and undue hardship if economic relief is not provided. *(LA RS 46:1810)*
Requirements/Limits for Mental Health Expenses	$15,000. *See* "General Limitations on Expenses."	**General Limitations on Expenses:** A. Awards payable under this Chapter shall not exceed fifteen thousand dollars in the aggregate for all claims arising out of the same crime except for those victims who are permanently, totally, or permanently and totally disabled as a result of the crime, the aggregate award shall not exceed twenty-five thousand dollars. B. In no case shall the total aggregate of awards given during any fiscal year to claimants residing in the same parish exceed the total amount of costs levied, collected, and remitted by that parish t the Louisiana Commission on Law Enforcement and Administration of Criminal Justice as required by R.S. 46:1816(D) for the preceding two fiscal years prior to the date of the crime to which this Chapter applies, or ten thousand dollars, whichever is greater. This Subsection shall not apply if the board determines that a qualified claimant would suffer severe and undue hardship if economic relief is not provided. *(LA RS 46:1810)* **Reimbursement for Forensic Medical Exam:** A. The board shall reimburse a healthcare provider who performs a forensic medical exam in the amount of six hundred dollars. The board shall reimburse the healthcare facility at which a forensic medical exam was conducted for the cost of performing the exam in the amount of one thousand dollars. B. In order to be reimbursed for the costs of performing a forensic medical exam, the healthcare provider or the healthcare facility seeking reimbursement shall submit to the board an attestation tha forensic medical exam was conducted. The attestation shall contain only sufficient information to identify the victim, the date that the exam was performed, and the address to which payment can be made for the healthcare provider or healthcare facility. The board shall not require any billing documentation or medical records from the healthcare provider or the healthcare facility as a condition payment under the provisions of this Section. C. A request for reimbursement by a healthcare provider or healthcare facility for the performance of a forensic medical exam shall not constitute reparations and therefore shall be immediately payable and not require approval from the board as a condition of payment. The board shall direct payment to be made to a healthcare provider or healthcare facility no later than thirty calendar day from the date that the attestation is submitted to the board by the healthcare provider or healthcare facility.
Requirements/Limits for Lost Income	$15,000. *See* "General Limitations on Expenses."	**General Limitations on Expenses:** A. Awards payable under this Chapter shall not exceed fifteen thousand dollars in the aggregate for all claims arising out of the same crime except for those victims who are permanently, totally, or permanently and totally disabled as a result of the crime, the aggregate award shall not exceed twenty-five thousand dollars. B. In no case shall the total aggregate of awards given during any fiscal year to claimants residing in the same parish exceed the total amount of costs levied, collected, and remitted by that parish t the Louisiana Commission on Law Enforcement and Administration of Criminal Justice as required by R.S. 46:1816(D) for the preceding two fiscal years prior to the date of the crime to which this Chapter applies, or ten thousand dollars, whichever is greater. This Subsection shall not apply if the board determines that a qualified claimant would suffer severe and undue hardship if economic relief is not provided. *(LA RS 46:1810)*
Requirements/Limits for Medical Expenses	$15,000. *See* "General Limitations on Expenses."	**General Limitations on Expenses:** A. Awards payable under this Chapter shall not exceed fifteen thousand dollars in the aggregate for all claims arising out of the same crime except for those victims who are permanently, totally, or permanently and totally disabled as a result of the crime, the aggregate award shall not exceed twenty-five thousand dollars. B. In no case shall the total aggregate of awards given during any fiscal year to claimants residing in the same parish exceed the total amount of costs levied, collected, and remitted by that parish t the Louisiana Commission on Law Enforcement and Administration of Criminal Justice as required by R.S. 46:1816(D) for the preceding two fiscal years prior to the date of the crime to which this Chapter applies, or ten thousand dollars, whichever is greater. This Subsection shall not apply if the board determines that a qualified claimant would suffer severe and undue hardship if economic relief is not provided. *(LA RS 46:1810)*
Timeframe to Obtain Benefits	N/A. *But see* , "Time to File" above.	N/A. *But see* , "Time to File" above.
Is Emergency Assistance Available?	Yes	A. If it appears to the board prior to its taking action on a claim that an award likely will be made and that undue hardship will result to the claimant if no immediate economic relief is provided, the board may make an emergency award to the claimant pending its final decision in the case. The amount of an emergency award shall not exceed one thousand dollars. B. The amount of any emergency award shall be deducted from any final award made to the claimant receiving the emergency award. The claimant shall repay to the board the excess of the emergency award over the final award, or the full amount if no final award is made. However, the board may waive all or part of the repayment if in its judgment repayment would cause severe financial hardship. *(LA RS 46:1813)*

LOUISIANA

TOPIC	SUMMARY	DETAILED DESCRPTION
Compensation Cap (Overall)	Total recovery may not exceed $15,000 unless the victim suffered total and permanent disability. Victims who suffer total permanent disability as a result of their victimization may qualify for up to $25,000.	A. Awards payable under this Chapter shall not exceed fifteen thousand dollars in the aggregate for all claims arising out of the same crime except for those victims who are permanently, totally, or permanently and totally disabled as a result of the crime, the aggregate award shall not exceed twenty-five thousand dollars. B. In no case shall the total aggregate of awards given during any fiscal year to claimants residing in the same parish exceed the total amount of costs levied, collected, and remitted by that parish t the Louisiana Commission on Law Enforcement and Administration of Criminal Justice as required by R.S. 46:1816(D) for the preceding two fiscal years prior to the date of the crime to which this Chapter applies, or ten thousand dollars, whichever is greater. This Subsection shall not apply if the board determines that a qualified claimant would suffer severe and undue hardship if economic relief is not provided. (LA RS 46:1810)
Sources of Funding	- Appropriation by legislature - Costs levied on criminal actions - Federal funding - Restitution payments - Defendant's escrow account - Gifts - Unclaimed prize money	A. The Crime Victims Reparations Fund, hereinafter referred to as "the fund," is hereby created in the state treasury. B. The fund shall be composed of: (1) Monies derived from appropriations by the legislature. (2) All monies paid as a cost levied on criminal actions, as provided by Subsections D and E of this Section. (3) Any federal monies made available to the state for victim compensation. (4) All monies received from any action to recover damages for a crime which was the basis of a reparations award under this Chapter. (5) Any restitution paid by an offender to a victim for damages for a crime which was the basis of a reparations award under this Chapter, and any restitution payments owed to a victim as a conditic of an offender's release on parole but directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b). (6) Any monies paid into the fund from a defendant's escrow account, as provided by Chapter 21-C of this Title. (7) Any gift, grant, devise or bequest of monies or properties of any nature or description. (8) Monies deposited by the state treasurer from the collection of unclaimed prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, 394, and 610, which shall be used exclusively to pay the expenses associated with healthcare services of victims of sexually oriented criminal offenses, including forensic medical examinations as defined in R.S. 15:622. ... D.(1)(a) In addition to any other costs otherwise imposed by law, a cost of not less than fifty dollars for felonies and seven dollars and fifty cents for misdemeanors and violations of municipal and parish ordinances is hereby levied in each criminal action, except traffic violations other than those driving offenses defined in Title 14 of the Louisiana Revised Statutes of 1950, which results in a conviction. These costs shall be paid by the defendant. No court may suspend or waive the imposition of the costs provided for in this Section unless the defendant is found to be indigent, all other court costs are suspended or waived and no other costs, fines or assessments are levied, whether provided by law or imposed by the court, or unless restitution is ordered. (b) The recipient of the costs shall remit all costs so collected to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice on or before the first day of each calendar month to be deposited in the state treasurer's account for credit to the Crime Victims Reparations Fund after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fu following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. (2) Notwithstanding the provisions of Subsection C of this Section, monies deposited in the Crime Victims Reparations Fund may be used to pay reasonable costs of administering this Chapter. Disbursement of funds to pay such costs shall be made only on written authorization of the chairman or vice chairman of the board. E.(1) In addition to other costs provided for in this Section, a person convicted of a felony, a misdemeanor, or a violation of an ordinance of any local government shall be assessed an additional two dollars as special costs. Such special costs shall be imposed by all courts, including mayor's courts and magistrate courts, and shall be used for the purpose of training local law enforcement officer as directed by the Peace Officer Standards and Training Council. The proceeds of the special costs shall be paid to the Louisiana Commission on Law Enforcement and Administration of Criminal
Appeal Process	If the Crime Victims Reparations Board makes a decision with which the victim or claimant disagrees, the victim or the claimant has a right under the law to ask that the decision be reconsidered. The victim or claimant must notify the Crime Victims Reparations Board of the reason for their dissatisfaction and provide additional information in this reconsideration process. If the outcome of the reconsideration process is not satisfactory, an appeal may be made to the district court.	A decision or order of the board with respect to any application or claim for reparations shall be subject to review in accordance with the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950. *(LA RS 46:1812)* See here: https://www.legis.la.gov/legis/Law.aspx?p=y&d=103786
Payer of Last Resort Requirements	The Crime Victims Reparations Fund is regarded as the “payer of last resort.” It is a secondary source that pays for certain out-of-pocket expenses related to the crime that the victim has no other way to pay. Other sources that have to pay first include: - HMO/health insurance - Disability insurance/life insurance - Vacation time, sick leave or other types of leave paid by an employer - Worker’s compensation benefits - Social security - Medicare or Medicaid	A. The board shall order the payment of reparations in an amount determined by it if, with or without hearings, it finds by a preponderance of the evidence that pecuniary loss was sustained by the victim or other claimant by reason of personal injury, death, or catastrophic property loss suffered by the victim and that such loss was proximately caused by a crime enumerated in R.S. 46:1805 ar that such pecuniary loss has or will not be compensated from any collateral or other source. *(LA RS 46:1809)* (5) "Collateral source" means a source of benefits for pecuniary loss awardable, other than under this Chapter, which the claimant has received or which is readily available to him or her from any o all of the following: (a) The offender under an order of restitution to the claimant imposed by a court as a condition of probation or otherwise. (b) The United States or a federal agency, a state or any of its political subdivisions, or an instrumentality of two or more states. (c) Social Security, Medicare, and Medicaid. (d) Workers' compensation. (e) Wage continuation programs of an employer. (f) Proceeds of a contract of insurance payable to the claimant for pecuniary loss sustained by the claimant by reason of the crime. (g) A contract providing prepaid hospital and other health care services, or benefits for disability. *(LA RS 46:1802)*
References and Resources	**Text of Law**: https://www.legis.la.gov/legis/Law.aspx?p=y&d=100414 **Louisiana Crime Victims Reparations:** https://lcle.la.gov/programs/cvr/	

MAINE

TOPIC	SUMMARY	DETAILED DESCRIPTION
Time to File	An application will be filed with the Victim Compensation Board (the "Board") within three years of the injury or compensable loss or within 60 days of the discovery of the injury or compensable loss, whichever is later. However, timing requirements may be waived in certain circumstances - claimants must submit a waiver letter to the Board. The crime must have been committed after January 1, 1993 and have been reported to the police within five (5) days - unless the victim is a minor or there is good cause for delay.	Compensation may not be paid for any crime unless: A. The crime was reported to a law enforcement officer within 5 days of the occurrence or discovery of the crime or of the resultant injury; and B. The claim was filed with the board within 3 years of the occurrence of the injury or compensable loss, or within 60 days of the discovery of injury or compensable loss, whichever is later. For purposes of this subsection, an unrestricted report of sexual assault made to the Maine National Guard by a current or former member of the Maine National Guard is a crime reported to a law enforcement officer. Me. Rev. Stat. Ann. tit. 5, § 3360-C(1). The board may waive the time requirements of subsection 1 for good cause shown and shall waive the time requirements on behalf of a child or when the claimant is a child and the crime and the claim have been properly reported to law enforcement officers and the board by an adult who becomes aware of the crime and of the compensable injury. Me. Rev. Stat. Ann. tit. 5, § 3360-C(3). The assessments required by section 3360-I apply to penalties imposed for criminal conduct alleged to have occurred on or after January 1, 1993. Me. Rev. Stat. Ann. tit. 5, § 3360-K(1).
Eligibility Requirements: Identity of Person Seeking Compensation	• Victims of specified violent crimes (including OUI) occurring in Maine (some victims may be eligible for crimes occurring elsewhere in certain circumstances - see "Eligibility Requirements: Geographic Nexus") • Financial dependents and family members of homicide victims (or victims suffering a catastrophic injury or sexual assault in certain circumstances). • Any person responsible for the funeral expenses of a homicide victim	Eligibility of victims. The board may award compensation to any individual who: A. Suffers personal injury as a direct result of a crime specified in section 3360, committed within the jurisdiction of the State; B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 111 without regard to whether bodily injury or the threat of bodily injury occurred; C. Would otherwise be eligible for compensation, even though: (1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States; (2) The personal injury resulted from conduct that violates a criminal law of the United States; or (3) The crime occurred in another state, but only if the person is a resident of this State and the other state does not have a victim compensation program for which residents of this State are eligible, and the person would have been eligible under this chapter if the conduct had occurred in this State; or D. Is a resident of this State and suffers personal injury as a direct result of a crime specified in section 3360, subsection 3, paragraph F committed outside of the United States. Me. Rev. Stat. Ann. tit. 5, § 3360-B(1). Eligibility of financial dependents. The board may award compensation for the benefit of a surviving family or household member for lost wages of a person who dies as a direct result of a crime if the family or household member was financially dependent on the deceased person or the deceased person had contributed substantially and regularly to the support of the surviving family or household member. Me. Rev. Stat. Ann. tit. 5, § 3360-B(2). Eligibility for payment of mental health treatment for family members. The board may award compensation for the benefit of a surviving family or household member of a person who dies or suffers catastrophic injury as a direct result of a crime, a family or household member who witnessed a crime or a family or household member of a sexual assault victim for unreimbursed mental health treatment expenses directly related to the crime. Me. Rev. Stat. Ann. tit. 5, § 3360-B(3). “Family or household member” means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim or a person who bears an equally significant relationship to the victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years. Me. Rev. Stat. Ann. tit. 5, § 3360(5).
Eligibility Requirements: Types of Crime	• The crime was committed on or after January 1, 1993. • The crime committed is one of the following: 1. An offense against the person (e.g., assault or murder) 2. A sexual assault or exploitation 3. Kidnapping/criminal restraint 4. Robbery 5. Drunk driving 6. An act of terrorism 7. Leaving the scene of some personal injury vehicle accidents. 8. Sexual exploitation of a minor 9. Aggravated sex trafficking or sex trafficking • The victim suffered bodily injury or the threat of bodily injury as a direct result of the crime (not required of victims of sexual assault). • The crime was reported to a Law Enforcement Agency within five (5) days of the occurrence or discovery of the crime or injury. However, timing requirements may be waived in certain circumstances - claimants must submit a waiver letter to the Board. • The victim was not engaged in criminal activity which contributed to or caused the injury. • The victim cooperated with the law enforcement officials and prosecutors. • The victim/claimant has no collateral source of payment for the compensation they are seeking.(e.g. insurance, Medicaid) • An application will be filed with the Victim Compensation Board within three years of the injury or compensable loss or within 60 days of the discovery of the injury or compensable loss, whichever is later. However, timing requirements may be waived in certain circumstances - claimants must submit a waiver letter to the Board.	“Crime” means one of the following: A. Offenses against the person as described in Title 17-A, chapter 9;1 B. Sexual assaults as described in Title 17-A, chapter 11;2 C. Kidnapping and criminal restraint as described in Title 17-A, chapter 13;3 D. Robbery as described in Title 17-A, chapter 27;4 E. Operating under the influence of intoxicating liquor or drugs or with an excessive alcohol level, as described in Title 29-A, section 2411; F. An act of terrorism, as defined in United States Code, Title 18, Section 2331, committed outside of the United States against a resident of this State; G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252; H. Sexual exploitation of a minor as described in Title 17-A, chapter 12; or I. [Repealed] J. Aggravated sex trafficking or sex trafficking as described in Title 17-A, sections 852 and 853, respectively. Me. Rev. Stat. Ann. tit. 5, § 3360(3).

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TOPIC	SUMMARY	DETAILED DESCRIPTION
	Requirements may be waived in certain circumstances - claimants must submit a waiver letter to the Board.	
Eligibility Requirements: Geographic Nexus	Crime must have been committed in Maine. However, victims may be eligible for compensation for a crime committed in another state but only if the victim would otherwise be eligible for compensation in Maine and 1) is a resident of Maine and 2) the other state does not have a victim compensation program. Additionally, a resident of Maine suffering personal injury as a direct result of an act of terrorism committed outside of the United States may also be eligible.	Eligibility of victims. The board may award compensation to any individual who: A. Suffers personal injury as a direct result of a crime specified in section 3360, committed within the jurisdiction of the State; B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 111 without regard to whether bodily injury or the threat of bodily injury occurred; C. Would otherwise be eligible for compensation, even though: (1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States; (2) The personal injury resulted from conduct that violates a criminal law of the United States; or (3) The crime occurred in another state, but only if the person is a resident of this State and the other state does not have a victim compensation program for which residents of this State are eligible, and the person would have been eligible under this chapter if the conduct had occurred in this State; or D. Is a resident of this State and suffers personal injury as a direct result of a crime specified in section 3360, subsection 3, paragraph F committed outside of the United States. Me. Rev. Stat. Ann. tit. 5, § 3360-B(1).
Eligibility Requirements: Criminal Background of Victim	Compensation may be limited or not available if the person claiming compensation violated a criminal law that caused or contributed to the injury or death for which compensation is sought. There is an exception for a person was the victim of a criminal homicide and the claimant (e.g., dependent or family member) was not involved in the criminal conduct.	Compensation may not be paid to or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought, except when the person was the victim of a criminal homicide and the claimant was not involved in the criminal conduct. Me. Rev. Stat. Ann. tit. 5, § 3360-C(2)(B).
Citizenship Requirement?	Not specified. But the application instructions provide: "SSN is not required but helps us process your case more quickly. Medical providers usually require SSN's to release information."	See here: http://www.maine.gov/tools/whatsnew/attach.php?id=144956&an=1
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. Eligibility for compensation requires that the victim has cooperated with law enforcement officials and prosecutors.	Compensation may not be paid to any claimant who does not fully cooperate with the board or with the reasonable requests of law enforcement officers or prosecution authorities. Me. Rev. Stat. Ann. tit. 5, § 3360-C(2)(A).
Is Complicity in Crime Disqualifying?	Yes, but only if the person violated a criminal law that caused or contributed to the injury or death for which compensation is sought. There is an exception for a person was the victim of a criminal homicide and the claimant (e.g., dependent or family member) was not involved in the criminal conduct.	Compensation may not be paid to or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought, except when the person was the victim of a criminal homicide and the claimant was not involved in the criminal conduct. Me. Rev. Stat. Ann. tit. 5, § 3360-C(2)(B).
To Whom are Applications Made?	Victims' Compensation Program Criminal Division of the Office of the Attorney General Victims' Compensation Program Office of the Attorney General 6 State House Station Augusta, Maine 04333-0006 Tel.: (207) 624-7882	The victim or a claimant acting on the victim's behalf must complete a standard application form. Forms are available from the Victims' Compensation Program office and through all District Attorneys' Victim Witness Advocate Programs. The application must be signed and sent to the Victims' Compensation Board. Release forms are included with the application to allow staff to compile and verify information. When all information and documentation necessary to support a victim's claims have been submitted, the case is reviewed by the Board at its next monthly meeting. Most claims can be verified by staff and are approved by the Board; however, if the Board issues a denial, a claimant can request a hearing before the Board. If the case is denied after hearing, the claimant may appeal to Superior Court.
How are Applications Accepted?	Standard application form and applicable documentation/attachments must be submitted in writing (hard-copy) to the Victims' Compensation Program at the Office of the Attorney General. Victims' Compensation Program Office of the Attorney General 6 State House Station Augusta, Maine 04333-0006 Tel.: (207) 624-7882	The victim or a claimant acting on the victim's behalf must complete a standard application form. Forms are available from the Victims' Compensation Program office and through all District Attorneys' Victim Witness Advocate Programs. The application must be signed and sent to the Victims' Compensation Board. Release forms are included with the application to allow staff to compile and verify information. When all information and documentation necessary to support a victim's claims have been submitted, the case is reviewed by the Board at its next monthly meeting. Most claims can be verified by staff and are approved by the Board; however, if the Board issues a denial, a claimant can request a hearing before the Board. If the case is denied after hearing, the claimant may appeal to Superior Court. Submission of claims. Claims are submitted to the board as follows. A. Claims must be in writing. B. Claims must specify the date, the nature and circumstances of the crime and the law enforcement agency to which the crime was reported. C. Claims must include documentation of all eligible expenses and losses for which the claimant seeks compensation, including but not limited to medical reports, records and bills, funeral bills and employment records when lost wages are sought. D. Claims must include records related to insurance, workers' compensation, federal and state entitlement and assistance programs. Me. Rev. Stat. Ann. tit. 5, § 3360-D(1), Release of records. A signed application for benefits under this chapter is effective under state law to authorize the release of health care, mental health, employment and wage information pertinent to the claim. Additionally, the claimant shall provide the board with other information or the release of such other information as the board determines is reasonably necessary to decide the claim. Upon request of the board pursuant to the claimant's application for compensation, health care providers and health plans, insurers or other persons who pay or discharge the costs of health care must submit directly to the board any information that is required to support a claimant's application or that is necessary to process a claim for payment. Me. Rev. Stat. Ann. tit. 5, § 3360-D(2).

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Who May Submit an Application?	The claimant may be the victim, a parent or guardian of the victim is a child, or a family member/dependent in the case of a homicide.	Eligibility of victims. The board may award compensation to any individual who: A. Suffers personal injury as a direct result of a crime specified in section 3360, committed within the jurisdiction of the State; B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 111 without regard to whether bodily injury or the threat of bodily injury occurred; C. Would otherwise be eligible for compensation, even though: (1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States; (2) The personal injury resulted from conduct that violates a criminal law of the United States; or (3) The crime occurred in another state, but only if the person is a resident of this State and the other state does not have a victim compensation program for which residents of this State are eligible, and the person would have been eligible under this chapter if the conduct had occurred in this State; or D. Is a resident of this State and suffers personal injury as a direct result of a crime specified in section 3360, subsection 3, paragraph F committed outside of the United States. Me. Rev. Stat. Ann. tit. 5, § 3360-B(1). Eligibility of financial dependents. The board may award compensation for the benefit of a surviving family or household member for lost wages of a person who dies as a direct result of a crime if the family or household member was financially dependent on the deceased person or the deceased person had contributed substantially and regularly to the support of the surviving family or household member. Me. Rev. Stat. Ann. tit. 5, § 3360-B(2). Eligibility for payment of mental health treatment for family members. The board may award compensation for the benefit of a surviving family or household member of a person who dies or suffers catastrophic injury as a direct result of a crime, a family or household member who witnessed a crime or a family or household member of a sexual assault victim for unreimbursed mental health treatment expenses directly related to the crime. Me. Rev. Stat. Ann. tit. 5, § 3360-B(3). “Family or household member” means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim or a person who bears an equally significant relationship to the victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years. Me. Rev. Stat. Ann. tit. 5, § 3360(5).
What Language Services are Available?	The Maine AG Office Victims' Compensation Program website does not appear to have information or applications in languages other than English. However, the federal US Attorneys Office for the District of Maine has information and brochures regarding assistance for federal crime victims and witnesses, including the Maine AG Victims' Compensation Program, available in the following languages upon request: • Spanish • French • Khmer • Vietnamese • Arabic • Portuguese • Somali • Mandarin	See here: https://www.justice.gov/usao-me/victim-witness-services#Who
General Documentation Requirements	• Application for Crime Victim Compensation • Information Release and Agreement and Warning attestations/signatures • Victim information (SSN not required but will help process case more quickly) • Claimant information (if different from victim) • Crime information (contact prosecutor's office where criminal case is being handled if you need assistance) • Reports from all law enforcement agencies involved in the crime • If the crime was NOT reported within 5 days, or if the application was NOT filed within 3 years, please explain why in an attached statement unless the victim is a minor • Expenses for which you seek compensation • Copies of all bills and/or receipts (or send one they become available) for expenses requested (including medical reports, records and bills, funeral bills and employment records) • Employment details for claim of lost income + wage stubs • Work disability with doctor's statement stating reason unable to work, if applicable • Homicide victim dependent information, if applicable, including copy of social security award letter, monthly pension/annuity benefits, copies of deceased's federal tax returns • Current sources of financial assistance, including proof of insurance, Medicaid eligibility letters, etc. • Charity Care application, if applicable • Civil attorney information, if applicable • Optional information on victim Must update Maine AG - Victims' Compensation Program Office with any new address or phone number once application is submitted. Also, contact office immediately if you or any of the family or household members listed on your application apply for any other benefits.	Please print neatly and fill out both sides completely. Contact your Victim Advocate in the Prosecutor’s Office if you need assistance completing this application. Attach additional sheets if necessary. Application instructions available here: http://www.maine.gov/tools/whatsnew/attach.php?id=144956&an=1 Application available here: http://www.maine.gov/tools/whatsnew/attach.php?id=617255&an=1

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Categories of Benefits Available	The claimant is seeking coverage for a victim for actual losses of the following types: • Medical • Mental health counseling • Lost income or wage • Funeral • Eyeglasses, dentures, other prosthetic devices • Some crime scene cleanup costs • Costs to repair, replace, or install locks or security devices, and certain security deposits. The claimant is seeking coverage for persons other than the victim for: • Counseling expenses 1) for family and household members of homicide victims, sexual assault victims, or victims of catastrophic injury or 2) for family and household members of crime victims, who witness the commission of the crime • Funeral and burial expenses up to $4500 (plus $500 for a marker) for any individual who pays or incurs these bills • Loss of support for the dependents of homicide victims.	"Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, psychological or mental health counseling expenses, lost wages, funeral, burial and other homicide-related expenses and travel expenses and loss of income of a claimant or family member for providing or obtaining care for the personal injury of a minor or incapacitated victim. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a result of the crime, costs to repair, replace or install locks or security devices, costs of crime scene cleanup and security deposits. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred. Me. Rev. Stat. Ann. tit. 5, § 3360(4). "Family or household member" means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim or a person who bears an equally significant relationship to the victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years. Me. Rev. Stat. Ann. tit. 5, § 3360(5).
Requirements/Limits for Relocation Expenses	Not specified. The statute does not expressly cover expenses for a relocation but will cover expenses for travel and loss of income of a claimant or family member for providing or obtaining care for the personal injury of a minor or incapacitated victim, lock installment/replacement, installation of security devices, crime scene cleanup expenses, and expenses for security deposits.	"Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, psychological or mental health counseling expenses, lost wages, funeral, burial and other homicide-related expenses and travel expenses and loss of income of a claimant or family member for providing or obtaining care for the personal injury of a minor or incapacitated victim. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a result of the crime, costs to repair, replace or install locks or security devices, costs of crime scene cleanup and security deposits. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred. Me. Rev. Stat. Ann. tit. 5, § 3360(4).
Requirements/Limits for Mental Health Expenses	Reimbursement of up to $15,000 for mental health counseling expenses is available for victims and family members of victims who: witnessed a crime, a family member of a sexual assault victim, or a family member of a victim who does or who was catastrophically injured. The Maine AG has provided "Guidelines for Applying for Mental Health Counseling Benefits" - see here: https://www.maine.gov/ag/crime/victims_compensation/guidelines.shtml If a victim or family member may need mental health counselling in the future but does not need it now, they can check the mental health box and write "later" next to the line.	"Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, psychological or mental health counseling expenses, lost wages, funeral, burial and other homicide-related expenses and travel expenses and loss of income of a claimant or family member for providing or obtaining care for the personal injury of a minor or incapacitated victim. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a result of the crime, costs to repair, replace or install locks or security devices, costs of crime scene cleanup and security deposits. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred. Me. Rev. Stat. Ann. tit. 5, § 3360(4). **Eligibility for payment of mental health treatment for family members.** The board may award compensation for the benefit of a surviving family or household member of a person who dies or suffers catastrophic injury as a direct result of a crime, a family or household member who witnessed a crime or a family or household member of a sexual assault victim for unreimbursed mental health treatment expenses directly related to the crime. Me. Rev. Stat. Ann. tit. 5, § 3360-B(3). "Family or household member" means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim or a person who bears an equally significant relationship to the victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years. Me. Rev. Stat. Ann. tit. 5, § 3360(5). See Maine Crime Victims' Compensation Application Instructions: file:///C:/Users/s6g8/Downloads/10_2015%20VCP%20app%20instructions%20(6).pdf
Requirements/Limits for Lost Income	Lost income is available for victims who miss work due to crime related injuries and for caregivers, to a limited extent, who miss work due to a dependent's disability. The claimant must provide the name, address and telephone number of the victim's employer. State the dates for which the victim missed work due to crime-related injuries. Submit two wage stubs showing gross and net wages for two weeks just prior to injury. If victim was self-employed or does not have wage stubs, submit copies of federal tax returns for the last two years. Claimant also must document work disability with a doctor's statement; please provide the name, address, and telephone number of your doctor who can certify that victim was unable to work. NOTE: An emergency room provider should not complete the disability statement. A surviving family member may also receive compensation for lost wages of a victim who died as the result of a crime if the family member was financially dependent on the deceased victim.	"Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, psychological or mental health counseling expenses, lost wages, funeral, burial and other homicide-related expenses and travel expenses and loss of income of a claimant or family member for providing or obtaining care for the personal injury of a minor or incapacitated victim. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a result of the crime, costs to repair, replace or install locks or security devices, costs of crime scene cleanup and security deposits. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred. Me. Rev. Stat. Ann. tit. 5, § 3360(4). **Eligibility of financial dependents.** The board may award compensation for the benefit of a surviving family or household member for lost wages of a person who dies as a direct result of a crime if the family or household member was financially dependent on the deceased person or the deceased person had contributed substantially and regularly to the support of the surviving family or household member. Me. Rev. Stat. Ann. tit. 5, § 3360-B(2). "Family or household member" means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim or a person who bears an equally significant relationship to the victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years. Me. Rev. Stat. Ann. tit. 5, § 3360(5). See Maine Crime Victims' Compensation Application Instructions: file:///C:/Users/s6g8/Downloads/10_2015%20VCP%20app%20instructions%20(6).pdf

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Medical Expenses	Eligible coverage includes expenses and losses resulting from a personal injury and may included "medical and medically related expenses," including psychological or mental health counseling expenses, costs of eyeglasses, hearing aids, dentures, prosthetic devices. ***For Sexual Assault Victims***: If you have had a sexual assault forensic examination (with evidence collection kit) performed, the Victims' Compensation Program will pay the hospital up to $750 for the sexual assault examination. • The hospital may not bill you or your insurer for the sexual assault examination nor for any balance over the $750. This bill will be paid even if you do not report the assault to law enforcement. • However: The hospital is allowed to bill you or your insurer for charges unrelated to the sexual assault examination, for x-rays for example. • You may have other medical or counseling expenses or lost income due to the assault that you can claim. If you need help with these expenses, you may file a Victims' Compensation Application, but, in that case, you will need to report the crime to law enforcement, and other requirements of the Victims' Compensation Program will apply.	"Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, psychological or mental health counseling expenses, lost wages, funeral, burial and other homicide-related expenses and travel expenses and loss of income of a claimant or family member for providing or obtaining care for the personal injury of a minor or incapacitated victim. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a result of the crime, costs to repair, replace or install locks or security devices, costs of crime scene cleanup and security deposits. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred. Me. Rev. Stat. Ann. tit. 5, § 3360(4). See "Payment for Sexual Assault Victims" - https://www.maine.gov/ag/crime/victims_compensation/sexual_assault_victims.shtml
Timeframe to Obtain Benefits	1-6 months	A decision on your application may take as little as 1 month or as long as 6 months, depending on how thoroughly you complete the application and how quickly we can verify your claim from the information you provide. Please call us at 1-800-903-7882 if you have any problems filling out your application form or call the Prosecutor's Office where the criminal case is being handled and ask to speak with your Victim Witness Advocate. 1. Hearings. The board may hold a hearing on any claim and the board shall hold a hearing if requested by the claimant. The claimant may address the board at a hearing on the claim and the board may take testimony under oath. 2. Information. In addition to the material and information required by law and by the board, the claimant may provide the board with any other information pertinent to the nature or the amount of the claim. The board shall receive and consider information provided by law enforcement agencies and prosecution authorities and, at its sole discretion, may receive and consider relevant information from any other source. 3. Determination of award. The board shall determine by a preponderance of the evidence whether a specified crime occurred, whether the personal injury or death was the result of that criminal conduct, the amount of eligible expenses and losses suffered by the claimant, whether to award compensation and the amount of the compensation. In determining the amount of compensation to be paid, the board shall consider the amount available to pay victim compensation claims, the history of claims paid by the board, the number and amount of currently pending claims and the nature and cost of expenses submitted by the claimant. 4. Unanimous decision. The board shall determine action on a claim with a quorum participating on that claim, but any award of compensation requires the unanimous concurrence of all members present. 5. Final decision. The board's final decision must contain reasons for the determination. Me. Rev. Stat. Ann. tit. 5, § 3360-F.
Is Emergency Assistance Available?	Not specified. However, a victim may also obtain a Victims' Compensation application by contacting the Victim Witness Program in the office of your local District Attorney, the United States Attorney, or the Department of Corrections.	Contact your local county government webpage to see if a local victim witness advocate is available where you live. See also here: https://www.maine.gov/ag/crime/victims_compensation/index.shtml (NOTE: The link provided to "assist you in contacting a Maine Victim Witness Advocate in your area" - https://mainevwa.org/ - does not appear to work).
Compensation Cap (Overall)	$15,000 for actual medical and medically-related expenses or losses incurred as a direct result of crime-related injuries.	The Board may award up to $15,000 for actual medical and medically-related expenses or losses incurred as a direct result of crime-related injuries. These expenses or losses may include mental health counseling, lost wages, loss of support, burial and funeral expenses. In addition, counseling expenses are covered for certain family and household members of certain victims. No property losses are covered other than replacement costs of eyeglasses, dentures and other prosthetic devices and some costs of crime scene cleanup. 1. Compensation for victim of sexual assault or other specified crime. The board may award compensation to a claimant of up to $15,000 for actual and unreimbursed losses and eligible expenses of any person who is sexually assaulted or who suffers personal injury or death as the result of a crime specified in section 3360, subsection 3. 2. Payment to victim of mass violence crime; source of payments. Notwithstanding the compensation limits in subsection 1, if the underlying crime is a mass violence crime, the board may award a total amount of compensation of more than $15,000. Any awarded amount in excess of $15,000 must be paid from the Maine Mass Violence Care Fund established in section 3360-W. 3. Award for family or household member. An award of compensation for the benefit of a family or household member is derivative of the claim of the victim. The total compensation paid from the fund for all claims arising from the crime against the victim may not exceed $15,000. 4. Payment to individuals responsible for medical, funeral and other expenses of victim. Within the limits specified in this section, when a person dies as the direct result of a specified crime under section 3360, subsection 3, any individual who pays or who is legally responsible for medical, medically related, funeral or burial expenses may seek compensation for those unreimbursed expenses incurred by the individual. A provider of medical or funeral services may not seek reimbursement directly. Me. Rev. Stat. Ann. tit. 5, § 3360-E.

MAINE

TOPIC	SUMMARY	DETAILED DESCRIPTION
Sources of Funding	Funds for the Victims' Compensation Fund come from assessments levied against criminal offenders.	The monies utilized for victim awards and program administration come from the Victims' Compensation Fund. Funds for the Victims' Compensation Fund come from assessments levied against criminal offenders: $70.00 for murder, Class A, B and C crimes, and $40.00 for Class D and E crimes, and higher amounts for certain offenses. No tax dollars fund either the administration of the Program or the payments of awards to victims. The Victims' Compensation Fund also includes smaller amounts of money from other sources such as restitution and subrogated claims. The Fund is NOT intended as a substitute for restitution. If appropriate, the court may order restitution as part of a sentence. In circumstances where the Fund has made an award, such restitution may be payable directly to the Victims' Compensation Fund. Additionally, if awards made from the Fund are duplicated by recovery in a civil action or insurance settlement, the law requires reimbursement of the Fund. Finally, the Program is eligible for and receives some federal matching monies, which come from federal criminal fines and penalties rather than tax dollars. As part of the sentence or fine imposed, the court shall impose an assessment of $70 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and $40 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of $2,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of $1,000 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of $1,000 on any person for the first conviction and $2,000 for each subsequent conviction of engaging a person for prostitution as described in Title 17-A, section 853-B and an assessment of $1,000 on any person for the first conviction and $2,000 for each subsequent conviction of commercial sexual exploitation of a minor or commercial sexual exploitation of a person with a mental disability as described in Title 17-A, section 855. Notwithstanding any other provision of law to the contrary, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund. When compensation is awarded from the Victims' Compensation Fund, the amount of any restitution ordered and paid as part of a sentence imposed that, when added to the award from the fund, exceeds the victim's actual loss must be paid to the fund, in an amount not to exceed the amount of the award. Similarly, the amount of any insurance, 3rd-party payment or recovery in a successful civil action against a person responsible for the eligible expenses and losses that, when added to the award from the fund, exceeds the victim's actual loss must be paid to the fund, in an amount not to exceed the amount of the award. The board may establish a reserve fund approved by the State Auditor and the Treasurer of State. At the end of every quarter, the Treasurer of State shall credit unreserved funds in excess of $2,000,000 to the General Fund. Me. Rev. Stat. Ann. tit. 5, § 3360-I.
Appeal Process	When all information and documentation necessary to support a victim's claims have been submitted, the case is reviewed by the Board at its next monthly meeting. Most claims can be verified by staff and are approved by the Board; however, if the Board issues a denial, a claimant can request a hearing before the Board. If the case is denied after hearing, the claimant may appeal to Superior Court.	Only a claimant under this chapter may appeal a decision of the board. An appeal of the board's final decisions must be to the Superior Court as provided for other administrative actions under chapter 375, subchapter VII.1 Board decisions and the amount of awards must be upheld unless the court finds no rational basis for the decision or that the board abused its discretion. Me. Rev. Stat. Ann. tit. 5, § 3360-G.
Payer of Last Resort Requirements	The Victims' Compensation Program is a "payor of last resort." An expense is eligible for payment from the Fund only it there is no collateral source of payment. Collateral sources include, but are not limited to, insurance, Medicaid, Medicare, and workers' compensation.	Claims must include records related to insurance, workers' compensation, federal and state entitlement and assistance programs. Me. Rev. Stat. Ann. tit. 5, § 3360-D(1)(D). Upon request of the board pursuant to the claimant's application for compensation, health care providers and health plans, insurers or other persons who pay or discharge the costs of health care must submit directly to the board any information that is required to support a claimant's application or that is necessary to process a claim for payment. Me. Rev. Stat. Ann. tit. 5, § 3360-D(2).
References and Resources		**Laws and Regulations** • Maine Victims' Compensation Fund, Me. Rev. Stat. Ann. tit. 5, § 3360 *et seq*. **Guidance** • Maine AG Victims' Compensation Program, https://www.maine.gov/ag/crime/victims_compensation/index.shtml • Maine AG Detailed Program Description, https://www.maine.gov/ag/crime/victims_compensation/detailed_program_description.shtml • Maine AG Eligibility Checklist, https://www.maine.gov/ag/crime/victims_compensation/eligibility_checklist.shtml • Maine AG Payment for Sexual Assault Victims, https://www.maine.gov/ag/crime/victims_compensation/sexual_assault_victims.shtml • Maine AG Guidelines for Applying for Mental Health Counseling Benefits, https://www.maine.gov/ag/crime/victims_compensation/guidelines.shtml • Maine Crime Victims' Compensation Application Instructions, http://www.maine.gov/tools/whatsnew/attach.php?id=144956&an=1 • Maine Crime Victims' Compensation Application, http://www.maine.gov/tools/whatsnew/attach.php?id=617255&an=1 • Guidelines for Applying for Mental Health Counseling Benefits, https://www.maine.gov/ag/crime/victims_compensation/guidelines.shtml • Maine Department of Corrections, Victim Services and Resources, https://www.maine.gov/corrections/victimservices/resources • US Attorney's Office, District of Maine, Victim Witness Services, https://www.justice.gov/usao-me/victim-witness-services#Who

MARYLAND

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	**General Rule**: A claimant must file a claim **within 3 years after the later of**: 1. Discovering the crime or delinquent act, or the victim's death or 2. Discovering, or with ordinary diligence should have discovered, an attempt to reverse a conviction, sentence, or adjudication related to the crime or delinquent act. **Child Abuse Cases**: A claimant can file a claim: 1. Until the abused child reaches 25 years old. 2. At any time if the Board finds good cause for not filing before the child turned 25. **Sexual Assault Cases**: A claimant can file a claim at any time if the Board determines there was good cause for not filing within the standard time limits.	(1) Except as provided in paragraphs (2) and (3) of this subsection, a claimant shall file a claim within 3 years after the later of: (i) the discovery of the occurrence of the crime or delinquent act or the death of the victim; or (ii) the earlier of: 1. the date the claimant discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act; or 2. the date the claimant, exercising ordinary diligence, should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act. (2) In a case of child abuse, a claimant may file a claim: (i) up to the date the child who was the subject of the abuse reaches the age of 25 years; or (ii) if the Board determines that there was good cause for failure to file a claim before the date the child who was the subject of the abuse reached the age of 25 years, at any time. (3) In a case of sexual assault, a claimant may file a claim at any time if the Board determines that there was good cause for failure to file a claim within the time limits provided under paragraphs (1) and (2) of this subsection. Md. Code Ann., Crim. Proc. § 11-809(a)
Eligibility Requirements: Identity of Person Seeking Compensation	A victim; A dependent of the victim who died as a direct result of the crime, trying to prevent the crime, or helping law enforcement; Any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of the crime, trying to prevent the crime, or helping law enforcement; A parent, child, or spouse of a victim who resided with the victim and provided financial support.	Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle: (i) a victim; (ii) a dependent of a victim who died as a direct result of: 1. a crime or delinquent act; 2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or 3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; (iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of: 1. a crime or delinquent act; 2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or 3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and (iv) 1. a parent, child, or spouse of a victim who resides with the victim; or 2. a parent, child, or spouse of an individual who is incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior to incarceration: A. resided with the parent, child, or spouse; and B. provided financial support to the parent, child, or spouse. Md. Code Ann., Crim. Proc. § 11-808(1). (2) A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to the claim. Md. Code Ann., Crim. Proc. § 11-808(2). “Victim” means a person: (1) who suffers physical injury or death as a result of a crime or delinquent act;

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		(2) who suffers psychological injury as a direct result of: (i) a fourth degree sexual offense or a delinquent act that would be a fourth degree sexual offense if committed by an adult; (ii) a felony or a delinquent act that would be a felony if committed by an adult; or (iii) physical injury or death directly resulting from a crime or delinquent act; or (3) who suffers physical injury or death as a direct result of: (i) trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the person's presence; (ii) trying to apprehend an offender who had committed a crime or delinquent act in the person's presence or had committed a felony or a delinquent act that would be a felony if committed by an adult; or (iii) helping a law enforcement officer in the performance of the officer's duties or helping a member of a fire department who is being obstructed from performing the member's duties. Md. Code Ann., Crim. Proc. § 11-801(g). The Board may make an award only if the Board finds that: (i) a crime or delinquent act was committed; (ii) the crime or delinquent act directly resulted in: 1. physical injury to or death of the victim; or 2. psychological injury to the victim that necessitated mental health counseling; (iii) police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and (iv) the victim has cooperated fully with all law enforcement units. (2) For good cause, the Board may waive the requirements of paragraph (1)(iii) and (iv) of this subsection. Md. Code Ann., Crim. Proc. § 11-810(a).
Eligibility Requirements: Types of Crime	A criminal offense under state, federal, or common law, excepting most crimes committed while operating a vessel or motor vehicle.	(1) “Crime” means: (i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in: 1. this State; or 2. another state against a resident of this State; or (ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State. (2) “Crime” does not include an act involving the operation of a vessel or motor vehicle unless the act is: (i) a violation of § 20-102 [duty to remain at scene of accident], § 20-104 [duty of driver to render reasonable assistance to persons injured in accident], § 21-902 [DUI], or § 21-904 [eluding or escaping police officers] of the Transportation Article; (ii) a violation of § 8-738 of the Natural Resources Article [DUI in a boat]; (iii) a violation of the Criminal Law Article; (iv) operating a motor vehicle or vessel that results in an intentional injury; or (v) a violation of federal law or the law of another state that is substantially equivalent to a violation under this paragraph, as required under 34 U.S.C. § 20102(b)(5) and (6). Md. Code Ann., Crim. Proc. § 11-801(d).

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Eligibility Requirements: Geographic Nexus	Crime committed in Maryland, in another state against a Maryland resident (in certain circumstances), or an act of terrorism committed outside of the US against a Maryland resident.	(1) "Crime" means: (i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in: 1. **this State**; or 2. **another state against a resident of this State**; or (ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is **committed outside of the United States against a resident of this State**. Md. Code Ann., Crim. Proc. § 11-801(d). A resident of the State is eligible for an award under this subtitle if the resident becomes a victim in another state other than this State that: (1) does not operate a criminal injuries compensation program; (2) operates a criminal injuries compensation program for which the victim is ineligible; or (3) operates a criminal injuries compensation program for which money has not been appropriated or made available. Md. Code Ann., Crim. Proc. § 11-808(b).
Eligibility Requirements: Criminal Background of Victim	Not applicable.	Not applicable.
Citizenship Requirement?	None specified.	None specified.
Is a Police Report or Cooperation with Law Enforcement Required?	Yes, must be filed within 48 hours, but waivable by the board. The victim must cooperate fully with all law enforcement units.	The Board may make an award only if the Board finds that: (i) a crime or delinquent act was committed; (ii) the crime or delinquent act directly resulted in: 1. physical injury to or death of the victim; or 2. psychological injury to the victim that necessitated mental health counseling; **(iii)** police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and (iv) **the victim has cooperated fully with all law enforcement units.** (2) For good cause, the Board may waive the requirements of paragraph (1)(iii) and (iv) of this subsection. Md. Code Ann., Crim. Proc. § 11-810(a)(1). In this section, "law enforcement unit" means: (1) the Department of State Police; (2) the Police Department of Baltimore City; (3) the police department, bureau, or force of a county; (4) the police department, bureau, or force of a municipal corporation; (5) the office of the sheriff of a county; (6) the office of the State's Attorney for a county; (7) the Office of the Attorney General; or (8) the Office of the State Prosecutor. Md. Code Ann., Crim. Proc. § 11-807(a).

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Yes.	A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to the claim. Md. Code Ann., Crim. Proc. § 11-808(2). Except as provided under subparagraph (ii) of this paragraph, in considering a claim and in determining the amount of an award, the Board shall determine whether the victim's conduct contributed to the infliction of the victim's injury, and, if so, reduce the amount of the award or reject the claim. (ii) The Board may disregard the responsibility of the victim for the victim's own injury if that responsibility is attributable to efforts by the victim: 1. to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence; or 2. to apprehend an offender who had committed a crime or delinquent act in the victim's presence or had committed a felony or delinquent act that would be a felony if committed by an adult. (2) A claimant filing for injuries incurred as the occupant of a motor vehicle or a dependent of an occupant of a motor vehicle operated in violation of § 21-902 of the Transportation Article may not receive an award unless the claimant proves that the occupant did not know or could not have known of the condition of the operator of the vehicle. (3) A claimant may not receive an award if: (i) the victim initiated, consented to, provoked, or unreasonably failed to avoid a physical confrontation with the offender; or (ii) the victim was participating in a crime or delinquent act when the injury was inflicted. Md. Code Ann., Crim. Proc. § 11-810(d). The resource guide states that a victim is ineligible for a reward in the following circumstances: □ The victim contributed to and/or proximately caused their injury; the victim initiated, consented to provoked, participated in, or unreasonably failed to avoid a confrontation with the offender □ The victim was participating in a crime or delinquent act during time of incident. □ Failure to cooperate with law enforcement. □ Failure to provide documentation required and requested by CICB. https://gocpp.maryland.gov/wp-content/uploads/cicb-application-instructions-english.pdf.
To Whom are Applications Made?	Maryland Criminal Injuries Compensation Board	The Board shall: (i) accept for filing each claim that meets the requirements of this subtitle and the regulations of the Board; and (ii) notify the claimant within 10 days after receipt of the claim. Md. Code Ann., Crim. Proc. § 11-809(b). "Board" means the Criminal Injuries Compensation Board. Md. Code Ann., Crim. Proc. § 11-801(b). *See also* CICB website: https://gocpp.maryland.gov/victim-services/cicb/
How are Applications Accepted?	Email, in person, or by fax.	Claims shall be filed in the office of the Board: (i) in person; (ii) by mail; or (iii) electronically, in the manner provided under procedures established by the Board. Md. Code Ann., Crim. Proc. § 11-809(b). Fillable Application Form: https://gocpp.maryland.gov/wp-content/uploads/cicb-application-instructions-english.pdf. Email: cicb.info@maryland.gov In person Criminal Injuries Compensation Board 6776 Reisterstown Rd., Ste 206 Baltimore, Maryland 21215-2340 Fax: 410-764-3815

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TOPIC	SUMMARY	DETAILED DESCRPTION
Who May Submit an Application?	Any person eligible [to receive an award] under Md. Code Ann., Crim. Proc. § 11-808(a) or (b); A parent or guardian if the eligible person is under 18 years old; If a person eligible to receive an award is mentally incompetent, the person's guardian or other person authorized to administer the person's estate may file the claim on the person's behalf.	(1) A person eligible to receive an award under subsection (a) or (b) of this section may file a claim under this subtitle. (2) If a person eligible to receive an award is under 18 years of age, the person's parent or guardian may file a claim under this subtitle. (3) If a person eligible to receive an award is mentally incompetent, the person's guardian or other person authorized to administer the person's estate may file the claim on the person's behalf. Md. Code Ann., Crim. Proc. § 11-808(c).
What Language Services are Available?	English and Spanish	**English application**: https://gocpp.maryland.gov/wp-content/uploads/cicb-application-instructions-english.pdf **English resource guide**: https://gocpp.maryland.gov/wp-content/uploads/cicb-resource-guide-pamphlet-english.pdf **Spanish application**: https://gocpp.maryland.gov/wp-content/uploads/cicb-application-instructions-spanish.pdf **Spanish resource guide**: https://gocpp.maryland.gov/wp-content/uploads/cicb-resource-guide-pamphlet-spanish.pdf
General Documentation Requirements	Required documentation varies by types of claims. See list at right.	**Benefits & Required Documentation**: CICB is required to verify all losses. Below is a list of benefits and documents that may be required. Other documentation may be required. All claims: Police report or police report number. Report to judicial authority may also be considered. Medical/Dental: Itemized bills; letter from a doctor or medical documentation relating the injury to the crime and the treatment; treatment plan; & medical insurance. If the claimant has no private insurance, CICB requires the claimant to apply for Medicaid. Counseling: Letter from a therapist documenting treatment related to crime; itemized statements; receipts if paid out of pocket by claimant. Lost Wages/Disability: Employer information; W-2 and/or pay stubs; letter from a doctor certifying inability to work. Permanent disability may necessitate additional documents. Bereavement: A parent/child/spouse of a homicide victim may receive up to two (2) weeks. Funeral/Burial: Funeral/burial bill or receipts; death certificate; life insurance information. Crime scene clean-up: Itemized bill or receipts. Loss of Support: Depending on relationship of parties, CICB may require: proof of cohabitation; employment: or financial contribution by the decedent to support the claimant. https://gocpp.maryland.gov/wp-content/uploads/cicb-application-instructions-english.pdf.

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Categories of Benefits Available	Medical/Dental Counseling Lost Wages/Disability Bereavement Funeral/Burial Crime scene clean up Loss of support	An award for loss of earnings or support made under this subtitle may be up to two-thirds of the victim's gross average wage, but may not be less than the amount provided in paragraph (1) of this subsection. (3) The parent or guardian of a victim who is a child and who resides with the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring for the victim. (4) An award for funeral expenses may not exceed $7,500. (5) Subject to the limitation under subsection (b)(3) of this section and § 11-812 of this subtitle, a person who is eligible for an award as the result of the death of a victim or psychological injury may be eligible, under the regulations that the Board adopts, to receive psychiatric, psychological, or mental health counseling. (6) Subject to the limitation under subsection (b)(6) of this section and § 11-812 of this subtitle, a parent, child, or spouse of a victim who resides with the victim and who is eligible for an award as the result of the injury of a victim is eligible to receive psychiatric, psychological, or mental health counseling. (7) Subject to the limitation under subsection (b)(7) of this section and § 11-812 of this subtitle, a parent, child, or spouse of a victim who died as a direct result of a crime or delinquent act is eligible for an award of up to 2 weeks of lost average weekly wages. Md. Code Ann., Crim. Proc. § 11-811(a)(2)-(7). (i) Except as otherwise provided in this subsection, an award under this subtitle shall be made in accordance with the schedule of benefits, as it existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of the Labor and Employment Article and any other applicable provisions of the Labor and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment Article. (ii) For determining the amount of an award under this subtitle, the term “average weekly wages” does not include tips, gratuities, and wages that are undeclared on the claimant's State or federal income tax returns for the applicable years. (iii) If a claimant does not have “average weekly wages” to qualify under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award shall be in an amount equal to the average of the maximum and minimum awards listed in the applicable portion of that subtitle. Md. Code Ann., Crim. Proc. § 11-811(a)(1). Compensation awarded under this subtitle may not exceed: (1) for a disability-related or dependency-related claim: (i) except as provided in item (ii) of this paragraph, $25,000; or (ii) if the injury to the victim results in permanent total disability, up to an additional $25,000 after a disability-related claim has been awarded to the victim; (2) $45,000 for a medical claim; (3) $10,000 for each claimant for psychiatric, psychological, or mental health counseling under subsection (a)(5) of this section; (4) except as provided in item (1)(ii) of this subsection, a total of $45,000, including any subsequent and supplemental awards; (5) $250 for each claimant for repair, replacement, or cleaning of property damaged, soiled, or littered as a result of a crime or law enforcement investigation of a crime; (6) for an award for psychiatric, psychological, or mental health counseling made under subsection (a)(6) of this section: (i) $10,000 for each claimant; and (ii) $20,000 for each incident; or (7) $2,000 for lost average weekly wage claims made under subsection (a)(7) of this section. Md. Code Ann., Crim. Proc. § 11-811(b).
Requirements/Limits for Relocation Expenses	Not available.	Not available.
Requirements/Limits for Mental Health Expenses	$10,000 for each claimant.	Compensation awarded under this subtitle may not exceed … $10,000 for each claimant for psychiatric, psychological, or mental health counseling under subsection (a)(5) of this section. Md. Code Ann., Crim. Proc. § 11-811(b)(3). Subsection (a)(5) refers to a person who is eligible for an award as the result of the death of a victim or psychological injury may be eligible, under the regulations that the Board adopts, to receive psychiatric, psychological, or mental health counseling. Md. Code Ann., Crim. Proc. § 11-811(a)(5).

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Requirements/Limits for Lost Income	Up to $25,000. The claimant must have lost at least two continuous weeks of unreimbursed wages or incurred at least $100 in unreimbursed expenses	(1)(i) Except as otherwise provided in this subsection, an award under this subtitle shall be made in accordance with the schedule of benefits, as it existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of the Labor and Employment Article and any other applicable provisions of the Labor and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment Article. (ii) For determining the amount of an award under this subtitle, the term “average weekly wages” does not include tips, gratuities, and wages that are undeclared on the claimant's State or federal income tax returns for the applicable years. (iii) If a claimant does not have “average weekly wages” to qualify under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award shall be in an amount equal to the average of the maximum and minimum awards listed in the applicable portion of that subtitle. (2) An award for loss of earnings or support made under this subtitle may be up to two-thirds of the victim's gross average wage, but may not be less than the amount provided in paragraph (1) of this subsection. (3) The parent or guardian of a victim who is a child and who resides with the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring for the victim. Md. Code Ann., Crim. Proc. § 11-811(a). Compensation awarded under this subtitle may not exceed: (1) for a disability-related or dependency-related claim: (i) except as provided in item (ii) of this paragraph, $25,000; or (ii) if the injury to the victim results in permanent total disability, up to an additional $25,000 after a disability-related claim has been awarded to the victim; ... (7) $2,000 for lost average weekly wage claims made under subsection (a)(7) of this section. Md. Code Ann., Crim. Proc. § 11-811(b). Subject to the limitation under subsection (b)(7) of this section and § 11-812 of this subtitle, a parent, child, or spouse of a victim who died as a direct result of a crime or delinquent act is eligible for an award of up to 2 weeks of lost average weekly wages. Md. Code Ann., Crim. Proc. § 11-811(a)(7).
Requirements/Limits for Medical Expenses	$45,000 Claimant must have incurred at least $100 in reimbursed expenses.	Compensation awarded under this subtitle may not exceed … $45,000 for a medical claim. Md. Code Ann., Crim. Proc. § 11-811(b)(2). The Board may make an award only if the claimant, as a result of the injury on which the claim is based, has: (1) incurred at least $100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for: (i) medical care; (ii) expenses for eyeglasses and other corrective lenses; (iii) mental health counseling; (iv) funeral expenses; (v) repairing, replacing, or cleaning property; (vi) disability or dependent claim; or (vii) other necessary services Md. Code Ann., Crim. Proc. § 11-810(c)(1).

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TOPIC	SUMMARY	DETAILED DESCRPTION
Timeframe to Obtain Benefits	No aggregate timeframe, but certain steps of the process have a maximum timeframe.	• A claims examiner will be assigned to your claim. They will collect all necessary documentation on your claim then submit the claim to the CICB Board. • The CICB Board will make a decision as to whether your claim meets the statutory requirements for the award of a claim • You will be notified of the Board's tentative decision ◊ If you disagree with the Board's decision, you will have 15 days to appeal in writing to the CICB. ◊ If you appeal the decision, the Board will hold an administrative hearing • Upon expiration of the 15 day period to appeal, your claim will be sent to the Secretary of the Department of Public Safety and Correctional Services for a final approval. • Once the claim is awarded, it will be processed for payment. If the claim is denied you may appeal to your local Circuit Court within 30 days https://gocpp.maryland.gov/wp-content/uploads/cicb-resource-guide-pamphlet-english.pdf.
Is Emergency Assistance Available?	Yes, up to $5,000 in cases where claimant will suffer undue hardship unless immediate payment is made.	**Emergency awards** (a) The Board may make an emergency award to the claimant before making a final decision in the case, if the Board determines, before taking action on the claim, that: (1) an award likely will be made on the claim; and (2) the claimant will suffer undue hardship unless immediate payment is made. **Amount of emergency award** (b)(1) The amount of an emergency award under this section: (i) may not exceed $5,000; and (ii) shall be deducted from any final award made to the claimant. (2) Except as provided in paragraph (3) of this subsection, a claimant shall repay the Board: (i) the excess of the amount of the emergency award over any final award; or (ii) if a final award is not made, all of the emergency award. (3) On written request by a claimant, for a compelling reason the Board may waive the requirement that a claimant repay an emergency award under paragraph (2) of this subsection. Md. Code Ann., Crim. Proc. § 11-813.
Compensation Cap (Overall)	A total of $45,000 plus, if the injury to the victim results in permanent total disability, up to an additional $25,000 after a disability-related claim has been awarded to the victim	A total of $45,000 plus, if the injury to the victim results in permanent total disability, up to an additional $25,000 after a disability-related claim has been awarded to the victim Md. Code Ann., Crim. Proc. § 11-811(b)(4).
Sources of Funding	The Criminal Injuries Compensation Fund	The Criminal Injuries Compensation Fund: (1) shall be used to: (i) carry out the provisions of this subtitle; and (ii) distribute restitution payments forwarded to the Fund under § 9-614 of the Correctional Services Article; and (2) may be used for: (i) any award given under this subtitle; and (ii) the costs of carrying out this subtitle. Md. Code Ann., Crim. Proc. § 11-819(b). The Board may not make an award unless money is appropriated and available for the full amount of the award. Md. Code Ann., Crim. Proc. § 11-812(a).

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	A claimant may request a hearing by the Board after the Board has issued findings of fact, conclusions of law, or orders. The Board shall hold a hearing in accordance with the applicable provisions of the Administrative Procedure Act before the Board issues final findings of fact, conclusions of law, or orders. Within 30 days after the final decision of the Executive Director, a claimant aggrieved by that decision may appeal the decision with the circuit court for the county where any party resides or has a principal place of business.	**Construction with Administrative Procedure Act** (a) A claim under this subtitle is subject to the applicable provisions of the Administrative Procedure Act. **Hearings held by Board** (b) If a claimant requests a hearing after the Board has issued proposed findings of fact, conclusions of law, or orders, the Board shall hold a hearing in accordance with the applicable provisions of the Administrative Procedure Act before the Board issues final findings of fact, conclusions of law, or orders. **Appeals** (c) Within 30 days after the final decision of the Executive Director, a claimant aggrieved by that decision may appeal the decision under §§ 10-222 and 10-223 of the State Government Article. Md. Code Ann., Crim. Proc. § 11-815. "Executive Director" means the Executive Director of the Governor's Office of Crime Prevention and Policy. Md. Code Ann., Crim. Proc. § 11-801(f). Unless otherwise required by statute, a petition for judicial review shall be filed with the circuit court for the county where any party resides or has a principal place of business. Md. Code Ann., State Gov't § 10-222(c).
Payer of Last Resort Requirements	Any award shall be reduced by the amount of any payment received from the sources described at right.	An award made under this subtitle shall be reduced by the amount of any payments received or to be received as a result of the injury: (1) from or on behalf of the offender; (2) except as provided in item (3) of this subsection, from any other public or private source, including an award of the State Workers' Compensation Commission under the Maryland Workers' Compensation Act;1 (3) from any proceeds of life insurance in excess of $25,000; or (4) as an emergency award under § 11-813 of this subtitle. Md. Code Ann., Crim. Proc. § 11-811(c).
References and Resources		Website: https://gocpp.maryland.gov/victim-services/cicb/

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Time to File	Within 3 years of the crime (and the crime must have been reported to police within 5 days, unless good cause for delay).	The crime must have been reported to police within five days unless there is good cause for delay. The victim must apply for compensation within three years of the crime. Victims under the age of 18 at the time of the crime may apply until age 21, or later in certain limited circumstances. Victims of crimes that occurred on or after July 1, 2013, may, in addition, be eligible to receive financial assistance relating to compensable expenses. No compensation shall be paid under this chapter unless the claimant demonstrates that the crime was reported to the police or other law enforcement authorities or to an agency or entity obligated by law to report complaints of criminal misconduct to law enforcement authorities. Except in the case where the division finds such report to have been delayed for good cause, such report shall have been made within five days after the occurrence of such crime; provided, however, that a claimant who was a victim under 18 years of age shall not be required to file such report within 5 days. Mass. Gen. Laws Ann. ch. 258C, § 2(b).
Eligibility Requirements: Identity of Person Seeking Compensation	• Victims of violent crime occurring in Massachusetts • Dependents and family members of homicide victims • Any person responsible for the funeral expenses of a homicide victim • Persons who assume homemaker responsibilities, incur "Crime Scene Cleanup services" costs, or who incur the costs of "Security Measures," in certain instances • Parents or legal guardians of homicide victims in certain instances Burden of proof is on the claimant.	No compensation shall be paid under this chapter unless the division finds that a crime was committed and that such crime directly resulted in personal physical or psychological injury to, or death of, the victim. Mass. Gen. Laws Ann. ch. 258C, § 2(a). “Victim”, a person who suffers personal physical or psychological injury or death: (a) as a direct result of a crime as defined in this section; (b) as a result of attempting to assist a person against whom a crime was attempted or committed; or (c) as a result of efforts to prevent a crime or an attempted crime from occurring in his presence or to apprehend a person who had committed a crime in his presence. “Crime”, an act committed by a person which, if committed by a mentally competent, criminally responsible adult who has no legal exemption or defense, would constitute a crime. Crime shall apply to an act occurring within the commonwealth, and to an act of terrorism, as defined in 18 USC section 2331, occurring outside the United States or territories against a resident of the commonwealth. Mass. Gen. Laws Ann. ch. 258C, § 1. A claimant shall not be eligible for compensation if such compensation would unjustly benefit the offender; provided, however, that a claimant shall not, except pursuant to regulations enacted in accordance with section four to prevent unjust enrichment, be denied compensation because of such claimant's or victim's familial relationship with the offender or because of the sharing of a residence by the victim or claimant and the offender. Mass. Gen. Laws Ann. ch. 258C, § 2(d). The claimant has the burden of demonstrating his or her eligibility for compensation, and his or her compensable expenses, by a preponderance of the evidence. 940 Mass. Code Regs. 14.08(3). Persons Eligible. The following persons are eligible for compensation: (a) Victims as defined in 940 CMR 14.03; (b) Dependents and family members of homicide victims; (c) Persons who assume homemaker responsibilities as provided for in 940 CMR 14.06(7)(e); (d) Persons who actually incur burial expenses directly related to the death of a victim in accordance with 940 CMR 14.06(2) or (3); (e) Parent or legal guardian in accordance with 940 CMR 14.06(5); (f) Persons who incur the costs of “Crime Scene Cleanup services” in accordance with 940 CMR 14.06(11); and (g) Persons who incur the costs of “Security Measures” in accordance with 940 CMR 14.06(13). 940 Mass. Code Regs. 14.04(1).

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Eligibility Requirements: Types of Crime	The following types of crime are listed on the "Application for Crime Victim Compensation" - notably, there is an "Other" option, so presumably additional crimes *may* be considered. • Arson • Assault • Burglary • Child Physical Abuse/Neglect • Child Pornography • Child Sexual Abuse • DUI/DWI • Homicide • **Human Trafficking** • Kidnapping • Other Vehicular Crimes • Robbery • Sexual Assault • Stalking • Terrorism • Other	"The Massachusetts Victim Bill of Rights (M.G.L. c. 258B) provides the following rights and services to crime victims and survivors in order to ensure a meaningful role for them in the criminal justice system. While the Bill of Rights applies to all crimes, victims and survivors of violent crimes are given priority status for services." See https://www.mass.gov/info-details/victim-bill-of-rights. The term "violent crime" does not appear to be defined. No compensation shall be paid under this chapter unless the division finds that a crime was committed and that such crime directly resulted in personal physical or psychological injury to, or death of, the victim. Mass. Gen. Laws Ann. ch. 258C, § 2(a). “Victim”, a person who suffers personal physical or psychological injury or death: (a) as a direct result of a crime as defined in this section; (b) as a result of attempting to assist a person against whom a crime was attempted or committed; or (c) as a result of efforts to prevent a crime or an attempted crime from occurring in his presence or to apprehend a person who had committed a crime in his presence. “Crime”, an act committed by a person which, if committed by a mentally competent, criminally responsible adult who has no legal exemption or defense, would constitute a crime. Crime shall apply to an act occurring within the commonwealth, and to an act of terrorism, as defined in 18 USC section 2331, occurring outside the United States or territories against a resident of the commonwealth. Mass. Gen. Laws Ann. ch. 258C, § 1.
Eligibility Requirements: Geographic Nexus	Crime must have occurred within the commonwealth of Massachusetts. If an act of terrorism, act must have occurred outside the US and territories against a resident of Massachusetts.	“Crime”, an act committed by a person which, if committed by a mentally competent, criminally responsible adult who has no legal exemption or defense, would constitute a crime. Crime shall apply to an act occurring within the commonwealth, and to an act of terrorism, as defined in 18 USC section 2331, occurring outside the United States or territories against a resident of the commonwealth. Mass. Gen. Laws Ann. ch. 258C, § 1.
Eligibility Requirements: Criminal Background of Victim	A victim's criminal background may warrant a reduction or denial of compensation to the extent the victim engaged in "contributory conduct," which includes: • Crimes constituting acts of retaliation or retribution for crime(s) previously committed by the victim • Crimes in which the victim acted as an accomplice to the offender • Crimes committed during the course of a drug transaction in which the victim was a participant • Crimes in which the victim's felony records indicate the crime for which compensation is sought was directly caused or provoked by the victim's criminal history.	Circumstances that may warrant a reduction or denial of an award based on contributory conduct include: 1. crimes in which the victim deliberately provoked the offender by means of fighting words, racial or other bias-motivated taunting, or by threats coupled with overt actions indicating the victim's intent to carry out the threat; 2. crimes in which the victim initiated or significantly escalated a physical altercation with the offender; 3. crimes constituting acts of retaliation or retribution for a crime or crimes previously committed by the victim; 4. crimes in which the victim acted as an accomplice to the offender; 5. crimes committed during the course of an illegal drug transaction in which the victim was a knowing and willing participant; 6. crimes in which the victim's felony criminal record, coupled with the circumstances of the crime, lead to the reasonable inference that the crime for which the claimant seeks compensation was directly caused or provoked by the victim's criminal history. 940 Mass. Code Regs. 14.07(1)(c).
Citizenship Requirement?	Not specified.	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	Yes.	The victim must cooperate with law enforcement officials in the investigation and prosecution of the crime unless there is a reasonable excuse not to cooperate. A claimant shall be eligible for compensation only if such claimant cooperates with law enforcement authorities in the investigation and prosecution of the crime in which the victim was injured or killed unless the claimant demonstrates that he possesses or possessed a reasonable excuse for failing to cooperate. Mass. Gen. Laws Ann. ch. 258C, § 2(c).

TOPIC	SUMMARY	DETAILED DESCRIPTION
Is Complicity in Crime Disqualifying?	Possibly - compensation may be reduced or denied.	An offender or an accomplice of an offender shall not be eligible to receive compensation with respect to a crime committed by an offender. To the extent that the victim's acts or conduct provoked or contributed to the injuries, the division may reduce or deny an award to the claimant or claimants in accordance with regulations enacted pursuant to section four. In the event of a victim's death by homicide, an award may be reduced except that the costs for appropriate and modest funeral, burial or cremation services shall be paid by the fund. Mass. Gen. Laws Ann. ch. 258C, § 2(e). To the extent the victim's acts or conduct provoked or contributed to the victim's injuries, the Division shall reduce or deny the award to the claimant or claimants. 940 Mass. Code Regs. 14.07(1). Circumstances that may warrant a reduction or denial of an award based on contributory conduct include: 1. crimes in which the victim deliberately provoked the offender by means of fighting words, racial or other bias-motivated taunting, or by threats coupled with overt actions indicating the victim's intent to carry out the threat; 2. crimes in which the victim initiated or significantly escalated a physical altercation with the offender; 3. crimes constituting acts of retaliation or retribution for a crime or crimes previously committed by the victim; 4. crimes in which the victim acted as an accomplice to the offender; 5. crimes committed during the course of an illegal drug transaction in which the victim was a knowing and willing participant; 6. crimes in which the victim's felony criminal record, coupled with the circumstances of the crime, lead to the reasonable inference that the crime for which the claimant seeks compensation was directly caused or provoked by the victim's criminal history. 940 Mass. Code Regs. 14.07(1)(c).
To Whom are Applications Made?	Massachusetts Office of the Attorney General ("MassAG") Victim Compensation and Assistance Division	Complete the "Application For Crime Victim Compensation" and return it to the Victim Compensation and Assistance Division for verification. Office of the Attorney General Victim Compensation & Assistance Division One Ashburton Place, 19th floor Boston, MA 02108-1698 Phone: (617) 963-2160 Fax: (617) 742-6262 Email: VCCorrespondence@state.ma.us
How are Applications Accepted?	Hard copy applications must be printed and completed and submitted in-person or via mail or email. Claimants have an obligation to notify the MassAG of any change in address or otherwise update information in claimant's application.	Complete the "Application For Crime Victim Compensation" and return it to the Victim Compensation and Assistance Division for verification. Office of the Attorney General Victim Compensation & Assistance Division One Ashburton Place, 19th floor Boston, MA 02108-1698 Phone: (617) 963-2160 Fax: (617) 742-6262 Email: VCCorrespondence@state.ma.us The claimant shall have a continuing obligation to notify the division of a change in address. Failure to comply with this requirement may result in the dismissal of the claim for compensation or the termination of a proceeding set forth in this chapter. Mass. Gen. Laws Ann. ch. 258C, § 6. See also 940 Mass. Code Regs. 14.08 setting forth additional continuing obligations of claimant.
Who May Submit an Application?	• Victims of violent crime occurring in Massachusetts • Dependents and family members of homicide victims • Any person responsible for the funeral expenses of a homicide victim	See Mass. Gen. Laws Ann. ch. 258C, § 3.
What Language Services are Available?	Applications are available in the following languages: • English • Spanish • Portuguese • Haitian Creole • Chinese • Vietnamese	See here: https://www.mass.gov/massachusetts-victims-of-violent-crime-compensation

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TOPIC	SUMMARY	DETAILED DESCRIPTION
General Documentation Requirements	• Completed "Application for Crime Victim Compensation" • Police Report • Bills/Receipts detailing expenses for which compensation is being requested	Application form (available here: https://www.mass.gov/doc/victim-compensation-application-english/download) requires the following information: • Acknowledgment and Information Release • Victim identifying information • Applicant identifying information (if applicant is different from victim) • Crime information (type of crime, location of crime, date of crime, date crime reported, name of police department & investigating officer, name of person who committed crime, victim advocate information (if available) • Victimization information • Types of expenses for which you seek compensation • Funeral home information (if applicable) • Employment information (if seeking lose wages or loss of support) • Dependent information (if requesting financial support for dependent(s) of a homicide victim) • Other sources of financial assistance received (e.g., insurance, unemployment/disability benefits, workers compensation, public benefits, restitution) • Civil suit information (if applicable) Application requires the following attachments: • Copy of police report (or description of crime and injuries if no police report available) • Bills/receipts detailing the expenses for which you seek compensation A claim under this chapter shall be made on a claim form prescribed by the division. The claim shall be accompanied by copies of bills and other documentation supporting the claim, and shall be signed under the pains and penalties of perjury. Any claim for loss of support or other expenses incurred as the result of the death of a victim must be accompanied by proof of dependency of the claimant upon the victim. All claims must contain a release of information necessary to investigate the claim. Law enforcement agencies, district attorneys, the department of children and families and the department of transitional assistance, hospitals, physicians and other service providers shall cooperate with the department in the investigation of claims filed under this chapter. Mass. Gen. Laws Ann. ch. 258C, § 5(a)(3). See also 940 Mass. Code Regs. 14.08(1).
Categories of Benefits Available	To the extent insurance or other funds do not cover victim expenses, victims may be eligible to be reimbursed for: • Medical and dental expenses (including equipment, supplies and medications) • Counseling expenses (for victims, for family members of homicide victims, and for children who witness violence against a family member) • Funeral/burial costs (limits apply) [*maximum compensation increased to $13,000 effective December 2024*] • Lost wages (for victims only) • Loss of financial support (for dependents of homicide victims) • Homemaker expenses • Ancillary funeral/burial [*maximum compensation increased to $4,000 effective December 2024*] • Replacement bedding/clothing • Crime scene cleanup • Forensic Sexual Assault Exam • Security measures • Counseling for non-offending parents of a child victim	Except as otherwise provided in this chapter, the following expenses are compensable in accordance with this section: (1)(A) The maximum award or compensation for funeral and burial expenses shall be $8,000. A legal guardian, dependent or other family member of the victim or a person who actually incurs funeral and burial expenses directly related to the death of a victim shall be eligible for compensation for such funeral and burial expenses. (B) The maximum award or compensation for expenses other than funeral and burial expenses associated with the interment of a victim whose death is the direct result of a crime shall be $800. For purposes of this subsection compensable expenses shall include, but not be limited to, transportation of the victim to the location of interment, travel of a legal guardian or family member to accompany the victim to the location of interment, memorial markers at the location of interment or other associated expenses as determined by the program director in accordance with section 4. (2)(A) Expenses incurred for hospital services as the direct result of injury to the victim shall be compensable under this chapter; provided, however, that when claiming compensation for hospital expenses, the claimant shall demonstrate an out-of-pocket loss or a legal liability for payment of said expenses. No hospital expenses shall be paid if the expense is reimbursable by Medicaid or if the services are covered by chapter 118E. Every claim for compensation for hospital services shall include a certification by the hospital that the services are not reimbursable by Medicaid and that the services are not covered by chapter 118E. In no event shall the amounts awarded for hospital services exceed the rates for services established by the executive office of health and human services or a governmental unit designated by the executive office if rates have been established for such services. (B) Expenses incurred for physician, dental, ambulance, or other medically necessary services or prosthetic devices as the direct result of injury to the victim shall be compensable in accordance with this chapter; provided however, that when claiming compensation for such expenses, the claimant must demonstrate an out-of-pocket loss or legal liability for payment of such expenses. No physician, dental, ambulance or other necessary services or prosthetic device shall be paid where the services were reimbursable by Medicaid. Every claim for compensation for physician, dental, ambulance or other medically necessary services or for prosthetic devices shall include a certification by the health care provider that the expense was not reimbursable by Medicaid. (C) A victim, parent or legal guardian of a victim who is a minor in accordance with section 4 or, where death results from the crime, the dependents and family members of the victim, shall be eligible for compensation for reasonable mental health counseling obtained as a result of the crime. (D) If the victim was employed or had received a bona fide employment offer at the time of the crime, he shall be eligible for compensation for loss of actual earnings due to disability from work as the result of injuries caused by the crime. In order to be eligible for lost earnings, the victim must demonstrate medical disability and causal relationship to the crime. The amount of compensation shall be based on the victim's net earnings or expected net earnings as a result of an employment offer at the time of the crime. If the victim is a minor at the time of the crime, he shall be eligible for future lost earnings due to disability from future employment as a result of injuries caused by the crime. (E) If the sole occupation of the victim at the time of the crime and for the preceding one year was limited to performing the duties and responsibilities of a homemaker, the victim or his dependents shall be eligible for reimbursement for the reasonable costs of maintaining such services. In order to be eligible for compensation for homemaker services in nonhomicide cases, the victim must demonstrate a medical disability which is causally related to the crime. (F) In the case of the death of the victim as a direct result of the crime, a dependent of a victim shall be eligible for compensation for loss of the victim's support. No compensation for loss of support shall be paid unless the claimant demonstrates either that the dependent was living with the victim at the time of the crime or, in the

TOPIC	SUMMARY	DETAILED DESCRIPTION
		case of minor children of a deceased victim who were not residing in the victim's household at the time of the crime, that the minor children received financial support directly from the victim prior to the crime or were legally entitled to receive such support, such entitlement having been established by a court order or a judicially enforceable agreement. An award for loss of support shall be based upon the victim's actual earnings and the life expectancy of the victim. (G) Expenses incurred for professional crime scene cleanup services necessary as the direct result of the commission of a crime at a private residence or in a motor vehicle that is owned or leased by a victim, family member or other dependent shall be compensable in accordance with this chapter; provided, however, that the maximum amount of compensation shall not exceed $1,500. (H) A victim shall be eligible for compensation for the reasonable replacement costs of clothing and bedding seized as evidence or rendered unusable as the result of a criminal investigation that is the direct result of a crime; provided, however, that the maximum compensable amount shall not exceed $250. (I) A victim or a family member residing with the victim at the time a crime is committed, shall be eligible for compensation for the costs associated with the implementation of security measures; provided, however, that the maximum compensable amount shall not exceed $500. Mass. Gen. Laws Ann. ch. 258C, § 3(b).
Requirements/Limits for Relocation Expenses	Not specified, but in the case of the death of a victim as a result of a crime, a dependent of a victim may be eligible for compensation for loss of support if dependent was living with victim at the time of the crime or received financial support from the victim at the time of the crime. Compensation is based on victim's actual earnings and life expectancy of the victim.	In the case of the death of the victim as a direct result of the crime, a dependent of a victim shall be eligible for compensation for loss of the victim's support. No compensation for loss of support shall be paid unless the claimant demonstrates either that the dependent was living with the victim at the time of the crime or, in the case of minor children of a deceased victim who were not residing in the victim's household at the time of the crime, that the minor children received financial support directly from the victim prior to the crime or were legally entitled to receive such support, such entitlement having been established by a court order or a judicially enforceable agreement. An award for loss of support shall be based upon the victim's actual earnings and the life expectancy of the victim. Mass. Gen. Laws Ann. ch. 258C, § 3(b)(2)(F).
Requirements/Limits for Mental Health Expenses	Victims, parents/legal guardians of minor victims, or dependents and family members of victim where death results from the crime, are eligible for compensation for reasonable mental health counseling services.	A victim, parent or legal guardian of a victim who is a minor in accordance with section 4 or, where death results from the crime, the dependents and family members of the victim, shall be eligible for compensation for reasonable mental health counseling obtained as a result of the crime. Mass. Gen. Laws Ann. ch. 258C, § 3(b)(2)(C).
Requirements/Limits for Lost Income	Lost wages are covered for victims only (i.e., not for family members of victims). If victim was a homemaker, victim and dependents are eligible for reasonable costs of maintaining such homemaker responsibilities (victim must demonstrate medical disability in nonhomicide cases).	If the victim was employed or had received a bona fide employment offer at the time of the crime, he shall be eligible for compensation for loss of actual earnings due to disability from work as the result of injuries caused by the crime. In order to be eligible for lost earnings, the victim must demonstrate medical disability and causal relationship to the crime. The amount of compensation shall be based on the victim's net earnings or expected net earnings as a result of an employment offer at the time of the crime. If the victim is a minor at the time of the crime, he shall be eligible for future lost earnings due to disability from future employment as a result of injuries caused by the crime. Mass. Gen. Laws Ann. ch. 258C, § 3(b)(2)(D). If the sole occupation of the victim at the time of the crime and for the preceding one year was limited to performing the duties and responsibilities of a homemaker, the victim or his dependents shall be eligible for reimbursement for the reasonable costs of maintaining such services. In order to be eligible for compensation for homemaker services in nonhomicide cases, the victim must demonstrate a medical disability which is causally related to the crime. Mass. Gen. Laws Ann. ch. 258C, § 3(b)(2)(E).

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Medical Expenses	"Medical care" means the medical, psychological, surgical, dental, optometric, chiropractic, podiatric and hospital care provided to a victim including, but not limited to, medicines, medical, dental and surgical supplies, crutches, artificial members and appliances and training in the use of artificial members and appliances (e.g., expressly includes equipment, supplies, medications). Excludes services/expenses that are reimbursable by Medicaid or otherwise.	Expenses incurred for hospital services as the direct result of injury to the victim shall be compensable under this chapter; provided, however, that when claiming compensation for hospital expenses, the claimant shall demonstrate an out-of-pocket loss or a legal liability for payment of said expenses. No hospital expenses shall be paid if the expense is reimbursable by Medicaid or if the services are covered by chapter 118E. Every claim for compensation for hospital services shall include a certification by the hospital that the services are not reimbursable by Medicaid and that the services are not covered by chapter 118E. In no event shall the amounts awarded for hospital services exceed the rates for services established by the executive office of health and human services or a governmental unit designated by the executive office if rates have been established for such services. Expenses incurred for physician, dental, ambulance, or other medically necessary services or prosthetic devices as the direct result of injury to the victim shall be compensable in accordance with this chapter; provided however, that when claiming compensation for such expenses, the claimant must demonstrate an out-of-pocket loss or legal liability for payment of such expenses. No physician, dental, ambulance or other necessary services or prosthetic device shall be paid where the services were reimbursable by Medicaid. Every claim for compensation for physician, dental, ambulance or other medically necessary services or for prosthetic devices shall include a certification by the health care provider that the expense was not reimbursable by Medicaid. Mass. Gen. Laws Ann. ch. 258C, § 3(b)(2)(A)-(B). "Medical care", the medical, psychological, surgical, dental, optometric, chiropractic, podiatric and hospital care provided to a victim including, but not limited to, medicines, medical, dental and surgical supplies, crutches, artificial members and appliances and training in the use of artificial members and appliances. Mass. Gen. Laws Ann. ch. 258C, § 1 (West)
Timeframe to Obtain Benefits	In general, victims will receive a decision on their "Application for Crime Victim Compensation" 4-6 months after submission. The claim may be reopened for future expenses.	See here: https://www.mass.gov/info-details/applying-for-victims-of-violent-crime-assistance
Is Emergency Assistance Available?	The Massachusetts Office for Victim Assistance ("MOVA") provides a list of services and resources available to victims of human trafficking by county. For emergencies, the National Human Trafficking Hotline is available 24/7 - services are free and confidential. National Human Trafficking Hotline 1-888-373-7888 Text 233722 Chat Online: https://humantraffickinghotline.org/en	MOVA funds free resources for crime victims throughout Massachusetts. Below is a list of some of these programs. You can find other programs MOVA funds at mass.gov/askmova. Human Trafficking & Commercial Sexual Exploitation of Children Services by County: https://www.mass.gov/doc/human-trafficking-commercial-sexual-exploitation-of-children-services-by-county-printable-document/download
Compensation Cap (Overall)	MassAG can assist with expenses up to a maximum of $25,000 per crime; however, the maximum award with respect to a "catastrophic injury" is $50,000. There are other compensation caps on specific services (e.g., funeral and burial expenses are capped at $13,000).	Our division uses funds primarily obtained from perpetrators, and can assist with expenses up to a maximum of $25,000 per crime. The maximum award for compensation to a claimant pursuant to this chapter shall be $25,000; provided, however, that the maximum award for compensation to a claimant with a catastrophic injury pursuant to this chapter shall be $50,000. If there are 2 or more claimants eligible for compensation arising out of a crime committed against 1 individual for the same crime, each claimant shall be entitled to the out-of-pocket losses of every other claimant. The cumulative total of all awards based on such crime shall not exceed $25,000; provided, however, that the cumulative total of all awards based on such crime for catastrophic injuries shall not exceed $50,000. Mass. Gen. Laws Ann. ch. 258C, § 3(a). "Catastrophic injury", an injury that creates a permanent impairment for the victim, including: (i) a spinal cord injury involving paralysis; (ii) amputation of an arm, hand, foot or leg; (iii) severe brain injury; (iv) second or third degree burns on 25 per cent or more of the total body surface or third degree burns on 5 per cent or more of the face and hands; (v) total or functional loss of vision or hearing; (vi) severe communication, sensory or motor disturbances; or (vii) any other injury that would otherwise qualify pursuant to this chapter. Mass. Gen. Laws Ann. ch. 258C, § 1.
Sources of Funding	Funds are primarily obtained from perpetrators.	Our division uses funds primarily obtained from perpetrators, and can assist with expenses up to a maximum of $25,000 per crime. See here: https://www.mass.gov/info-details/applying-for-victims-of-violent-crime-assistance

TOPIC	SUMMARY	DETAILED DESCRIPTION
Appeal Process	A request for reconsideration of an award or denial must be submitted in writing to the program director within 20 days. Judicial review is available within 30 days of receiving a decision of reconsideration.	Within 20 days of the date of mailing of the notice of award or denial, a claimant aggrieved by the program director's decision may request, in writing, a reconsideration of such decision. Said program director shall reconsider any order for which a request for reconsideration is received. Said program director may in his discretion reconsider a decision granting or denying an award or the amount of an award where there has been no request for reconsideration. After reconsideration of the award, said program director shall affirm the decision or issue an amended notice of award or denial. The program director shall notify the claimant by certified mail, return receipt required, and first class mail of the decision upon reconsideration within 30 days of the claimant's request for reconsideration. Such notice shall include information regarding the claimant's right to a petition for judicial review of the decision of the program director. Mass. Gen. Laws Ann. ch. 258C, § 8(a), (b). (a) Within thirty days of the date of mailing of the notice of award or denial by the program director, the claimant may petition for judicial review in the district court within the judicial district in which the claimant resides or, in the case of a nonresident claimant, in the Boston municipal court. Where the claimant requests reconsideration of the decision of the program director, the petition for judicial review shall be filed within 30 days from the date of mailing of the decision of reconsideration. If no petition is filed within the time specified, the decision of the program director shall be final. Mass. Gen. Laws Ann. ch. 258C, § 9(a).
Payer of Last Resort Requirements	MassAG is considered the payer of last resort.	Please note that victim compensation funds offered by MassAG are funds of last resort and are to be rewarded only after all other forms of assistance have been exhausted. No compensation shall be awarded or paid unless the out-of-pocket expenses or legal liability of the claimant for services rendered as the result of the crime exceeds any and all of the amounts received, applied for, or to be applied for as the result of the crime from any of the following or any combination of the following: (a) insurance, including, but not limited to, homeowner's insurance, renter's insurance, automobile insurance, disability; (b) workers' compensation, unemployment compensation, social security benefits, veteran's benefits, retirement benefits; (c) Medicaid, Medicare, free care, any other forms of public assistance including aid to families with dependent children and assistance to the aged and disabled or any successor thereto; (d) restitution in the criminal action; (e) proceeds from a civil suit; or (f) institutional gifts. Mass. Gen. Laws Ann. ch. 258C, § 10. A claimant must demonstrate that his compensable losses or legal liability exceed reimbursements or eligibility for reimbursement or compensation from any other source including all sources listed in 940 CMR 14.08(2)(e). Awards for compensation shall be reduced by all amounts reimbursed, reimbursable or otherwise compensable by any other source. 940 Mass. Code Regs. 14.06(1).
References and Resources		**Laws and Regulations** • Victim Bill of Rights, Mass. Gen. Laws Ann. ch. 258B, § 1 *et seq*. • Compensation of Victims of Violent Crimes, Mass. Gen. Laws Ann. ch. 258C, § 1 *et seq*. • Compensation of Victims of Violent Crimes, 940 Mass. Code Regs. 14.00 *et seq*. **Guidance** • MassAG Victims of Violent Crime Compensation Overview, available at https://www.mass.gov/massachusetts-victims-of-violent-crime-compensation • MassAG Applying for Victims of Violent Crime Assistance, available at https://www.mass.gov/info-details/applying-for-victims-of-violent-crime-assistance • MassAG Application for Crime Victim Compensation, available at https://www.mass.gov/doc/victim-compensation-application-english/download • MOVA Human Trafficking & Commercial Sex Exploitation of Children Services, available at https://www.mass.gov/human-trafficking-commercial-sexual-exploitation-of-children-services

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Time to File	Generally, within 5 years after the occurrence of the crime. Crimes involving criminal sexual conduct must be reported within 5 years after the crime was reported, subject to certain requirements. A general waiver may be granted for good cause shown.	General Rule (2) Except as provided in subsection (3), a claim must be filed by the claimant not later than 5 years after the occurrence of the crime upon which the claim is based, except as follows: (a) If either of the following applies, a claim based on the crime of criminal sexual conduct in the first, second, or third degree may be filed by a claimant not later than 5 years after the crime was reported: (i) Police records show the victim of the crime was less than 18 years of age at the time of the occurrence and the victim reported the crime before attaining 28 years of age. (ii) Police records show the victim of the crime was less than 18 years of age at the time of the occurrence, the victim reported the crime after attaining 28 years of age, and the claimant shows that there was good cause for the delay in reporting the crime. (b) A claim may be filed within 5 years after the discovery by a law enforcement agency that injuries previously determined to be accidental, of unknown origin, or resulting from natural causes, were incurred as the result of a crime. Waiver Provision (3) Upon petition by the claimant and for good cause shown, the commission may extend the period in which a claim may be filed under subsection (2). Mich. Comp. Laws Ann. § 18.355(2)-(3).
Eligibility Requirements: Identity of Person Seeking Compensation	A victim or intervenor in a crime; An individual who is related to a victim or intervenor by blood or affinity to the second degree (i.e., parents, siblings, children, aunts/uncles, nieces/nephews, first cousins); An individual who was in a dating relationship with the victim or intervenor at the time of the crime; A minor or physically or mentally incapacitated adult of the victim or intervenor is their guardian or primary caregiver; A household member; A dependent who suffers loss of support as a result of the death of the victim or intervenor who died as a result of the crime.	The following persons are eligible for awards: (a) A victim or an intervenor of a crime. (b) Any of the following individuals: (i) An individual who is related to a victim or intervenor by blood or affinity to the second degree, including a child born after the death of the victim or intervenor. (ii) An individual who was in a dating relationship with the victim or intervenor at the time of the crime. (iii) If the victim or intervenor is a guardian of or primary caregiver to an adult who is physically or mentally incapacitated, that adult who is physically or mentally incapacitated. (iv) If the victim or intervenor is a guardian or primary caregiver to a minor, that minor. (v) If the victim or intervenor is a minor or is an adult who is physically or mentally incapacitated and a dependent, the guardian of or primary caregiver to that victim or intervenor. (vi) An individual who was a guardian of or primary caregiver to a victim or intervenor when the victim or intervenor was a minor. (c) An individual who legally assumes the obligation or voluntarily pays funeral or burial expenses of a victim who died as a result of a crime. (d) A health care provider seeking payment under section 5a.1 (e) Subject to subsection (4), an individual who, at the time the crime occurred, was a household member. (f) Subject to subsection (4), an individual who was a household member before the time the crime occurred for a period of not less than 2 years and who is related to the victim or intervenor by blood or affinity. (g) A dependent who suffers loss of support as a result of the death of a victim or intervenor who died as a result of the crime. Mich. Comp. Laws Ann. § 18.354(1). “Victim” means a person who suffers a personal injury as a direct result of a crime. Mich. Comp. Laws Ann. § 18.351(k). “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. “Dependent” means an individual principally dependent on another for support. “Household member” means an individual who resides in the same dwelling unit as a victim or intervenor. “Intervenor” means a person who goes to the aid of one who has become a victim of a crime and who suffers personal injury. Mich. Comp. Laws Ann. § 18.351(d)-(g).
Eligibility Requirements: Types of Crime	Crime under Michigan or US law that was committed in Michigan; Act was committed in another state if the act would constitute a crime under the laws of Michigan or the United States, or a federally recognized tribe in Michigan to a Michigan resident, and the state the crime occurred does not have its own victim compensation program eligible for funding from the victims of crime act of 1984; A Michigan resident harmed by a crime that causes actual bodily harm as a result of an act of international terrorism, which is committed outside of the jurisdiction of the United States.	“Crime” means an act that is 1 of the following: (i) A crime under the laws of this state, the United States, or a federally recognized tribe in this state, that causes actual bodily harm, including pregnancy or death, or that poses a reasonably perceived or actual threat of injury or death within this state. (ii) An act committed in another state that if committed in this state would constitute a crime under the laws of this state, the United States, or a federally recognized tribe in this state, that causes actual bodily harm, including pregnancy or death, or that poses a reasonably perceived or actual threat of injury or death within this state or that causes actual bodily harm, including pregnancy or death, to a resident of this state or that poses a reasonably perceived or actual threat of injury or death to a resident of this state within a state that does not have a victim compensation program eligible for funding from the victims of crime act of 1984, chapter XIV of title II of the comprehensive crime control act of 1984, Public Law 98-473. (iii) An act of international terrorism as that term is defined in 18 USC 2331, committed outside the territorial jurisdiction of the United States that causes actual bodily harm, including pregnancy or death, to a resident of this state or that poses a reasonably perceived or actual threat of injury or death. Mich. Comp. Laws Ann. § 18.351(c).

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Eligibility Requirements: Geographic Nexus	Crime under Michigan or US law that was committed in Michigan; Act was committed in another state if the act would constitute a crime under the laws of Michigan or the United States, or a federally recognized tribe in Michigan to a Michigan resident, and the state the crime occurred does not have its own victim compensation program eligible for funding from the victims of crime act of 1984; A Michigan resident harmed by a crime that causes actual bodily harm as a result of an act of international terrorism, which is committed outside of the jurisdiction of the United States.	"Crime" means an act that is 1 of the following: (i) A crime under the laws of this state, the United States, or a federally recognized tribe in this state, that causes actual bodily harm, including pregnancy or death, or that poses a reasonably perceived or actual threat of injury or death **within this state**. (ii) **An act committed in another state** that if committed in this state would constitute a crime under the laws of this state, the United States, or a federally recognized tribe in this state, that causes actual bodily harm, including pregnancy or death, or that poses a reasonably perceived or actual threat of injury or death within this state or that causes actual bodily harm, including pregnancy or death, **to a resident of this state or that poses a reasonably perceived or actual threat of injury or death to a resident of this state within a state that does not have a victim compensation program eligible for funding from** the victims of crime act of 1984, chapter XIV of title II of the comprehensive crime control act of 1984, Public Law 98-473. (iii) An act of international terrorism as that term is defined in 18 USC 2331, **committed outside the territorial jurisdiction of the United States** that causes actual bodily harm, including pregnancy or death, **to a resident of this state** or that poses a reasonably perceived or actual threat of injury or death. Mich. Comp. Laws Ann. § 18.351(c).
Eligibility Requirements: Criminal Background of Victim	None.	No limitations.
Citizenship Requirement?	None.	No limitations.
Is a Police Report or Cooperation with Law Enforcement Required?	The crime must be reported to law enforcement, but waivers may apply.	The commission shall not grant an award unless the investigation of the claim verifies the following facts: (a) A crime was committed. (b) The crime directly resulted in injury to the victim or intervenor. **(c) Police records show that the crime was reported to the proper authorities.** (d) That the crime did not occur while the victim was confined in a federal, state, or local correctional facility. Mich. Comp. Laws Ann. § 18.360.
Is Complicity in Crime Disqualifying?	Potentially.	A person is not eligible to receive an award if the person is either of the following: (a) Criminally responsible for the crime. (b) An accomplice to the crime. Mich. Comp. Laws Ann. § 18.354(2). However, in *McMillan v. Crime Victims Comp. Bd*., 155 Mich. App. 358 (1986) the court noted that a "general proximate cause analysis should be applied in determining whether a victim 'contributed to the infliction of his injury' by his violation of a criminal statute." If the risk that the victim's injury would result from his particular violation of a criminal statute is foreseeable and not too remote, then the board should be allowed to deny or reduce his award under the statute. However, if the risk of injury due to the victim's particular type of violation of a criminal statute is very remote and unforeseeable, the board cannot deny or reduce his award under the statute. In the instant case, the crime victim was shot while present in an unlicensed bar in violation of a criminal statute. However, the court held that the victims mere presence in an unlicensed bar did not contribute to the infliction of his injury.
To Whom are Applications Made?	The Michigan Crime Victim Services Commission.	A claim must be filed in the commission's office in person or by mail, or be filed by electronic means authorized by the commission, if available. The commission shall accept for filing a claim that is submitted by a person who is eligible, alleges the jurisdictional requirements set forth in this act, and meets the requirements as to form as approved by the commission. Mich. Comp. Laws Ann. § 18.355(4).

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How are Applications Accepted?	Applications must be made on the approved application form: https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Applications/Crime-Victim-Compensation-Application-English.pdf?rev=bafa7ef1d5ee4a169b859a80bcf4909d&hash=E9AD0731894D4340AFD2BE488E6CEDFE Applications and supporting documentation can be submitted via e-mail, fax, or mail. Email: mdhhs-michigancrimevictim@michigan.gov Fax: 517-335-2439 Mail: Grand Tower, Suite 1113 235 South Grand Avenue, PO Box 30037 Lansing MI 48909	An application for an award under this act must be made on a form approved by the commission. A claim must be filed in the commission's office in person or by mail, or be filed by electronic means authorized by the commission, if available. The commission shall accept for filing a claim that is submitted by a person who is eligible, alleges the jurisdictional requirements set forth in this act, and meets the requirements as to form as approved by the commission. If the commission receives sufficient documentation to make a determination on whether to grant an award for at least 1 expense or loss submitted as part of a claim, the commission shall promptly make a determination on whether to grant an award for each expense or loss for which the commission has received sufficient documentation to make that determination. The commission may not require as a condition of making a determination or award that a claimant must submit sufficient documentation for all losses and expenses that will be submitted as part of a claim. On the receipt of sufficient documentation for any additional eligible expense or loss that is part of a claim, the commission shall make a determination regarding that expense or loss. Mich. Comp. Laws Ann. § 18.355(4). Applications should be submitted electronically, when possible, and via email. Email completed applications to MDHHS-MichiganCrimeVictim@Michigan.gov or fax them to 517-335-2439. Applications can still be submitted via mail to: Michigan Department of Health and Human Services Division of Victim Services Crime Victim Services Commission Grand Tower, Suite 1113 235 South Grand Avenue, PO Box 30037 Lansing MI 48909 Application (in English) found here: https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Applications/Crime-Victim-Compensation-Application-English.pdf?rev=bafa7ef1d5ee4a169b859a80bcf4909d&hash=E9AD0731894D4340AFD2BE488E6CEDFE Application (in Spanish) found here: https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Applications/Crime-Victim-Compensation-Application-Spanish.pdf?rev=f50648fa16c24e33ab080ddf6c1c8ca3&hash=4FD587A317643A48211DE39978F0309B Application (in Arabic) found here: https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Applications/Crime-Victim-Compensation-Application-Arabic.pdf?rev=2d4dddb49b1f44bf8dd419eb13f3a574&hash=D0F3CA53E3B327BA63D96A1EC65CD2E7
Who May Submit an Application?	A claim may be filed by the person eligible to receive an award, a personal representative of the person eligible to receive an award, or, if a person is a minor, by his or her parent or guardian.	A claim may be filed by the person eligible to receive an award, a personal representative of the person eligible to receive an award, or, if a person is a minor, by his or her parent or guardian. Mich. Comp. Laws Ann. § 18.355(1).
What Language Services are Available?	English Spanish Chinese Syriac (Assyrian) Vietnamese Albanian Korean Bengali Polish German Italian Japanese Russian Serbo-Croation Tagalog	Languages at left are listed on page 5 of the application.
General Documentation Requirements	State-mandated application, police report, and additional documentation based on the specific expenses/remediation being applied for.	In addition to the application and police report, required documentation varies based on the type of expenses/remediation being applied for. Specific documentation can be found on the Crime Victim Services Compensation Application Checklist. https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Guides-and-Checklists/Application-Checklist.pdf?rev=cf2a040749864a1e89f42f68b05abcd0&hash=4D409261BC32E6A93825FB636BB4E6B9

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Categories of Benefits Available	Medical care for the victim or intervenor, including dental expenses and psychological counseling; Loss of earnings; Relocation expenses (temporary or permanent); Residential Security; Transportation; Bereavement; Accessibility and rehabilitative equipment; Nonmedical remedial treatment rendered to the victim or intervenor in accordance with a recognized religious method of healing; Funeral and burial expenses; Clothing or bedding replacement costs; Loss of support; Crime scene clean up; Other services necessary for the victim or intervenor.	An award made for an out-of-pocket loss must be in an amount equal to unreimbursed and unreimbursable expenses or indebtedness related to the crime and reasonably incurred for any of the following: (a) Medical care for the victim or intervenor. (b) Subject to subsection (6), psychological or grief counseling for an individual listed in section 4(1)(a), (b), (c), (e), (f), or (g).2 (c) Reasonable expenses for temporary or permanent relocation for an individual listed in section 4(1)(a) or (e), or if the victim is deceased, for an individual listed in section 4(1)(b), (e), or (f). An award for expenses under this subdivision may be made only if the claimant is relocating to protect the claimant's physical safety or emotional or financial well-being as a result of the crime and, unless good cause is shown, is relocating within 1 year of the date the crime occurred, or of the date the claimant is threatened by a change in circumstance or by an indicator of danger. An award for expenses under this subdivision may not exceed $3,800.00 per claimant. Eligible relocation expenses under this subdivision include, but are not limited to, all of the following expenses: (i) The first month of rent, a security deposit, and the costs to start utilities in the dwelling unit to which the claimant relocates. The commission may require the claimant to provide a signed rental agreement to verify these expenses. (ii) Moving expenses, including, but not limited to, costs to rent a truck, travel, and for moving services. (iii) Costs for temporary lodging for not more than 30 days. (d) Replacement services for homemaking tasks, child care, and other services previously performed by an individual listed in section 4(1)(a), (b), (e), or (f), that, because of the victim's injury, or the claimant's attendance at a victim services organization to receive services related to the crime, must temporarily or permanently be performed by another person. (e) Transportation expenses for the purpose of an individual listed in section 4(1)(a), or if the victim or intervenor is deceased, for a person listed in section 4(1)(b), (e), or (f), to access services from a victim services organization, medical care, or mental health care, or to attend the funeral of a victim or intervenor. An award for expenses under this subdivision must not exceed the following aggregate amounts per claimant: (i) If the expense is for travel of a distance of not more than 50 miles each way from the claimant's residence, $1,000.00. (ii) If the expense is for travel that meets 1 or more of the following, $5,000.00: (A) If the travel is a distance of not less than 50 miles from the claimant's residence each way and is to and from a health care provider, mental health professional as that term is defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b, or health facility or agency that renders a specific treatment or care that is not available within 50 miles of the claimant's residence. (B) If the travel is a distance of not less than 50 miles from the claimant's residence each way and is to and from a funeral for a deceased victim or intervenor. (f) Reasonable costs of not more than $1,000.00 per residence for installing, increasing, or replacing residential security, which may include installing a home security device or system; replacing or repairing windows or locks; or increasing the number of locks, at either of the following residences: (i) The residence of an individual listed in section 4(1)(a). (ii) If the crime scene is located at the residence of an individual listed in section 4(1)(b), (e), or (f), at that residence. (g) Accessibility or rehabilitative equipment or devices for either of the following: (i) Equipment or devices that a victim or intervenor needs because of an injury of the victim or intervenor caused by the crime, including, but not limited to, modifications necessary to make a residence or vehicle accessible for a victim or intervenor. (ii) Replacement equipment or devices that a victim or intervenor needs because the equipment or device of the victim or intervenor was damaged in the course of a crime. (h) Nonmedical remedial treatment rendered to the victim or intervenor in accordance with a recognized religious method of healing. (i) If the crime scene is located at the residence of, or a motor vehicle owned or leased by, an individual listed in section 4(1)(a), (b), (e), or (f), the crime scene cleanup services resulting from a crime for that residence or vehicle after crime scene cleanup is permitted by the investigating law enforcement agency, in an amount not to exceed $5,000.00 per crime scene. (j) Replacement costs of not more than $250.00 for clothing or bedding of an individual listed in section 4(1)(a), (b), (e), or (f), that is held as evidence of a crime. (k) Subject to subsection (5), funeral expenses. (l) Other services necessary for the victim or intervenor. Mich. Comp. Laws Ann. § 18.361(2).
Requirements/Limits for Relocation Expenses	For qualifying individuals, an award for relocation expenses may not exceed $3,800 per claimant.	Awards may include costs related to: Reasonable expenses for temporary or permanent relocation for an individual listed in section 4(1)(a) [victim or an intervenor of a crime] or (e) [a household member], or if the victim is deceased, for an individual listed in section 4(1)(b), (e), or (f) [certain relatives and other relations]. An award for expenses under this subdivision may be made only if the claimant is relocating to protect the claimant's physical safety or emotional or financial well-being as a result of the crime and, unless good cause is shown, is relocating within 1 year of the date the crime occurred, or of the date the claimant is threatened by a change in circumstance or by an indicator of danger. An award for expenses under this subdivision may not exceed $3,800.00 per claimant. Eligible relocation expenses under this subdivision include, but are not limited to, all of the following expenses: (i) The first month of rent, a security deposit, and the costs to start utilities in the dwelling unit to which the claimant relocates. The commission may require the claimant to provide a signed rental agreement to verify these expenses. (ii) Moving expenses, including, but not limited to, costs to rent a truck, travel, and for moving services. (iii) Costs for temporary lodging for not more than 30 days. Mich. Comp. Laws Ann. § 18.361(c).

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Requirements/Limits for Mental Health Expenses	May not exceed 35 hourly sessions per individual or 20 family sessions. The maximum hourly reimbursement rate must not exceed $80.00 per hourly session for a therapist or counselor licensed or registered to practice in Michigan, except that the maximum hourly reimbursement rate must not exceed $125.00 per hourly session for a psychologist or physician licensed to practice in this state.	An award for psychological or grief counseling must not exceed 35 hourly sessions per individual listed in section 4(1)(a), (b), (c), (e), (f), or (g) who requires psychological counseling as a result of the crime or grief counseling in connection with the death of the victim or intervenor. The award may include not more than 20 family sessions that include an individual who is not criminally responsible for or an accomplice to the crime, and who is related to the victim or intervenor by blood or affinity to the second degree, the guardian or primary caregiver of a minor victim, or an individual listed in section 4(1)(e). The maximum hourly reimbursement rate must not exceed $80.00 per hourly session for a therapist or counselor licensed or registered to practice in this state, except that the maximum hourly reimbursement rate must not exceed $125.00 per hourly session for a psychologist or physician licensed to practice in this state. Mich. Comp. Laws Ann. § 18.361(6).
Requirements/Limits for Lost Income	May not exceed an amount equal to the actual loss sustained, and must not exceed $1,000.00 for each week of lost earnings; If the victim or intervenor is deceased and a claimant is a family member, in a dating relationship, or the primary caregiver to the victim or intervenor, the claimant may receive a wage loss award up to $2,000 for bereavement leave or to make arrangements necessitated by the death of the deceased victim or intervenor. If the victim or intervenor is deceased and a claimant is a household member, the claimant may receive a wage loss award up to $1,000 for bereavement leave or to make arrangements necessitated by the death of the deceased victim or intervenor.	An award made for loss of earnings must be in an amount equal to the actual loss sustained. **An award must not exceed $1,000.00 for each week of lost earnings**. A claimant may be awarded for loss of earnings under this subsection for lost wages as a result of the crime, including, but not limited to, in the following circumstances: (a) A victim or intervenor, the parent, guardian, or primary caregiver of a victim or intervenor, or if the victim or intervenor is deceased, a claimant who is listed in section 4(1)(b) or (e), for not attending work due to any of the following: (i) Seeking medical attention for or recovery from an injury caused by the crime. (ii) Obtaining psychological counseling or obtaining services from a victim services organization. (iii) Providing care or assistance to a victim or claimant in recovering from injuries caused by the crime or in obtaining psychological counseling or services from a victim services organization. (b) If the victim or intervenor is deceased and a claimant is listed in section 4(1)(b), (e), or (f), wage loss for bereavement leave to attend the funeral or alternative to a funeral of the deceased victim or intervenor, to make arrangements necessitated by the death of the deceased victim or intervenor, or for a period of grieving the death of the deceased victim or intervenor, not to exceed the following amounts: (i) If the claimant is listed in section 4(1)(b) or (e), $2,000.00. (ii) If the claimant is listed in section 4(1)(f), $1,000.00. Mich. Comp. Laws Ann. § 18.361(4).
Requirements/Limits for Medical Expenses	None.	No limits. Statute provides for an award equal to unreimbursed and unreimbursable expenses or indebtedness related to the crime and reasonably incurred for … "Medical care for the victim or intervenor." Mich. Comp. Laws Ann. § 18.361(2)(a). No limitations on general medical expenses provided. The statute provides limitations on payments that may be made **to a healthcare provider** for a sexual assault medical forensic examinations. Mich. Comp. Laws Ann. § 18.355a. The exam must include certain procedures, and the reimbursement is subject to the following limitations: The commission shall pay a health care provider not more than $1,200.00 for the cost of performing a sexual assault medical forensic examination, including, but not limited to, the cost of 1 or more of the following: (a) Not more than $700.00 for the use of an emergency room, clinic, or examination room, and the sexual assault medical forensic examination and related procedures other than services and items described in subdivisions (b) and (c). (b) Laboratory services related to the sexual assault. (c) Dispensing pharmaceutical items related to the sexual assault. Mich. Comp. Laws Ann. § 18.355a(5).
Timeframe to Obtain Benefits	No timeframe provided.	When a claim is accepted for filing, an investigation and examination shall be conducted to determine the validity of the claim. The investigation shall include an examination of papers filed in support of the claim, official records and reports concerning the crime, and an examination of medical and hospital reports relating to the injury upon which the claim is based. All claims which arise from the death of an individual as a direct result of a crime shall be considered together, and the total compensation awarded for all claims which arise from the death of an individual shall not exceed the maximum aggregate award. (2) A claim shall be investigated and determined regardless of whether the alleged criminal was apprehended, prosecuted, convicted, acquitted, or found not guilty of the crime in question, unless the disposition is a direct result of willful noncooperation by the victim or other claimant with the law enforcement agency or the prosecuting attorney. In the event of determination of willful noncooperation by the victim or other claimant, the commission shall reject the claim. (3) A claim may be decided on the basis of the papers filed in support of the claim and the report of the investigation of the claim. If the person authorized to decide a claim under section 3(2)1 is convinced that a decision should not be made without a hearing, that person may request the commission to conduct a hearing under section 7.2 At the hearing any relevant evidence, not legally privileged, is admissible. (4) After an examination of the papers filed in support of a claim and the report of investigation, and if no hearing is requested under subsection (3), a decision granting or denying the award shall be made. (5) A written report setting forth the decision and reasons for the decision shall be sent to the claimant. Mich. Comp. Laws Ann. § 18.356.

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Is Emergency Assistance Available?	Yes, up to $4,000.	(1) If it appears that the claim is one with respect to which an award probably will be made and undue hardship will result to the claimant if immediate payment is not made, the commission may make an emergency award to the claimant pending a final decision in the case. The commission shall provide a procedure for a claimant to request an emergency award under this section. (2) The amount of an emergency award under this section must not exceed $4,000.00 and must be deducted from the final award made to the claimant. The excess of the amount of the emergency award over the amount of the final award, if any, must be repaid by the claimant to the commission. (3) Promptly after receiving an application or request for an emergency award under subsection (1), the commission shall determine whether to grant an emergency award under this section. If the commission determines to grant an emergency award, the award must be promptly issued to the claimant. Mich. Comp. Laws Ann. § 18.359.
Compensation Cap (Overall)	$45,000.00	The aggregate award under this act must not exceed **$45,000.00** per claimant. Mich. Comp. Laws Ann. § 18.361(1).
Sources of Funding	Assessments on persons charged with offenses and not acquitted or dismissed.	The court shall order each person charged with an offense that is a felony, misdemeanor, or ordinance violation that is resolved by conviction, assignment of the defendant to youthful trainee status, a delayed sentence or deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, to pay an assessment as follows: (a) If the offense is a felony, $130.00. (b) If the offense is a misdemeanor or ordinance violation, $75.00. Mich. Comp. Laws Ann. § 780.905(1). Juvenile offenders shall pay an assessment of $25.00 per case. Mich. Comp. Laws Ann. § 780.905(3).
Appeal Process	Yes. An applicant may first request that an initial decision be considered by the full commission. The full commission's decision may then be reviewed by the court of appeals. Within 30 days after receipt of the report of the decision, a claimant may apply in writing to the commission for consideration of the decision by the full commission. Upon receiving an application under subsection (1) or (2), the commission shall review the record, and affirm or modify the decision, or hold a hearing. Additionally, within 30 days after receiving the copy of the report containing the commission's final decision, the claimant may by leave to appeal commence a proceeding in the court of appeals to review the commission's decision.	**Consideration by Full Commission** Within 30 days after receipt of the report of the decision, a claimant may apply in writing to the commission for consideration of the decision by the full commission. If a request for a hearing is made by a claimant or pursuant to section 6(3),1 a hearing shall be ordered. (2) Within 30 days after the filing of the report, a commission member may apply in writing to the commission for consideration of the decision by the full commission. If a request for a hearing is made by a commission member under this subsection, a hearing shall be ordered. (3) Upon receiving an application under subsection (1) or (2), the commission shall review the record, and affirm or modify the decision, or hold a hearing, if ordered. The commission's action under this section is final. The commission shall file a written report setting forth its decision and if the decision varies from the report of any original decision it shall set forth its reasons for the decision. If the commission does not receive an application pursuant to subsection (1) or (2), any original decision under section 6 shall become the commission's final decision. (4) The commission shall within 15 days notify the claimant of the commission's final decision and furnish him or her with a copy of the decision. Mich. Comp. Laws Ann. § 18.357. **Review by Court of Appeals** (1) Within 30 days after receiving the copy of the report containing the commission's final decision, the claimant may by leave to appeal commence a proceeding in the court of appeals to review the commission's decision. (2) A proceeding pursuant to this section shall be commenced by the service of notice upon the commission in person or by mail.
Payer of Last Resort Requirements	An award must be reduced by the amount of any payments made by the person to committed the crime, from insurance (with exceptions for peace or corrections officers), from other public funds or from an emergency award.	An award must be reduced by the amount of 1 or more of the following payments received or to be received as a result of the injury: (a) From or on behalf of the person who committed the crime. (b) From insurance, but not including disability or death benefits paid or to be paid to a peace officer or a corrections officer on account of injuries sustained in the course of employment. (c) From public funds, but not including disability or death benefits paid or to be paid to a peace officer or a corrections officer on account of injuries sustained in the course of employment. (d) From an emergency award. Mich. Comp. Laws Ann. § 18.361(7).
References and Resources		**Application**: https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Applications/Crime-Victim-Compensation-Application-English.pdf?rev=bafa7ef1d5ee4a169b859a80bcf4909d&hash=E9AD0731894D4340AFD2BE488E6CEDFE **Application Checklist**: https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Guides-and-Checklists/Application-Checklist.pdf?rev=cf2a040749864a1e89f42f68b05abcd0&hash=4D409261BC32E6A93825FB636BB4E6B9 **Application Reference Guide**: https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Division-of-Victim-Services/Crime-Victim-Compensation/2023-Guides-and-Checklists/Application-Reference-Guide.pdf?rev=ccfd84ed71a84980a0bf8c533738170c&hash=8E5284FB319DDBA75E4E6D094EBCEDF2

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Time to File	An application must be filed within 3 years of the crime, with limited exceptions.	See https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. A claim must be filed with the board "within three years of victim's injury or death; except that (i) if the claimant was unable to file a claim within that period, then the claim can be made within three years of the time when a claim could have been filed; and (ii) if the victim's injury or death was not reasonably discoverable within three years of the injury or death, then the claim can be made within three years of the time when the injury or death is reasonably discoverable. The following circumstances do not render a claimant unable to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the Minnesota Crime Victims Reimbursement Act, (B) the failure of a law enforcement agency to provide information or assistance to a potential claimant under section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being managed during that period by a guardian, guardian ad litem, conservator, authorized agent, or parent, or (D) the fact that the claimant is not of the age of majority[.]" Minn. Stat. Ann. § 611A.53(2). For victims of child abuse, the three-year limitation period commences running with the report of the crime to the police. *Id.*
Eligibility Requirements: Identity of Person Seeking Compensation	The following persons may be eligible for compensation: - A person who suffered a physical or emotional injury as a result of a crime. - Immediate family member (spouse/domestic partner, parents, children, grandparents, siblings) of a victim. - A person who witnessed a violent crime or discovered the body of a homicide victim.	See https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. “Injury” means "actual bodily harm including pregnancy and emotional trauma." Minn. Stat. Ann. § 611A.52(9). “Victim” means "a person who suffers personal injury or death as a direct result of: (1) a crime; (2) the good faith effort of any person to prevent a crime; or (3) the good faith effort of any person to apprehend a person suspected of engaging in a crime." Minn. Stat. Ann. § 611A.52(10). "[T]he following persons shall be entitled to reimbursement upon a showing by a preponderance of the evidence that the requirements for reimbursement have been met: (1) a victim who has incurred economic loss; (2) a dependent who has incurred economic loss; (3) the estate of a deceased victim if the estate has incurred economic loss; (4) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 611A.52, subdivision 8, for a victim; (5) the guardian, guardian ad litem, conservator or authorized agent of any of these persons." Minn. Stat. Ann. § 611A.53(1).
Eligibility Requirements: Types of Crime	Crime is broadly defined as described in the Detailed Description, and includes: Homicide Assault Domestic violence Sexual assault Child abuse Kidnapping Robbery Stalking Arson **Human trafficking** Driving under the influence Criminal vehicular operation Hit and run	See https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. “Crime” means "conduct that: (1) occurs or is attempted anywhere within the geographical boundaries of this state, including Indian reservations and other trust lands; (2) poses a substantial threat of personal injury or death; and (3) is included within the definition of “crime” in section 609.02, subdivision 1 [defining "crime" to mean "conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine."], or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or (ii) the act was alleged or found to have been committed by a juvenile. (b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or rehearing has been ordered. (c) “Crime” does not include an act involving the operation of a motor vehicle, aircraft, or watercraft that results in injury or death, except that a crime includes any of the following: (1) injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or watercraft; (2) injury or death caused by a driver in violation of section 169.09, subdivision 1; 169A.20; 609.2112; 609.2113; or 609.2114; or Minnesota Statutes 2012, section 609.21; and (3) injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which the driver knowingly and willingly participated. (d) Notwithstanding paragraph (a), “crime” includes an act of international terrorism as defined in United States Code, title 18, section 2331, committed outside of the United States against a resident of this state." Minn. Stat. Ann. § 611A.52(6).

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Eligibility Requirements: Geographic Nexus	The crime must have occurred in Minnesota or the victim must be a resident of Minnesota and the jurisdiction where the crime occurred does not have a crime victims reimbursement law covering the resident's injury or death or the crime involves international terrorism.	*See* https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. "Crime" means "conduct that: (1) occurs or is attempted anywhere within the geographical boundaries of this state, including Indian reservations and other trust lands[.]" Minn. Stat. Ann. § 611A.52(6). "(a) A Minnesota resident who is the victim of a crime committed outside the geographical boundaries of this state but who otherwise meets the requirements of this section shall have the same rights under this chapter as if the crime had occurred within this state upon a showing that the state, territory, United States possession, country, or political subdivision of a country in which the crime occurred does not have a crime victims reimbursement law covering the resident's injury or death. (b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime involving international terrorism who otherwise meets the requirements of this section has the same rights under this chapter as if the crime had occurred within this state regardless of where the crime occurred or whether the jurisdiction has a crime victims reimbursement law." Minn. Stat. Ann. § 611A.53(1b).
Eligibility Requirements: Criminal Background of Victim	No requirements or limitations identified.	N/A.
Citizenship Requirement?	None identified.	N/A.
Is a Police Report or Cooperation with Law Enforcement Required?	The crime must have been reported to the police within 30 days. The victim must cooperate fully with police and prosecution. However, exceptions for good cause may be available.	See https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. "No reimbursement shall be awarded to a claimant otherwise eligible if: (1) the crime was not reported to the police within 30 days of its occurrence or, if it could not reasonably have been reported within that period, within 30 days of the time when a report could reasonably have been made. A victim of criminal sexual conduct in the first, second, third, or fourth degree who does not report the crime within 30 days of its occurrence is deemed to have been unable to have reported it within that period; (2) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials. Cooperation is determined through law enforcement reports, prosecutor records, or corroboration memorialized in a signed document submitted by a victim service, counseling, or medical professional involved in the case[.]" Minn. Stat. Ann. § 611A.53(2). The limitations do not apply to victims of child abuse. *Id.* "Subpart 1. Board finding of full cooperation. The board, in determining whether a victim or claimant has fully cooperated with law enforcement and prosecutorial authorities, shall consider items A and B as necessary for an affirmative finding. A. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have made a reasonable effort to comply with any specific and direct requests that law enforcement professionals made a reasonable effort to communicate to them. B. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have cooperated from the time the crime was reported, during the entire time the investigation remains active, and through all prosecution proceedings. Subp. 2. Ability to cooperate. The board may not deny benefits on the basis that the victim or claimant did not fully cooperate unless the board finds that the victim or claimant was able to cooperate at the time the cooperation was requested. In determining whether a victim or claimant was able to cooperate, the board shall consider physical or mental impairments or disabilities that might have affected the victim or claimant's ability to respond to the requests." Minn. R. 3050.0750.

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Is Complicity in Crime Disqualifying?	The victim may be ineligible for compensation or may have compensation reduced if the victim was committing a crime at the time of their injury or death or engaging in contributory misconduct.	See https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. "No reimbursement shall be awarded to a claimant otherwise eligible if: [...] (3) the victim or claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; (4) the victim or claimant was in the act of committing a crime at the time the injury occurred[.]" Minn. Stat. Ann. § 611A.53(2). The limitations do not apply to victims of child abuse. *Id.* "The board shall deny or reduce, by a minimum of 25 percent, any claim submitted by or on behalf of a person who the board finds has engaged in any of the following acts or behavior that contributed to the injury for which the claim is filed: A. used fighting words, obscene or threatening gestures, or other provocation, including use of gang or hate group hand signs, colors, symbols, or statements; B. knowingly and willingly been in a vehicle operated by a person who is under the influence of alcohol or a controlled substance; C. consumed alcohol or a controlled substance or other mood altering substances; D. unlawfully possessed a controlled substance; E. planned, conspired, or attempted to unlawfully use, procure, distribute, or sell a controlled substance; F. was a confirmed member or associate of a gang or hate group; or G. failed to retreat or withdraw from a situation where an option to do so was readily available. Any of these provisions may be waived in cases of domestic abuse or sexual assault." Minn. R. 3050.2900.
To Whom are Applications Made?	Crime Victims Reimbursement Board	The Minnesota Crime Victims Reimbursement Board is a state program within the Minnesota Department of Public Safety that provides financial assistance to victims of violent crime and their families. The program reimburses victims and their families for out-of-pocket losses that were a direct result of a crime. *See* https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. "Board" means the Crime Victims Reimbursement Board. Minn. Stat. Ann. § 611A.52(3).
How are Applications Accepted?	Applications may be submitted online through the application portal or by mail, fax, or email.	*See* https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program.
Who May Submit an Application?	The following persons may be eligible for compensation: - A person who suffered a physical or emotional injury as a result of a crime. - Immediate family member (spouse/domestic partner, parents, children, grandparents, siblings) of a victim. - A person who witnessed a violent crime or discovered the body of a homicide victim.	See https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. "Injury" means "actual bodily harm including pregnancy and emotional trauma." Minn. Stat. Ann. § 611A.52(9). "Victim" means "a person who suffers personal injury or death as a direct result of: (1) a crime; (2) the good faith effort of any person to prevent a crime; or (3) the good faith effort of any person to apprehend a person suspected of engaging in a crime." Minn. Stat. Ann. § 611A.52(10).
What Language Services are Available?	Relevant documents are available in English and Spanish.	*See* https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program.

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General Documentation Requirements	All documentation requested by the Board must be provided. Information about the following subjects, among others, may be requested: - the occurrence of a crime; - the extent of the claimant's economic loss; - the extent to which collateral sources are available to the claimant; - the extent to which the claimant, or the victim through whom the claim is made, has cooperated with law enforcement officials; and - the extent to which the claimant, or the victim through whom the claim is made, has been guilty of contributory misconduct.	"If a person refuses to comply with an order of the board or asserts a privilege to withhold or suppress evidence relevant to a claim, the board may make any just order including denial of the claim, but may not find the person in contempt. If necessary to carry out any of its powers and duties, the board may petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a mental or physical examination." Minn. Stat. Ann. § 611A.63. "Pursuant to the investigation of a claim, the board may obtain from the claimant and other persons all information reasonably related to the validity of the claim, including but not limited to information relating to the following subjects: A. the occurrence of a crime; B. the extent of the claimant's economic loss; C. the extent to which collateral sources are available to the claimant; D. the extent to which the claimant, or the victim through whom the claim is made, has cooperated with law enforcement officials; and E. the extent to which the claimant, or the victim through whom the claim is made, has been guilty of contributory misconduct. [...] In the course of an investigation the board may issue subpoenas for the appearance of witnesses or for the production of books, records, or other documents or initiate such other discovery proceedings as by law are allowed." Minn. R. 3050.0600.
Categories of Benefits Available	Medical expenses Dental expenses Counseling expenses Lost wages Mileage Funeral and burial costs Survivor's benefits Crime scene clean-up Home health care Replacement child care	*See* https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program.
Requirements/Limits for Relocation Expenses	Relocation expenses do not appear to be a recoverable category.	N/A.
Requirements/Limits for Mental Health Expenses	Submission of a treatment plan may be required. Limits on the amount reimbursed may apply and are set annually.	*See* Minn. R. 3050.2700, for treatment plan requirements. "Within 30 days of the beginning of each fiscal year, the board shall determine the percentage of hospital and physician and dental and mental health expenses to be paid on all claims paid during that fiscal year. The board shall consider the availability of funds to the board when setting the percentage it will pay. The board must not pay more than this percentage of a victim's total hospital and physician and dental and mental health expenses after payment by collateral sources and after any discounts made pursuant to agreements with insurers, health maintenance organizations, and federal, state, or local government agencies. Acceptance of payment for medical, dental, and mental health services from the Minnesota Crime Victims Reparations Board shall be considered acceptance of payment in full and bars any legal action against the victim for collection. The board shall compensate the claimant in full if the claimant paid the hospital or physician or dental or mental health expenses." Minn. R. 3050.3700. "Within 30 days of the beginning of each fiscal year, the board shall determine the maximum amounts allowable for the total accumulated expenses for a victim's outpatient counseling, medical care, and dental care." Minn. R. 3050.3800.

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Requirements/Limits for Lost Income	Lost income for a period not in excess of 26 weeks (absent extenuating circumstances) may be available.	"Subpart 1. Computation of lost income: employed victim. If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed. Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2. Subp. 2. Computation of lost income: victim self-employed or unemployed. If the victim was self-employed or unemployed at the time of the crime for which the claim has been filed, loss of income must be calculated at a rate which is based upon the victim's average net income in the 12 months before the crime for which the claim was filed as evidenced by tax returns, W-2 forms, check stubs, or other government agency records. The board shall deny an award for lost wages when it is determined the victim failed to report those wages upon which the loss is based to state or federal revenue departments as required by law. No compensation may be provided for unreported wages. No anticipated work may be considered for compensation, unless the victim had been hired by an employer and was unable to begin employment as a result of the crime-related injuries. Subp. 2a. Estimated tax. If the tax rate cannot be determined from the information received by the board under subpart 1 or 2, the board shall estimate the tax at a rate of 15 percent for victims with a gross annual income less than $20,000 and 25 percent for victims with a gross annual income greater than $20,000. Subp. 3. Proof of inability to work. If necessary to determine the extent of disability and the length of compensation for lost income, the board shall request that the victim provide a statement from a licensed physician or psychologist indicating that the victim is or was unable to work due to injuries sustained as a result of the crime for which the victim has filed a claim. The board shall withhold payment for loss of income if a statement has been requested and not received. Subp. 4. Paid leave. The board must not pay for lost wages covered by a claimant's accumulated sick leave, vacation leave, compensatory time, or holiday pay. Subp. 5. Maximum number of weeks. Compensation for loss of income usually may not exceed 26 weeks. If the victim's disability continues past 26 weeks, the victim may request an extension for up to 26 additional weeks. This request must include an evaluation by a physician that states continuing disability and explains any extenuating circumstances. Subp. 6. Maximum number of hours. The board may not compensate for hours missed in excess of 40 hours per week. If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed. Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2. Subp. 7. Family members of deceased. Payment of wage loss compensation for a parent or spouse of a victim who died as the direct result of a crime usually may not exceed six weeks. If the emotional disability of the parent or spouse continues past six weeks, the parent or spouse may make a request for an extension of the lost wages. The request must include an evaluation by a physician or psychologist stating that there is a continuing emotional disability due to the crime and a date by which the claimant is expected to return to work. The extension may not exceed 46 weeks. Payment of wage loss compensation for children, grandparents, or siblings of a victim who died as the direct result of a crime may not exceed six weeks. No extension of lost wages for other family members is allowed, unless there are extraordinary circumstances where the limit imposes undue hardship on the secondary victim. Subp. 8. Students. The board must not reimburse a claimant for loss of tuition, scholarship, or student loan funds or loss of income due to a delay in completion of schooling related to the crime. Subp. 9. Timeliness of request. A request for replacement of lost income must be made to the board within two years after the claim is filed." Minn. R. 3050.3200.
Requirements/Limits for Medical Expenses	Submission of a treatment plan may be required. Limits on the amount reimbursed may apply and are set annually.	*See* Minn. R. 3050.2700, for treatment plan requirements. "Within 30 days of the beginning of each fiscal year, the board shall determine the percentage of hospital and physician and dental and mental health expenses to be paid on all claims paid during that fiscal year. The board shall consider the availability of funds to the board when setting the percentage it will pay. The board must not pay more than this percentage of a victim's total hospital and physician and dental and mental health expenses after payment by collateral sources and after any discounts made pursuant to agreements with insurers, health maintenance organizations, and federal, state, or local government agencies. Acceptance of payment for medical, dental, and mental health services from the Minnesota Crime Victims Reparations Board shall be considered acceptance of payment in full and bars any legal action against the victim for collection. The board shall compensate the claimant in full if the claimant paid the hospital or physician or dental or mental health expenses." Minn. R. 3050.3700. "Within 30 days of the beginning of each fiscal year, the board shall determine the maximum amounts allowable for the total accumulated expenses for a victim's outpatient counseling, medical care, and dental care." Minn. R. 3050.3800.

TOPIC	SUMMARY	DETAILED DESCRPTION
Timeframe to Obtain Benefits	No specific timeframe is specified.	"The board staff shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of a claim to the extent that an investigation is necessary. [...] The board executive director may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in support of it and the report of the investigation of such claim. If unable to decide the claim upon the basis of the papers and any report of investigation, the board executive director shall discuss the matter with other members of the board present at a board meeting. After discussion the board shall vote on whether to grant or deny the claim or whether further investigation is necessary. A decision granting or denying the claim shall then be issued by the executive director. [...] The written decision granting or denying a claim shall be filed with the board, and a copy shall be provided to the claimant." Minn. Stat. Ann. § 611A.57.
Is Emergency Assistance Available?	Emergency assistance not to exceed $300 may be available.	"Subdivision 1. Grants authorized. The commissioner of public safety shall make grants to prosecutors and victim assistance programs for the purpose of providing emergency assistance to victims. As used in this section, “emergency assistance” includes but is not limited to: (1) replacement of necessary property that was lost, damaged, or stolen as a result of the crime; (2) purchase and installation of necessary home security devices; (3) transportation to locations related to the victim's needs as a victim, such as medical facilities and facilities of the criminal justice system; (4) cleanup of the crime scene; (5) reimbursement for reasonable travel and living expenses the victim incurred to attend court proceedings that were held at a location other than the place where the crime occurred due to a change of venue; and (6) reimbursement of towing and storage fees incurred due to impoundment of a recovered stolen vehicle. Subd. 2. Application for grants. (a) A city or county attorney's office or victim assistance program may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1 or for any other emergency assistance purpose approved by the commissioner. The application must be on forms and pursuant to procedures developed by the commissioner. The application must describe the type or types of intended emergency assistance, estimate the amount of money required, and include any other information deemed necessary by the commissioner. (b) A city or county attorney's office or victim assistance program that applies for a grant for the purpose described in subdivision 1, clause (6), must make the application on a separate form and pursuant to procedures developed by the commissioner. The application must estimate the amount of money required for reimbursement costs, estimate the amount of money required for administrative costs, and include any other information deemed necessary by the commissioner. An applicant may not spend in any fiscal year more than five percent of the grant awarded for administrative costs. Subd. 2a. Awards; limitations. (a) No award may be granted under subdivision 1, clause (6), to a victim that fails to provide proof of insurance stating that security had been provided for the vehicle at the time the vehicle was stolen. As used in this paragraph, “proof of insurance” has the meaning given it in section 169.791, subdivision 1, paragraph (g). (b) An award paid to a victim under subdivision 1, clause (6), shall compensate the victim for actual costs incurred but shall not exceed $300. Subd. 3. Reporting by local agencies required. A city or county attorney's office or victim assistance program that receives a grant under this section shall file an annual report with the commissioner of public safety itemizing the expenditures made during the preceding year, the purpose of those expenditures, and the ultimate disposition, if any, of each assisted victim's criminal case. Subd. 4. Report to legislature. By February 1, 2008, the commissioner of public safety shall report to the chairs and ranking members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the implementation, use, and administration of the grant programs created under this section." Minn. Stat. Ann. § 611A.675.
Compensation Cap (Overall)	$50,000 for all claims resulting from the injury or death of any one victim.	"Reimbursement shall equal economic loss except that: (1) reimbursement shall be reduced to the extent that economic loss is recouped from a collateral source or collateral sources. Where compensation is readily available to a claimant from a collateral source, the claimant must take reasonable steps to recoup from the collateral source before claiming reimbursement; (2) reimbursement shall be denied or reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims. Contributory misconduct does not include current or past affiliation with any particular group; and (3) reimbursement paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed $50,000. No employer may deny an employee an award of benefits based on the employee's eligibility or potential eligibility for reimbursement." Minn. Stat. Ann. § 611A.54.

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Sources of Funding	Funding is provided through the Crime Victim Account.	"A crime victim account is established as a special account in the state treasury. Amounts collected by the state under section 611A.61, paid to the Crime Victims Reimbursement Board under section 611A.04, subdivision 1a, or amounts deposited by the court under section 611A.04, subdivision 5, shall be credited to this account. Money credited to this account is annually appropriated to the Department of Public Safety for use for crime victim reimbursement under sections 611A.51 to 611A.67." Minn. Stat. Ann. § 611A.612.
Appeal Process	Appeals may be submitted within 30 days of receipt of a decision. Thereafter, a contested case hearing may be initiated.	"The claimant may, within 30 days after receiving the decision of the board, apply for reconsideration before the entire board. Upon request for reconsideration, the board shall reexamine all information filed by the claimant, including any new information the claimant provides, and all information obtained by investigation. The board may also conduct additional examination into the validity of the claim. Upon reconsideration, the board may affirm, modify, or reverse the prior ruling. A claimant denied reimbursement upon reconsideration is entitled to a contested case hearing within the meaning of chapter 14." Minn. Stat. Ann. § 611A.57.
Payer of Last Resort Requirements	A claimant who receives reimbursement must agree to assist the state in pursuing any subrogation rights arising out of the claim.	"The state shall be subrogated, to the extent of reimbursement awarded, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is or, if readily available to the victim or claimant would be, a collateral source. Nothing in this section shall limit the claimant's right to bring a cause of action to recover for other damages. [...] A claimant who receives reimbursement must agree to assist the state in pursuing any subrogation rights arising out of the claim. The board may require a claimant to agree to represent the state's subrogation interests if the claimant brings a cause of action for damages arising out of the crime or occurrence for which the board has awarded reimbursement. An attorney who represents the state's subrogation interests pursuant to the client's agreement with the board is entitled to reasonable attorney's fees not to exceed one-third of the amount recovered on behalf of the state." Minn. Stat. Ann. § 611A.61. "Collateral source" means "a source of benefits or advantages for economic loss otherwise reimbursable under sections 611A.51 to 611A.68 which the victim or claimant has received, or which is readily available to the victim, from: (1) the offender; (2) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 611A.51 to 611A.68; (3) Social Security, Medicare, and Medicaid; (4) state required temporary nonoccupational disability insurance; (5) workers' compensation; (6) wage continuation programs of any employer; (7) proceeds of a contract of insurance payable to the victim for economic loss sustained because of the crime; (8) a contract providing prepaid hospital and other health care services, or benefits for disability; or (9) proceeds of a lawsuit brought as a result of the crime. The term does not include a life insurance contract or benefits from any private source provided as a voluntary donation or gift." Minn. Stat. Ann. § 611A.52(5).
References and Resources		*See* https://dps.mn.gov/divisions/ojp/for-crime-victims/crime-victim-resources/financial-help/mn-crime-victims-reimbursement-program. Minn. Stat. Ann. § 611A.52 *et seq.* Minn. R. 3050.0100 *et seq.*

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Time to File	3 years.	"Compensation shall not be awarded under this chapter: [...] Unless the claim has been filed with the director within thirty-six (36) months after the crime occurred, or in cases of child sexual abuse, within thirty-six (36) months after the crime was reported to law enforcement or the Department of Child Protection Services, but in no event later than the victim's twenty-fifth birthday. For good cause, the director may extend the time period allowed for filing a claim for an additional period not to exceed twelve (12) months[.]" Miss. Code Ann. § 99-41-17(1)(b). *See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "1. A claim for compensation must be filed on the application form prescribed by the Division of Victim Compensation and received by the Division no later than thirty six (36) months after the occurrence of the crime; except in child sexual abuse cases, the claim must be filed within thirty six (36) months after the crime was reported to law enforcement or the Department of Human Services, but in no event later than the child's twenty-first birthday. 2. For good cause, the director may extend the time period allowed for filing a claim for an additional period not to exceed (12) months. Good cause will be determined on a case-by-case basis. 3. An application postmarked within the prescribed time period shall be considered timely filed." 3 Code Miss. R. Pt. 1, R. 01.104.
Eligibility Requirements: Identity of Person Seeking Compensation	Compensation may be awarded to the eligible victim, family member(s), dependent(s) of a deceased victim or a person authorized to act on behalf of the victim and/or surviving dependent(s).	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. “Victim” means "a person who suffers personal injury or death as a result of criminally injurious conduct, regardless of whether that person was the intended victim of the criminally injurious conduct. This definition may include a person who suffers personal injury or death as a result of criminally injurious conduct while going to the aid of another person or a duly sworn law enforcement officer, or while attempting to prevent a crime from occurring." Miss. Code Ann. § 99-41-5(l). “Claimant” means "any of the following persons applying for compensation under this chapter: (i) A victim; (ii) A dependent of a victim who has died because of criminally injurious conduct; (iii) The surviving parent, spouse, child or any person who is legally obligated to pay or has paid medical, funeral or other allowable expenses incurred as a result of the criminally injurious conduct which caused the victim's injuries and/or death; (iv) Family members of the victim who incur mental health counseling expenses as a result of the criminally injurious conduct which caused the victim's injuries and/or death; or (v) A person authorized to act on behalf of any of the persons enumerated in subparagraphs (i), (ii), (iii) and (iv) of this paragraph; however, “claimant” shall not include any of the following: provider or creditor of victim; assignee of provider or creditor, including a collection agency; or another person or entity other than those enumerated in this paragraph." Miss. Code Ann. § 99-41-5(b). “Claimant” means "any of the following persons applying for compensation under this chapter: a. A victim; b. A dependent of a victim who has died because of criminally injurious conduct; c. The surviving parent, spouse, child or any person who is legally obligated to pay or has paid medical, funeral, or other allowable expenses incurred as a result of the victim's death; d. Family members of the victim who incur mental health counseling expenses as a result of the victim's death; and e. A person authorized to act on behalf of persons enumerated in subparagraph (a), (b), (c), and (d) of this paragraph; however, a claimant shall not include any of the following: provider or creditor of victim; assignee of provider or creditor, including a collection agency; or another person or entity other than those enumerated in this paragraph." 3 Code Miss. R. Pt. 1, R. 02.200. The following persons may receive compensation: "1. Eligible claimants as defined above in § 200; 2. Person legally dependent upon financial support from the victim at the time of the victim's death; 3. A Mississippi resident who suffers physical injury or death while in any other state or foreign country, provided that state or country does not have a crime victim compensation program and all other eligibility criteria are met. Except in cases of foreign or mass terrorism, other crime victim compensation programs will not be considered as a collateral source; and 4. An individual who witnesses a crime and suffers psychological trauma." 3 Code Miss. R. Pt. 1, R. 02.201.

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Eligibility Requirements: Types of Crime	Individual must be the victim of a violent crime who has suffered personal injury, death or extreme psychological trauma as a result of the crime. Types of crimes include: assault, homicide, sexual assault, child sexual abuse, child physical abuse, domestic violence, stalking, armed robbery, and DUI crashes.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "Criminally injurious conduct" means "an act occurring or attempted within the geographical boundaries of this state, or to a resident of Mississippi while that resident is within any other state of the United States or any foreign country, which state or foreign country does not provide compensation for those injuries caused by an act for which compensation would be available had the act occurred in Mississippi, and which act results in personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed. For purposes of this chapter, "criminally injurious conduct" shall also include federal offenses committed within the state that result in personal injury or death to a victim and which are punishable by fine, imprisonment or death, and delinquent acts as defined in Section 43-21-105 which result in personal injury or death to a victim and which, if committed by an adult, would be a crime punishable by fine, imprisonment or death." Miss. Code Ann. § 99-41-5(d).
Eligibility Requirements: Geographic Nexus	The crime at issue must have occurred or been attempted in Mississippi or to a resident of Mississippi while that resident is within any other state of the United States or any foreign country, which state or foreign country does not provide compensation for those injuries caused by an act for which compensation would be available had the act occurred in Mississippi, and which act results in personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "Criminally injurious conduct" means "an act occurring or attempted within the geographical boundaries of this state, or to a resident of Mississippi while that resident is within any other state of the United States or any foreign country, which state or foreign country does not provide compensation for those injuries caused by an act for which compensation would be available had the act occurred in Mississippi, and which act results in personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed. For purposes of this chapter, "criminally injurious conduct" shall also include federal offenses committed within the state that result in personal injury or death to a victim and which are punishable by fine, imprisonment or death, and delinquent acts as defined in Section 43-21-105 which result in personal injury or death to a victim and which, if committed by an adult, would be a crime punishable by fine, imprisonment or death." Miss. Code Ann. § 99-41-5(d).
Eligibility Requirements: Criminal Background of Victim	The following are disqualified from receiving compensation: - Anyone incarcerated in a penal institution when the crime occurred - A victim or claimant who, after filing an application with the program, is convicted of any felony and the conviction becomes known to the program - For crimes occurring on or after July 1, 2013, a victim or claimant who has/had been under the supervision of any department of corrections (including, but not limited to, incarceration, earned release, house arrest, probation, parole, conditional medical release or interstate compact) for a felony conviction within 5 years prior to the victim's injury or death	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. Compensation will not be awarded "To any claimant or victim when the injury or death occurred while the victim was confined in any federal, state, county or city jail or correctional facility; [or] To a claimant or victim who, subsequent to the injury for which application is made, is convicted of any felony, and the conviction becomes known to the director; [or] To any claimant or victim who has been under the actual or constructive supervision of a department of corrections for a felony conviction within five (5) years prior to the injury or death for which application has been made; [or] To any claimant or victim who, at the time of the criminally injurious conduct upon which the claim for compensation is based, engaged in conduct unrelated to the crime upon which the claim for compensation is based that either was (i) a felony, or (ii) a delinquent act which, if committed by an adult, would constitute a felony[.]" Miss. Code Ann. § 99-41-17 (West)" Miss. Code Ann. § 99-41-17(1). "3. Compensation shall not be awarded to any claimant who has two previous felony convictions. 4. Compensation may be denied or reduced to a victim or claimant who, at the time of the crime upon which the claim for compensation is based, was engaging in or attempting to engage in other unlawful activity unrelated to the crime upon which the claim for compensation is based. See Mississippi Code Annotated Section 99-41-17 (4). For the purpose of this rule, other unlawful activities include, but are not limited to the following: a. Any unlawful act not covered by other Sections of Mississippi Code 99-41-17. b. Misdemeanors, such as illegal drug use/possession, burglary, shoplifting, hitchhiking, trespassing, illegal gambling, and seat belt violation. 5. Additional criminal/delinquent activity exclusions apply and are found in Section 99-41-17 of the Mississippi Code." 3 Code Miss. R. Pt. 1, R. 02.203(3)-(5).
Citizenship Requirement?	None identified.	N/A.

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Is a Police Report or Cooperation with Law Enforcement Required?	The victim must report the crime to law enforcement officials within 72 hours after the crime or show good cause for not reporting. The victim or claimant must fully cooperate with law enforcement investigation and prosecution.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. Compensation will not be awarded "Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or unless it is found that there was good cause for the failure to report within such time[.]" Miss. Code Ann. § 99-41-17(1)(e). "Upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies and prosecuting attorneys, an award of compensation may be denied, withdrawn or reduced." Miss. Code Ann. § 99-41-17(3). "1. Compensation shall be denied if the crime was not reported to a law enforcement officer within seventy-two (72) hours after its occurrence, or the victim/claimant must show good cause for failing to report within such time. 2. Victim/claimant is considered to have made a report to law enforcement when the victim/claimant has provided a true and accurate report of the incident, which shall include the best of the victim/claimant's knowledge: a. The nature of the crime; b. The location of the crime; c. The name, whereabouts and description of the suspect, if known; and, d. The names of witnesses. 3. This requirement is not met if the victim/claimant provides only his/her name and the fact that they were victimized. 4. Good cause will be determined on a case by case basis. Lack of knowledge about the Division of Victim Compensation is not an example of good cause. Determining good cause for not reporting within seventy-two (72) hours includes, but is not limited to, the following: a. The victim's age; b. The physical incapacity of a victim/claimant. If the crime was not reported within seventy-two (72) hours, it must have been reported within seventy-two (72) hours after the victim's release from the hospital; and/or, c. The psychological state and any compelling health or safety reasons that would jeopardize the well-being of the victim/claimant. 5. The Division of Victim Compensation may waive the seventy-two (72) hour time period required if good cause is shown." 3 Code Miss. R. Pt. 1, R. 02.202. "1. Compensation may be denied, withdrawn or reduced upon a finding that the claimant and/or victim have not fully cooperated with law enforcement agencies and prosecuting attorneys. 2. Cooperation with law enforcement and prosecuting attorneys means the victim/claimant has cooperated with their reasonable requests of the investigation and prosecution of the incident. 3. Reasonable cooperation will be determined on a case-by-case basis taking into consideration the victim/claimant's age, physical condition and psychological state. Reasonable cooperation includes, but is not limited to, the following: a. The victim/claimant provided law enforcement with a true and accurate report of the crime; b. Participation in the investigation of the crime to assist law enforcement in the identification of an offender as requested, including the review of photos and police line ups; and, c. Participation in prosecuting procedures, including deposition and trial testimony as requested. 4. Consideration of relevant circumstances may be given in cases of domestic violence, sexual assault and human trafficking. The Division may waive this requirement if there is compelling health or safety reasons that would jeopardize the well being of the victim/claimant." 3 Code Miss. R. Pt. 1, R. 02.207.

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Is Complicity in Crime Disqualifying?	The victim must not have contributed, provoked or in any way caused the injury or death; in such cases, benefits may be reduced or denied.	The victim must not have contributed, provoked or in any way caused the injury or death; in such cases, benefits may be reduced or denied. Who Cannot Receive Compensation? A victim who is engaged in illegal conduct The offender and/or the accomplice to the offender *See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "Compensation shall not be awarded under this chapter: [...] (c) To a claimant or victim who was the offender or an accomplice to the offender, or, except in cases of children under the age of consent as specified in Section 97-3-65, 97-3-97 or 97-5-23, Mississippi Code of 1972, who encouraged or in any way knowingly participated in criminally injurious conduct; (d) To another person, if the award would unjustly benefit the offender or accomplice[.]" Miss. Code Ann. § 99-41-17(1)(c)-(1)(d). "Compensation otherwise payable to a claimant shall be diminished to the extent: [...] Of the degree of responsibility for the cause of injury or death attributable to the victim or claimant. [...] Compensation otherwise payable to a claimant or victim may be denied or reduced to a claimant or victim who, at the time of the crime upon which the claim for compensation is based, was engaging in or attempting to engage in other unlawful activity unrelated to the crime upon which the claim for compensation is based." Miss. Code Ann. § 99-41-17. "1. Compensation shall be denied if the injury or death was caused by the victim/claimant assisting, attempting or committing a criminal act at the time he/she became a victim. 2. In determining participation in or commission of a crime as it relates to § 203 (1), the Division of Victim Compensation may consider all relevant information and circumstances, including, but not limited to: a. Whether the victim/claimant was convicted of a crime relating to the incident which gave rise to the claim; b. Whether there is good cause to believe that the victim/claimant was participating in a criminal act relating to the crime which gave rise to the claim; c. Whether there is good cause to believe that the victim/claimant engaged in an ongoing course of criminal conduct within a reasonable time of the date of the crime which gave rise to the claim; d. Whether the victim/claimant was buying, selling or using illegal drugs at the time of the incident which gave rise to the claim; e. Whether the victim/claimant was under the legal age and drinking alcohol at the time of the crime which gave rise to the claim; or

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		e. Whether the victim/claimant was under the legal age and drinking alcohol at the time of the crime which gave rise to the claim; or, f. Whether the victim/claimant was frequenting a place where drugs and/or alcohol are illegally bought, sold or consumed; where there is solicitation of prostitution; or where there is illegal gambling." 3 Code Miss. R. Pt. 1, R. 02.203(1)-(2). "1. Compensation shall be denied if the award will unjustly benefit the offender. 2. The Division of Victim Compensation may consider all relevant information and circumstances in determining if compensation would unjustly benefit the offender, including but not limited to: a. Whether the victim/claimant has reported the crime and is cooperating with the criminal justice system in the investigation and the prosecution of the offender; b. Whether the victim/claimant will prevent access by the offender to compensation paid to the victim/claimant; or, c. Whether the award is essential to the well-being of the victim and other innocent and dependent family members. 3. A determination of “unjust benefit” will not be based solely on the following: a. Victim/claimant's familial relationship to the offender; b. Sharing of a residence by the victim/claimant and the offender; or, c. Presence of the offender in the household at the time of the award 4. The presence of the offender in the household is only one factor to be considered in determining unjust benefit, and a case-by-case determination will be made according to the facts of each situation." 3 Code Miss. R. Pt. 1, R. 02.204. "1. Compensation shall be denied or reduced upon finding that the victim's/claimant's conduct contributed to the events that led to the crime. 2. Compensation shall be denied or reduced to the extent of the degree of responsibility for the cause of injury or death attributable to the victim's/claimant's actions and/or involvement in the events that led to the crime. Compensation shall be denied or reduced if contributory conduct is determined. 3. Eligibility for compensation can be affected by a victim's/claimant's involvement in the events that led to the crime. The victim's/claimant's actions do not have to be illegal to be considered contributory conduct. Such actions must relate significantly to the occurrence that caused the victimization and be such that a reasonable or prudent individual would know that the actions could lead to their victimization. 4. Contributory conduct is a factor when the victim/claimant knowingly participated in conduct that: a. Caused, resulted in, or reasonably could have led to the specific crime which caused the crime or death, or, b. Was itself clearly wrongful or illegal, thereby placing himself or herself in a position to be injured or to become a victim; or, c. Clearly put himself or herself into a situation where the crime was a reasonably expected result and/or which is a prudent individual would have avoided. 5. Contributory conduct is attributable to the offender is determined by the victim's/claimant's actions or acts of the victim's/claimant's family or other persons in the

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		5. Contributory conduct to the offense is determined by the victim's/claimant's action or nature of the victim's/claimant's involvement in the events leading up to the crime. The following factors will serve as a guidance in determining the degree of contribution assessed: a. If it appears the victim/claimant provoked, consented, incited or continued the escalation of the crime, a contribution factor shall be assessed; b. If it appears the victim/claimant was provoked by the offender in a manner where bodily harm to the victim/claimant appeared unlikely, and the victim/claimant used poor judgment, a contribution factor shall be assessed; c. If it appears the victim/claimant was injured as a result of poor judgment or as a result of his conduct not being that of a prudent person, a contribution factor shall be assessed; d. If it appears the victim's/claimant's use of alcohol or drugs impeded his or her condition at the time of the crime in such a manner that their injuries were caused and/or greater because of alcohol or drug use, a contribution factor shall be assessed; and/or e. If it appears that the offender was provoked by the victim/claimant in a manner where bodily harm to the offender appears intentional or unquestionable, a contribution factor shall be assessed and the claim shall be denied. 6. The Division may consider all relevant information and circumstances, including, but not limited to: a. Level of responsibility of the victim's/claimant's conduct; b. Foreseeability of the consequences of such conduct; c. Ability to avoid the situation (victim's/claimant's failure to retreat or withdraw from a situation where an option to do so was readily available); d. The degree of harm that occurred as a result of the crime based upon clear evidence that the victim/claimant was armed or acting in a provoking manner greater than or equal to that of the offender; e. Whether the victim/claimant used fighting words, obscene or threatening gestures; f. Whether there is a direct causal relationship between the victim's/claimant's actions and the crime; and/or, g. § 208(4) and § 208(5). 7. When it is determined that the provisions of § 208 apply, the burden of proof shall be upon the victim/claimant to prove the eligibility of the claim." 3 Code Miss. R. Pt. 1, R. 02.208.
To Whom are Applications Made?	The Division of Victim Compensation.	"Division" means the Division of Victim Compensation. 3 Code Miss. R. Pt. 1, R. 01.102(6).
How are Applications Accepted?	Applications may be submitted by mail.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf.

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Who May Submit an Application?	An application may be submitted by: - A victim; - A dependent of a victim who has died because of criminally injurious conduct; - The surviving parent, spouse, child or any person who is legally obligated to pay or has paid medical, funeral or other allowable expenses incurred as a result of the criminally injurious conduct which caused the victim's injuries and/or death; - Family members of the victim who incur mental health counseling expenses as a result of the criminally injurious conduct which caused the victim's injuries and/or death; or - A person authorized to act on behalf of any of the persons listed above.	"Claimant" means "any of the following persons applying for compensation under this chapter: (i) A victim; (ii) A dependent of a victim who has died because of criminally injurious conduct; (iii) The surviving parent, spouse, child or any person who is legally obligated to pay or has paid medical, funeral or other allowable expenses incurred as a result of the criminally injurious conduct which caused the victim's injuries and/or death; (iv) Family members of the victim who incur mental health counseling expenses as a result of the criminally injurious conduct which caused the victim's injuries and/or death; or (v) A person authorized to act on behalf of any of the persons enumerated in subparagraphs (i), (ii), (iii) and (iv) of this paragraph; however, "claimant" shall not include any of the following: provider or creditor of victim; assignee of provider or creditor, including a collection agency; or another person or entity other than those enumerated in this paragraph." Miss. Code Ann. § 99-41-5(b). "Claimant" means "any of the following persons applying for compensation under this chapter: a. A victim; b. A dependent of a victim who has died because of criminally injurious conduct; c. The surviving parent, spouse, child or any person who is legally obligated to pay or has paid medical, funeral, or other allowable expenses incurred as a result of the victim's death; d. Family members of the victim who incur mental health counseling expenses as a result of the victim's death; and e. A person authorized to act on behalf of persons enumerated in subparagraph (a), (b), (c), and (d) of this paragraph; however, a claimant shall not include any of the following: provider or creditor of victim; assignee of provider or creditor, including a collection agency; or another person or entity other than those enumerated in this paragraph." 3 Code Miss. R. Pt. 1, R. 02.200. "Victim" means "a person who suffers personal injury or death as a result of criminally injurious conduct, regardless of whether that person was the intended victim of the criminally injurious conduct. This definition may include a person who suffers personal injury or death as a result of criminally injurious conduct while going to the aid of another person or a duly sworn law enforcement officer, or while attempting to prevent a crime from occurring." Miss. Code Ann. § 99-41-5(l). The following persons may receive compensation: "1. Eligible claimants as defined above in § 200; 2. Person legally dependent upon financial support from the victim at the time of the victim's death; 3. A Mississippi resident who suffers physical injury or death while in any other state or foreign country, provided that state or country does not have a crime victim compensation program and all other eligibility criteria are met. Except in cases of foreign or mass terrorism, other crime victim compensation programs will not be considered as a collateral source; and 4. An individual who witnesses a crime and suffers psychological trauma." 3 Code Miss. R. Pt. 1, R. 02.201.
What Language Services are Available?	The application is available in English, Spanish, and Vietnamese.	*See* https://attorneygenerallynnfitch.com//divisions/bureau-of-victim-assistance/.
General Documentation Requirements	The victim or claimant must cooperate with the Victim Compensation Program and submit and verify out-of-pocket crime related expenses. All requested information must be provided within 45 days of the request. All eligible expenses shall be verified and substantiated by supporting documentation.	"All eligible expenses shall be verified and substantiated by supporting documentation." 3 Code Miss. R. Pt. 1, R. 03.300(1). *See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "The director shall make such investigations, administer such oaths or affirmations and receive such evidence as he deems relevant and necessary to make a determination on any application received. The director shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. Application to a court for aid in enforcing a subpoena may be made in the name of the director. To the extent that funds are appropriated or otherwise available, the Attorney General may employ such personnel, including expert witnesses, as may be required in connection with particular applications before the director, and the director may take judicial notice of general, technical and scientific facts within his specialized knowledge." Miss. Code Ann. § 99-41-11(2). No compensation will be granted "If, following the filing of an application, the claimant failed to take further steps as required by the division to support the application within forty-five (45) days of such request made by the director or failed to otherwise cooperate with requests of the director to determine eligibility, unless failure to provide information was beyond the control of the claimant[.]" Miss. Code Ann. § 99-41-17(1)(h).

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Categories of Benefits Available	The application form includes the following compensation request categories: □ Court Related Travel Expenses □ Loss of Wages (funeral) □ Crime Scene Cleanup Expenses □ Loss of Wages (victim) □ Domestic Violence Relocation Assistance □ Medical Expenses □ Domestic Violence Temporary Housing Assistance □ Mental Health Counseling (family member) □ Mental Health Counseling (victim) □ Loss of Support (dependents of deceased victim) □ Rehabilitation □ Loss of Tuition □ Repair/Replacement Expenses □ Loss of Wages (claimant) □ Transportation (funeral) □ Loss of Wages (court proceeding) □ Transportation (Medical/MHC)	The following benefits and limits apply: - Medical expenses, up to $15,000 per claim - Transportation costs to obtain medical and/or mental health services that are at least 45 miles one way from the victim/claimant's residence, up to $500 per claim - Mental health counseling for the victim/certain family members, up to $3,500 per claim - Lost wages for the victim, up to $600 per week for 52 weeks; not to exceed $20,000 per claim - Tuition loss, up to $2,000 - Funeral expenses, up to $6,500 and transportation costs to make arrangements or to attend funeral, up to $800 per claim - Lost wages for claimant to make arrangements or to attend funeral, up to $600 per claim for one week - Loss of support for dependents of a deceased victim, up to $600 per week for 52 weeks, not to exceed $20,000 per claim - Domestic Violence Relocation Assistance, up to $2,000 one time benefit. - Domestic Violence Temporary Housing Assistance, up to $500 one time benefit. - Court related travel reimbursement, up to $1,000 per claim. - Repair/replacement costs for damaged exterior windows, locks, doors and/or other security devices of a residential dwelling, up to $1,000 per claim - Crime scene cleanup, up to $1,000 per claim - (Homicides or assaults only) - Execution travel, up to $1,000 per claim *See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. *See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/08/Victims-Comp-App-AGF-1.pdf. “Allowable expense” means "reasonable charges incurred for reasonably needed: (i) Products, services and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care, but not to exceed Fifteen Thousand Dollars ($15,000.00); (ii) Mental health counseling and care not to exceed Three Thousand Five Hundred Dollars ($3,500.00) for the victim and victim's family member; provided, however, if there is more than one (1) family member, the amount of compensation awarded shall be prorated and not to

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		member; provided, however, if there is more than one (1) family member, the amount of compensation awarded shall be prorated and not to exceed Three Thousand Five Hundred Dollars ($3,500.00); (iii) Expenses related to funeral, cremation or burial, but not to exceed a total charge of Six Thousand Five Hundred Dollars ($6,500.00) and transportation costs to arrange or attend services, but not to exceed Eight Hundred Dollars ($800.00); and (iv) Necessary expenses, including, but not limited to, temporary housing and relocation assistance for victims of domestic violence in imminent danger, crime scene cleanup, court-related travel, execution travel, property damage repair and replacement costs for windows, doors, locks or other security devices of a residential dwelling. The division shall establish, by administrative rule, guidelines and monetary limits for such expenses." Miss. Code Ann. § 99-41-5(a). "Awards payable to a victim/claimant, all other claimants and/or providers may not exceed Twenty Thousand Dollars ($20,000.00) in the aggregate. Limitations include: 1. Fifteen Thousand Dollars ($15,000.00) for medical costs 2. Wage loss and economic loss of dependents payable up to Six Hundred Dollars ($600.00) per week for a maximum of fifty-two (52) weeks 3. Three Thousand Five Hundred Dollars ($3,500.00) for mental health counseling and care 4. Six Thousand Five Hundred Dollars ($6,500.00) for funeral expenses and Eight Hundred Dollars ($800.00) for funeral transportation 5. Two Thousand Dollars ($2,000.00) for relocation assistance for domestic violence victims and Five Hundred Dollars ($500.00) Dollars for temporary housing for domestic violence victims 6. One Thousand Dollars ($1,000.00) for crime scene cleanup 7. One Thousand Dollars ($1,000.00) for court related travel 8. One Thousand Dollars ($1,000.00) for property damage repair/replacement costs for exterior windows, doors, locks, or security devices of a residential dwelling." 3 Code Miss. R. Pt. 1, R. 01.103. "Eligible expenses: a. Medical -- reasonable charges incurred for reasonably needed and medically necessary products, services and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care. b. Mental Health Services -- reasonable charges incurred for reasonably needed mental health counseling and care for the victim/claimant and the victim's/claimant's family members. c. Medical/Mental Health Counseling (MHC) Transportation Costs -- reasonable non-emergency transportation services for (1) victim to attend doctor appointments and/or mental health counseling sessions; and (2) claimant and/or victim's family member(s) to attend appointments for mental health counseling and care.

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		d. Funeral -- reasonable charges incurred for usual and customary expenses related to funeral, cremation or burial services and products. e. Funeral Transportation Costs -- reasonable charges for claimant(s) to make arrangements and/or attend services. f. Lost Wages -- victim's or claimant's lost wages for work missed during the victim's recovery of crime related injuries; victim's or claimant's lost wages for work missed to attend criminal proceedings; and claimant's lost wages to make funeral arrangements and/or attend services. g. Loss of Support -- economic loss of a defendant of a deceased victim. h. Temporary Housing -- reasonable costs for temporary housing for domestic violence victims in imminent danger. i. Relocation Assistance -- reasonable relocation costs for domestic violence victims in imminent danger. j. Crime Scene Cleanup -- reasonable and necessary cost of cleaning the crime scene after a homicide or assault. k. Court Related Transportation -- reasonable charges for attendance at criminal proceedings. l. Repair and/or Replacement Costs -- reasonable costs for victim/claimant to repair and/or replace exterior broken windows, doors, locks or other security devices of a residential dwelling damaged and/or destroyed during a violent crime contributing to maintaining a healthy and/or safe environment. m. Execution Travel -- reasonable and necessary costs for a claimant(s) to travel to and from a place of execution. n. Tuition Loss -- Tuition reimbursement for a victim/claimant enrolled as a student at a school, college or university who, due to the victim's death or disability caused by a violent crime, was unable to complete the semester or term. 3. Other crime related costs may be considered. See § 313. 4. Compensation may not exceed Twenty Thousand Dollars ($20,000.00) in the aggregate. Additional limits apply; see below §§ 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312 and 313." 3 Code Miss. R. Pt. 1, R. 03.300(2).
Requirements/Limits for Relocation Expenses	Domestic Violence Relocation Assistance, up to $2,000 one time benefit.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. Relocation assistance is limited to victims of domestic violence. Specific requirements are located in 3 Code Miss. R. Pt. 1, R. 03.307.

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Requirements/Limits for Mental Health Expenses	Mental health counseling for the victim/certain family members, up to $3,500 per claim. Supporting documentation as determined by the Division shall be submitted to verify and substantiate the expense eligibility, including the specific documentation identified in the Detailed Description column.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "3. Verification: Supporting documentation as determined by the Division shall be submitted to verify and substantiate the expense eligibility. In order for the victim, claimant, or mental health provider to receive reimbursement for services, the following shall apply: a. The victim/claimant shall provide an itemized bill, on provider letterhead, indicating date(s) of service, procedure code(s), and charge for each session. b. The mental health provider shall provide a completed Mental Health Services and Expenses Report form to include: the presenting problem/complaint; assurance that the therapy is directly related to the crime; a treatment statement summary for dates of service, legible copy of their professional license or certification (e.g. Advanced Practice Registered Nurse). The mental health provider shall also submit a current itemized bill detailing date(s) of service, procedure code(s), charge for each session, and source and amount of any payments received by the mental health provider. c. The mental health provider must submit a completed W-9 Form/Request for Taxpayer Identification Number and Certification Form if one is not already on file. Additional documentation may be required as needed by the Mississippi Department of Finance and Administration. d. The victim/claimant shall provide collateral source information. e. Additional information and supporting documentation may be required from the mental health provider on an as-needed basis for further determination of expense eligibility. 4. Mental health services and limitations: a. Compensation for mental health counseling and care for the victim/claimant and the victim's family members may not exceed Three Thousand Five Hundred Dollars ($3,500.00); provided, however, if there is more than one (1) family member per victim, the amount of compensation awarded shall be prorated among the family members not to exceed Three Thousand Five Hundred Dollars ($3,500.00)." 3 Code Miss. R. Pt. 1, R. 03.302.
Requirements/Limits for Lost Income	Lost wages for the victim, up to $600 per week for 52 weeks; not to exceed $20,000 per claim. Documentation is required and varies by the specific situation at issue.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. “Work loss” means "loss of income from work the victim or claimant would have performed if the victim had not been injured, but reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work that he or she was capable of performing, but unreasonably failed to undertake." Miss. Code Ann. § 99-41-5(k). "Compensation for work loss may not exceed Six Hundred Dollars ($600.00) per week, not to exceed fifty-two (52) weeks; the total amount of the award may not exceed the aggregate limitation of this section." Miss. Code Ann. § 99-41-23(1). "Compensation for economic loss of a dependent may not exceed Six Hundred Dollars ($600.00) per week not to exceed fifty-two (52) weeks; provided, however, if there is more than one (1) dependent per victim the amount of compensation awarded shall be prorated among the dependents and the total amount of the award may not exceed the aggregate limitation of this section." Miss. Code Ann. § 99-41-23(2). "In the event of the victim's death, compensation for work loss of claimant may not exceed Six Hundred Dollars ($600.00) per week not to exceed one (1) week; provided, however, if there is more than one (1) claimant per victim, the amount of compensation awarded shall be prorated among the claimants and the total amount of the award may not exceed Six Hundred Dollars ($600.00)." Miss. Code Ann. § 99-41-23(3). "1. Eligible Wages: a. Lost wages may be eligible for work missed by the victim during recovery for physical injuries and/or psychological trauma, herein known as victim lost wages. b. Lost wages may be eligible for work missed by the claimant during the victim's recovery of physical injuries and/or psychological trauma, herein known as claimant lost wages. c. Lost wages may be eligible for work missed by the victim or claimant to attend criminal proceeding of the case which the claim is based, herein known as court related lost wages. d. Lost wages may be eligible for work missed by the claimant to make funeral arrangements, attend services and for bereavement, herein known as bereavement lost wages. e. Other limitations do apply and are discussed further in this chapter. 2. Victim Eligibility:

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		2. Victim Eligibility: a. The victim must otherwise qualify for compensation before any award can be considered. b. Wage loss for the victim shall be limited to: i. Cases in which the victim had a loss of earnings during recovery for physical injuries and/or psychological trauma, attended medical appointments and/or attended mental health counseling sessions; and ii. Cases in which the victim had a loss of earnings to attend criminal proceedings. c. The victim must provide all requested supporting documentation. 3. Claimant eligibility: a. The victim/claimant must otherwise qualify for compensation before any award can be considered; b. Wage loss for the claimant shall be limited to: i. Cases in which the claimant had a loss of earnings in order to assist the victim during the victim's recovery of physical injuries, accompanied victim to mental health counseling sessions and/or accompanied victim to medical appointments; ii. Cases in which the claimant had a loss of earnings to attend criminal proceedings; and iii. Cases in which the claimant had a loss of earnings to make funeral arrangements, attend the services and/or for bereavement time. c. The victim/claimant must provide all requested supporting documentation. 4. Verification: Supporting documentation as determined by the Division shall be submitted to verify and substantiate the expense eligibility. The following shall apply: a. The victim and/or claimant shall provide report of earnings and collateral source information. b. If loss of work due to victim's physical injuries and/or psychological trauma is longer than one work week, the victim or claimant shall provide a disability statement from the victim's attending licensed medical doctor or doctor of osteopathy licensed to practice medicine (See Exception in § 303(4) (c)) indicating the duration of the victim's disability. c. The disability statement shall be signed by a licensed medical doctor or doctor of osteopathy licensed to practice medicine. Disability statements signed by any other provider, such as therapists, shall not be accepted for consideration. Exception: Victim/Claimant may submit a Statement of Disability Report form completed and signed by a (Certified) Advanced Practice Registered nurse in lieu of a licensed medical doctor or doctor of osteopathy licensed to practice medicine. If the disability period appears to be unreasonable, then the victim/claimant will be required to have a licensed medical doctor or doctor of osteopathy licensed to practice medicine complete the form. This will be determined on a case-by-case basis. d. The disability statement may not be required if there was a loss of work for the victim to attend medical appointments and/or mental health counseling sessions. These claims will be determined on a case-by-case basis. e. If the victim or claimant is self-employed, the victim or claimant shall provide documentation of wage loss. The victim's or claimant's federal
Requirements/Limits for Medical Expenses	Medical expenses, up to $15,000 per claim. Supporting documentation as determined by the Division shall be submitted to verify and substantiate the expense eligibility. Including: (i) an itemized statement indicating date of service, type of service, diagnostic code, treatment code and charge for each service, product or treatment; (ii) collateral source information; and (iii) any additional information and supporting documentation that may be requested for further determination on an as-needed basis.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "Supporting documentation as determined by the Division shall be submitted to verify and substantiate the expense eligibility. The following shall apply: a. The victim/claimant shall provide an itemized statement indicating date of service, type of service, diagnostic code, treatment code and charge for each service, product or treatment. b. The victim/claimant shall provide collateral source information. c. Additional information and supporting documentation may be requested for further determination on an as-needed basis." 3 Code Miss. R. Pt. 1, R. 03.301.
Timeframe to Obtain Benefits	A decision about whether the victim or claimant is eligible is usually made within 90 days.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf.
Is Emergency Assistance Available?	Yes, not to exceed $500.	"If the director determines that the claim is one with respect to which an award probably will be made and the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant not to exceed Five Hundred Dollars ($500.00) and shall be deducted from the final award or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award." Miss. Code Ann. § 99-41-25. "1. An advance award may be made, if the Director a. determines that the claim is one with respect to which an award probably will be made; and b. the claimant will suffer financial hardship unless an advance award is made. 2. The advance award may not exceed Five Hundred Dollars ($500.00). 3. The amount of the advance award shall be: a. deducted from the final award; or b. repaid by and recoverable from the claimant to the extent that it exceeds the final award." 3 Code Miss. R. Pt. 1, R. 04.403.

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Compensation Cap (Overall)	Maximum Total Award is $20,000.	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars ($20,000.00) in the aggregate." Miss. Code Ann. § 99-41-23(4). "Awards payable to a victim/claimant, all other claimants and/or providers may not exceed Twenty Thousand Dollars ($20,000.00) in the aggregate. Limitations include: 1. Fifteen Thousand Dollars ($15,000.00) for medical costs 2. Wage loss and economic loss of dependents payable up to Six Hundred Dollars ($600.00) per week for a maximum of fifty-two (52) weeks 3. Three Thousand Five Hundred Dollars ($3,500.00) for mental health counseling and care 4. Six Thousand Five Hundred Dollars ($6,500.00) for funeral expenses and Eight Hundred Dollars ($800.00) for funeral transportation 5. Two Thousand Dollars ($2,000.00) for relocation assistance for domestic violence victims and Five Hundred Dollars ($500.00) Dollars for temporary housing for domestic violence victims 6. One Thousand Dollars ($1,000.00) for crime scene cleanup 7. One Thousand Dollars ($1,000.00) for court related travel 8. One Thousand Dollars ($1,000.00) for property damage repair/replacement costs for exterior windows, doors, locks, or security devices of a residential dwelling." 3 Code Miss. R. Pt. 1, R. 01.103.
Sources of Funding	"The Office of the Attorney General operates the Division of Victim Compensation without tax dollars - the program is 100% offender funded. Revenue for compensation payments and administrative costs is derived from fees/fines imposed on criminals. Funds are generated through (1) mandatory assessments on felonies, misdemeanors and DUI infractions; (2) fees collected from felony offenders on probation and parole and; (3) other assessment fees imposed on convicted felons at the time of sentencing. Additional sources of revenue for the program are court-ordered restitution, reimbursement through subrogation rights and donations. The Division of Victim Compensation also receives a federal grant, Victims of Crime Act (VOCA). The VOCA grant funds are also derived from fees/fines imposed on criminals."	*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "(1) From and after July 1, 1990, there is hereby created in the State Treasury a special interest-bearing fund to be known as the Crime Victims' Compensation Fund. The monies contained in the fund shall be used for the sole purpose of payment of awards of compensation to victims and claimants pursuant to this chapter, the payment of all necessary and proper expenses incurred by the division in the administration of this chapter, payment of sexual assault examinations pursuant to Section 99-37-25, payment of Address Confidentiality Program administrative expenses pursuant to Section 99-47-1(7) and payment of other expenses in furtherance of providing assistance to victims of crime through information referrals, advocacy outreach programs and victim-related services. Expenditures from the fund shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, and upon requisitions signed by the Attorney General or his duly designated representative in the manner provided by law. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) monies appropriated by the Legislature for the purposes of compensating the victims of crime and other claimants under this chapter; (b) the interest accruing to the fund; (c) monies recovered by the director under the provisions of Section 99-41-21; (d) monies received from the federal government; and (e) monies received from such other sources as may be provided by law. (2) No compensation payments shall be made which exceed the amount of money in the fund. The state shall not be liable for a written order to pay compensation, except to the extent that monies are available in the fund on the date the award is ordered. The Attorney General shall establish such rules and regulations as shall be necessary to adjust awards and payments so that the total amount awarded does not exceed the amount of money on deposit in the fund. Such rules and regulations may include, but shall not be limited to, the authority to provide for suspension of payments and proportioned reduction of benefits to all claimants; provided, however, no such reductions as provided for shall entitle claimants to future retroactive reimbursements in future years. (3) From and after July 1, 2016, the expenses of the Crime Victims Compensation Fund program (including the Crime Victims Compensation Administration Fund) shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer. (4) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section." Miss. Code Ann. § 99-41-29.

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Appeal Process	Appeals may be filed within 30 days of receipt of a final decision. 30 days after receipt of the order on reconsideration, the victim/claimant may request a contested hearing.	"If the Victim Compensation Division makes a decision which the victim or claimant disagrees, the victim or the claimant has a right under the law to ask that the decision be reconsidered. The victim or claimant must notify the Victim Compensation Division in writing of the reason for their dissatisfaction and provide additional information in the reconsideration process. If the victim or claimant disagrees with the outcome of the reconsideration, the victim or claimant may request a contested hearing before a hearing officer. If the victim or claimant does not agree with the outcome of the contested hearing, the victim or claimant may appeal to circuit court. Note: Victim/claimant must submit request for reconsideration, contesting hearing or circuit court hearing within a specific time frame." *See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. "Any claimant aggrieved by a final decision of the Attorney General shall be entitled to judicial review thereof in the manner provided in this section. (a) An appeal may be taken by such claimant to the circuit court of the claimant's residence or the Circuit Court of the First Judicial District of Hinds County by filing a petition with the clerk of the court and executing and filing bond payable to the State of Mississippi with sufficient sureties to be approved by the clerk of the court, conditioned upon the payment of all costs of appeal, including the cost of preparing the transcript of the hearing before the Attorney General. The petition and bond shall be filed within thirty (30) days of the receipt of the final decision of the Attorney General. Upon approval of the bond, the clerk of the court shall notify the Office of the Attorney General, which shall prepare its record in the matter and transmit it to the circuit court. (b) The scope of review of the circuit court in such cases shall be limited to a review of the record made before the Attorney General to determine if the action of the Attorney General is unlawful for the reason that it was: (i) Not supported by a preponderance of the evidence; (ii) Arbitrary and capricious; or (iii) In violation of a statutory right of claimant. (c) No relief shall be granted based upon the court's finding of harmless error. (d) Any party aggrieved by action of the circuit court may appeal to the Supreme Court in the manner provided by law." Miss. Code Ann. § 99-41-13. "If a claimant disagrees with the decision of the director, he may contest such decision to the Attorney General within thirty (30) days after notification of issuance of the decision. There shall be no appeal of a decision of the director except as set forth in this subsection. In a contested case, all parties shall be afforded an opportunity for a hearing after reasonable notice pursuant to regulations promulgated pursuant to this chapter and may offer evidence and argument on any issue relevant to the claim and may examine witnesses and offer evidence in reply to any matter of an evidentiary nature relevant to the claim. The Attorney General shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. The decision of the Attorney General becomes the final decision. A record of the hearing in a contested case shall be made and shall be transcribed upon request of any party who shall pay transcription costs unless otherwise ordered by the Attorney General." Miss. Code Ann. § 99-41-11(10)-(11). "The victim/claimant who disagrees with the decision(s) of the Order has the right to request an appeal." 3 Code Miss. R. Pt. 1, R. 01.104(6). "1. The Director, on his/her own motion or on request of the victim/claimant, may reconsider a decision granting or denying an award or

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Payer of Last Resort Requirements	Compensation otherwise payable to a claimant shall be diminished to the extent that the economic loss is recouped from other sources, including collateral sources.	"Collateral source" means "a source of benefits or advantages for economic loss for which the claimant would otherwise be eligible to receive compensation under this chapter which the claimant has received, or which is readily available to the claimant, from any one or more of the following: (i) The offender; (ii) The government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality of two (2) or more states; (iii) Social security, Medicare and Medicaid; (iv) Workers' compensation; (v) Wage continuation programs of any employer; (vi) Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct; (vii) A contract providing prepaid hospital and other health care services or benefits for disability; or (viii) Any temporary nonoccupational disability insurance." Miss. Code Ann. § 99-41-5(c). "Compensation otherwise payable to a claimant shall be diminished to the extent: (a) That the economic loss is recouped from other sources, including collateral sources[.]" Miss. Code Ann. § 99-41-17(2)(a). "If compensation is awarded the state shall be subrogated to all the rights of a claimant or victim to receive or recover from a collateral source to the extent that compensation was awarded. In the event that the claimant or victim recovers compensation, other than under the provisions of this chapter, for injuries or death resulting from criminally injurious conduct, the claimant or victim shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Crime Victims' Compensation Fund, as created in Section 99-41-29, to the extent that compensation was awarded to the claimant or victim from such fund. Such funds as are retained in trust under the provisions of this section shall be promptly deposited in the Crime Victims' Compensation Fund created in Section 99-41-29. If a claimant or victim brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the director written notice of the action. After receiving such notice the director may join in the action as a party plaintiff to recover any compensation awarded." Miss. Code Ann. § 99-41-21. "1. Compensation otherwise payable to a victim/claimant shall be diminished to the extent that the economic loss is or will be recouped from other sources, including collateral sources. 2. In determining the amount of an award, compensation shall be reduced by any collateral sources benefits available to the victim and/or claimant. 3. Collateral sources include, but not limited to, Aid to Families with Dependent Children, Social Security Benefits, Supplemental Security Income, disability insurance, life insurance, burial insurance, Medicare, Medicaid, health insurance, Workers' Compensation, Veteran Benefits, restitution, civil recovery, prosecution resources, homeowners/renters insurance, automobile insurance, the Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund. 4. Assets which shall not constitute collateral sources include, but are not limited to, a home, a car, bank accounts, credit available through banks or other financial institutions, income from parent or guardian when the victim is a minor, any other assets owned by the victim, sick or vacation/annual leave accrued at work and employee bereavement pay. 5. Exceptions to § 209(3): a. The first One Hundred Fifty Thousand Dollar ($150,000.00) of life insurance is not calculated as a collateral source. b. Life insurance is not calculated as a collateral source for mental health counseling and care expenses, bereavement wages, funeral travel, court related travel, execution travel, crime scene clean-up, or repair and replacement expenses. 6. Compensation otherwise payable to a claimant shall be denied or reduced to the extent that it is reasonable if the claimant failed to fully pursue benefits under a collateral source or otherwise failed to provide requested information to a source of benefits that would have been available to the claimant and that would have reimbursed the claimant for all or a portion of an eligible expense. 7. The Victims of Crime Act (VOCA) defines compensation programs as payer of last resort. All federal benefit programs, including Medicaid, Veterans Administration, CHAMPUS and Indian Health Service, must provide benefits prior to compensation. (42 U. S. C. 10602, § 1403 of VOCA.) 8. Counselors who are funded in whole or used as match funds for federal, state or local grant funds shall not be eligible for compensation payments." 3 Code Miss. R. Pt. 1, R. 02.209.

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References and Resources		*See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/07/Victim-Compensation-FAQ.pdf. *See* https://attorneygenerallynnfitch.com/wp-content/uploads/2020/08/Victims-Comp-App-AGF-1.pdf. *See* https://attorneygenerallynnfitch.com//divisions/bureau-of-victim-assistance/. Miss. Code Ann. § 99-41-1 *et seq.* 3 Code Miss. R. Pt. 1, R. 01.100 *et seq.*

MISSOURI

MISSOURI

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	2 years from the date of the crime at issue.	"A claim shall be filed not later than two years after the occurrence of the crime or the discovery of the crime upon which it is based." Mo. Ann. Stat. § 595.025(2).
Eligibility Requirements: Identity of Person Seeking Compensation	The following persons may be eligible for compensation: - A victim of a crime; - In the case of a sexual assault victim, a relative of the victim requiring counseling in order to better assist the victim in his recovery; and - In the case of the death of the victim as a direct result of the crime: (a) A dependent of the victim; (b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and (c) A survivor of the victim requiring counseling as a direct result of the death of the victim.	"Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075: (1) A victim of a crime; (2) In the case of a sexual assault victim, a relative of the victim requiring counseling in order to better assist the victim in his recovery; and (3) In the case of the death of the victim as a direct result of the crime: (a) A dependent of the victim; (b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and (c) A survivor of the victim requiring counseling as a direct result of the death of the victim." Mo. Ann. Stat. § 595.020(1). “Injured victim” means "a person: (a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime; (b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted; (c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime[.]" Mo. Ann. Stat. § 595.010(20). “Personal injury” means "physical, emotional, or mental harm or trauma resulting from the crime upon which the claim is based[.]" Mo. Ann. Stat. § 595.010(23). “Survivor” means "the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim of the victim's household at the time of the crime[.]" Mo. Ann. Stat. § 595.010(27). “Victim” means "a person who suffers personal injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection[.]" Mo. Ann. Stat. § 595.010(28).
Eligibility Requirements: Types of Crime	Any act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim. Eligible crimes include, but are not limited to: - Homicide - Domestic Abuse - Assault - Sexual Assault - Child Abuse - Robbery with Injury	“Crime” means "an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri[.]" Mo. Ann. Stat. § 595.010(5). *See* https://dps.mo.gov/dir/programs/cvc/documents/CVC_App_Instructions.pdf.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Geographic Nexus	Either the act must be committed in Missouri or the victim must be a Missouri resident who would be compensated if the crime had occurred in Missouri and the place that the crime occurred does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if the crime had occurred in Missouri.	"Crime" means "an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri[.]" Mo. Ann. Stat. § 595.010(5). "A Missouri resident who suffers personal injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if: (1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri; (2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. Section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if he had been injured in Missouri." Mo. Ann. Stat. § 595.020(5).
Eligibility Requirements: Criminal Background of Victim	No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest or electronic monitoring. In the case of a claimant who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application: - The department shall suspend all proceedings and payments until such time as the claimant is released from incarceration; - The department shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address; - The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery	"3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest or electronic monitoring. 4. In the case of a claimant who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application: (1) The department shall suspend all proceedings and payments until such time as the claimant is released from incarceration; (2) The department shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address; (3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery." Mo. Ann. Stat. § 595.020.
Citizenship Requirement?	None identified.	N/A.
Is a Police Report or Cooperation with Law Enforcement Required?	Cooperation with law enforcement is required, unless good cause for failure to cooperate is shown. No compensation shall be paid unless police, court, or other official records show that such crime was reported to the proper authorities. In lieu of other records the claimant may provide a sworn statement by the applicant that the applicant has good reason to believe that he or she is a victim of human trafficking and fears further violent acts from his or her assailant.	"The claimant, victim or dependent shall cooperate with law enforcement officials in the apprehension of the offender in order to be eligible, or the department has found that the failure to cooperate was for good cause." Mo. Ann. Stat. § 595.015(4). "No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal injury to, or the death of, the victim, and that police, court, or other official records show that such crime was reported to the proper authorities. In lieu of other records the claimant may provide a sworn statement by the applicant under paragraph (c) of subdivision (2) of section 589.663 [the address confidentiality program] that the applicant has good reason to believe that he or she is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking, and fears further violent acts from his or her assailant. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred, receiving a forensic examination, or securing an order of protection." Mo. Ann. Stat. § 595.030(1).

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Benefits may be reduced or denied due to contributory conduct.	"An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the department may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the department can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation." Mo. Ann. Stat. § 595.020(2). "In determining the amount of compensation payable, the department of public safety shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the department of public safety may disregard the responsibility of the victim for his or her own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her presence, or to apprehend a person who had committed a crime in his or her presence or had in fact committed a felony." Mo. Ann. Stat. § 595.035(3). "Contributory conduct. 1. If, through consent, provocation, incitement, or negligence, the victim contributed to the infliction of the victim's injury or death, the claim shall be denied. 2. In order to ensure consistency in awards, no partial reduction in the amount of compensation may be made due to contributory conduct by the victim. 3. Factors to be considered when determining whether a victim contributed to the conduct include, but are not limited to: A. Whether the victim's actions directly and substantially caused the offender's actions; B. Whether the victim's misconduct was willfully part of a continuous flow of events leading to the crime and the victim's involvement was reasonably avoidable; C. Whether it was reasonably foreseeable that the victim's actions would cause the offender to inflict an injury on the victim; and D. Whether the victim's participation in the commission of a potential crime was the result of threat, force, coercion, or control. 4. Determinations regarding contributory conduct shall be made on basis of facts and substantial evidence." Mo. Code Regs. Ann. tit. 11, § 30-18.010(A).
To Whom are Applications Made?	The Department of Public Safety	"Department", the department of public safety. Mo. Ann. Stat. § 595.010(7).
How are Applications Accepted?	Applications are accepted by mail.	*See* https://dps.mo.gov/dir/programs/cvc/documents/CVC_App_Instructions.pdf.
Who May Submit an Application?	A claim for compensation may be filed by a person eligible for compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's spouse, parent, conservator, or guardian.	"A claim for compensation may be filed by a person eligible for compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's spouse, parent, conservator, or guardian." Mo. Ann. Stat. § 595.025(1).
What Language Services are Available?	Not specified.	N/A.

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TOPIC	SUMMARY	DETAILED DESCRPTION
General Documentation Requirements	Each claimant must submit an application along with all requested supporting documentation. The primary documentation required to apply includes: - CVC Application, must be signed by the Victim/Claimant - Crime Related Medical, Dental, Counseling and/or Funeral Bill - Employment Information, if applicable - Death Certificate, if applicable	"Such claims shall be made by filing an application for compensation with the department of public safety. The application form shall be furnished by the department. The application shall include: (1) The name and address of the victim; (2) If the claimant is not the victim, the name and address of the claimant and relationship to the victim, the names and addresses of the victim's dependents, if any, and the extent to which each is so dependent; (3) The date and nature of the crime or attempted crime on which the application for compensation is based; (4) The date and place where, and the law enforcement officials to whom, notification of the crime was given; (5) The nature and extent of the injuries sustained by the victim, the names and addresses of those giving medical and hospital treatment to the victim and whether death resulted; (6) The loss to the claimant or a dependent resulting from the injury or death; (7) The amount of benefits, payments or awards, if any, payable from any source which the claimant or dependent has received or for which the claimant or dependent is eligible as a result of the injury or death; (8) Releases authorizing the surrender to the department of reports, documents and other information relating to the matters specified under this section; and (9) Such other information as the department determines is necessary. In addition to the application, the department may require that the claimant submit materials substantiating the facts stated in the application." Mo. Ann. Stat. § 595.015. "Supporting Documents. (A) No compensation may be paid without proper documentation. (B) Claimants are to produce any document or information requested by the program as necessary to support the claim. (C) Following the initial filing of a claim, if a claimant fails to provide requested information, the claim may be denied. (D) In cases involving the death of the victim, the claimant shall submit a death certificate. (E) Claimants shall promptly provide, in writing, their current contact information, including mailing address, phone number and/or email address to the program. The claimant is responsible for informing the program of any change in contact information. Failure to do so may result in denial of the claim. Cooperation. All claimants are to cooperate with the program and its representatives. Lack of cooperation is grounds for claim denial." Mo. Code Regs. Ann. tit. 11, § 30-18.010(4)-(5). *See* https://dps.mo.gov/dir/programs/cvc/documents/CVC-Fact-Sheet.pdf.
Categories of Benefits Available	Allowable benefits may include medical, funeral and counseling expenses, lost wages or loss of support for eligible victims and their family members.	*See* https://dps.mo.gov/dir/programs/cvc/documents/CVC-Fact-Sheet.pdf.
Requirements/Limits for Relocation Expenses	Relocation expenses do not appear to be available.	N/A.
Requirements/Limits for Mental Health Expenses	No specific cap appears to apply.	"No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a: (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided; (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided; (3) Clinical social worker licensed pursuant to chapter 337; (4) Professional counselor licensed pursuant to chapter 337; or (5) Board-certified psychiatric-mental health clinical nurse specialist or board certified psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in which the service is provided." Mo. Ann. Stat. § 595.030(3).

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TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	$400 per week is the maximum to be provided. Documentation requirements are provided in the Detailed Description column.	"Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed four hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss." Mo. Ann. Stat. § 595.030(5). "Maximum Award Amounts. Maximum award amounts are set in Chapter 595, RSMo. The following are the current maximum award amounts: (A) Reasonable and necessary expenses actually incurred for preparation and burial in the event of death, including funeral expenses: five thousand dollars ($5,000); (B) Actual loss of earnings or support from gainful employment: four hundred dollars ($400) per week; (C) Attorney fees related to filing of Crime Victims' Compensation (CVC) application: up to fifteen percent (15%) of total award; and (D) Total for any claim, including funeral expenses, lost earnings, out-of-pocket losses, attorney fees, and all other categories of expenses: twenty-five thousand dollars ($25,000)." Mo. Code Regs. Ann. tit. 11, § 30-18.010(7). "Determination of Lost Earnings or Support. (A) In determining whether to award lost earnings or support to a victim or a dependent of a victim, the program shall consider whether the victim was gainfully employed at the time of the crime. (B) In order to make this determination, the program may request and consider the following documentation: 1. Documentation of wages, including pay stubs; 2. Federal or state income tax returns, including any forms showing estimated taxes; 3. A document releasing the victim to return to work, signed by a medical provider or a psychiatric treatment or counseling service provider, who treated or examined the victim for injuries caused by a compensable crime; or 4. Any other document that would demonstrate gainful employment. (C) Lost earnings or support may include compensation in instances where a victim is unable to maintain employment as a result of the crime. (D) Lost earnings or support may include earnings lost by a claimant as a result of participating in the criminal justice process, such as earnings lost due to meeting with officers or attending or participating in court proceedings." Mo. Code Regs. Ann. tit. 11, § 30-18.010(8).
Requirements/Limits for Medical Expenses	No specific cap appears to apply.	"1. Upon request by the department for verification of injuries of victims, medical providers shall submit the information requested by the department within twenty working days of the request at no cost to the fund. 2. For purposes of this section, “medical providers” means physicians, dentists, clinical psychologists, optometrists, podiatrists, registered nurses, physician's assistants, chiropractors, physical therapists, hospitals, ambulatory surgical centers, abortion facilities, and nursing homes. 3. Failure to submit the information as required by this section shall be an infraction." Mo. Ann. Stat. § 595.027. "No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided." Mo. Ann. Stat. § 595.030(2).
Timeframe to Obtain Benefits	None specified.	N/A.
Is Emergency Assistance Available?	Yes, not to exceed $100.	“Emergency service” means "those services provided to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars[.]" Mo. Ann. Stat. § 595.010(12).
Compensation Cap (Overall)	25000 total for any claim.	"Maximum Award Amounts. Maximum award amounts are set in Chapter 595, RSMo. The following are the current maximum award amounts: (A) Reasonable and necessary expenses actually incurred for preparation and burial in the event of death, including funeral expenses: five thousand dollars ($5,000); (B) Actual loss of earnings or support from gainful employment: four hundred dollars ($400) per week; (C) Attorney fees related to filing of Crime Victims' Compensation (CVC) application: up to fifteen percent (15%) of total award; and (D) Total for any claim, including funeral expenses, lost earnings, out-of-pocket losses, attorney fees, and all other categories of expenses: twenty-five thousand dollars ($25,000)." Mo. Code Regs. Ann. tit. 11, § 30-18.010(7).

TOPIC	SUMMARY	DETAILED DESCRPTION
Sources of Funding	Funding is provided through the Crime Victims' Compensation Fund.	"There is established in the state treasury the “Crime Victims' Compensation Fund”. A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031." Mo. Ann. Stat. § 595.045(1).
Appeal Process	An appeal may be filed within 30 days of the date of notification of decision. A further appeal may be filed within 30 days of the initial appeal decision.	"For any claim filed on or after August 28, 2014, any party aggrieved by a decision of the department of public safety on a claim under the provisions of sections 595.010 to 595.075 may, within thirty days following the date of notification of such decision, file a petition with the department to have such decision heard de novo by the director. The director may affirm or reverse the department's decision on the basis of the evidence previously submitted in such case or may take additional evidence in reviewing the decision. The department shall promptly notify the party of its decision and the reasons therefor. Any party aggrieved by the department's decision may, within thirty days following the date of notification of such decision, file a petition with the administrative hearing commission to appeal such decision as provided in section 621.275." Mo. Ann. Stat. § 595.036. Detailed procedures for appeals may be found in Mo. Code Regs. Ann. tit. 11, § 30-18.020.
Payer of Last Resort Requirements	Compensation otherwise payable to a claimant shall be diminished to the extent that the economic loss is recouped from other sources.	"1. Acceptance of any compensation under sections 595.010 to 595.075 shall subrogate this state, to the extent of such compensation paid, to any right or right of action accruing to the claimant or to the victim to recover payments on account of losses resulting from the crime with respect to which the compensation has been paid. The attorney general may enforce the subrogation, and he shall bring suit to recover from any person to whom compensation is paid, to the extent of the compensation actually paid under sections 595.010 to 595.075, any amount received by the claimant from any source exceeding the actual loss to the victim. 2. The department shall have a lien on any compensation received by the claimant, in addition to compensation received under provisions of sections 595.010 to 595.075, for injuries or death resulting from the incident upon which the claim is based. The claimant shall retain, as trustee for the department, so much of the recovered funds as necessary to reimburse the Missouri crime victims' compensation fund to the extent that compensation was awarded to the claimant from that fund. 3. If a claimant initiates any legal proceeding to recover restitution or damages related to the crime upon which the claim is based, or if the claimant enters into negotiations to receive any proceeds in settlement of a claim for restitution or damages related to the crime, the claimant shall give the department written notice within fifteen days of the filing of the action or entering into negotiations. The department may intervene in the proceeding of a complainant to recover the compensation awarded. If a claimant fails to give such written notice to the department within the stated time period, or prior to any attempt by claimant to reach a negotiated settlement of claims for recovery of damages related to the crime upon which the claim is based, the department's right of subrogation to receive or recover funds from claimant, to the extent that compensation was awarded by the department, shall not be reduced in any amount or percentage by the costs incurred by claimant attributable to such legal proceedings or settlement, including, but not limited to, attorney's fees, investigative cost or cost of court. If such notice is given, attorney fees may be awarded in an amount not to exceed fifteen percent of the amount subrogated to the department. 4. Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the department may initiate restitution hearings in such criminal proceedings or intervene in the same. The department shall be entitled to receive restitution in such proceedings to the extent compensation was awarded; provided, however, the department shall be exempt from the payment of any fees or other charges for the recording of restitution orders in the offices of the judges of probate. The claimant shall notify this department when restitution is ordered. Failure to notify the department will result in possible forfeiture of any amount already received from the department. 5. Whenever the department shall deem it necessary to protect, maintain or enforce the department's right to subrogation or to exercise any of its powers or to carry out any of its duties or responsibilities, the attorney general may initiate legal proceedings or intervene in legal proceedings as the department's legal representative." Mo. Ann. Stat. § 595.040. "Fundraising and crowdsourcing. 1. Payments made to claimants shall be reduced by any amount received as a result of fundraising on behalf of the victim. Such sources include, but are not limited to, memorial funds, in-person fundraisers, and fundraising from websites such as GoFundMe
References and Resources		*See* https://dps.mo.gov/dir/programs/cvc/. Mo. Ann. Stat. § 595.010 *et seq.* Mo. Code Regs. Ann. tit. 11, § 30-18.010 *et seq.*

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	One year after the date of the crime. Sexual offenses against minors have a separate time frame. The deadline can be extended for good cause.	Compensation may not be awarded unless the claim is filed with the office within 1 year after the day the criminally injurious conduct occurred causing the injury or death upon which the claim is based. Compensation in cases involving sexual offenses against minors may not be awarded unless the claim is filed with the office within 1 year after the day the criminally injurious conduct was reported to a law enforcement agency or an agency of the state responsible for provision of child welfare services, or within 1 year after the day the victim reaches 18 years of age, whichever occurs last. The time for filing a claim may be extended by the office for good cause shown. MCA 53-9-125(1).
Eligibility Requirements: Identity of Person Seeking Compensation	A victim or a dependent of a deceased victim.	"Claimant" means any of the following claiming compensation under this part: (a) a victim; (b) a dependent of a deceased victim; or (c) an authorized person acting on behalf of any of them. "Victim" means: (a) a person who suffers bodily injury or death as a result of: (i) criminally injurious conduct; (ii) the person's good faith effort to prevent criminally injurious conduct; or (iii) the person's good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct; or (b) a minor child present in a home where domestic violence occurred. MCA 53-9-1-103.
Eligibility Requirements: Types of Crime	Violent crimes.	"Criminally injurious conduct" means conduct that: (a) occurs or is attempted in this state or an act of international terrorism, committed outside of the United States against a resident of this state; (b) results in bodily injury or death or involves domestic violence in a home where minor children were present; and (c) is punishable by fine, imprisonment, or death or would be so punishable except that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; however, criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the bodily injury or death occurred during the commission of an offense that requires the mental state of purposely as an element of the offense or the injury or death was inflicted by the driver of a motor vehicle who is found by the office, by a preponderance of the evidence, to have been operating the motor vehicle while under the influence; or (d) is committed in a state without a crime victims compensation program that covers a resident of this state if the conduct meets the requirements in subsections (b) and (c). MCA 53-9-1-103.
Eligibility Requirements: Geographic Nexus	Crime must be committed in Montana.	"Criminally injurious conduct" includes conduct that occurs or is attempted in this state. MCA 53-9-1-103.
Eligibility Requirements: Criminal Background of Victim	N/A	N/A
Citizenship Requirement?	N/A	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	Yes	In order to be entitled to benefits under this part, a claimant shall fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender causing the criminally injurious conduct. The office, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies or prosecuting attorneys, may deny or reconsider and reduce an award of compensation. MCA 53-9-125(4).
Is Complicity in Crime Disqualifying?	Yes	Compensation may not be awarded to a claimant who is the offender or an accomplice of the offender or to any claimant if the award would unjustly benefit the offender or accomplice. MCA 53-9-125(2).
To Whom are Applications Made?	The Office of Victims Services.	MCA 53-9-104, 53-9-103(5).
How are Applications Accepted?	By mail.	https://dojmt.gov/victim-services/crime-victim-compensation/request-claim-form/
Who May Submit an Application?	A victim, a dependent of a deceased victim, or an authorized person acting on behalf of any of them.	"Claimant" means any of the following claiming compensation under this part: (a) a victim; (b) a dependent of a deceased victim; or (c) an authorized person acting on behalf of any of them. MCA 53-9-103(1).

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TOPIC	SUMMARY	DETAILED DESCRPTION
What Language Services are Available?	N/A	N/A
General Documentation Requirements	Medical reports may be required.	(1) The office may require the claimant to supplement the application with any reasonably available medical or counseling reports relating to the injury for which compensation is claimed. (2) If the physical condition of a victim or claimant is material to a claim, the office may order the victim or claimant to submit from time to time to a physical examination by a physician or may order an autopsy of a deceased victim. The office shall pay for the examination or autopsy. The order must specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made and must require the person to file with the office a detailed written report of the examination or autopsy. The report must set out physician's findings, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions. On request of the person examined, the office shall furnish the person a copy of the report. If the victim is deceased, the office, on request, shall furnish the claimant a copy of the report. MCA 53-9-123.
Categories of Benefits Available	Funeral costs, medical costs, mental health costs, and wage loss.	
Requirements/Limits for Relocation Expenses	N/A	N/A
Requirements/Limits for Mental Health Expenses	Mental health counseling benefits are available for primary and secondary victims including immediate family members such as the parent, spouse, child, brother or sister of a victim who is killed as a direct result of a crime.	Subject to the limitations in subsection (e), the spouse, parent, child, brother, or sister of a victim who is killed as a result of criminally injurious conduct is entitled to reimbursement for mental health treatment received as a result of the victim's death. (b) Subject to the limitations in subsection (e), the parent, brother, or sister of a minor who is a victim of criminally injurious conduct involving a sexual offense and who is not entitled to receive services under Title 41, chapter 3, is entitled to reimbursement for mental health treatment received as a result of that criminally injurious conduct. (c) Subject to the limitations in subsection (e), the parent or guardian of a minor who is a victim of criminally injurious conduct involving a sexual offense and who is not entitled to receive services under Title 41, chapter 3, is entitled to: (i) claim benefits under subsection (1); (ii) mileage at the rate allowed by the internal revenue service for the current year; and (iii) if not receiving benefits under subsection (c)(i), actual wage loss reimbursement for wage loss incurred taking the minor victim to mental health or medical treatment received as a result of that criminally injurious conduct. (d) Subject to the limitations in subsection (e), minor children who were present in a home where domestic violence occurred are entitled to reimbursement for mental health treatment received as a result of that criminally injurious conduct. (e) Total payments made under subsections (a) through (d) may not exceed $5,000 or 12 consecutive months of treatment for each person, whichever occurs first. MCA 53-9-128(9).

MONTANA

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	A victim is entitled to weekly compensation benefits when the victim is physically unable to work for a minimum of one work week.	(1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks weekly benefits, the claimant, as a result of the injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is 66 2/3% of the wages received at the time of the criminally injurious conduct, subject to a maximum of one-half the state's average weekly wage as determined in 39-51-2201. Weekly compensation payments must be made at the end of each 2-week period. Weekly compensation payments may not be paid for the first week after the criminally injurious conduct occurred, but if total actual loss of wages continues for 1 week, weekly compensation payments must be paid from the date the wage loss began. Weekly compensation payments must continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market. (3)(a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive, in a gross single amount payable to all dependents, weekly benefits amounting to 66 2/3% of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of one-half the state's average weekly wage as determined in 39-51-2201. Weekly compensation payments must be made at the end of each 2-week period. (b) Benefits under subsection (3)(a) must be paid to the spouse for the benefit of the spouse and other dependents unless the office determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under subsection (3)(a) must cease to be paid to the spouse but must continue to be paid to the other dependents as long as their dependent status continues. MCA 53-9-128(1)-(3).
Requirements/Limits for Medical Expenses	Eligible medical costs include: -Hospital services -Physician expenses -Mental health treatment -Prescription drugs -Ambulance charges -Dental treatment -Physical therapy -Chiropractic services -Prosthetics -Other costs, as approved.	The claimant is entitled to be reimbursed for reasonable services by a physician or surgeon, reasonable hospital services and medicines, and other treatment approved by the office for the injuries suffered due to criminally injurious conduct. Unless expressly requested by the claimant, benefits may not be paid under this subsection until the claimant has been fully compensated for total wage loss benefits. MCA 53-9-128(2); *see also* https://dojmt.gov/victim-services/crime-victim-compensation/.
Timeframe to Obtain Benefits	N/A	N/A
Is Emergency Assistance Available?	Yes	If the office determines that the claimant will suffer financial hardship unless a tentative award is made and it appears likely that a final award will be made, an amount may be paid to the claimant, to be deducted from the final award or repaid by and recoverable from the claimant to the extent that it exceeds the final award. MCA 53-9-126.
Compensation Cap (Overall)	$25,000	Compensation payable to a victim and all of the victim's dependents in cases of the victim's death because of injuries suffered due to an act of criminally injurious conduct may not exceed $25,000 in the aggregate. MCA 53-9-128(5).
Sources of Funding	State and federal sources.	The office may adopt appropriate rules in order to receive federal funds under federal criminal reparation and compensation acts. MCA 53-9-110. There is an account in the state special revenue fund for crime victims compensation. The money in the account is statutorily appropriated, as provided in 17-7-502, to the department of justice for the purposes provided in this part. MCA 53-9-113.
Appeal Process	Judicial review is available.	After the office has made final determination concerning any matter relating to a claim, if the claimant disputes the office's determination, the claimant may appeal to the district court for the county in which the claimant resides for review. Review on appeal must be in conformity with 2-4-701 through 2-4-704 of the Montana Administrative Procedure Act. The judge, after a hearing, shall make a final determination concerning the dispute and issue an appropriate order affirming, reversing, or modifying the office's determination. MCA 53-9-131.
Payer of Last Resort Requirements	Yes	Compensation otherwise payable to a claimant must be reduced or denied to the extent the compensation benefits payable are or can be recouped from collateral sources. MCA 53-9-125(5).
References and Resources	Statutes and the Office's website.	MCA 53-9-101 *et seq.* https://dojmt.gov/victim-services/crime-victim-compensation/

NEBRASKA

NEBRASKA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	2 - 3 years, depending on the age of the victim.	An application shall be submitted to the committee: (a) For a victim who was nineteen years of age or older at the time of the personal injury or death, within two years after the date of the personal injury or death; (b) For a victim who was under nineteen years of age at the time of death, within three years after the date of death; and (c) For a victim who was under nineteen years of age at the time of the personal injury, on or before the victim's twenty-second birthday. The deadline may be extended for good cause. Neb.Rev.St. § 81-1821(2)-(3).
Eligibility Requirements: Identity of Person Seeking Compensation	The victim, a caretaker, dependents, or a healthcare provider.	In a case in which a person is injured or killed as a result of conduct specified in the Nebraska Crime Victim's Reparations Act, or by any act of any other person which is within the description of offenses listed in such act, the committee or a hearing officer may order the payment of compensation: (1) To or for the benefit of the injured person; (2) In the case of personal injury or death of the victim, to a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury; (3) In the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim; or (4) To a health care provider for costs incurred in treating or examining injuries of the victim arising out of the sexual assault, domestic assault, or child abuse as described in section 81-1807. Compensation paid to a victim shall not include such costs paid to a health care provider. Neb.Rev.St. § 81-1815.
Eligibility Requirements: Types of Crime	Crimes resulting in personal injury or death.	The committee or hearing officer may order the payment of compensation from the Victim's Compensation Fund for personal injury or death which resulted from: (1) An attempt on the part of the applicant to prevent the commission of crime, to apprehend a suspected criminal, to aid or attempt to aid a police officer in the performance of his or her duties, or to aid a victim of a crime; or (2) The commission or attempt on the part of one other than the applicant of an unlawful criminal act committed or attempted in the State of Nebraska. Neb.Rev.St. § 81-1818.
Eligibility Requirements: Geographic Nexus	Crime must occur in Nebraska.	Compensation is available for crimes committed or attempted in the State of Nebraska. Neb.Rev.St. § 81-1818.
Eligibility Requirements: Criminal Background of Victim	N/A	N/A
Citizenship Requirement?	N/A	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	Yes, crimes must be reported within 5 days, except for sex trafficking and certain other crimes.	Compensation is not available unless the personal injury or death was the result of an incident or offense which had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made. An application submitted by or for a victim of sexual assault, domestic assault, child abuse, or sex trafficking is not subject to the five-day reporting requirement if, prior to submitting the application the: (a) Applicant or victim has reported such crime to the police; (b) Applicant or victim has obtained a protection order related to such incident or offense; or (c) Victim has presented for a forensic medical exam. Neb.Rev.St. § 81-1821(1), (4).

NEBRASKA

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Yes, crimes must be reported within 5 days, except for sex trafficking and certain other crimes.	(1) In determining whether to make an order under the Nebraska Crime Victim's Reparations Act, the committee or hearing officer shall consider all circumstances determined to be relevant, including, but not limited to, provocation, consent, or any other behavior of the victim which directly or indirectly contributed to his or her injury or death. (2) An order may be made under the Nebraska Crime Victim's Reparations Act whether or not any person is prosecuted for or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the committee may suspend proceedings under the Nebraska Crime Victim's Reparations Act for such period as it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent. Neb.Rev.St. § 81-1816. No compensation shall be awarded from the Victim's Compensation Fund: (1) If the victim aided or abetted the offender in the commission of the unlawful act; (2) If the offender will receive economic benefit or unjust enrichment from the compensation; (3) If the victim violated a criminal law of the state, which violation caused or contributed to his or her injuries or death; or (4) If the victim is injured as a result of the operation of a motor vehicle, boat, or airplane (a) unless the vehicle was used in a deliberate attempt to injure or kill the victim, (b) unless the operator is charged with a violation of section 60-6,196 or 60-6,197 or a city or village ordinance enacted in conformance with either of such sections, or (c) unless any chemical test of the operator's breath or blood indicates an alcohol concentration equal to or in excess of the limits prescribed in section 60-6,196. Neb.Rev.St. § 81-1822.
To Whom are Applications Made?	The Crime Victim's Reparations Committee.	Any person who may be eligible for compensation under the Nebraska Crime Victim's Reparations Act may make application to the committee. Neb.Rev.St. § 81-1807(1).
How are Applications Accepted?	Mail or email.	https://ncc.nebraska.gov/crime-victim-reparations.
Who May Submit an Application?	Victims, parents/guardians, and health care providers (in limited circumstances).	(1) Any person who may be eligible for compensation under the Nebraska Crime Victim's Reparations Act may make application to the committee on forms provided by the committee. Such application need not be signed and acknowledged before a notary public. If the person entitled to make application is a minor or mentally incompetent, the application may be made on his or her behalf by his or her parent, guardian, or any other individual authorized to administer his or her estate. Residents and nonresidents of Nebraska who are victims of crimes committed in Nebraska shall be treated similarly in determining compensation awards under the act. A resident of Nebraska who is the victim of a crime committed in another state shall be eligible for compensation if (a) the crime would be compensable had it occurred in Nebraska and (b) the crime occurred in a state which does not have a crime victim compensation program for which the person is eligible. (2) A health care provider may, with the permission of the victim, apply for reimbursement for health care costs incurred by the provider that are otherwise to be paid for by a victim of sexual assault, domestic assault, or child abuse and for which the provider will not otherwise receive reimbursement from private insurance, the medical assistance program established pursuant to the Medical Assistance Act, the Sexual Assault Payment Program, or any other entity, source, or fund, whether public or private. Neb.Rev.St. § 81-1807.
What Language Services are Available?	Certain resources are available in Spanish.	https://ncc.nebraska.gov/sites/default/files/doc/Nebraska%20Crime%20Victims%20Reparations%20Program%20Pamphlet%20Spanish.pdf
General Documentation Requirements	The Committee may require documents or gather evidence.	The committee or a hearing officer may hold hearings, sit and act at the times and places and take the testimony that the committee or the hearing officer considers advisable, and administer oaths or affirmations to witnesses. The hearing officer or the committee shall have full powers by subpoena to compel the appearance of witnesses and the production of any relevant evidence, but no subpoena shall be issued unless signed by a member of the committee. Application to a court for aid in enforcing the subpoena may be made in the name of the committee by any committee member. Neb.Rev.St. § 81-1810(1).

NEBRASKA

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical expenses, lost wages, pecuniary loss to dependents, funeral expenses, and other reasonable expenses.	The committee or hearing officer may order the payment of compensation to victims of crime and survivors of victims of crime for: (1) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, including expenses for mental health counseling and care; (2) Loss of wages and future earning capacity as a result of total or partial incapacity of the victim and reasonable expenses of job retraining or similar employment-oriented rehabilitative services for the victim; (3) Pecuniary loss to the dependents of the deceased victim; (4) Funeral and burial expenses actually and reasonably incurred as a result of the death of the victim; and (5) Any other loss resulting from the personal injury or death of the victim which the committee determines to be reasonable. Neb.Rev.St. § 81-1819.
Requirements/Limits for Relocation Expenses	N/A	N/A
Requirements/Limits for Mental Health Expenses	N/A	N/A
Requirements/Limits for Lost Income	N/A	N/A
Requirements/Limits for Medical Expenses	N/A	N/A
Timeframe to Obtain Benefits	Decisions are made within 180 days.	A hearing officer shall consider and rule upon any application made under the Nebraska Crime Victim's Reparations Act within one hundred eighty days after receipt of all required information related to the crime. Neb.Rev.St. § 81-1809(1).
Is Emergency Assistance Available?	Up to $5,000.	If it appears to the hearing officer that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made, the hearing officer may make an emergency award of compensation to the applicant pending a final decision in the case, except that: (a) The amount of the emergency compensation shall not exceed five hundred dollars; (b) The amount of the emergency compensation shall be deducted from the final compensation made to the applicant; and (c) The excess amount of the emergency compensation over the final amount shall be repaid by the applicant to the committee. Neb.Rev.St. § 81-1820(1).
Compensation Cap (Overall)	Up to $25,000.	No compensation shall be awarded under the Nebraska Crime Victim's Reparations Act from the Victim's Compensation Fund in an amount in excess of twenty-five thousand dollars for each applicant per incident. Neb.Rev.St. § 81-1823.
Sources of Funding	Public and private funding.	The Victim's Compensation Fund is created. The fund shall be used to pay awards or judgments under the Nebraska Crime Victim's Reparations Act other than distributions from the Community Trust. The fund shall include deposits pursuant to sections 29-2286, 33-157, 81-1836, 83-183.01, and 83-184 and donations or contributions from public or private sources and shall be in such amount as the Legislature shall determine to be reasonably sufficient to meet anticipated claims. When the amount of money in the fund is not sufficient to pay any awards or judgments under the act, the Director of Administrative Services shall immediately advise the Legislature and request an emergency appropriation to satisfy such awards and judgments. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Neb.Rev.St. § 81-1835.
Appeal Process	Appeals are available.	All determinations, decisions, and awards made by the committee or any hearing officer may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. Neb.Rev.St. § 81-1832.
Payer of Last Resort Requirements	N/A	N/A
References and Resources	Statutes and the Committee's website	Neb.Rev.St. § 81-1801 *et seq.* https://ncc.nebraska.gov/crime-victim-reparations

NEVADA

NEVADA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• Within two years after the date of the crime. • Minor victims of sexual assault, molestation or pornography have until age 21 to file an application.	"Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 months after the injury or death for which compensation is claimed, unless waived by the Director or a person designated by the Director for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made." - NRS 217.100(1) "The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age." - NRS 217.100(5)
Eligibility Requirements: Identity of Person Seeking Compensation	• To be eligible for assistance, a person must be a victim of a violent crime in Nevada, involving physical injury, threat of physical injury or death. • Family members of a deceased victim of a crime may also be eligible.	See NRS 217.070 for complete definition of "Victim," which includes "[a] person who is an immediate family member of a victim who: (1) Is a minor; (2) Is physically or mentally incompetent; or (3) Was killed."
Eligibility Requirements: Types of Crime	• Any criminal conduct. • Acts of terrorism.	"'Crime' means: 1. An act or omission committed within this state which, if committed by an adult, is forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline; or 2. An act of international terrorism as defined in 18 U.S.C. § 2331(1) against a person." - NRS 217.035 See NRS 217.070(1) for definition of "Victim," which includes list of qualifying crimes and statutory cross references.
Eligibility Requirements: Geographic Nexus	Crime must occur in Nevada	"A resident who is a victim of a crime that occurred in a state other than the State of Nevada may apply to the Director for compensation if: . . . ." - NRS 217.102(1)
Eligibility Requirements: Criminal Background of Victim	Awards not permitted to imprisoned victims.	"Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim: . . . (c) Was injured or killed while serving a sentence of imprisonment in a prison or jail; (d) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS . . . ." - NRS 217.220(c)-(d)
Citizenship Requirement?	No limitations	Term "Victim" includes "any person who was harmed by an act listed in subsection 1, regardless of whether: (a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States . . . ." - NRS 217.070(2)(a)
Is a Police Report or Cooperation with Law Enforcement Required?	Victims must cooperate with law enforcement during the investigation and prosecution of the crime.	"Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim: . . . (e) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender." - NRS 217.220(1)(e)
Is Complicity in Crime Disqualifying?	Victims cannot have participated in or been involved in committing the crime.	"Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim: (a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484C.110 or the use of the vehicle was punishable pursuant to NRS 484C.430 or 484C.440; (b) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries . . . ." - NRS 217.220(a)-(b).
To Whom are Applications Made?	Victims of Crime Program	https://voc.nv.gov/VOC/Application/
How are Applications Accepted?	• Email • Fax • Regular mail	https://voc.nv.gov/VOC/Application/
Who May Submit an Application?	• Victim • Applicant on behalf of a victim who is under the age of 18, mentally or physically incapable of completing the application, or deceased.	https://voc.nv.gov/uploadedFiles/vocnvgov/content/VOC/VOCP_English_Application_Final_11_18_24.pdf
What Language Services are Available?	Spanish	
General Documentation Requirements	VOCP provides a number forms to "assist" victims and applicants, though they do not appear to be mandatory	https://voc.nv.gov/VOC/Forms/
Categories of Benefits Available	• Hospital and Ambulance bills • Medical and Dental treatment • Mental Health Counseling • Wage or income loss • Funeral and burial expenses • Loss of support, for dependents of a deceased victim • Emergency Shelter and Relocation costs • Insurance co-payments • Crime scene cleanup • Medically necessary equipment such as a wheelchair • Childcare costs incurred because of the crime • Vision prosthetics and eyeglass replacement • Home Health Care • Prescription Medication • Home Security Repair	See NRS 217.200 for overview of compensation permitted
Requirements/Limits for Relocation Expenses	Available	

NEVADA

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Mental Health Expenses	• Mental health expenses allowed • Certified care provider required in instances of sexual assault	"1. Upon approval by the board of county commissioners as provided in NRS 217.310, medical treatment for the victim's physical injuries or treatment in the form of psychological, psychiatric and marital counseling for the victim, the victim's spouse and any other eligible person must be made available at a county hospital or other facility with which the board may contract for the purpose of providing such treatment. 2. Any costs for treatment provided pursuant to this section, not exceeding $1,000, shall be paid by the county which authorized the treatment." - NRS 217.320 "1. The board of county commissioners shall require the psychologist, psychiatrist or counselor treating a victim of sexual assault or the victim's spouse for emotional trauma suffered as a result of the sexual assault to certify from time to time that the counseling relates to the sexual assault and that the victim or spouse still suffers from the effects of the emotional trauma which resulted from the sexual assault. 2. If the person providing the treatment fails to make the certification upon request by the board, the board may order the treatment terminated." - NRS 217.330
Requirements/Limits for Lost Income	Loss earnings allowed up to 52 weeks	"1. The compensation officer may order the payment of compensation and the award of a Governor's certificate for meritorious citizen's service to a victim for: . . . (b) Loss of earnings or support that is reasonably incurred as a result of the total or partial incapacity of the victim for not longer than 52 weeks . . . ." - NRS 217.200(1)(b)
Requirements/Limits for Medical Expenses	No specific limitations	"1. The compensation officer may order the payment of compensation and the award of a Governor's certificate for meritorious citizen's service to a victim for: (a) Medical expenses, expenses for psychological counseling and nonmedical remedial care and treatment rendered in accordance with a religious method of healing that are actually and reasonably incurred as a result of the personal injury or death of the victim . . . ." - NRS 217.200(1)(a)
Timeframe to Obtain Benefits	Initial decision typically made within 7 days	
Is Emergency Assistance Available?	Not available	
Compensation Cap (Overall)	$35,000	
Sources of Funding	Appears to be primarily a number of grant sources and federal programs	https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Budget/8130/Overview
Appeal Process	• Appeal to the Hearing Officer The applicant has 60 days to appeal the decision of the Compensation Officer to the Hearing Officer by filing a request for hearing. • Appeal to the Appeals Officer: The applicant has 15 days to appeal the decision of the Hearing Officer to the Appeals Officer. • Appeal to the Director: The applicant or the Division may only appeal a final decision by the hearing officer and must submit the appeal to the Director within 15 day of the hearing officer decision.	See NRS 217.117 https://voc.nv.gov/VOC/Appeal_Rights_and_Procedures/
Payer of Last Resort Requirements	Yes, the VOCP can only reimburse crime-related expenses that are not covered by other sources.	"If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from: (a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender; (b) Insurance; (c) The employer of the victim; or (d) Another private or public source or program of assistance, the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Department the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses." - NRS 217.180(3)
References and Resources		• **General Overview & Associated Links** https://voc.nv.gov/VOC/VOC_Home/ • **Statutory Language** https://www.leg.state.nv.us/nrs/NRS-217.html#NRS217Sec102 • **Application** https://voc.nv.gov/uploadedFiles/vocnvgov/content/VOC/VOCP_English_Application_Final_11_18_24.pdf

NEW HAMPSHIRE

TOPIC	SUMMARY	DETAILED DESCRIPTION
Time to File	Applications must be filed with the Victims' Compensation Commission (the "Commission") within 2 years from the date of the crime, unless there is a reasonable explanation. Crimes must have been committed prior to 11/21/1989, except in limited circumstances. The crime for which compensation is sought must have been reported to law enforcement within 5 days of the crime, unless there is a reasonable explanation.	The crime must be reported within 5 days of the crime unless good cause, which shall include but not be limited to the following, is shown: (1) The victim's medical condition prevented him or her from making such a report; (2) The victim's fear for his or her personal safety prevented the victim from making such a report; (3) The victim's fear of retribution prevented him or her from making such a report; or (4) The victim's emotional state or mental health prevented him or her from making such a report; N.H. Code Admin. R. Jus 605.02(c). The crime must have occurred before 11/2/1989, unless victim was a minor or victim of sexual assault. N.H. Code Admin. R. Jus 605.02(a).
Eligibility Requirements: Identity of Person Seeking Compensation	• Any person who sustains physical and/or mental injuries in a felony or misdemeanor crime, which occurred in New Hampshire. • Any person who sustains personal injury in New Hampshire because of another person's driving under the influence of alcohol or controlled substances, so long as the injured party was unaware that the driver was impaired • Immediate family members of a misdemeanor or felony crime victim. • Any New Hampshire resident who sustains physical and/or mental injuries in a felony or misdemeanor crime which occurred outside of the United States in a country that does not have a compensation program may also be eligible. **• Any person who is a victim of sexual abuse or human trafficking and is under the age of 18 (or a guardian ad litem, child advocate, or parent on behalf of such claimant) at the time of the offense.** **• Any person who is a victim of human trafficking (or a guardian ad litem, child advocate, or parent on behalf of such claimant) and has been tattooed with an identifying mark of human trafficking by a person who has forced him or her into trafficking.** Claimant must have incurred at least $100.00 in out-of-pocket loss or liability as a direct result of the crime.	A claim shall be brought only by the following: (1) A primary victim; (2) A related victim regardless of whether the primary victim had expenses or liabilities totaling at least $100; (3) A person designated in writing by an adult or emancipated minor primary victim or a court of competent jurisdiction to act as his or her representative; and (4) The parent or guardian on behalf of a primary victim who is a minor. N.H. Code Admin. R. Jus 605.01(a). "Primary Victim" means the person who suffered personal injury or death as a direct result of an eligible crime. N.H. Code Admin. R. Jus 602.25. "Victim" means: (a) Any person who suffered personal injury or death as a direct result of an eligible crime occurring in either: (1) New Hampshire; or (2) Any other state or jurisdiction that does not have a crime compensation program meeting the requirements of 34 U.S.C. 20102(b), and such person was domiciled in New Hampshire at the time the crime; and (b) Both a primary victim or a related victim. N.H. Code Admin. R. Jus 602.32. "Related Victim" means an immediate family member who suffered a loss as a result of an eligible crime. N.H. Code Admin. R. Jus 602.27. "Immediate Family Member" means a person who has o the following relationships with the victim: (a) Parent, stepparent, or domestic partner of a parent; (b) Child or stepchild; (c) Sibling or stepsibling; (d) Spouse; (e) Domestic partner; or (f) Any other person either legally obligated to provide financial support or having previously provided substantial support to a victim. N.H. Code Admin. R. Jus 602.19. Additionally, the Department of Justice statute explicitly highlights victims of human trafficking as eligible for compensation, including: • Any person who is a victim of sexual abuse or human trafficking and is under the age of 18 at the time of the offense; • Any person who is a victim of human trafficking and has been tattooed with an identifying mark of human trafficking by a person who has forced him or her into trafficking. N.H. Rev. Stat. Ann. § 21-M:8-h(I)(a)(3), (4). A claimant who was the victim of sexual abuse or human trafficking under subparagraph I(a)(3), or a guardian ad litem, child advocate, or parent on behalf of such claimant, may file a claim at any ti N.H. Rev. Stat. Ann. § 21-M:8-h(II).
Eligibility Requirements: Types of Crime	While the underlying criminal act may be "any criminal act that is or would be a misdemeanor or felony" that caused a victim to suffer a personal injury or death and incurred expenses of more than $100, below are the eligible types of crimes listed on the application form: • Assault • Sexual assault • Robbery with injury • Domestic violence • Stalking • DUI • Homicide • Child Physical Abuse/Neglect • Child Pornography • Human Trafficking • Kidnapping • Other Vehicular Crimes • Terrorism • Other (Describe)	A request for compensation shall be made by a claimant or considered by the commission only if there is: (1) An underlying criminal act that is or would be a misdemeanor or felony, or constitute driving while under the influence of alcohol or other controlled substance; and (2) A primary victim who, as a direct result of a crime falling under (b)(1) above, suffered a personal injury or death and incurred expenses or liabilities totaling at least $100, except as provided in (a N.H. Code Admin. R. Jus 605.01(b). "Eligible Crime" means any misdemeanor or felony that results in personal injury to or the death of the victim, or driving under the influence of alcohol or a controlled substance and that results in personal injury to or the death of the victim. For the purposes of these rules, the term includes any such act if it forms or could form the basis of a juvenile delinquency petition pursuant to RSA 169-I N.H. Code Admin. R. Jus 602.16.

TOPIC	SUMMARY	DETAILED DESCRIPTION
Eligibility Requirements: Geographic Nexus	The crime must have occurred in New Hampshire OR the crime occurred in another state or jurisdiction without a crime compensation program, but the person was domiciled in New Hampshire at the time of the crime.	"Victim" means: (a) Any person who suffered personal injury or death as a direct result of an eligible crime occurring in either: (1) New Hampshire; or (2) Any other state or jurisdiction that does not have a crime compensation program meeting the requirements of 34 U.S.C. 20102(b), and such person was domiciled in New Hampshire at the time the crime; and (b) Both a primary victim or a related victim. N.H. Code Admin. R. Jus 602.32.
Eligibility Requirements: Criminal Background of Victim	The primary victim must not have: • Engaged in conduct that primarily contributed to his or her personal injury or death, including but not limited to, being a voluntary passenger in an impaired offender's vehicle knowing that the offender was impaired (however, in the case of a primary victim who was a homicide victim whose conduct primarily contributed to his or her death, only, any dependent related victim who has not attained the age of 18 shall be eligible for compensation solely for mental health counseling) • Committed a crime which caused or contributed to his or her personal injury or death. • Been a victim of an inmate-on-inmate crime that occurred in a jail or prison. Additionally, the compensation cannot benefit or enrich the offender. ***However, the commission shall not consider contributory fault in determining the amount of compensation to be awarded if the claimant was a victim of sexual abuse or human trafficking.***	If any one or more of the following are true, the commission shall deny the claim for compensation in its entirety: (a) The crime occurred before 11/2/1989, and the victim was neither a minor nor a victim of sexual assault; (b) The primary victim did not suffer personal injury or death and incur expenses or liabilities totaling at least $100; (c) The crime was not reported within 5 days of the crime unless good cause, which shall include but not be limited to the following, is shown: (1) The victim's medical condition prevented him or her from making such a report; (2) The victim's fear for his or her personal safety prevented the victim from making such a report; (3) The victim's fear of retribution prevented him or her from making such a report; or (4) The victim's emotional state or mental health prevented him or her from making such a report; (d) There was no credible evidence for the commission to conclude that a crime resulting in personal injury or death actually occurred; **(e) The primary victim engaged in conduct that primarily contributed to his or her personal injury or death, including but not limited to, being a voluntary passenger in an impaired offender's vehicle knowing that the offender was impaired. Notwithstanding the foregoing, in the case of a primary victim who was a homicide victim whose conduct primarily contribu to his or her death, only, any dependent related victim who has not attained the age of 18 shall be eligible for compensation solely for mental health counseling pursuant to Jus 605.04** **(f) The primary victim committed a crime which caused or contributed to his or her personal injury or death;** **(g) The primary victim was a victim of an inmate-on-inmate crime that occurred in a jail or prison;** (h) The primary victim failed to cooperate materially with law enforcement agencies without good cause such as fear of retaliation by or on behalf of the offender; **(i) The compensation would provide benefit or enrichment to the offender, as prohibited by RSA 21-M:8-j, V; and** (j) After applying available insurance and all other available collateral financial sources, there are no outstanding expenses to be paid or reimbursed. N.H. Code Admin. R. Jus 605.02. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or perso who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation. The commissic shall not consider contributory fault in determining the amount of compensation to be awarded if the claimant was a victim of sexual abuse or human trafficking. N.H. Rev. Stat. Ann. § 21-M:8-h(IV).
Citizenship Requirement?	Not specified.	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. Victims must cooperate with the reasonable requests of law enforcement officers and prosecutors in their investigation or prosecution of the crime, unless there is a reasonable explanation.	The primary victim must cooperate materially with law enforcement agencies without good cause such as fear of retaliation by or on behalf of the offender. N.H. Code Admin. R. Jus 605.02(h).
Is Complicity in Crime Disqualifying?	Victim must not have in any substantial way contributed to the injury or death. Victim must not have been assisting in or committing a criminal act causing your injuries. The primary victim must not have: • Engaged in conduct that primarily contributed to his or her personal injury or death, including but not limited to, being a voluntary passenger in an impaired offender's vehicle knowing that the offender was impaired (however, in the case of a primary victim who was a homicide victim whose conduct primarily contributed to his or her death, only, any dependent related victim who has not attained the age of 18 shall be eligible for compensation solely for mental health counseling) • Committed a crime which caused or contributed to his or her personal injury or death. • Been a victim of an inmate-on-inmate crime that occurred in a jail or prison. Additionally, the compensation cannot benefit or enrich the offender. ***However, the commission shall not consider contributory fault in determining the amount of compensation to be awarded if the claimant was a victim of sexual abuse or human trafficking.***	If any one or more of the following are true, the commission shall deny the claim for compensation in its entirety: (a) The crime occurred before 11/2/1989, and the victim was neither a minor nor a victim of sexual assault; (b) The primary victim did not suffer personal injury or death and incur expenses or liabilities totaling at least $100; (c) The crime was not reported within 5 days of the crime unless good cause, which shall include but not be limited to the following, is shown: (1) The victim's medical condition prevented him or her from making such a report; (2) The victim's fear for his or her personal safety prevented the victim from making such a report; (3) The victim's fear of retribution prevented him or her from making such a report; or (4) The victim's emotional state or mental health prevented him or her from making such a report; (d) There was no credible evidence for the commission to conclude that a crime resulting in personal injury or death actually occurred; **(e) The primary victim engaged in conduct that primarily contributed to his or her personal injury or death, including but not limited to, being a voluntary passenger in an impaired offender's vehicle knowing that the offender was impaired. Notwithstanding the foregoing, in the case of a primary victim who was a homicide victim whose conduct primarily contribu to his or her death, only, any dependent related victim who has not attained the age of 18 shall be eligible for compensation solely for mental health counseling pursuant to Jus 605.04** **(f) The primary victim committed a crime which caused or contributed to his or her personal injury or death;** **(g) The primary victim was a victim of an inmate-on-inmate crime that occurred in a jail or prison;** (h) The primary victim failed to cooperate materially with law enforcement agencies without good cause such as fear of retaliation by or on behalf of the offender; **(i) The compensation would provide benefit or enrichment to the offender, as prohibited by RSA 21-M:8-j, V; and** (j) After applying available insurance and all other available collateral financial sources, there are no outstanding expenses to be paid or reimbursed. N.H. Code Admin. R. Jus 605.02. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or perso who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation. The commissic shall not consider contributory fault in determining the amount of compensation to be awarded if the claimant was a victim of sexual abuse or human trafficking. N.H. Rev. Stat. Ann. § 21-M:8-h(IV).

NEW HAMPSHIRE

TOPIC	SUMMARY	DETAILED DESCRIPTION
To Whom are Applications Made?	New Hampshire Department of Justice, Office of the Attorney General Victims' Compensation Program 1 Granite Street South Concord, NH 03301 Email Address: victimcomp@doj.nh.gov Office Phone: (603) 271-1284 Alternate Phone: 1-800-300-4500 Fax: TDD Access Relay NH:1-800-735-2964	See Victims' Compensation Program Application Form here - https://mm.nh.gov/files/uploads/doj/remote-docs/victims-compensation-application-form.pdf
How are Applications Accepted?	Applications must be filed with the Victims' Compensation Commission (the "Commission") in hard copy (see address above) or online.	Hard copy application - https://mm.nh.gov/files/uploads/doj/remote-docs/victims-compensation-application-form.pdf Online application - https://ccvcnh.org/
Who May Submit an Application?	• Any person who sustains physical and/or mental injuries in a felony or misdemeanor crime, which occurred in New Hampshire. • Any person who sustains personal injury in New Hampshire because of another person's driving under the influence of alcohol or controlled substances, so long as the injured party was unaware that the driver was impaired • Immediate family members of a misdemeanor or felony crime victim. • Any New Hampshire resident who sustains physical and/or mental injuries in a felony or misdemeanor crime which occurred outside of the United States in a country that does not have a compensation program may also be eligible. **• Any person who is a victim of sexual abuse or human trafficking and is under the age of 18 (or a guardian ad litem, child advocate, or parent on behalf of such claimant) at the time of the offense.** **• Any person who is a victim of human trafficking (or a guardian ad litem, child advocate, or parent on behalf of such claimant) and has been tattooed with an identifying mark of human trafficking by a person who has forced him or her into trafficking.** Claimant must have incurred at least $100.00 in out-of-pocket loss or liability as a direct result of the crime.	A claim shall be brought only by the following: (1) A primary victim; (2) A related victim regardless of whether the primary victim had expenses or liabilities totaling at least $100; (3) A person designated in writing by an adult or emancipated minor primary victim or a court of competent jurisdiction to act as his or her representative; and (4) The parent or guardian on behalf of a primary victim who is a minor. N.H. Code Admin. R. Jus 605.01(a). "Primary Victim" means the person who suffered personal injury or death as a direct result of an eligible crime. N.H. Code Admin. R. Jus 602.25. "Victim" means: (a) Any person who suffered personal injury or death as a direct result of an eligible crime occurring in either: (1) New Hampshire; or (2) Any other state or jurisdiction that does not have a crime compensation program meeting the requirements of 34 U.S.C. 20102(b), and such person was domiciled in New Hampshire at the time the crime; and (b) Both a primary victim or a related victim. N.H. Code Admin. R. Jus 602.32. "Related Victim" means an immediate family member who suffered a loss as a result of an eligible crime. N.H. Code Admin. R. Jus 602.27. "Immediate Family Member" means a person who has o the following relationships with the victim: (a) Parent, stepparent, or domestic partner of a parent; (b) Child or stepchild; (c) Sibling or stepsibling; (d) Spouse; (e) Domestic partner; or (f) Any other person either legally obligated to provide financial support or having previously provided substantial support to a victim. N.H. Code Admin. R. Jus 602.19. Additionally, the Department of Justice statute explicitly highlights victims of human trafficking as eligible for compensation, including: • Any person who is a victim of sexual abuse or human trafficking and is under the age of 18 at the time of the offense; • Any person who is a victim of human trafficking and has been tattooed with an identifying mark of human trafficking by a person who has forced him or her into trafficking. N.H. Rev. Stat. Ann. § 21-M:8-h(I)(a)(3), (4). A claimant who was the victim of sexual abuse or human trafficking under subparagraph I(a)(3), or a guardian ad litem, child advocate, or parent on behalf of such claimant, may file a claim at any ti N.H. Rev. Stat. Ann. § 21-M:8-h(II).
What Language Services are Available?	Applications are available in English and Spanish.	Victims' Compensation Program Application Form (English) - https://mm.nh.gov/files/uploads/doj/remote-docs/victims-compensation-application-form.pdf Victims' Compensation Program Application Form (Spanish) - https://mm.nh.gov/files/uploads/doj/remote-docs/victims-compensation-application-form-spanish.pdf

NEW HAMPSHIRE

TOPIC	SUMMARY	DETAILED DESCRIPTION
General Documentation Requirements	• Victim identifying information • Claimant identifying information (if not primary victim) • Description of compensation sought (must be related to crime and resulted in personal injury or death to the victim) • Detailed crime information • Medical/counseling information, including list of providers + copies of bills received for medical services provided • Funeral information + funeral bills, if applicable • Employment information, including copies of pay stubs, tax returns, doctors' notes • Restitution and civil action information, if applicable • Attorney information • Insurance and other collateral source information (e.g., Medicare/Medicaid, social security, sick/vacation time, employer benefits, VA, life insurance, worker's compensation, unemployment benefits, public assistance/welfare) • Affirmation and statement of facts	Victims' Compensation Program Application Form - https://mm.nh.gov/files/uploads/doj/remote-docs/victims-compensation-application-form.pdf
Categories of Benefits Available	The program can help with the following types of crime-related losses, which are not covered by insurance or other resources, in an amount not to exceed a total of $40,000.00 per primary victim: • Medical and dental care; • Mental health counseling (up to $4,000 or 40 visits, whichever comes first); • Lost wages; • Loss of support for the dependents of homicide victims; • Funeral, burial and grave marker costs for homicide victims (up to the cap of $7,000 for funeral and grave marker and $3,000 for burial costs); • Relocation expenses (Need to meet with Crisis Center Advocate) • 10 days of temporary emergency funds (Need to meet with Crisis Center Advocate) • Replacement of window and door locks; • Installation and one-year of monitoring for security systems (up to the cap of $3,000); The program does not have authority to award money for property loss or pain and suffering. Hospitals and medical providers may not bill a victim or their family for a forensic sexual assault examination. The cost for this type of exam should be direct billed to the Victims' Compensation Program by the health care provider, IF the victim does not have insurance or opts not to use their insurance.	See https://www.doj.nh.gov/bureaus/victims-compensation-program

TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Relocation Expenses	Relocation expenses are available in certain circumstances, including if there is a credible safety threat to the claimant, a restraining order (or similar court order) has been issued, and all other eligibility requirements are met. Verified expenses eligible for compensation include: • Security deposit and one month's rent • Start-up utility expenses • 3 months of storage • Moving truck rental • Moving materials and certain travel expenses • Moving company costs • Local telephone services for one month • Cost for changing a cell phone number The following limitations shall apply to awards made for relocation expenses: (1) They are a one-time benefit per claim; (2) They shall be paid for expenses associated with the new residence only and not applied to any arrearages associated with the residence the claimant is leaving or has left; (3) They are capped at $5,000; (4) Certain payments will be paid directly to the landlord/vendors; (5) No compensation shall be awarded for cable television, long-distance telephone, internet service; and (6) The relocation shall occur within 6 months of the award of compensation for relocation unless the claimant requests an extension and demonstrates that a) housing is not available within that time period; and (b) the circumstances giving rise to the concern for safety are anticipated but will not occur until after the compensation has been awarded.	The commission shall award compensation for relocation expenses, if: (1) The offender poses a continuing credible threat to the safety of the claimant; (2) There is either: a. A police report and a temporary restraining order or other court order have been issued against the claimant's abuser or potential abuser or a final restraining order has been issued against the claimant's abuser or potential abuser; or b. If the claimant does not have a restraining order against the abuser, the claimant shall present a letter from a victim's advocate setting forth the basis for not obtaining a protective order, which ma include, among other reasons, safety concerns for the claimant; (3) The underlying facts of the claim meet the requirements of Jus 605.01; and (4) None of the circumstances resulting in ineligibility described in Jus 605.02 applies. N.H. Code Admin. R. Jus 605.07(a). A claimant submitting a request for compensation for relocation assistance shall submit the following documentation to support the request: (1) A copy of either a police report and a temporary restraining order or bail conditions that have been issued against the claimant's abuser or potential abuser or a final restraining order that has be issued against the claimant's abuser or potential abuser; (2) A copy of the lease, which shall be for a minimum of one year and list the claimant as a primary responsible party; (3) A copy of the front and back of all pages of each invoice from each utility company providing service at the new residence; (4) An estimate or the actual billing invoice for the services of a moving company or movers; and (5) Copies of all receipts for items the purchase or rental of which was necessitated by the relocation itself. N.H. Code Admin. R. Jus 605.07(b). The following verified expenses shall be eligible for compensation under the category of relocation expenses: (1) Security deposit and one month's rent; (2) Start-up utility expenses, excluding any arrearages, or one month's utilities; (3) Up to 3 months' storage; (4) The rental of a moving truck or trailer to transport the claimant's possessions; (5) Expenditures necessitated by the relocation including but not limited to: a. Moving materials such as boxes, packaging, and tape; and b. Travel expenses to the new location such as: 1. Fuel; 2. Tolls; 3. Food; 4. Lodging; and 5. Fare for bus, train, air, or other scheduled carrier's transportation; (6) The cost of the move as billed by the moving company; (7) Local telephone service and safety-related features such as caller-ID for one month; and (8) The cost, as billed by the cellular provider, for changing a cell phone number. N.H. Code Admin. R. Jus 605.07(d). The following limitations shall apply to awards made for relocation expenses: (1) Relocation expenses shall be a one-time benefit per claim; (2) Relocation expenses shall be paid for expenses associated with the new residence only and not applied to any arrearages associated with the residence the claimant is leaving or has left; (3) Relocation expenses shall be capped at $5,000; (4) Compensation for security deposit and one month's rent and for the services of the movers shall be paid directly to the landlord and the movers, respectively; (5) No compensation shall be awarded for cable television, long-distance telephone, internet service; and (6) The relocation shall occur within 6 months of the award of compensation for relocation unless the claimant requests an extension and demonstrates: a. Housing is not available within that time period; and b. The circumstances giving rise to the concern for safety are anticipated but will not occur until after the compensation has been awarded. N.H. Code Admin. R. Jus 605.07(e).

TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Mental Health Expenses	Detailed information regarding the mental health provider, related insurance documentation, a mental health treatment plan, and authorization for release of information must be provided to support a claim for mental health compensation. Covered expenses include the actual cost of treatment (after insurance), mileage to and from appointments (capped at 100 miles round trip), and other related expenses. Awards for compensation of mental health expenses shall be limited pursuant to the following: (1) Mental health providers must be appropriately licensed; (2) Compensation is capped at $4,000 or 40 visits, whichever comes first; (3) The mental health treatment shall be crime-related therapy; (4) Compensation cannot exceed the portion of the cost of each individual therapy session for which the victim is responsible, limited to the lesser of: a. The Medicaid reimbursement rate applicable to the licensed provider; or b. The amount billed by the licensed provider; and (5) Compensation cannot exceed the portion of the cost of each group therapy session for which the victim is responsible, limited to the lesser of: a. The Medicaid reimbursement rate applicable to the licensed provider; or b. The amount billed by the licensed provider.	A claimant submitting a request for compensation for mental health expenses shall submit the following information and documentation to support the request: (1) The name and address of each licensed mental health provider who provided crime-related treatment as identified on any bills or invoices received for such treatment; (2) An up-to-date release, insurance and other collateral source information as described in Jus 604.03; (3) A completed “Insurance and Other Collateral Financial Source Information for Vehicle Crimes” form as described in Jus 604.04, if the claim involves a vehicle crime; (4) A mental health treatment plan signed by the licensed provider; and (5) An authorization for the release of mental health and related billing information that complies with all applicable federal requirements for each provider. N.H. Code Admin. R. Jus 605.04(b). The following kinds of expenses shall be eligible for compensation under the category of mental health expenses: (1) The actual cost of treatment, whether individual, group, or both, provided by licensed mental health personnel, after first applying any available insurance or other available collateral financial so for mental health issues that were directly caused by the crime; (2) Mileage to and from appointments with licensed mental health care providers, at the fee for service Medicaid rate. Mileage shall be paid for trips over 10 miles round trip and shall be capped at miles round trip; and (3) All other directly crime-related mental health expenses incurred, including out-of-pocket expenses not already described above. N.H. Code Admin. R. Jus 605.04(d). Awards for compensation of mental health expenses shall be limited pursuant to the following: (1) The commission shall not award compensation for mental health treatment or services provided by mental health personnel who do not hold appropriate licensure for the kind of treatment provid (2) The commission shall award compensation up to $4,000 in total expenses, or 40 visits, whichever comes first; (3) The mental health treatment shall be crime-related therapy; (4) The commission shall award compensation that does not exceed the portion of the cost of each individual therapy session for which the victim is responsible, limited to the lesser of: a. The Medicaid reimbursement rate applicable to the licensed provider; or b. The amount billed by the licensed provider; and (5) The commission shall award compensation that does not exceed the portion of the cost of each group therapy session for which the victim is responsible, limited to the lesser of: a. The Medicaid reimbursement rate applicable to the licensed provider; or b. The amount billed by the licensed provider. N.H. Code Admin. R. Jus 605.04(e).
Requirements/Limits for Lost Income	A request for compensation for lost income must be supported by documentation, including tax returns, employer statements, overtime wages lost, reports from health care providers to provide basis for missing work, written confirmation for appointments that caused the claimant to miss work. The following activities shall be eligible for compensation under the category of lost wages: • Time spent for physical or mental recuperation from personal injuries sustained as a direct result of the crime; • Time spent for medical appointments; • Time spent for mental health appointments; • Time spent meeting with police or other law enforcement officials; • Time spent for pretrial preparation, including for depositions; • Time spent in court during the trial, at sentencing, or both; • Time spent at probation hearings; and • Time spent at parole hearings. The following limitations shall apply to awards made for lost wages: (1) Compensation shall be paid at a rate of 75% of the claimant's gross income, not to exceed 3 months, taking into account previously scheduled increases in the claimant's rate of pay; (2) Compensation for overtime shall be awarded based on the claimant's history of working overtime or the employer's verified requirement that the claimant have worked on anticipated overtime, or both; and (3) The total compensation paid for lost wages shall not exceed 75% of the claimant's pre-crime wages, not to exceed 3 months, including any workers' compensation or disability benefits received.	A claimant submitting a request for compensation for lost wages shall submit the following documentation to support the request: (1) If self-employed, the tax returns for the year in which the crime occurred, if available, and for the year prior to that; (2) If employed by another, a statement from the employer that contains the amount of time lost and the wages that would have been earned for that time; (3) If compensation for lost overtime wages is sought, a statement from the employer that addresses the reasons for the overtime lost and the claimant's history of overtime work; (4) For lost wages for more than 14 consecutive days, a report from a licensed health care provider that confirms the claimant's inability to work during that period; and (5) Copies of all written confirmations of appointments with medical providers, mental health providers, police and other law-enforcement officials, and any other appointments necessitated as a dire result of the crime. N.H. Code Admin. R. Jus 605.05(b). The following activities shall be eligible for compensation under the category of lost wages: (1) Time spent for physical or mental recuperation from personal injuries sustained as a direct result of the crime; (2) Time spent for medical appointments; (3) Time spent for mental health appointments; (4) Time spent meeting with police or other law enforcement officials; (5) Time spent for pretrial preparation, including for depositions; (6) Time spent in court during the trial, at sentencing, or both; (7) Time spent at probation hearings; and (8) Time spent at parole hearings. Wages lost for any of the reasons listed above shall be compensable even if the claimant had leave time available from his or her employer and was paid by using such leave time. N.H. Code Admi Jus 605.05(c), (d). The following limitations shall apply to awards made for lost wages: (1) Compensation shall be paid at a rate of 75% of the claimant's gross income, not to exceed 3 months, taking into account previously scheduled increases in the claimant's rate of pay; (2) Compensation for overtime shall be awarded based on the claimant's history of working overtime or the employer's verified requirement that the claimant have worked on anticipated overtime, o both; and (3) The total compensation paid for lost wages shall not exceed 75% of the claimant's pre-crime wages, not to exceed 3 months, including any workers' compensation or disability benefits received. N.H. Code Admin. R. Jus 605.05(e).

TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Medical Expenses	A request for compensation for lost income must be supported by documentation, including identifying information for medical providers, insurance information and documentation, authorization to release medical/billing records, documentation of denial or reduced fee hospital care (if no insurance), proof of all out-of-pocket health care expenses. The following kinds of expenses shall be eligible for compensation under the category of medical expenses, reimbursed at the established fee for service Medicaid rate where applicable: (1) The actual cost of reasonable and necessary medical treatment (after insurance or other options); (2) The portion of the cost of all prescription medications; (3) The cost of reasonable and necessary physical assistance equipment; (4) Replacement of lost or badly damaged existing physically assistive devices; (5) Mileage to and from appointments with licensed health care providers (capped at 100 miles round trip); (6) Hospital expenses paid by or on behalf of the victim; (7) The portion of the cost for which the claimant is responsible (e.g., co-pays, prescription medication) with respect to mental health issues; (8) The portion of the cost for which the claimant is responsible (e.g., co-pays, medication management) if the amount billed is consistent with usual and customary charges for such services in that geographical area; (9) All other directly crime-related medical expenses incurred, including out-of-pocket expenses. Awards for compensation of medical expenses shall be limited pursuant to the following, subject to the statutory cap: • All medical and health care personnel must be appropriately licensed. • Hospital care compensation may be limited if costs were covered by insurance or free or reduced-fee care was offered to the victim. • Compensation will be offered at the Medicaid rate, where applicable, for inpatient hospital care, with 100% of the out-of-pocket expenses being reimbursed first, and any remaining sum used for others' reimbursement.	A claimant submitting a request for compensation for or payment of medical expenses shall submit the following information and documentation to support the request: (1) The name and address of each medical provider who provided crime-related treatment as identified on any bills or invoices received for such treatment; (2) A detailed description of any insurance coverage or collateral financial source available; (3) A completed “Insurance and Other Collateral Financial Source Information for Vehicle Crimes” form as described in Jus 604.03, if the claim involves a vehicle crime; (4) An authorization for the release of medical and related billing information that complies with all applicable federal requirements for each provider; (5) Documentation of denial of free or reduced fee hospital care, if the victim did not have health insurance at the time of treatment of the injuries sustained as a direct result of the crime; and (6) Proof of all out-of-pocket health care expenses incurred by or on behalf of the victim and which were incurred as a direct result of the crime. N.H. Code Admin. R. Jus 605.03(b). The following kinds of expenses shall be eligible for compensation under the category of medical expenses, reimbursed at the established fee for service Medicaid rate where applicable: (1) The actual cost of reasonable and necessary medical treatment provided by licensed health-care personnel, after first applying any available insurance or other available collateral financial sour (2) The portion of the cost of all prescription medications prescribed to treat the victim's physical and mental health injuries; (3) The cost of reasonable and necessary physical assistance equipment, including modifications to buildings such as ramps; (4) Replacement of lost or badly damaged existing physically assistive devices such as: a. Hearing aids; b. Dentures; c. Prosthetic and other devices; d. Wheelchairs; e. Prescription eyeglasses and other corrective lenses, including contact lenses; and f. Any other crime-related medical expense; (5) Mileage to and from appointments with licensed health care providers, at the rate used by Medicaid to compensate mileage. Mileage shall be paid for trips over 10 miles round trip and is cappec 100 miles round trip; (6) Hospital expenses paid by or on behalf of the victim; (7) The portion of the cost for which the claimant is responsible, including co-pays, of all prescription medications prescribed to treat the victim's mental health issues that were directly caused by th crime; (8) The portion of the cost for which the claimant is responsible, including co-pays, of the actual amount billed for medication management services if the amount billed is consistent with usual and customary charges for such services in that geographical area; (9) All other directly crime-related medical expenses incurred, including out-of-pocket expenses; and (10) The commission shall award compensation for all medication management services provided, including medication prescribed, by the provider licensed to provide such services, at the fee for service Medicaid rate. N.H. Code Admin. R. Jus 605.03(d). Awards for compensation of medical expenses shall be limited pursuant to the following, subject to the statutory cap: (1) The commission shall not award compensation for medical treatment provided by health-care personnel who do not hold appropriate licensure for the kind of treatment provided; (2) The commission shall not award compensation for hospital care if: a. The victim had health insurance at the time of treatment for injuries sustained as a direct result of the crime; and b. Free or reduced fee care has not been denied by the hospital; (3) Notwithstanding (e)(2) above, the commission shall award compensation for hospital care, but only to the extent that care was actually paid for out of pocket, if: a. The victim did not have health insurance at the time of treatment for injuries sustained as a direct result of the crime; and b. Free or reduced fee care has been denied by the hospital and payment by or on behalf of the victim has been made to the hospital, but only in the amount of the actual total payment made; and (4) The commission shall award compensation at the fee for service Medicaid rate, where applicable, for inpatient hospital care, with 100% of the out-of-pocket expenses being reimbursed first, and remaining sum used for others' reimbursement. N.H. Code Admin. R. Jus 605.03(e).
Timeframe to Obtain Benefits	Several months or longer.	Once the program receives your application, you will be contacted by mail or email within 2 weeks. Program staff will contact the law enforcement agency where you reported the crime, and reques police reports. Once law enforcement or prosecution provides this office with the requested reports, we will submit your claim to the Commission for review and decision. It may take several month longer to determine if you can be helped by the program. You can help speed up the process by responding as soon as possible to requests for additional information/documentation.

NEW HAMPSHIRE

TOPIC	SUMMARY	DETAILED DESCRIPTION
Is Emergency Assistance Available?	The Commission's webpage includes a link to the NH Coalition Against Domestic and Sexual Violence, which supports victims of domestic violence, sexual assault, child abuse, and **human trafficking**, and operates 12 crisis centers throughout New Hampshire as well as a 24/7 statewide helpline. Crisis center advocates are available 24/7 across the state to provide free and confidential support services to victims and survivors. Services are open and affirming to all, and you don't need to be in crisis to reach out. The regulations also appear to provide for requesting a payment of "10-day emergency funds" through a claimant crisis center. • 24/7 Helpline: 1-866-644-3574 (see also here: https://www.nhcadsv.org/member-programs.html) • Crisis Center Locations and Details: https://www.nhcadsv.org/uploads/1/0/7/5/107511883/nhcadsv_catchment_map_1.pdf New Hampshire also has a Human Trafficking Collaborative Task Force with additional resources and support services - see here: https://www.nhhumantraffickingtaskforce.com/	A claimant crisis center submitting a request for compensation for compensation of 10-day emergency funds shall complete and submit a "10-Day Emergency Funds Compensation Form," as revise 6/25/19 along with any of the following documentation to support its claim for eligibility for compensation: (1) A copy of the police report for the underlying crime; (2) A copy of the final restraining order; or (3) A copy of a temporary restraining order and a copy of the police report for the underlying crime. A claimant crisis center submitting a request for compensation for payment of 10-day emergency funds shall submit copies of all receipts for goods and services provided to the victim for which the cr center seeks compensation. N.H. Code Admin. R. Jus 604.12(a), (b). See also New Hampshire Coalition Against Domestic and Sexual Violence, https://www.nhcadsv.org/
Compensation Cap (Overall)	$40,000.00 per primary victim.	See here - https://www.doj.nh.gov/bureaus/victims-compensation-program
Sources of Funding	Payments come from the Victim Assistance Fund, which consists of monies collected through penalty assessment on criminal fines, restitution and by the federal Victims of Crime grant and the federal Violence Against Women Act.	See here - https://www.doj.nh.gov/bureaus/victims-compensation-program
Appeal Process	Victims or claimants may submit a written request for reconsideration or notice of appeal upon receipt of a compensation decision within 30 days of receiving the decision. Requests for reconsideration are reviewed by the Commission and notices of appeals are reviewed by the attorney general or his/her designee. Requests for reconsideration and notices of appeals are reviewed "as soon as practicable" in line with the New Hampshire Administrative Procedure Act. Decisions from the attorney general may be appealed by petition to the New Hampshire supreme court.	(a) Any victim or claimant who is adversely affected by a decision of the commission may submit a written request for reconsideration pursuant to Jus 603.03(m)-(q) or a notice of appeal pursuant to 603.03(r) and (s). (b) Each petition for reconsideration or notice of appeal shall be filed with the unit no later than 30 days from the date of the letter notifying the claimant of the commission's adverse decision. (c) The request for reconsideration or notice of appeal shall be served in person or by mail to the following address: Victims' Compensation Unit Department of Justice 33 Capitol Street Concord, NH 03301-6397 (d) Each request for reconsideration shall be considered as set forth in Jus 603.03(m) through (q), and each notice of appeal shall be considered as set forth in Jus 603.03(s). (e) A request for reconsideration shall be placed on the agenda of the first commission meeting that is at least 14 days after the filing of the request. (f) A motion for reconsideration or an appeal shall be decided as soon as is practicable and in accordance with RSA 541-A:29. (g) written decision on the motion for reconsideration shall be provided to the claimant within 30 days of the date of the decision on the motion. N.H. Code Admin. R. Jus 606.07. (r) The claimant shall file a notice of appeal to the attorney general if the claimant seeks to challenge the decision of the commission in whole or in part. (s) The notice of appeal shall identify and set forth every mistake of fact or law the claimant believes to have been made and that materially affects the outcome. The attorney general, or designee, s then review the complete record reviewed by the commission and, based upon such record review, affirm, amend, or reverse the decision of the commission. (t) For purposes of RSA 541:3, an appeal to the attorney general shall be considered to be a motion for rehearing. (u) Appeal from the decision of the attorney general or designee shall be taken by petition to the New Hampshire supreme court pursuant to RSA 541:6. N.H. Code Admin. R. Jus 603.03(r), (s), (t), (u).
Payer of Last Resort Requirements	Compensation is awarded as a last resort after applying all insurance and other available collateral financial sources.	Awards for compensation shall be made in the following priority, conditioned upon the availability of funds: (1) Out-of-pocket expenses shall be paid first; (2) If funds are still available, the cost of anticipated services and expenses shall be set aside for such future services or expenses second; (3) If funds are still available, individual providers shall be paid third; and (4) If funds are still available, institutional providers, such as hospitals, shall be paid last. N.H. Code Admin. R. Jus 605.01(c). The commission shall deny the claim in its entirety if, after applying available insurance and all other available collateral financial sources, there are no outstanding expenses to be paid or reimburse N.H. Code Admin. R. Jus 605.02(j).

TOPIC	SUMMARY	DETAILED DESCRIPTION
References and Resources		**Laws and Regulations** • New Hampshire Victims' Compensation Regulations, N.H. Code Admin. R. Jus 601.01 *et seq*. • New Hampshire Department of Justice Act, N.H. Rev. Stat. Ann. § 21-M:1 *et seq*. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with the victim's participation in post-conviction proceedings and victim-offender dialogue programs or other restorative justice programs, and lost wages directly resulting from the crime. Claimants eligible under subparagraph I(a)(4) may be reimbursed for the costs of removing the tattoo with an identifying mark. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at $100. There shall be a $50,000 maximum recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered. N.H. Rev. Stat. Ann. § 21-M:8-h(V). **Guidance** • New Hampshire AG Victims' Compensation Program, https://www.doj.nh.gov/bureaus/victims-compensation-program • New Hampshire Victims' Compensation Program Application Form, https://mm.nh.gov/files/uploads/doj/remote-docs/victims-compensation-application-form.pdf • New Hampshire Victims' Compensation Program Online Application, https://ccvcnh.org/ • New Hampshire Victims' Assistance Commission Insurance & Other Collateral Source Information for Vehicle Crimes, https://mm.nh.gov/files/uploads/doj/remote-docs/victims-compensation-insura vehicle-crimes.pdf

NEW JERSEY

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Five years after the date of the personal injury or death.	An order for the payment of compensation shall not be made unless the application has been made within five years after the date of the personal injury or death or after that date upon determination by the office that good cause exists for the delayed filing. N.J.S.A. 52:4B-18.
Eligibility Requirements: Identity of Person Seeking Compensation	The victim, a person responsible for the victim, or dependents of a deceased victim.	Payments may be made to: a. the victim, b. in the case of the personal, physical, or psychological injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person, or c. in the case of the death of the victim, to or for the benefit of the dependents of the deceased victim, or any one or more of the dependents. N.J.S.A. 52:4B-10.
Eligibility Requirements: Types of Crime	Covers crimes involving personal injury or death, including assault, sexual offenses, homicide, domestic violence, and human trafficking.	The Office may order the payment of compensation for personal injury or death resulting from the commission or attempt to commit any of the following offenses: 1. Aggravated assault; 2. Threats to do bodily harm; 3. Lewd, indecent, or obscene acts; 4. Indecent acts with children; 5. Kidnapping; 6. Murder; 7. Manslaughter; 8. Aggravated sexual assault; 9. Sexual assault; 10. Aggravated criminal sexual contact; 11. Criminal sexual contact; 12. Any other crime involving violence, including, but not limited to, robbery or arson; 13. Domestic violence, pursuant to N.J.S.A. 2C:25–19; 14. Burglary; 15. Tampering with a cosmetic, drug, or food product; 16. Human trafficking pursuant to N.J.S.A. 2C:13–8; 17. Bias intimidation in accordance with N.J.S.A. 2C:16–1; 18. Criminal stalking pursuant to N.J.S.A. 2C:12–10; 19. Vehicular homicide; 20. Assault by auto; 21. Simple assault pursuant to N.J.S.A. 2C:12–1; 22. Disorderly conduct pursuant to N.J.S.A. 2C:33–2; or 23. Eligibility of claims involving a motor vehicle, vessel, airplane, or commercial vehicle in which one or more of the following situations occurred: i. The victim was injured in the commission of a violation of N.J.S.A. 39:4–50 (Driving while Intoxicated); ii. The victim was injured in the commission of a violation of N.J.S.A. 39:3–10.13 (Operating a Commercial Vehicle while Intoxicated); iii. The victim was injured in the commission of a violation of N.J.S.A. 12:7–46 (Penalties for Operating Vessel Under the Influence); iv. Theft of an automobile pursuant to N.J.S.A. 2C:20–2.1; v. Eluding a law enforcement officer pursuant to N.J.S.A. 2C:29–2b; vi. Unlawful taking of a motor vehicle pursuant to N.J.S.A. 2C:20–10b, c, or d, where injuries to the victim occur in the course of operating an automobile in furtherance of the offense; or vii. A motor vehicle, vessel, airplane, or commercial vehicle is used as a weapon, including, but not limited to, as a vehicle to carry explosives with intent to detonate the same to inflict a deliberate injury, the Office shall consider such use as a compensable “crime involving violence” as set forth in N.J.S.A. 52:4B–11(b)(10). N.J.A.C. 13:75–2.1(b).

NEW JERSEY

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Geographic Nexus	New Jersey residents or crimes committed in New Jersey.	Eligible victims may include: 1. Non-residents and Federal crime victims on the same basis as State residents who are victims of a crime committed in the State; 2. Residents of the State injured in a foreign jurisdiction where said jurisdiction is without a victim compensation program; and/or 3. Residents of the State who have received a final determination from a foreign jurisdiction as to a claim filed with a victim's compensation program in that foreign jurisdiction that has not fully compensated the victim or claimant for all out-of-pocket and unreimbursed and unreimbursable expenses, except that: i. Where residents of the State are injured in a foreign state, said foreign state has primary jurisdiction, and the Office will not entertain a claim for compensation until the victim or claimant has fully exhausted all available procedures for victim's compensation in said foreign state. N.J.A.C. 13:75–2.1(c).
Eligibility Requirements: Criminal Background of Victim	Outstanding warrants may impact eligibility.	The Office shall not deny an award for compensation to a victim or claimant who has any non-indictable warrants or pending criminal charges. If a court-ordered bench warrant for the victim or claimant's arrest is issued for an indictable offense and remains active, the Office may make an award for compensation if there exists an emergent need. Compensation for emergency housing in order to protect the victim's physical safety shall never be denied due to a victim's criminal status. N.J.A.C. 13:75–2.1(h).
Citizenship Requirement?	None	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	Yes.	No compensation shall be awarded if the victim did not cooperate with the reasonable requests of law enforcement authorities unless the victim demonstrates a compelling health or safety reason for not cooperating. N.J.S.A. 52:4B-18.
Is Complicity in Crime Disqualifying?	Yes.	In determining whether to make an award, the office may consider any facts that provide relevant evidence as to whether the victim contributed to the victim's injury or death and as to whether the victim's conduct was the proximate cause of the victim's injury or death. N.J.S.A. 52:4B-10. The office may consider in denying an application whether the victim participated in an illegal activity or behavior that directly or indirectly contributed to his or her injury or death. N.J.A.C. 13:75–2.1(j)(3). Any claimant who is held by the Office to be responsible for the crime upon which a claim is based, or is held to have been an accomplice or conspirator of the offender, is not eligible for compensation. N.J.A.C. 13:75–2.1(e).
To Whom are Applications Made?	Victims of Crime Compensation Office	N.J.S.A. 52:4B-2.
How are Applications Accepted?	In person or online.	The official forms may be obtained by requesting them in person, by telephone, through the mail at 50 Park Place, 5th floor, Newark, New Jersey 07102, or through the Office's official Internet website at http://www.state.nj.us/victims. N.J.A.C. 13:75–3.1(c).
Who May Submit an Application?	Victim or representative	If a claim is made by a minor, as defined under New Jersey law, the forms shall be signed by a victim's representative, parent, or guardian. N.J.A.C. 13:75–3.1(d). If a claim is made by a person who is mentally incapacitated, the forms shall be signed by the victim's representative, the person's guardian, or such other individual who is authorized to administer his or her estate. N.J.A.C. 13:75–3.1(e).
What Language Services are Available?	Forms are available in English and Spanish.	https://www.njoag.gov/vcco/vcco-paper-application/.
General Documentation Requirements	Application must include an authorization to release medical records, and verification/evidence of all losses and injuries.	All claims must be filed on official forms that include a signed authorization for securing medical and other necessary records and a subrogation or civil assignment of interest agreement. N.J.A.C. 13:75–3.1(c). Every victim or claimant seeking compensation from the Office shall produce verification and provide evidence of all losses and injuries claimed as compensable items in his or her application. Only those losses and injuries for which verification and evidence is produced shall be considered for compensation. N.J.A.C. 13:75–4.1(d).

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Actual expenses, loss of earning, pecuniary loss to dependents of a deceased victim, and any other reasonable pecuniary loss.	The agency may order the payment of compensation under this act for: a. expenses actually and reasonably incurred as a result of the personal injury or death of the victim, including out-of-pocket losses which shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such application is based, b. loss of earning power as a result of total or partial incapacity of such victim, c. pecuniary loss to the dependents of the deceased victim, and d. any other pecuniary loss resulting from the personal injury or death of the victim which the agency determines to be reasonable. N.J.S.A. 52:4B-12.
Requirements/Limits for Relocation Expenses	$3,000 limit	The Office may award compensation for expenses incurred as a result of the relocation of a victim and his or her family, due to the incident forming the basis of the victim's claim where the Office determines there is a need to protect the health and safety of the victim and/or his or her family and that all other statutory requirements for eligibility are met. N.J.A.C. 13:75–4.7(a). The limit is $3,000. N.J.A.C. 13:75–4.7(d). Additional compensation may be awarded for out-of-state relocation of human trafficking victims. N.J.A.C. 13:75–8.1(a)(4).
Requirements/Limits for Mental Health Expenses	$20,000 maximum, with hourly rate limits.	The Office shall only pay for those medical, mental health, counseling, or other services provided by a licensed practitioner. The Office will pay out-of-pocket unreimbursable counseling and therapy expenses for each of the listed categories of providers not to exceed the following amounts. 1. Psychiatrist $ 150.00 per hourly session 2. Unlicensed mental health practitioner practicing in compliance with N.J.S.A. 45:14B–6 (Psy.D., Ph.D., Ed.D.) $ 110.00 per hourly session 3. State-licensed psychologist $ 110.00 per hourly session 4. A.C.S.W. $ 90.00 per hourly session 5. Licensed marriage and family therapist $ 90.00 per hourly session 6. M.S.W. $ 80.00 per hourly session 7. M.A. (jurisdictions other than New Jersey or in New Jersey practicing in compliance with N.J.S.A. 45:14B–6) $ 80.00 per hourly session 8. Group counseling sessions, involving three or more individuals conducted by any of the credentialed providers in (a)1-7 above $ 50.00 per eligible claimant per session Except for cases determined to be catastrophic in nature, the maximum award for unreimbursed and unreimbursable counseling expenses shall be $20,000, notwithstanding the number of counseling sessions attended. N.J.A.C. 13:75–4.4.
Requirements/Limits for Lost Income	Weekly maximum of $600.	The maximum reimbursement for loss of earnings shall not exceed a total of 104 weeks, unless a victim has been rendered permanently disabled, in which case loss of earnings may be awarded for a total period of 260 weeks (five years). The maximum reimbursement for loss of support in death claims shall not exceed 48 months. Loss of earnings may be paid to the victim for court attendance. Loss of earnings may also be paid for court attendance for the victim's immediate family but shall be subject to the limitations applicable to secondary victims. The weekly maximum reimbursement for loss of earnings or support shall not exceed $ 600.00. N.J.A.C. 13:75–4.5(e)-(h).
Requirements/Limits for Medical Expenses	Medical services must be provided by a licensed practitioner.	The Office shall only pay for those medical, mental health, counseling, or other services provided by a licensed practitioner. N.J.A.C. 13:75–4.4(a).
Timeframe to Obtain Benefits	None	N/A

NEW JERSEY

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Emergency Assistance Available?	Yes - up to $7,500.	The Victims of Crime Compensation Office may make one or more emergency awards to any applicant for compensation pending final determination of a case, when it determines that compensation is likely to be provided and that the applicant will suffer undue hardship if funds are not made immediately available. The amount of any one emergency award shall not exceed $7,500. Any emergency awards made to an applicant shall be deducted from the final amount of compensation provided to an applicant by the office. N.J.S.A. 52:4B-10.1(a).
Compensation Cap (Overall)	$25,000, except in catastrophic cases.	Except for cases determined to be catastrophic in nature, no compensation shall be awarded in an amount in excess of $ 25,000. N.J.A.C. 13:75–4.1(g). Compensation awarded to catastrophically injured crime victims shall not exceed a supplemental amount of $ 35,000 in out-of-pocket aggregate expenses. N.J.A.C. 13:75–6.3(a).
Sources of Funding	Funded through criminal penalties, federal VOCA funds, restitution recovery.	Funded through criminal penalties, federal VOCA funds, restitution recovery.
Appeal Process	Appeals to the review board, and then to the appellate courts.	After investigation of a claim has been completed, the victim/claimant shall be informed of the Office's decision in the matter and of his or her right to request a hearing before the Review Board by giving written or electronic notice to the Office within 45 days of receipt of the decision. N.J.A.C. 13:75–7.1(a). Appeals from the Review Board shall be taken directly to the Appellate Division of the Superior Court. N.J.A.C. 13:75–7.5.
Payer of Last Resort Requirements	Yes	In determining the amount of compensation to be allowed by order, the office shall take into consideration amounts received or receivable from any other source or sources by the victim or his dependents as a result of the offense or occurrence giving rise to the application, except that life insurance payments and private donations received by the dependents of the victim shall not be considered as other sources. N.J.S.A. 52:4B-19.
References and Resources	Statutes, regulations, and the VCCO's website	N.J.A.C. 13:75–1.1 et seq. N.J.S.A. 52:4B-1 et seq. https://www.njoag.gov/vcco/vcco-victims/

NEW MEXICO

NEW MEXICO

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• Within two years after the date of the injury or death. • Two year deadline may be extended in certain situations inolving minors.	"No order for the payment of reparation shall be made unless application has been made within two years after the date of the injury or death and the injury or death was the result of a crime enumerated in Section 31-22-8 NMSA 1978. An application for reparation shall be made within two years after the injury or death, except for minors who are victims of criminal activity under the provisions of Section 30-6-1 NMSA 1978, regarding abandonment or abuse of a child, Section 30-9-11 NMSA 1978, regarding criminal sexual penetration, or Section 30-9-13 NMSA 1978, regarding criminal sexual contact of a minor." - NMSA 31-22-14(A)
Eligibility Requirements: Identity of Person Seeking Compensation	**Compensation may be sought from:** • Victim of violient crimes. • Family or depdentants of minor or deceased victims. • Any individual who voluntarily assumes funeral or medical expenses of the victim.	"If a person is injured or killed by an act or omission of another person coming within the criminal jurisdiction of the state after July 1, 1981, which act or omission includes a crime enumerated in Section 31-22-8 NMSA 1978, and upon application for reparation, the commission may award reparation in accordance with the Crime Victims Reparation Act: (1) to the victim; (2) in the case of the victim's death, to or for the benefit of any one or more of the deceased victim's dependents; or (3) to any individual who voluntarily assumes funeral or medical expenses of the victim." - NMSA 31-22-7(A)
Eligibility Requirements: Types of Crime	(1) arson resulting in bodily injury; (2) aggravated assault or aggravated battery; (3) dangerous use of explosives resulting in bodily injury; (4) negligent use of a deadly weapon; (5) murder; (6) voluntary manslaughter; (7) involuntary manslaughter; (8) kidnapping; (9) criminal sexual penetration; (10) criminal sexual contact of a minor; (11) failure to give information and render aid, as provided in Section 66-7-201 or 66-7-203 NMSA 1978; (12) homicide by vehicle or great bodily injury by vehicle, as provided in Section 66-8-101 NMSA 1978; (13) abandonment or abuse of a child; (14) aggravated indecent exposure, as provided in Section 30-9-14.3 NMSA 1978; (15) stalking; (16) human trafficking; (17) assault against a household member; and (18) battery against a household member.	See NMSA 31-22-8(A) "No award shall be made for any loss or damage to property." - NMSA 31-22-8(B)
Eligibility Requirements: Geographic Nexus	Crime must occur in New Mexico	"If a person is injured or killed by an act or omission of another person coming **within the criminal jurisdiction of the state** after July 1, 1981, which act or omission includes a crime enumerated in Section 31-22-8 NMSA 1978, and upon application for reparation, the commission may award reparation in accordance with the Crime Victims Reparation Act . . . ." - NMSA 31-22-7(A)
Eligibility Requirements: Criminal Background of Victim	Awards not permitted to imprisoned victims.	"No award shall be made pursuant to the provisions of the Crime Victims Reparation Act to a victim injured while confined in a county or municipal jail, penitentiary or other correctional facility." - NMSA 31-22-11
Citizenship Requirement?	No limitations.	"'victim' means: (1) a person in New Mexico who is injured or killed by any act or omission of any other person that is a crime enumerated in Section 31-22-8 NMSA 1978; (2) a resident of New Mexico who is injured or killed by such a crime occurring in a state other than New Mexico if that state does not have an eligible crime victims compensation program; or (3) a resident of New Mexico who is injured or killed by an act of international terrorism, as provided in 18 U.S.C. Section 2331." - NMSA 31-22-3(I)
Is a Police Report or Cooperation with Law Enforcement Required?	• Cooperation with law enforcement required. • Perpetrator must be arrested and the crime reported within a "reasonable time." • Perpetrator need not be ultimately convicted of a crime.	"An order may be made under this section whether or not any person is prosecuted for or convicted of a crime enumerated in Section 31-22-8 NMSA 1978; provided an arrest has been made or the act or omission constituting a crime has been reported to the police in a reasonable time or the act or omission constituting a crime has been reported to a licensed medical, mental health or counseling provider, or tribal health provider. No order may be made under this section unless the commission finds that: (1) the act or omission constituting a crime did occur; (2) the injury or death of the victim resulted from the act or omission constituting a crime; and (3) the claimant or victim fully cooperated with the appropriate law enforcement agencies or the commission finds that the claimant or victim acted reasonably under the circumstances." - NMSA 31-22-7(D)
Is Complicity in Crime Disqualifying?	• The victim's conduct may be taken into account when determining award. • Victim cannot have participated in the crime.	"In determining whether to make an order under this section, the commission may consider any circumstances it determines to be relevant. The commission shall consider the behavior of the victim and whether, because of provocation or otherwise, the victim bears responsibility for the act or omission constituting a crime that caused the victim's injury or death and shall reduce the amount of reparation in accordance with its assessment of the degree of responsibility attributable to the victim." - NMSA 31-22-7(C) "No order may be made under this section unless the commission finds that . . . (2) the injury or death of the victim resulted from the act or omission constituting a crime . . . ." - NMSA 31-22-7(D)(2)
To Whom are Applications Made?	State of New Mexico, Crime Victims Reparation Commission	
How are Applications Accepted?	• Online • Email • Fax • Regular mail	https://www.safeta.org/wp-content/uploads/2022/03/nm_cvrc-app.pdf

NEW MEXICO

TOPIC	SUMMARY	DETAILED DESCRPTION
Who May Submit an Application?	• Victim of violient crimes. • Family or depdentants of minor or deceased victims. • Any individual who voluntarily assumes funeral or medical expenses of the victim.	
What Language Services are Available?	Spanish	
General Documentation Requirements	No specified.	"Every person appearing under the provisions of this section shall have the right to produce evidence and to cross-examine witnesses. The commission member may receive in evidence any statement, document, information or matter that may, in his opinion, contribute to the functions of the hearing under the Crime Victims Reparation Act, whether or not such statement, document, information or other matter would be admissible in a court of law." - NMSA 31-22-5(K)
Categories of Benefits Available	• Medical and dental care; • Eyeglasses ($350 maximum); • Mental health counseling (30 sessions maximum); • Other medically necessary devices; • Funeral and burial expenses ($6,000 maximum); • Loss of earnings as a result of the crime; • Reimbursement of co-pays; • Travel for medical appointments and court dates.	The commission may order payment of reparation for: A. expenses actually and reasonably incurred as a result of the victim's injury or death; B. loss to the victim of earning power as a result of total or partial incapacity; C. any other pecuniary loss directly resulting from the victim's injury or death which the commission determines to be reasonable and proper; and D. any expenses incurred for rehabilitation services provided to a victim of child abuse or neglect, including child sexual abuse, but awards made pursuant to this subsection shall be made directly to the provider of the rehabilitation services for payment of those services." - NMSA 31-22-9
Requirements/Limits for Relocation Expenses	Not available	
Requirements/Limits for Mental Health Expenses	Mental health counseling limited to 30 sessions	
Requirements/Limits for Lost Income	• Generally $20,000 • Additional $30,000 may be awarded for extraordinary pecuniary losses.	No award of reparation shall be in excess of twenty thousand dollars ($20,000) per victim, except that the commission may award up to an additional thirty thousand dollars ($30,000) for extraordinary pecuniary losses, if the personal injury to a victim is catastrophic and results in a permanent total disability. The extraordinary losses compensated may include: (1) loss of wages; (2) the cost of home health care; (3) the cost of making a home or automobile accessible; (4) the cost of training in the use of special application; or (5) job training.
Requirements/Limits for Medical Expenses	• Generally $20,000 • Additional $30,000 may be awarded for extraordinary pecuniary losses.	No award of reparation shall be in excess of twenty thousand dollars ($20,000) per victim, except that the commission may award up to an additional thirty thousand dollars ($30,000) for extraordinary pecuniary losses, if the personal injury to a victim is catastrophic and results in a permanent total disability. The extraordinary losses compensated may include: (1) loss of wages; (2) the cost of home health care; (3) the cost of making a home or automobile accessible; (4) the cost of training in the use of special application; or (5) job training.
Timeframe to Obtain Benefits	A decision about whether the victim/claimant is eligible is usually made within 120 days.	
Is Emergency Assistance Available?	No.	
Compensation Cap (Overall)	• Generally $20,000 • Additional $30,000 may be awarded for extraordinary pecuniary losses.	No award of reparation shall be in excess of twenty thousand dollars ($20,000) per victim, except that the commission may award up to an additional thirty thousand dollars ($30,000) for extraordinary pecuniary losses, if the personal injury to a victim is catastrophic and results in a permanent total disability. The extraordinary losses compensated may include: (1) loss of wages; (2) the cost of home health care; (3) the cost of making a home or automobile accessible; (4) the cost of training in the use of special application; or (5) job training.
Sources of Funding	State and federal funding.	"CVRC leverages state and federal funds to support the provisions of direct victim services, training, law enforcement, prosecutors, and systemic response to victims of crime in New Mexico." - https://www.cvrc.nm.gov/wp-content/uploads/2019/08/CVRC-Brochure-2019-2.pdf
Appeal Process	If a decision is made that the victim/claimant disagrees with, an appeal may be filed with the agency Director. The victim/claimant must notify the agency Director in writing of the reason for the appeal and provide additional information for reconsideration of the original decision. If the original decision is upheld, the victim/claimant may request, in writing, a meeting with agency staff and an independent victim advocate. If the victim/claimant does not agree with the outcome of this meeting, the final step would be to request an appearance in front of the agency Commission members. The decision from that meeting is final.	See NMSA 31-22-5
Payer of Last Resort Requirements	The fund is a payor of last resort.	"New Mexico Crime Victims Reparations Commission is the payer of last resort. Other sources such as Medicaid, Medicare, health insurance, workers compensation, and other support services must be used first." - https://www.cvrc.nm.gov/wp-content/uploads/2019/08/CVRC-Brochure-2019-2.pdf
References and Resources		• **General Overview & Eligibility** https://www.cvrc.nm.gov/ • **General Overview** https://www.cvrc.nm.gov/wp-content/uploads/2019/08/CVRC-Brochure-2019-2.pdf • **Statutory Language** https://law.justia.com/codes/new-mexico/chapter-31/article-22/ • **Application** https://www.safeta.org/wp-content/uploads/2022/03/nm_cvrc-app.pdf

NEW YORK

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Claims must be filed within one year after the occurrence or discovery of the crime, one year after a court finds a lawsuit to be frivolous, or not later than one year after the death of the victim. The OVS may extend the filing deadline for good cause. The deadline will also be extended if the victim did not have knowledge of the program.	**Timeframe**: A claim must be filed by the claimant not later than one year after the occurrence or discovery of the crime upon which such claim is based, one year after a court finds a lawsuit to be frivolous, or not later than one year after the death of the victim. N.Y. Exec. § 625(2). **Extensions:** Upon good cause shown, the OVS may extend the time for filing. The OVS shall extend the time for filing where the claimant received no notice pursuant to § 625-a and had no knowledge of eligibility pursuant to § 624.
Eligibility Requirements: Identity of Person Seeking Compensation	Compensation may be sought for any of the following persons: •Victim: A victim a qualifying crime. •Derivative Victim: Certain family members of the victim. •Person Seeking Reimbursement for Certain Expenses: Persons who pay for burial expenses of a victim.	**Eligibility**: The following persons are eligible: (a) a victim of a crime; (b) a surviving spouse, domestic partner, grandparent, parent, stepparent, guardian, brother, sister, stepbrother, stepsister, child, stepchild or grandchild of a victim of a crime who died as a direct result of such crime; (c) any other person dependent for his principal support upon a victim of a crime who died as a direct result of such crime; (d) any person or business represented by a person who has paid for or incurred the burial expenses of a victim who died as a direct result of such crime, except such person shall not be eligible to receive an award for other than burial expenses unless otherwise eligible under paragraph (a), (b) or (c); (e) an elderly victim of a crime; (f) a disabled victim of a crime; (g) a child victim of a crime; (h) a parent, stepparent, grandparent, guardian, brother, sister, stepbrother or stepsister of a child victim of a crime; (i) a surviving spouse of a crime victim who died from causes not directly related to the crime when such victim died prior to filing a claim with the office or subsequent to filing a claim but prior to the rendering of a decision by the office. The award is limited to out-of-pocket loss incurred as a direct result of the crime; and (j) a spouse, child or stepchild of a victim of a crime who has sustained personal physical injury as a direct result of a crime. (k) a surviving spouse, grandparent, parent, stepparent, guardian, brother, sister, stepbrother, stepsister, child, stepchild, or grandchild of a victim of a crime who died as a direct result of such crime and where such crime occurred in the residence shared by such family member or members and the victim. N.Y. Exec. § 624(1). **Exclusions:** A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive an award with respect to such claim. A member of the family of a person criminally responsible for the crime upon which a claim is based or a member of the family of an accomplice of such person, shall be eligible to receive an award, unless the office determines pursuant to regulations promulgated to carry out the provisions and purposes of this article, that the person criminally responsible will receive substantial economic benefit or unjust enrichment from the compensation. In such circumstances the award may be reduced or structured in such way as to remove the substantial economic benefit or unjust enrichment to such person or the claim may be denied. N.Y. Exec. § 624(2).
Eligibility Requirements: Types of Crime	A person who suffers physical injury from a crime, or a victim of a qualifying crime.	**Qualifying Crimes:** "Victim" means (a) a person who suffers personal physical injury as a direct result of a crime; or (b) a person who is the victim of either the crime of (1) unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, (2) kidnapping in the second degree as defined in section 135.20 of the penal law, (3) kidnapping in the first degree as defined in section 135.25 of the penal law, (4) menacing in the first degree as defined in section 120.13 of the penal law, (5) criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, (6) harassment in the second degree as defined in section 240.26 of the penal law, (7) harassment in the first degree as defined in section 240.25 of the penal law, (8) aggravated harassment in the second degree as defined in subdivision three or five of section 240.30 of the penal law, (9) aggravated harassment in the first degree as defined in subdivision two of section 240.31 of the penal law, (10) criminal contempt in the first degree as defined in subdivision (b) or subdivision (c) of section 215.51 of the penal law, (11) stalking in the fourth, third, second or first degree as defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law, (12) labor trafficking as defined in section 135.35 of the penal law, (13) sex trafficking as defined in section 230.34 of the penal law; or (14) sex trafficking of a child as defined in section 230.34-a of the penal law; a vulnerable elderly person or an incompetent or physically disabled person as defined in section 260.31 of the penal law who incurs a loss of savings as defined in subdivision twenty-four of this section; or a person who has had a frivolous lawsuit filed against them. N.Y. Exec. § 621(5). When a claimant applies as a victim of labor trafficking as defined in section 135.35 of the Penal Law, or sex trafficking as defined in section 230.34 of the Penal Law, there shall be a rebuttable presumption that such victim has suffered a physical injury for the purposes of eligibility under article 22 of the Executive Law. 9 NYCRR 525.20.
Eligibility Requirements: Geographic Nexus	The crime must occur in New York, or be committed against a New York resident outside of New York.	"Crime" means (a) an act committed in New York state which would, if committed by a mentally competent criminally responsible adult, who has no legal exemption or defense, constitute a crime as defined in and proscribed by law; or (b) an act committed outside the state of New York against a resident of the state of New York which would be compensable had it occurred within the state of New York and which occurred in a state which does not have an eligible crime victim compensation program as such term is defined in the federal victims of crime act of 1984;1 or (c) an act of terrorism, as defined in section 2331 of title 18, United States Code, committed outside of the United States against a resident of New York state. N.Y. Exec. § 621(3).

NEW YORK

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Criminal Background of Victim	None	None
Citizenship Requirement?	None	None
Is a Police Report or Cooperation with Law Enforcement Required?	The crime must have been reported to the police promptly. If the crime was reported more than a week later, there must be good cause for the delay. Failure to cooperate with law enforcement is grounds for a claim to be denied.	No award shall be made unless the office finds that (a) a crime was committed, (b) such crime directly resulted in personal physical injury to or the exacerbation of a preexisting disability, or condition, or death of, the victim, and (c) criminal justice agency records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the criminal justice agency records show that such report was made more than one week after the occurrence of such crime unless the office, for good cause shown, finds the delay to have been justified. Notwithstanding the foregoing provisions of this subdivision, in cases involving an alleged sex offense as contained in article one hundred thirty of the penal law or incest as defined in section 255.25, 255.26 or 255.27 of the penal law or labor trafficking as defined in section 135.35 of the penal law or sex trafficking as defined in sections 230.34 and 230.34-a of the penal law or an offense chargeable as a family offense as described in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, the criminal justice agency report need only be made within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation. N.Y. Exec. § 631(1). If the information developed in the course of the investigation discloses that the claimant and/or the victim failed to cooperate with the reasonable requests of law enforcement authorities, including prosecutors, then the office may issue a decision denying the claim with prejudice. 9 NYCRR 525.6(c).
Is Complicity in Crime Disqualifying?	A person responsible for the crime, or an accomplice, is not eligible for an award.	A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive an award with respect to such claim. A member of the family of a person criminally responsible for the crime upon which a claim is based or a member of the family of an accomplice of such person, shall be eligible to receive an award, unless the office determines pursuant to regulations promulgated to carry out the provisions and purposes of this article, that the person criminally responsible will receive substantial economic benefit or unjust enrichment from the compensation. In such circumstances the award may be reduced or structured in such way as to remove the substantial economic benefit or unjust enrichment to such person or the claim may be denied. N.Y. Exec. § 624(2).
To Whom are Applications Made?	The New York Office of Victim Services ("OVS")	There is hereby created in the executive department the office of victim services, hereinafter in this article referred to as the “office”. The office shall be headed by a director, who shall be appointed by the governor for a term of three years. The director shall coordinate and recommend policy relating to the provision of services to crime victims. The director shall appoint staff and perform such other functions to ensure the efficient operation of the office within the amounts made available therefor by appropriation. N.Y. Exec. § 622.
How are Applications Accepted?	Claim applications can be filed in person, by mail, fax, or email.	Claim applications shall be filed with the office in person, by mail, or electronically via facsimile, electronic mail or any other manner the office may make available for the filing of claims pursuant to subdivision one of section 305 of the New York State Technology Law. 9 NYCRR 525.4(a).
Who May Submit an Application?	A person eligible to receive an award. For minors, an incompetent, or a conservatee, certain representatives.	A claim may be filed by a person eligible to receive an award, or, if such person is under the age of eighteen years, an incompetent, or a conservatee, by his relative, guardian, committee, conservator, or attorney. N.Y. Exec. § 625.
What Language Services are Available?	Claim forms are available in 13 languages.	*See* https://ovs.ny.gov/victim-compensation.
General Documentation Requirements	The OVS may request a medical examination, take testimony, or subpoena documents.	The staff person to whom the claim is assigned may, if deemed necessary or appropriate, direct the medical examination of a crime victim, take or cause to be taken affidavits or depositions, order a hearing, examine any person under oath or affirmation, and issue subpoenas requiring the attendance and testimony of witnesses and the production of documents.9 NYCRR 525.5(c).
Categories of Benefits Available	Awards may cover out-of-pocket expenses for: -medical expenses; -loss of earnings; -loss of savings; -burial expenses; -the costs of crime scene cleanup and securing of a crime scene; -reasonable relocation expenses; -reasonable employment-related transportation expenses; and -the unreimbursed cost of repair or replacement of destroyed property.	Awards may cover out-of-pocket expenses for: medical expenses; loss of earnings; loss of savings; burial expenses; the costs of crime scene cleanup and securing of a crime scene; reasonable relocation expenses; reasonable employment-related transportation expenses; and the unreimbursed cost of repair or replacement of destroyed property. N.Y. Exec. § 631(2).
Requirements/Limits for Relocation Expenses	$2,500.00	Any award made pursuant to this article shall be in an amount not exceeding out-of-pocket expenses, including reasonable relocation expenses not exceeding twenty-five hundred dollars. N.Y. Exec. § 631(2). Claims may be approved only if the office finds that unless the claimant's award is approved he or she will suffer financial difficulty. However, no finding of financial difficulty is required for a claim for an emergency award or an award less than ten thousand dollars. N.Y. Exec. § 631(6)(a).
Requirements/Limits for Mental Health Expenses	Not addressed.	Not addressed.

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	$600 per week, not to exceed $30,000.	Any award made pursuant to this article for loss of earnings or support resulting from such injury shall not to exceed thirty thousand dollars. N.Y. Exec. § 631(2). Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this article, be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed six hundred dollars for each week of lost earnings or support. N.Y. Exec. § 631(3). Claims may be approved only if the office finds that unless the claimant's award is approved he or she will suffer financial difficulty. However, no finding of financial difficulty is required for a claim for an emergency award or an award less than ten thousand dollars. N.Y. Exec. § 631(6)(a).
Requirements/Limits for Medical Expenses	None	None
Timeframe to Obtain Benefits	Not addressed.	After a claim has been accepted by the office it shall be assigned by the Director for investigation as soon as practicable, but no later than three months after acceptance. 9 NYCRR 525.5(a). The staff person to whom a claim is assigned shall conduct an investigation into the validity of the claim as soon as practicable, but no later than six months after assignment. 9 NYCRR 525.5(b). No timeframe for making a finding is specified.
Is Emergency Assistance Available?	Yes. Requests for emergency assistance must be made simultaneously with the claim filing. 9 NYCRR 525.11(a).	No request for an emergency award shall be considered unless a claim application has been filed with the office. The claim application and the request for an emergency award may be made simultaneously. A request for an emergency award shall be expeditiously acted upon. 9 NYCRR 525.11(a). If it appears to the office, that such claim is one with respect to which an award probably will be made, and undue hardship will result to the claimant if immediate payment is not made, the office may make one or more emergency awards to the claimant pending a final decision of the office or payment of an award in the case, provided, however, that the total amount of such emergency awards shall not exceed twenty-five hundred dollars. The amount of such emergency awards shall be deducted from any final award made to the claimant, and the excess of the amount of any such emergency award over the amount of the final award, or the full amount of any emergency awards if no final award is made, shall be repaid by the claimant to the office. N.Y. Exec. § 630(1). The determination by the office of an emergency award request shall include, at a minimum, the consideration of: (1) whether a crime did in fact occur; (2) the eligibility of the person to receive an award pursuant to section 624 of the Executive Law; (3) whether, if the crime upon which the claim is based did not result in the death of such person, the person contributed to their injuries because of their conduct pursuant to subdivision 5 of section 631 of the Executive Law; (4) the office as payer of last resort, pursuant to subdivision 4 of section 631 of the Executive Law; (5) whether the claimant and/or victim failed to cooperate with the reasonable requests of law enforcement authorities, including prosecutors; and (6) the out-of-pocket loss, as defined in section 626 of the Executive law, upon which the request for an emergency award is made. 9 NYCRR 525.11(b).
Compensation Cap (Overall)	$30,000	The aggregate award for all such losses shall not exceed thirty thousand dollars. If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned by the office among the claimants. N.Y. Exec. § 631(3).
Sources of Funding	State and federal funding sources.	Funding for compensation to victims of crime comes from a combination of state and federal funds. The state portion comes from the Criminal Justice Improvement Account, which is funded by mandatory fines, fees, and surcharges assessed on offenders. The federal funding for compensation and grants that support programs offering direct services to victims of crime come from the Federal Crime Victims Fund, which was established by the Federal Victims of Crime Act (VOCA) of 1984. OVS has received funding from the New York State Legislature since 1981 to award grants to community-based organizations and governmental programs that serve victims of crime and witnesses. The agency has received federal VOCA funds for this purpose since 1986. *See* https://ovs.ny.gov/system/files/documents/2024/06/final-ovs-2022-23-annual-report-6-7-24.pdf.
Appeal Process	Yes. Within 30 days.	The claimant may, within thirty days after receipt of the decision of the office regarding a claim, make an application in writing to the director of the office for reconsideration of such decision. N.Y. Exec. § 627(2).
Payer of Last Resort Requirements	Judicial review is available.	Any claimant aggrieved by a final determination of the office may seek court review of that determination, as provided for in article 78 of the Civil Practice Law and Rules. 9 NYCRR 525.14(a).
References and Resources		9 NYCRR 525.1 *et seq.* N.Y. Exec. § 620 *et seq.*

NORTH CAROLINA

NORTH CAROLINA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Two years	An award of compensation shall be denied if the claimant fails to file an application for an award within two years after the date of the criminally injurious conduct that caused the injury or death for which the claimant seeks the award. N.C.G.S.A. § 15B-11(a)(1).
Eligibility Requirements: Identity of Person Seeking Compensation	Victims are certain other persons	Claimant means any of the following persons who claims an award of compensation: a. A victim; b. A dependent of a deceased victim; c. A third person who is not a collateral source and who provided benefit to the victim or his family other than in the course or scope of his employment, business, or profession; d. A person who is authorized to act on behalf of a victim, a dependent, or a third person described in sub-subdivision c; e. A person who was convicted of a first offense and whose participation in the offense was a result of having been a trafficking victim or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act. The claimant, however, may not be the offender or an accomplice of the offender who committed the criminally injurious conduct, except as provided in sub-subdivision e. of this subdivision. N.C.G.S.A. § 15B-2(2).
Eligibility Requirements: Types of Crime	A crime resulting in a physical or psychological injury	Criminally injurious conduct.--Conduct that by its nature poses a substantial threat of personal injury or death, and is punishable by fine or imprisonment or death, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this State. Criminally injurious conduct includes conduct that amounts to an offense involving impaired driving as defined in G.S. 20-4.01(24a), and conduct that amounts to a violation of G.S. 20-166 if the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility impairment device. For purposes of this Article, a mobility impairment device is a device that is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for use both inside and outside a building, and whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility impairment. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle when the conduct is punishable only as a violation of other provisions of Chapter 20 of the General Statutes. Criminally injurious conduct shall also include an act of terrorism, as defined in 18 U.S.C. § 2331, that is committed outside of the United States against a citizen of this State. N.C.G.S.A. § 15B-2(5).
Eligibility Requirements: Geographic Nexus	The crime must occur in North Carolina	Compensation shall only be awarded for criminally injurious conduct that occurs or is attempted in this State except that criminally injurious conduct that occurs or is attempted against a resident of this State while in another state which does not have a victims compensation program of any type may be a basis of compensation. N.C.G.S.A. § 15B-4(b).
Eligibility Requirements: Criminal Background of Victim	Claims can be denied if the victim has been convicted of a felony in the past 3 years.	A claim may be denied upon a finding that the claimant has been convicted of any felony classified as a Class A, B1, B2, C, D, or E felony under the laws of the State of North Carolina and that such felony was committed within 3 years of the time the victim's injury occurred. N.C.G.S.A. § 15B-11(c1).
Citizenship Requirement?	N/A	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	The crime must be reported within 72 hours.	An award of compensation shall be denied if the criminally injurious conduct was not reported to a law enforcement officer or agency within 72 hours of its occurrence, and there was no good cause for the delay. N.C.G.S.A. § 15B-11(a)(3). A claim may be denied, an award of compensation may be reduced, and a claim that has already been decided may be reconsidered upon finding that the claimant or victim, without good cause, has not fully cooperated with appropriate law enforcement agencies or in the prosecution of criminal cases with regard to the criminally injurious conduct that is the basis for the award. N.C.G.S.A. § 15B-11(c).
Is Complicity in Crime Disqualifying?	Yes	An award of compensation shall be denied if the victim was participating in a felony at or about the time that the victim's injury occurred. N.C.G.S.A. § 15B-11(a)(6). A claim may be denied or an award of compensation may be reduced if either of the following applies: (1) The victim was participating in a nontraffic misdemeanor at or about the time that the victim's injury occurred, unless the victim is a victim and was coerced or deceived into participating in the nontraffic misdemeanor as a direct result of the person's status as a victim. (2) The claimant or a victim through whom the claimant claims engaged in contributory misconduct, unless the claimant or victim through whom the claimant claims is a victim and was coerced or deceived into participating in the contributory misconduct as a direct result of the person's status as a victim. N.C.G.S.A. § 15B-11(b).
To Whom are Applications Made?	Director of the Crime Victims Compensation Commission	A claim for an award of compensation is commenced by filing an application for an award with the Director. N.C.G.S.A. § 15B-7(a).

NORTH CAROLINA

TOPIC	SUMMARY	DETAILED DESCRPTION
How are Applications Accepted?	Mail, application portal, fax, or email	14B NCAC 9.0302 https://www.ncdps.gov/dps-services/office-victim-compensation-services/victim-compensation-program
Who May Submit an Application?	A claimant	Claimant means any of the following persons who claims an award of compensation: a. A victim; b. A dependent of a deceased victim; c. A third person who is not a collateral source and who provided benefit to the victim or his family other than in the course or scope of his employment, business, or profession; d. A person who is authorized to act on behalf of a victim, a dependent, or a third person described in sub-subdivision c; e. A person who was convicted of a first offense and whose participation in the offense was a result of having been a trafficking victim or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act. The claimant, however, may not be the offender or an accomplice of the offender who committed the criminally injurious conduct, except as provided in sub-subdivision e. of this subdivision. N.C.G.S.A. § 15B-2(2).
What Language Services are Available?	Informational brochures are available in Spanish	https://www.ncdps.gov/dps-services/office-victim-compensation-services/victim-compensation-program
General Documentation Requirements	-Medical and counseling services Submit itemized bills from certified providers of medical or counseling services. -Lost wages You may submit the application with proof that you were gainfully employed at the time of the crime. You will also need a physician's note, stating the first and last dates the injured person was unable to work. If you report your income as cash, a tax return must be submitted. -Loss of household support due to domestic violence Unemployed victims who are married to the offender and who have dependent children may submit a law enforcement report and third-party confirmation of eligible children. -Funeral expenses Submit a copy of the death certificate, itemized funeral bill and the law enforcement report. If the case is approved, our office will contact the funeral home to verify the balance. If the expenses have not been paid, the payment will be made directly to the funeral home. -Crime scene cleanup Submit the itemized bill from a certified biohazard cleanup company. Services may include repair or replacement of doors, locks and windows, as well as cleanup of blood stains. -Dental services You may submit a proposed treatment plan on your dentist's letterhead. The plan must list the services to be provided and the date services will be completed. Treatment must be completed within one year of the crime, and the provider must submit an itemized bill first to the patient's insurance. The Office of Victim Compensation will then pay 66 2/3% of the remaining charges, which will be considered paid in full. The provider cannot bill the patient for the remainder.	https://www.ncdps.gov/dps-services/office-victim-compensation-services/victim-compensation-program

NORTH CAROLINA

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical Counseling Dental or orthodontic Lost wages Domestic violence loss of household support Burial and funeral expenses Crime scene cleanup	Allowable expense.--Reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, medically-related property, and other remedial treatment and care. Reasonably needed services include (i) counseling for immediate family members of children under the age of 18 who are victims of rape, sexual assault, or domestic violence and (ii) family counseling and grief counseling for immediate family members of homicide victims. The cumulative total for counseling services provided to immediate family members shall not exceed three thousand dollars ($3,000) per family. Allowable expense includes a total charge not in excess of ten thousand dollars ($10,000) for expenses related to funeral, cremation, and burial, including transportation of a body, but excluding expenses for flowers, gravestone, and other items not directly related to the funeral service. Allowable expense for medical care, counseling, rehabilitation, medically-related property, and other remedial treatment and care of a victim shall be limited to sixty-six and two-thirds percent (66 2/3%) of the amount usually charged by the provider for the treatment or care. By accepting the compensation paid as allowable expense pursuant to this subdivision, the provider agrees that the compensation is payment in full for the treatment or care and shall not charge or otherwise hold a claimant financially responsible for the cost of services in addition to the amount of allowable expense. N.C.G.S.A. § 15B-2(1).
Requirements/Limits for Relocation Expenses	Not available	https://www.ncdps.gov/dps-services/office-victim-compensation-services/victim-compensation-program#Whattypesofexpensesareeligible-6122
Requirements/Limits for Mental Health Expenses	Not addressed	Not addressed
Requirements/Limits for Lost Income	Not addressed	Not addressed
Requirements/Limits for Medical Expenses	Not addressed	Not addressed
Timeframe to Obtain Benefits	Average processing time for an application is 3 - 6 months	https://www.ncdps.gov/dps-services/office-victim-compensation-services/victim-compensation-program#WhathappensafterIsubmitmyapplication-6126
Is Emergency Assistance Available?	Not available	N/A
Compensation Cap (Overall)	Up to $45,000 for victims of violent crime Up to $10,000 for burial and funeral expenses for homicide victims	Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to, or the death of, that victim may not exceed forty-five thousand dollars ($45,000) in the aggregate in addition to allowable funeral, cremation, and burial expenses. N.C.G.S.A. § 15B-11(g).
Sources of Funding	Legislative appropriations	This Article shall not be construed to create a right to receive compensation. Compensation payable under Chapter 15B shall only be available to the extent that the General Assembly appropriates funds that purpose. N.C.G.S.A. § 15B-25.
Appeal Process	Judicial review is available.	A claimant who is dissatisfied with a decision may commence a contested case under Article 3 of Chapter 150B of the General Statutes. N.C.G.S.A. § 15B-10(d).
Payer of Last Resort Requirements	Yes	After reaching a decision to approve an award of compensation, but before notifying the claimant, the Director shall require the claimant to submit current information as to collateral sources on forms prescribed by the Commission. An award that has been approved shall nevertheless be denied or reduced to the extent that the economic loss upon which the claim is based is or will be recouped from a collateral source. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source. N.C.G.S.A. § 15B-11(d).
References and Resources	Statutes and the Department's website	N.C.G.S.A. § 15B-1 *et seq.* https://www.ncdps.gov/dps-services/office-victim-compensation-services

NORTH DAKOTA

TOPIC	SUMMARY	DETAILED DESCRIPTION
Time to File	Crimes must be reported to law enforcement within 96 hours (four days) (although applicants may provide justifiable reasoning for a late report). Applications for compensation must be filed with the Crime Victims Compensation Program ("CVC Program") within one (1) year of the date of reporting the crime to law enforcement (may be extended for certain circumstances).	Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within ninety-six hours after its occurrence or the division finds there was good cause for the failure to report within that time. In the case of child abuse or sexual molestation of a child, the criminally injurious conduct must be reported to a law enforcement officer within three years after the child reaches the age of majority. N.D. Cent. Code Ann. § 54-23.4-06(4). A claim for compensation must be filed within one year from the date the criminally injurious conduct was reported to a law enforcement officer. The division may extend the time for filing if it determines that the interests of justice so require. There is no appeal from a decision of the division not to extend the filing time, not to reopen, or not to reinvestigate a claim. N.D. Cent. Code Ann. § 54-23.4-06(2). A claim for crime victims compensation benefits is presumed closed if the division has not paid any benefit or received a demand for payment of benefits for a period of five years from the date a payment was last made on a claim. A claim that is presumed closed may not be reopened for payment of any further benefits unless the presumption is rebutted by a preponderance of the evidence that the criminally injurious conduct is the principal cause of the current symptoms. N.D. Cent. Code Ann. § 54-23.4-10(3). A claim for crime victims compensation benefits must be closed ten years after benefits have last been paid and may not be reopened. N.D. Cent. Code Ann. § 54-23.4-10(4). The division may find there was good cause for failure to report criminally injurious conduct to law enforcement within ninety-six hours. Good cause includes: a. Evidence, including medical records or verifiable reports from third parties, which substantiate the applicant's health or safety would have been jeopardized if the criminally injurious conduct had been reported in a timely manner. b. Law enforcement substantiates there was a fear of retaliation. N.D. Admin. Code 94-03-03-01(2). A completed application for an award of compensation must be timely submitted to the division within one year from the date the criminally injurious conduct was reported to a law enforcement officer. The division may extend the time to submit a completed application in the interests of justice. The interests of justice include: a. The applicant is a minor. b. The applicant's physical and psychological condition substantially contributed to the applicant's inability to timely submit a completed application. c. The interests of justice do not include attorney error or mistake or lack of knowledge of the Crime Victims Compensation Act. N.D. Admin. Code 94-03-03-02(1).
Eligibility Requirements: Identity of Person Seeking Compensation	• Innocent victims who have been physically or emotionally injured, in a violent crime in North Dakota or where a compensation program is not available, and required medical care. • North Dakota residents injured by an act of terrorism in a foreign country. • Dependents of a homicide victim. • Individuals who assume responsibility for funeral and/or medical expenses of a homicide victim. • A parent or guardian who is responsible for the victim's care and expenses.	"Victim" means a person who suffers bodily injury or death as a result of criminally injurious conduct, the good-faith effort of any person to prevent criminally injurious conduct, or the good-faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct. The term includes a resident of this state who is injured or killed by an act of terrorism, as defined under Public Law No. 102-572 [106 Stat. 4506; 18 U.S.C. 2331], committed outside of the United States. The term does not mean a person who suffers bodily injury or death as a result of operating a motor vehicle, when, at the time of the injury or death, the person was not in compliance with applicable state laws and rules concerning motor vehicle insurance coverage and the person was at least partially at fault for causing the accident. N.D. Cent. Code Ann. § 54-23.4-01(8). "Claimant" means a victim, a dependent of a deceased victim, or a representative of either, who claims compensation under this chapter. N.D. Cent. Code Ann. § 54-23.4-01(2). "Dependent" means a natural person wholly or partially dependent upon a victim for care or support and includes a child of a victim born after the victim's death. N.D. Cent. Code Ann. § 54-23.4-01(5). "Bodily injury" means any harm that requires medical treatment and results in economic loss and includes pregnancy and nervous shock. N.D. Cent. Code Ann. § 54-23.4-01(1). "Criminally injurious conduct" means conduct that results in bodily injury or death, and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct was a minor or lacked capacity to commit the crime. The term includes an act of terrorism, as defined under Public Law No. 102-572 [106 Stat. 4506; 18 U.S.C. 2331], committed outside of the United States against a resident of this state. The term does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death or when the division determines that the conduct was in violation of section 12.1-16-02, 12.1-16-03, 39-08-01, 39-08-03, 39-08-04, or 39-08-06. N.D. Cent. Code Ann. § 54-23.4-01(4).
Eligibility Requirements: Types of Crime	The victim must have suffered physical or emotional injuries as a result of a violent crime, drunk driving, or hit and run. The division shall award compensation for economic loss arising directly from **criminally injurious conduct** if satisfied by a preponderance of the evidence that the requirements for compensation have been met. N.D. Cent. Code Ann. § 54-23.4-02.	"**Criminally injurious conduct**" means conduct that results in bodily injury or death, and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct was a minor or lacked capacity to commit the crime. The term includes an act of terrorism, as defined under Public Law No. 102-572 [106 Stat. 4506; 18 U.S.C. 2331], committed outside of the United States against a resident of this state. The term does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death or when the division determines that the conduct was in violation of section 12.1-16-02, 12.1-16-03, 39-08-01, 39-08-03, 39-08-04, or 39-08-06. N.D. Cent. Code Ann. § 54-23.4-01(4).

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Eligibility Requirements: Geographic Nexus	Crimes must have occurred in North Dakota or against a resident of North Dakota 1) in a state where a compensation program is not available or 2) injured by an act of terrorism in a foreign country.	"Victim" means a person who suffers bodily injury or death as a result of criminally injurious conduct, the good-faith effort of any person to prevent criminally injurious conduct, or the good-faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct. The term includes a resident of this state who is injured or killed by an act of terrorism, as defined under Public Law No. 102-572 [106 Stat. 4506; 18 U.S.C. 2331], committed outside of the United States. The term does not mean a person who suffers bodily injury or death as a result of operating a motor vehicle, when, at the time of the injury or death, the person was not in compliance with applicable state laws and rules concerning motor vehicle insurance coverage and the person was at least partially at fault for causing the accident. N.D. Cent. Code Ann. § 54-23.4-01(8). "Criminally injurious conduct" means conduct that results in bodily injury or death, and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct was a minor or lacked capacity to commit the crime. The term includes an act of terrorism, as defined under Public Law No. 102-572 [106 Stat. 4506; 18 U.S.C. 2331], committed outside of the United States against a resident of this state. The term does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death or when the division determines that the conduct was in violation of section 12.1-16-02, 12.1-16-03, 39-08-01, 39-08-03, 39-08-04, or 39-08-06. N.D. Cent. Code Ann. § 54-23.4-01(4). "Resident of this state" means an individual who is domiciled in North Dakota or is in North Dakota for other than a temporary or transitory purpose. Whether an individual is a resident of North Dakota must be determined as defined in North Dakota Century Code section 54-01-26. N.D. Admin. Code 94-03-02-01(14).
Eligibility Requirements: Criminal Background of Victim	No awards will be paid to a victim convicted of a crime and injured while confined in prison. No awards will be paid to a claimant who is the offender or an accomplice of the offender, nor to any claimant if the award would unjustly benefit the offender or an accomplice.	The division may not make an award of any kind under this chapter to a victim convicted of a crime and injured while confined in a jail, prison, or other correctional facility. N.D. Cent. Code Ann. § 54-23.4-03. Compensation may not be awarded to a claimant who is the offender or an accomplice of the offender, nor to any claimant if the award would unjustly benefit the offender or an accomplice. N.D. Cent. Code Ann. § 54-23.4-06(3). Compensation otherwise payable to a claimant must be reduced or denied: a. To the extent the economic loss upon which the claim is based is recouped from other persons, including collateral sources; b. To the extent the division deems reasonable because of the contributory misconduct of the claimant or of a victim on whose behalf compensation is claimed; and c. To the extent the division deems reasonable when it is determined that a victim was under the influence of an alcoholic beverage or a controlled substance at the time the criminally injurious conduct occurred and the victim's intoxication was a factor causing the criminally injurious conduct. N.D. Cent. Code Ann. § 54-23.4-06(6).
Citizenship Requirement?	Not specified. But residency and ethnicity must be provided on the application.	See N.D. Admin. Code 94-03-03-02(2).
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. Applicants must cooperate with the investigation and prosecution of the offender and with the reasonable requests of law enforcement.	The division, upon finding that the claimant has not fully cooperated with appropriate law enforcement agencies, may deny, reconsider, or reduce an award of compensation. N.D. Cent. Code Ann. § 54-23.4-06(5). If a person refuses to comply with an order under this chapter or asserts a privilege, except privileges arising from the attorney-client relationship, to withhold or suppress evidence relevant to a claim, the division may make any just order including denial of the claim, but may not find the person in contempt. If necessary to carry out any of its powers and duties, the division may petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a medical or physical examination. N.D. Cent. Code Ann. § 54-23.4-09. Eligibility for crime victims compensation benefits includes compliance with the requirements under North Dakota Century Code section 54-23.4-06 and the following criteria: 1. Whether claimant complied with reasonable requests from law enforcement personnel, including giving a statement to police, submitting to follow-up interviews by police, submitting requested evidence, viewing photographs or a line-up of suspects, meeting with prosecutors, and appearing and testifying in court proceedings. If claimant fails to cooperate with law enforcement, the division may deny the claim. 2. Whether claimant cooperated with the division during the application process, with requests for supplemental information, and with requests for information for the duration of the open claim, including requests for supplemental medical and psychological and treatment evaluations and information. If claimant fails to cooperate with the division, the division may deny the claim. 3. Whether the victim provoked or instigated the incident causing injury or death to the victim. 4. Whether the victim assisted in, facilitated, attempted to, or committed a criminal act at the time of injury or death of the victim. N.D. Admin. Code 94-03-03-03.

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TOPIC	SUMMARY	DETAILED DESCRIPTION
Is Complicity in Crime Disqualifying?	Yes. Applicants must NOT have been assisting in, or committing a criminal act causing their injuries. The victim must not have provoked or incited the crime. The claimant's conduct must not have "contributed substantially to the incident."	Eligibility for crime victims compensation benefits includes compliance with the requirements under North Dakota Century Code section 54-23.4-06 and the following criteria: 1. Whether claimant complied with reasonable requests from law enforcement personnel, including giving a statement to police, submitting to follow-up interviews by police, submitting requested evidence, viewing photographs or a line-up of suspects, meeting with prosecutors, and appearing and testifying in court proceedings. If claimant fails to cooperate with law enforcement, the division may deny the claim. 2. Whether claimant cooperated with the division during the application process, with requests for supplemental information, and with requests for information for the duration of the open claim, including requests for supplemental medical and psychological and treatment evaluations and information. If claimant fails to cooperate with the division, the division may deny the claim. 3. Whether the victim provoked or instigated the incident causing injury or death to the victim. 4. Whether the victim assisted in, facilitated, attempted to, or committed a criminal act at the time of injury or death of the victim. N.D. Admin. Code 94-03-03-03. The division shall deny compensation if the claimant's conduct contributed substantially to the incident. To determine whether substantial contributory misconduct exists, the division shall consider all available information, including the claimant's age; the claimant's account of the crime; law enforcement reports; witness statements; medical, laboratory, and toxicology reports; and court transcripts and statements. The conduct of the claimant is deemed to have contributed substantially to the injury if the claimant did one of the following: 1. Initiated, provoked, or prolonged a verbal or physical confrontation with the offender. 2. Participated in a voluntary or illegal act casually related to the victim's injuries. 3. Acted in a manner that placed the claimant into a situation likely to result in injury. 4. Self-inflicted the injuries. 5. Knowingly and voluntarily entered into a motor vehicle operated by an individual while under the influence of alcohol or drugs, or both, in violation of North Dakota Century Code section 39-08-01 or equivalent ordinance or in violation of North Dakota Century Code section 39-08-01.2. 6. Sought retaliation against the offender. 7. Knowingly and voluntarily entered into a physical altercation. 8. Was charged with a criminal offense as a result of the criminally injurious conduct. 9. Was under the influence of an alcoholic beverage or controlled substance, or both, and the division determines the victim's intoxication on account of alcoholic beverages, controlled substances, or both, were a factor contributing to the criminally injurious conduct. 10. Contributory misconduct does not include victims of human trafficking as defined in North Dakota Century Code chapter 12.1-41.\ N.D. Admin. Code 94-03-03-05.
To Whom are Applications Made?	Crime Victims Compensation Program North Dakota Department of Corrections & Rehabilitation P.O. Box 1898 Bismarck, ND 58502-1898 Phone: (701) 328-6195 | 1-800-445-2322 ND Relay TDD: 1-800-366-6888 Email: DOCRcompensation@nd.gov	See here: https://www.docr.nd.gov/crime-victims-compensation
How are Applications Accepted?	Applications are submitted online on the CVC Program website here: https://portalapps.nd.gov/docr/cvc-application/ Instructions/tips should be reviewed prior to submitting the online application and are available here: https://www.docr.nd.gov/sites/www/files/documents/victims/CVC%20Forms/CVC%20Application%20Tips.pdf	See here: https://www.docr.nd.gov/crime-victims-compensation
Who May Submit an Application?	• A victim who suffers bodily injury or death as a result of criminally injurious conduct in North Dakota. • A dependent of a deceased victim. • A representative (e.g., parent or guardian) of a victim or dependent of a deceased victim. • A resident of North Dakota who is injured or killed by an act of terrorism committed outside the U.S. A victim does not include someone who suffers bodily injury or death while operating a motor vehicle not in compliance with applicable state laws and rules and was at least partially at fault for causing the accident.	"Claimant" means a victim, a dependent of a deceased victim, or a representative of either, who claims compensation under this chapter. N.D. Cent. Code Ann. § 54-23.4-01(2). "Dependent" means a natural person wholly or partially dependent upon a victim for care or support and includes a child of a victim born after the victim's death. N.D. Cent. Code Ann. § 54-23.4-01(5). "Victim" means a person who suffers bodily injury or death as a result of criminally injurious conduct, the good-faith effort of any person to prevent criminally injurious conduct, or the good-faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct. The term includes a resident of this state who is injured or killed by an act of terrorism, as defined under Public Law No. 102-572 [106 Stat. 4506; 18 U.S.C. 2331], committed outside of the United States. The term does not mean a person who suffers bodily injury or death as a result of operating a motor vehicle, when, at the time of the injury or death, the person was not in compliance with applicable state laws and rules concerning motor vehicle insurance coverage and the person was at least partially at fault for causing the accident. N.D. Cent. Code Ann. § 54-23.4-01(8). "Criminally injurious conduct" means conduct that results in bodily injury or death, and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct was a minor or lacked capacity to commit the crime. The term includes an act of terrorism, as defined under Public Law No. 102-572 [106 Stat. 4506; 18 U.S.C. 2331], committed outside of the United States against a resident of this state. The term does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death or when the division determines that the conduct was in violation of section 12.1-16-02, 12.1-16-03, 39-08-01, 39-08-03, 39-08-04, or 39-08-06. N.D. Cent. Code Ann. § 54-23.4-01(4).
What Language Services are Available?	N/A. There do not appear to be materials or information provided in other languages on the CVC Program's website.	See here: https://www.docr.nd.gov/crime-victims-compensation

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TOPIC	SUMMARY	DETAILED DESCRIPTION
General Documentation Requirements	• Victim information • Claimant information (if the victim is a minor, incapacitated, or deceased) • Incident information including crime details / type of crime / type of injuries (may be psychological or mental health injuries) • Details regarding requested compensation benefits + relevant supporting documentation, including the following as necessary for work loss claims: - Employers Report - Physicians Report - Release of Information (authorization to disclose protected health information) • Authorization & declaration	NOTE: The Claimant is a person, other than the victim, who has eligible out of pocket expenses as a direct result of the crime or is an immediate family member. If the victim is a minor, the claimant should be the parent, guardian, or custodian. If the guardian or custodian is a social service agency, then the name of the agency should be entered as the first and last name (i.e., First Name: "Williams County" Last Name "Social Services." "Claimant" means a victim, a dependent of a deceased victim, or a representative of either, who claims compensation under this chapter. N.D. Cent. Code Ann. § 54-23.4-01(2). North Dakota Crime Victims Application Tips, https://www.docr.nd.gov/sites/www/files/documents/victims/CVC%20Forms/CVC%20Application%20Tips.pdf Employers Report: https://www.docr.nd.gov/sites/www/files/documents/victims/CVC%20Employers%20Report%20-%20Lost%20Wages.pdf Physicians Report: https://www.docr.nd.gov/sites/www/files/documents/victims/CVC%20Physicians%20Report%20-%20Lost%20Wages.pdf Release of Information: https://www.docr.nd.gov/sites/www/files/documents/victims/CVC%20Forms/CVC%20Release%20of%20Information%20revised%202022.pdf
Categories of Benefits Available	The division shall award compensation for economic loss arising directly from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met. N.D. Cent. Code Ann. § 54-23.4-02. • Wage Loss for the Victim – If the victim was not able to work due to the injuries received, they may be eligible for work loss benefits (capped at $300 per week). • Medical/Dental benefits for the Victim – If the victim has medical or dental expenses (including prescribed medication) from the incident, they may be eligible for medical/dental benefits. • Mental Health Services/Counseling – If the victim has emotional injuries from the incident, they may be eligible for mental health benefits. • Replacement Services – If the victim is no longer able to perform a service because of the incident, they may be eligible for replacement services benefits. • Funeral Benefits – If the victim died as a result of the incident, the victim's family may be eligible for funeral benefits (capped at $5,000). • Loss of Support – If the victim was providing financial support prior to the incident, the victim's dependent's may be eligible for loss of support benefits. • Travel – If there are travel expenses related to the incident, the victim or victim's family may be eligible for travel benefits. • Dependent Care / Economic Loss – If the victim was the primary caregiver, the family may be eligible for dependent care benefits (i.e., loss of deceased's wages). ***No recovery is available for property loss or damage.***	"Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss, and, if injury causes death, dependent's economic loss and dependent's replacement services loss. Noneconomic detriment is not loss. The term includes economic detriment caused by pain and suffering or physical impairment. a. "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations required due to the injury, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care. The term includes a total charge not in excess of five thousand dollars for expenses in any way related to funeral, cremation, and burial. The term does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless the excess represents costs of other accommodations that are medically required. b. "Dependent's economic loss" means loss after a victim's death of contributions of things of economic value to a victim's dependent, not including services the dependent would have received from the victim if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of the victim's death. c. "Dependent's replacement services loss" means loss reasonably incurred by a dependent after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for the dependent's benefit if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of the victim's death and not subtracted in calculating the dependent's economic loss. d. "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage. e. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income but for the benefit of the victim or the victim's family, if the victim had not been injured. f. "Work loss" means loss of income from work the victim would have performed if the victim had not been injured, and expenses reasonably incurred by the victim in obtaining services in lieu of those the victim would have performed for income, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing but unreasonably failed to undertake. N.D. Cent. Code Ann. § 54-23.4-01(7). Ineligible claims include: 1. Claims subject to the limitations in North Dakota Century Code sections 54-23.4-03, 54-23.4-06, and 54-23.4-10. 2. Claims arising from self-inflicted injuries, including the accidental discharge of a firearm. 3. Obscene telephone calls. 4. Costs and fees incurred in connection with a civil action except as authorized in North Dakota Century Code section 54-23.4-12. 5. Claims for property loss or damage. 6. Claims for expenses incurred as a result of crimes committed against an inmate in the legal or physical custody of a correctional facility or the department of corrections and rehabilitation. 7. A claim by, or on behalf of, an inmate convicted of a crime and injured while in the legal or physical custody of a correctional facility or the department of corrections and rehabilitation. 8. The claimant, or an individual on whose behalf a claim has been submitted, was not in compliance with North Dakota statute, motor vehicle liability, and financial responsibility requirements, and whose conduct contributed to a motor vehicle crash. N.D. Admin. Code 94-03-03-04.

TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Relocation Expenses	Reimbursement for meals, lodging, and travel expenses incurred within 2 years of the crime may be provided (longer time periods are available for travel related to mental health services). All receipts must be produced. Other limitations include: • Travel distance must be at least 150 miles round trip from the claimant's residence in order for the claimant to be eligible for reimbursement of travel expenses. • Reimbursement for lodging and meals may not exceed the rates established in North Dakota Century Code section 44-08-04. • Reimbursement for mileage for the use of a privately owned automobile may not exceed the rate established in North Dakota Century Code section 54-06-09. • The maximum reimbursement for lodging, meals, and mileage is $1,000. • Reimbursement for travel expenses for immediate family to attend the victim's funeral service may not exceed $2,000 and for not more than 5 consecutive days of travel time. Travel expenses to attend funeral services are included in the overall $5,000 maximum for funeral expenses. • Reimbursement for vehicle rental may not exceed $30 per day. • Reimbursement for travel expenses is limited to the victim and one caregiver if the victim is a minor. • The division may not pay reimbursement for travel expenses to obtain services from a provider located out of state unless good cause is shown. • The division may not pay reimbursement for travel expenses for the victim or immediate family of a homicide victim to attend court proceedings or for the victim to meet with law enforcement.	The division may reimburse a claimant for meals, lodging, and travel expenses for travel directly related to the criminally injurious conduct. 1. Verification. The claimant shall submit receipts for travel and lodging expenses to the division. 2. Payment limitations. a. Travel distance must be at least one hundred fifty miles round trip from the claimant's residence in order for the claimant to be eligible for reimbursement of travel expenses. b. Reimbursement for lodging and meals may not exceed the rates established in North Dakota Century Code section 44-08-04. c. Reimbursement for mileage for the use of a privately owned automobile may not exceed the rate established in North Dakota Century Code section 54-06-09. d. The maximum reimbursement for lodging, meals, and mileage is one thousand dollars. e. Reimbursement for travel expenses for immediate family to attend the victim's funeral service may not exceed two thousand five hundred dollars and for not more than five consecutive days of travel time. Travel expenses to attend funeral services are included in the overall five thousand dollar maximum for funeral expenses. f. Reimbursement for vehicle rental may not exceed thirty dollars per day. g. Reimbursement for travel expenses is limited to the victim and one caregiver if the victim is a minor. h. The division may not pay reimbursement for travel expenses to obtain services from a provider located out of state unless good cause is shown. i. The division may not pay reimbursement for travel expenses for the victim or immediate family of a homicide victim to attend court proceedings or for the victim to meet with law enforcement. 3. Time limitations. The division may not pay for reimbursement of travel expenses after two years from the date of the criminally injurious conduct except for reimbursement for mental health services. Travel expenses for mental health services are limited to no longer than a two-year period beginning on the date of the first session. N.D. Admin. Code 94-03-03-16.
Requirements/Limits for Mental Health Expenses	Mental health providers to claimants must meet certain qualifications (i.e., medical degree, doctor's degree, licensure, etc.) in order for claimant to receive compensation for mental health services. Claims for mental health services must include supporting documentation including billing statements, mental health provider information, treatment plan, necessity of treatment plan with respect to crime/injury reported, etc. Treatment and payment for mental health services is limited to: • Assessment, diagnosis, and treatment, including individual or group counseling sessions. • No longer than a 2-year period beginning on the date of the first session and: (1) For adult victims, no more than 30 sessions, and total compensation may not exceed $3,600. (2) For minor victims, no more than 40 sessions, and total compensation may not exceed $4,800. (3) For individuals who were physically present at the crime scene or who discovered the body in a homicide, no more than 10 sessions, and total compensation may not exceed $1,200. (4) For a parent or guardian of a homicide victim, no more than 10 sessions, and total compensation may not exceed $1,200. (5) For a parent or guardian of a minor victim, no more than 10 sessions, and total compensation may not exceed $1,200. (6) If a provider substantiates the need for additional sessions, the division may allow up to 10 additional sessions and up to one thousand two hundred dollars total compensation for the additional sessions. The additional sessions may not extend beyond the two-year period under this section. (7) The division may not pay compensation for mental health services for the purpose of determining a child's custody. (8) The division may not pay compensation when the victim or claimant fails to comply with prescribed treatment or treatment recommendations.	If the mental, physical, or emotional condition of a claimant is material to a claim, the division may order the claimant to submit to a mental or physical examination by a doctor or psychologist, and may order an autopsy of a deceased victim. The order may be made for good cause shown upon notice to the person to be examined and to all persons who have appeared. The order must specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made, and must require the person who performs the examination to file with the division a detailed written report of the examination or autopsy. The report must set out the examining person's findings, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions. On request of the person examined, the division shall furnish that person with a copy of the examination report. If a deceased victim is autopsied, the division, on request, shall furnish the claimant a copy of the autopsy report. The division may require the claimant to supplement the application with any reasonably available medical or psychological reports relating to the injury for which compensation is claimed. N.D. Cent. Code Ann. § 54-23.4-08(2)-(4). 1. Provider qualifications. The division may pay compensation to a mental health provider who has provided services to a victim of criminally injurious conduct if the provider meets one of the following requirements: a. Holds a master's degree in counseling, psychology, social work, or a related field, and is licensed or certified as a professional counselor, social worker, or therapist. b. Holds a doctor's degree and is licensed or certified as a professional counselor, social worker, or therapist. c. Is a student intern in an accredited graduate program supervised by a licensed clinician. d. Is a licensed public or private hospital, clinic, or treatment facility. 2. Verification. A request for compensation for mental health services must include a billing statement containing the mental health provider's name, business address, telephone number, treatment plan, and other information necessary for the division to determine the claim is for services directly related to the criminally injurious conduct. The provider shall verify that services provided are directly related to the criminally injurious conduct and specify the number of treatment sessions that are necessary. 3. Treatment and payment limitations. Treatment and payment for mental health services is limited to: a. Assessment, diagnosis, and treatment, including individual or group counseling sessions. b. No longer than a two-year period beginning on the date of the first session and: (1) For adult victims, no more than thirty sessions, and total compensation may not exceed three thousand six hundred dollars. (2) For minor victims, no more than forty sessions, and total compensation may not exceed four thousand eight hundred dollars. (3) For individuals who were physically present at the crime scene or who discovered the body in a homicide, no more than ten sessions, and total compensation may not exceed one thousand two hundred dollars. (4) For a parent or guardian of a homicide victim, no more than ten sessions, and total compensation may not exceed one thousand two hundred dollars.

TOPIC	SUMMARY	DETAILED DESCRIPTION
		(4) For a victim of a sexual assault, or a homicide victim, no more than ten sessions, and total compensation may not exceed one thousand two hundred dollars. (5) For a parent or guardian of a minor victim, no more than ten sessions, and total compensation may not exceed one thousand two hundred dollars. (6) If a provider substantiates the need for additional sessions, the division may allow up to ten additional sessions and up to one thousand two hundred dollars total compensation for the additional sessions. The additional sessions may not extend beyond the two-year period under this section. (7) The division may not pay compensation for mental health services for the purpose of determining a child's custody. (8) The division may not pay compensation when the victim or claimant fails to comply with prescribed treatment or treatment recommendations. N.D. Admin. Code 94-03-03-10
Requirements/Limits for Lost Income	Wage loss is limited to an award of not more than $300 per week (and is capped at $4,800 total). Compensation for wage loss must include written documentation from a medical or mental health provider, the claimant's employer, and other information the division may require. Additional limitations include: • Payment for work loss is limited to 4 months from the date of the criminally injurious conduct. • Payment for work loss may not exceed more than $300 per week up to a maximum of $4,800. • Payment for work loss includes absence from work for medical and mental health services only. • A claimant must be unable to work at least 3 days in order to be eligible for work loss benefits. • Work loss benefits may not be paid for time in which the claimant was eligible for sick leave, annual leave, or compensatory time. • Work loss benefits may not be paid for time in which the claimant has medical leave or annual leave available. • A claimant is not entitled to work loss payments for any period of time the claimant is in the custody of a federal, state, local or regional, or tribal correctional facility.	Compensation for work loss, replacement services loss, dependent's economic loss, and dependent's replacement services loss may not exceed three hundred dollars per week. N.D. Cent. Code Ann. § 54-23.4-06(7). 1. Verification. A claim for reimbursement for work loss must include written documentation from a medical or mental health provider, the claimant's employer, and information the division may request that supports payment for work loss. a. Medical verification must include how the injury or condition is directly related to the crime. Information must include when the victim will be able to resume work. b. Employer verification must include dates absent from work, net salary for periods immediately prior to the incident, and available sick leave or annual leave. c. Self-employed victims shall provide a copy of federal income tax return for one year prior and other substantial verification of work loss or profits the division determines is necessary to support payment for work loss. 2. Payment limitations. Payment for work loss is limited to four months from the date of the criminally injurious conduct. a. Payment for work loss may not exceed more than three hundred dollars per week up to a maximum of four thousand eight hundred dollars. b. Payment for work loss includes absence from work for medical and mental health services only. c. A claimant must be unable to work at least three days in order to be eligible for work loss benefits. d. Work loss benefits may not be paid for time in which the claimant was eligible for sick leave, annual leave, or compensatory time. e. Work loss benefits may not be paid for time in which the claimant has medical leave or annual leave available. f. A claimant is not entitled to work loss payments for any period of time the claimant is in the custody of a federal, state, local or regional, or tribal correctional facility. N.D. Admin. Code 94-03-03-13.
Requirements/Limits for Medical Expenses	Claims for medical expenses must include supporting documentation including billing statements, medical provider information, physical examinations, etc. Medical services must be provided within 2 years from the date of the crime in order to be eligible for compensation. Other compensation limitations include: • The division may not pay more than $500 for eye glasses. • The division may not pay more than $1,000 for new prescription medications. • The division may not pay more than $1,000 for alternative medical services. • The division may not pay more than $1,200 for chiropractic services or massage therapy. • The division may not pay more than $5,000 for necessary cosmetic reconstructive procedures. • The division may not pay compensation for pre-existing medical conditions and prior prescription medications. • The division may not pay compensation for interest, finance, or collection fees. • The division may not pay compensation when the victim or claimant fails to comply with prescribed treatment or treatment recommendations. Claims for dental services must include supporting documentation including billing statements, medical provider information, physical examinations, etc. Dental services must be provided within 2 years from the date of the crime in order to be eligible for compensation. Other compensation limitations include: • The division may not pay more than $5,000 for dental services. • The division may not pay compensation when the victim or claimant fails to comply with prescribed treatment or treatment recommendations.	1. Verification. A request for compensation for medical services must include a billing statement containing the medical provider's name, business address, telephone number, treatment plan, and other information necessary for the division to determine the claim is for services directly related to the criminally injurious conduct. The division may order an examination of the victim by a medical care provider designated by the division. The victim's failure to appear for, or cooperate in, the examination may result in the division's denial of the applicable portion of the claimant's request for reimbursement. 2. Compensation limitations. a. The division may not pay more than five hundred dollars for eye glasses. b. The division may not pay more than one thousand dollars for new prescription medications. c. The division may not pay more than one thousand dollars for alternative medical services. d. The division may not pay more than one thousand two hundred dollars for chiropractic services or massage therapy. e. The division may not pay more than five thousand dollars for necessary cosmetic reconstructive procedures. f. The division may not pay compensation for pre-existing medical conditions and prior prescription medications. g. The division may not pay compensation for interest, finance, or collection fees. h. The division may not pay compensation when the victim or claimant fails to comply with prescribed treatment or treatment recommendations. 3. Time limitations. Medical services must be provided within two years from the date of the criminally injurious conduct. N.D. Admin. Code 94-03-03-08. 1. Verification. A request for compensation for dental services must include a billing statement containing the dental provider's name, business address, telephone number, treatment plan, and other information necessary for the division to determine the claim is for services directly related to the criminally injurious conduct. 2. Compensation limitations. a. The division may not pay more than five thousand dollars for dental services. b. The division may not pay compensation when the victim or claimant fails to comply with prescribed treatment or treatment recommendations. 3. Time limitations. Dental services must be provided within two years from the date of the criminally injurious conduct. N.D. Admin. Code 94-03-03-09.

TOPIC	SUMMARY	DETAILED DESCRIPTION
Additional Requirements/Limits for Specified Compensation Categories	***Home Health Services***. A request for compensation for home health services must include written verification from the medical or mental health provider that supports the need for the service and other information necessary. The division may not pay more than $300 per week for home health services and total compensation may not exceed $4,800. Home health services must be provided within 4 months from the date of the crime. ***Service Animals***. If a medical or treatment provider verifies the need for a service animal for a victim, the division may not pay more than $1,000 toward the purchase of the service animal. The service animal must be purchased within 2 years from the date of the crime. ***Loss of Support***. The division may pay for loss of support to the victim's dependents for a maximum of 6 months if the victim had been providing support prior to the date of the crime. Documentation to verify the support must be provided. Monthly support is capped at $300 per week and may be appropriated if more than one person is eligible. ***Replacement Services Loss***. Claims for replacement services (expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income but for the benefit of the victim or the victim's family, if the victim had not been injured) may be reimbursable within 2 years of the crime but exclude costs for routine vehicle maintenance, home maintenance, or lawn care services. Claims must include supporting documentation and compensation is capped at $1,000. ***Funeral & Burial Expenses***. Certain funeral and burial expenses of up to $5,000 may be reimbursed if itemized receipts are produced (and are not otherwise covered by other collateral sources). Costs may not be reimbursed if the victim died of a pre-existing medical condition.	1. Verification. A request for compensation for home health services must include written verification from the medical or mental health provider that supports the need for the service and other information necessary for the division to determine the claim is for services directly related to the criminally injurious conduct. 2. Payment limitations. The division may not pay more than three hundred dollars per week for home health services and total compensation may not exceed four thousand eight hundred dollars. 3. Time limitations. Home health services must be provided within four months from the date of the criminally injurious conduct. N.D. Admin. Code 94-03-03-11 If a medical or treatment provider verifies the need for a service animal for a victim, the division may not pay more than one thousand dollars toward the purchase of the service animal. The service animal must be purchased within two years from the date of the criminally injurious conduct. N.D. Admin. Code 94-03-03-12. The division may pay for loss of support to the victim's dependents if the victim had been providing support prior to the date of the criminally injurious conduct. 1. Verification. A claim for loss of support must include verification of the amount of support the victim provided to dependents prior to the criminally injurious conduct. Verification includes federal, state, and local tax forms; social security benefits; veterans' benefits; life insurance; survivor benefits; certified death certificate; guardianship papers when applicable; or other relevant documentation that demonstrates financial dependency, including birth certificates or child support or spousal orders. 2. Payment limitations. The division may pay for loss of support on a monthly basis at a rate of not more than three hundred dollars per week. If more than one person is eligible for a loss of support award, the division may apportion the total amount of support payable to each dependent in equal amounts. 3. Time limitations. The division may not pay for loss of support for more than a total of six months of benefits. N.D. Admin. Code 94-03-03-14. Replacement services loss as defined in North Dakota Century Code section 54-23.4-01 excludes costs for routine vehicle maintenance, home maintenance, or lawn care services. 1. Verification. A claim for reimbursement for replacement services loss must include receipts for the billed amount, type of service provided, and other information necessary for the division to determine the claim is for services directly related to the criminally injurious conduct. 2. Payment limitations. The division may not pay more than one thousand dollars for replacement services loss. 3. Time limitations. Replacement services must be provided within two years from the date of the criminally injurious conduct. N.D. Admin. Code 94-03-03-15. 1. Funeral and burial expenses include: a. Casket or cremation urn; b. Cemetery plot; c. Grave liner; d. Headstone or grave marker; e. Opening and closing the grave; f. Professional care of the victim's remains, including embalming, cremation, cosmetology, minor restorative work, dressing, and casketing of the victim's remains; g. Public notice of the death and the time and place of funeral service; h. Transportation of the body to the funeral home; i. Transportation of the body and casket by a funeral coach to the cemetery; j. Travel expenses; and k. Use of facilities for a funeral service. 2. If a collateral source is available to pay any part of the funeral and burial expenses, the division may not pay compensation under this section for any amount over the aggregate total amount of five thousand dollars. 3. The claimant shall submit itemized receipts for reimbursement under this section. 4. The division may not pay compensation for funeral and burial expenses if the victim died as a result of a pre-existing medical condition and not as a result of the criminally injurious conduct. N.D. Admin. Code 94-03-03-17.
Timeframe to Obtain Benefits	2-4 weeks for processing CVC application or claim reimbursement requests. If you have questions about your application or claim reimbursement after this time, you may contact the CVC Program directly at DOCRcompensation@nd.gov.	See here: https://www.docr.nd.gov/crime-victims-compensation
Is Emergency Assistance Available?	Not specified. Note that the North Dakota Department of Corrections and Rehabilitation provides in the "Victims Resources" section a guide to "23 National Toll-free Information and Referral Resources for Crime Victim/Survivor Assistance," many of which are available 24/7. The guide is available here: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.docr.nd.gov%2Fsites%2Fwww%2Ffiles%2Fdocuments%2Fweb%2520toll%2520free%2520number s-hours%2520info%2520referral%25202020.doc&wdOrigin=BROWSELINK	See here: https://www.docr.nd.gov/victim-resources

NORTH DAKOTA

TOPIC	SUMMARY	DETAILED DESCRIPTION
Compensation Cap (Overall)	$25,000.00	Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed twenty-five thousand dollars in the aggregate. If a resident of this state is the victim of criminally injurious conduct outside the geographical boundaries of this state and the total amount of crime victims compensation benefits payable where the criminally injurious conduct occurred is less than twenty-five thousand dollars, the division may pay additional compensation to the victim. The maximum additional compensation the division may pay is the difference between twenty-five thousand dollars and the total amount of crime victims compensation benefits payable where the criminally injurious conduct occurred. N.D. Cent. Code Ann. § 54-23.4-06(8).
Sources of Funding	Restitution funds, gifts, grants, or bequests of property tendered to the state for the purposes of maintaining the CVC Program.	The division may accept on behalf of the state all restitution funds, gifts, grants, or bequests of property tendered to the state for any purpose pertaining to the activities of the division in implementing this chapter. The crime victims restitution and gift fund is established as a special fund in the state treasury. All restitution funds, gifts, grants, and bequests of property or money, and any interest occurring thereon, must be placed in the crime victims restitution and gift fund. Subject to legislative appropriation, the fund may be used and disbursed by the division in accordance with the terms of the payment or donation or, if there are no terms, for costs and expenses incurred by the division in the implementation of this chapter. N.D. Cent. Code Ann. § 54-23.4-05.
Appeal Process	If a claimant disagrees with a decision denying or reducing their claim for compensation, they may request an informal review submitted to the North Dakota department of corrections and rehabilitation's division of adult services (the "division") in writing within 30 days of the decision. After the informal review, if the claimant still disagrees, they may: • Request reconsideration and an administrative hearing in accordance with the North Dakota Administrative Agencies Practice Act. • Appeal the order of the division to the district court in accordance with the North Dakota Administrative Agencies Practice Act. If a claimant requests an administrative hearing, the division shall refer the matter to the office of administrative hearings for further proceedings in accordance with the rules of the office of administrative hearings.	After an informal hearing on the papers submitted, at which the claimant need not be present, the division may accept, deny, or reduce a claim or set it for rehearing. If a claim is reduced or denied by the division, the claimant may request a rehearing or appeal the decision. The claimant must be notified of the right to rehearing or appeal. N.D. Cent. Code Ann. § 54-23.4-07. The division, on its own motion or on request of the claimant, may reconsider a decision making or denying an award or determining its amount. The division shall reconsider at least annually every award being paid in installments. An order on reconsideration of an award may not require refund of amounts previously paid unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a decision of the division for the purpose of judicial review. N.D. Cent. Code Ann. § 54-23.4-15. After the division has received an application for crime victims benefits and has completed its initial investigation of the claim, the division shall issue a notice to the claimant that it has accepted the claim, denied the claim, reduced the claim, or is conducting further investigation. If a claimant disagrees with the decision provided in the administrative notice of decision that the division has denied the claim or reduced the claim, the claimant may request an informal review. The claimant's request for informal review must be submitted to the division in writing within thirty days from the date of notice of the division's decision. N.D. Admin. Code 94-03-04-01. If a claimant requests informal review of a claim under North Dakota Century Code section 54-23.4-07, the division shall review the request, conduct any additional investigation it determines in its discretion is necessary, and notify the claimant, or the claimant's authorized representative, if applicable, by a written order, including findings of fact and conclusions of law in support of the division's order if the division has reduced or denied the claim. The division shall provide the claimant notice of the provisions of North Dakota Century Code sections 28-32-40 and 28-32-42 with its order reducing or denying benefits. If a claimant disagrees with the division's findings of fact, conclusions of law, and order reducing or denying benefits after informal review, the claimant may: 1. Request reconsideration and an administrative hearing in accordance with North Dakota Century Code section 28-32-40. 2. Appeal the order of the division to the district court in accordance with North Dakota Century Code section 28-32-42. N.D. Admin. Code 94-03-04-02. If a claimant requests reconsideration of a claim in accordance with North Dakota Century Code section 28-32-40 and has requested an administrative hearing, the division shall refer the matter to the office of administrative hearings for further proceedings in accordance with the rules of the office of administrative hearings. N.D. Admin. Code 94-03-04-03. Based on the testimony received; the evidence provided; the results of any independent investigation; and the recommended findings of fact, conclusions of law, and recommended order, the division shall enter its final decision as determined by the director of the division. N.D. Admin. Code 94-03-04-04.

TOPIC	SUMMARY	DETAILED DESCRIPTION
Payer of Last Resort Requirements	The CVC Program is a payer of last resort. The CVC Program staff shall ensure, to the best of their ability, that all known and applicable insurance benefits, and collateral sources have been applied. The CVC Program may search for and ask about the existence of crowdfunding or GoFundMe fundraising dollars, which may be considered a collateral source. Other collateral sources may include: disability benefits; employer-paid leave, including sick leave or annual leave; health insurance, including medical, vision, and dental benefits; life insurance; Medicare; medical assistance or Medicaid; motor vehicle insurance; personal and charity fundraising, including online fundraising; restitution; social security benefits and social security disability benefits; veterans' benefits; workforce safety and insurance; and any other state, county, or tribal public assistance, including food stamps. Additionally: • If restitution is paid, expenses paid by the program must be reimbursed. • If there is recovery through civil suit, reimbursement may be required for expenses already paid, or a claim may be denied if the recovery is more than the victim's economic loss. • The CVC Program must be informed, in writing, of any impending civil suit.	"Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under this chapter which the claimant has received, or which is readily available to the claimant. The first twenty-five thousand dollars of a life insurance policy are not a collateral source if they are payable to a dependent beneficiary or to a parent, legal guardian, or conservator of a dependent victim. N.D. Cent. Code Ann. § 54-23.4-01(3). The crime victims compensation fund is a secondary source for payment for economic losses not paid by other collateral sources, including disability benefits; employer-paid leave, including sick leave or annual leave; health insurance, including medical, vision, and dental benefits; life insurance; Medicare; medical assistance or Medicaid; motor vehicle insurance; personal and charity fundraising, including online fundraising; restitution; social security benefits and social security disability benefits; veterans' benefits; workforce safety and insurance; and any other state, county, or tribal public assistance, including food stamps. N.D. Admin. Code 94-03-03-06(1). Benefits from other collateral sources must be included on the application and may include: (1) List the benefits claimant has received or may be eligible to receive from other collateral sources as a result of the criminally injurious conduct, including disability benefits; employer-paid leave, including sick leave or annual leave; health insurance, including medical, vision, and dental benefits; life insurance; Medicare; medical assistance or Medicaid; motor vehicle insurance; personal and charity fundraising, including online fundraising; restitution; social security benefits and social security disability benefits; veterans' benefits; workforce safety and insurance; and any other state, county or tribal public assistance, including food stamps. (2) For each benefit identified, provide the type of benefit, amount of benefits provided or to be provided, provider name, address, telephone number, and identification policy number, if applicable. N.D. Admin. Code 94-03-03-02(2)(d). Compensation otherwise payable to a claimant must be reduced or denied: a. To the extent the economic loss upon which the claim is based is recouped from other persons, including collateral sources; b. To the extent the division deems reasonable because of the contributory misconduct of the claimant or of a victim on whose behalf compensation is claimed; and c. To the extent the division deems reasonable when it is determined that a victim was under the influence of an alcoholic beverage or a controlled substance at the time the criminally injurious conduct occurred and the victim's intoxication was a factor causing the criminally injurious conduct. N.D. Cent. Code Ann. § 54-23.4-06(6). If the division determines that the claimant will suffer financial hardship unless a tentative award is made, and it appears likely that a final award will be made, an amount may be paid to the claimant which must be deducted from the final award or repaid by and recoverable from the claimant to the extent that it exceeds the final award. N.D. Cent. Code Ann. § 54-23.4-14. If compensation is awarded, the division is subrogated to all the claimant's rights to receive or recover benefits or advantages, for economic loss for which and to the extent only that compensation is awarded, from a source that is, or, if readily available to the claimant, would be, a collateral source. N.D. Cent. Code Ann. § 54-23.4-12(1). The division shall determine and award reasonable attorney's fees, commensurate with services rendered, to be paid by the state to the attorney representing the claimant if the claimant prevails after a petition for reconsideration or rehearing under section 28-32-40 from an order reducing or denying crime victims compensation benefits. A district court may award attorney's fees in an appeal pursuant to section 28-32-42 if the claimant prevails on appeal from an order reducing or denying benefits. Attorney's fees are allowable for settlement of a disputed claim. Attorney's fees are not allowable for assisting a claimant in filing a claim. An award of attorney's fees is in addition to an award of compensation. An award of attorney's fees may not exceed the lesser of twenty percent of the compensation awarded or one thousand dollars. No attorney may contract for or receive any larger sum than the amount allowed. N.D. Cent. Code Ann. § 54-23.4-11.
References and Resources		**Laws and Regulations** • Crime Victims Compensation Act, N.D. Cent. Code Ann. § 54-23.4-01 *et seq*. • Crime Victims Compensation Regulations, N.D. Admin. Code 94-03-01-01 *et seq*. **Guidance** • Crime Victims Compensation Program, North Dakota Department of Corrections & Rehabilitation, https://www.docr.nd.gov/crime-victims-compensation • North Dakota Crime Victims Application, https://portalapps.nd.gov/docr/cvc-application/ • North Dakota Crime Victims Application Tips, https://www.docr.nd.gov/sites/www/files/documents/victims/CVC%20Forms/CVC%20Application%20Tips.pdf

OHIO

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Generally within 3 years after the occurrence of the criminally injurious conduct. If the claimant was under twenty-one years of age at the time of the criminally injurious conduct, the claim is not barred until after the claimant's twenty-fourth birthday. If the claim is based on criminally injurious conduct that occurred prior to March 2, 2022 and was denied under the law as it existed prior to that date, the claim is not barred and the claimant is eligible to reapply for relief until more than three years have passed since the criminally injurious conduct that gave rise to the claim. The attorney general is permitted to make an award of reparations at any time for good cause shown.	All applications for an award of reparations may be filed at any time within three years after the occurrence of the criminally injurious conduct, except as provided in divisions (A)(2)(b) to (d) of section 2743.60 of the Revised Code. Ohio Rev. Code Ann. § 2743.56(B). Except as provided in division (A)(2)(b), (c), or (d) of this section, the attorney general or court of claims shall not make or order an award of reparations to a claimant if the claim is based on criminally injurious conduct that occurred more than three years before the claim was filed or if the claim was denied under the law as it existed prior to the effective date of this amendment. (A)(2)(b): If the claimant was under twenty-one years of age at the time of the criminally injurious conduct, the claim is not barred under division (A)(2)(a) of this section until after the claimant's twenty-fourth birthday. (c): If the claim is based on criminally injurious conduct that occurred prior to the effective date of this section and was denied under the law as it existed prior to the effective date of this amendment, the claim is not barred under division (A)(2)(a) of this section and the claimant is eligible to reapply for relief under this section until more than three years have passed since the criminally injurious conduct that gave rise to the claim. (d): Notwithstanding divisions (A)(2)(a), (b), and (c) of this section, the attorney general is permitted to make an award of reparations at any time for good cause shown.
Eligibility Requirements: Identity of Person Seeking Compensation	A victim of criminally injurious conduct who is either a resident of the United States or a resident of a foreign country that permit Ohio residents to recover compensation for offenses committed in the country; A dependent of a deceased victim; A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses; A person who is authorized to act on behalf of any person described above; The estate of a deceased victim; A victim who had a permanent place of residence within Ohio at the time of the criminally injurious conduct **and** meets one of following nine criteria: (i) Had a permanent place of employment in this state; (ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve; (iii) Was retired and receiving social security or any other retirement income; (iv) Was sixty years of age or older; (v) Was temporarily in another state for the purpose of receiving medical treatment; (vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits; (vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	"Claimant" means both of the following categories of persons: (1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code: (a) A victim who was one of the following at the time of the criminally injurious conduct: (i) A resident of the United States; (ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country. (b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section; (c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses; (d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section; (e) The estate of a deceased victim who is described in division (A)(1)(a) of this section. (2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code: (a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct **and** who, at the time of the criminally injurious conduct, complied with any one of the following: (i) Had a permanent place of employment in this state; (ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve; (iii) Was retired and receiving social security or any other retirement income; (iv) Was sixty years of age or older; (v) Was temporarily in another state for the purpose of receiving medical treatment; (vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits; (vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state

TOPIC	SUMMARY	DETAILED DESCRPTION
	within this state as an express condition of employment or employee benefits; (viii) Was a full-time student at an academic institution, college, or university located in another state; (ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits; (viii) Was a full-time student at an academic institution, college, or university located in another state; (ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state. (b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section; (c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses; (d) A person who is authorized to act on behalf of any person who is described in division (A)(2)(a), (b), or (c) of this section; (e) The estate of a deceased victim who is described in division (A)(2)(a) of this section. Ohio Rev. Code Ann. § 2743.51(A). “Victim” means one of the following: (1) A person who suffers personal injury or death as a result of any of the following: (a) Criminally injurious conduct; (b) The good faith effort of any person to prevent criminally injurious conduct; (c) The good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct. (2) A person who is an immediate family member of a victim of criminally injurious conduct that consists of a homicide, a sexual assault, domestic violence, or a severe and permanently incapacitating injury resulting in paraplegia or a similar life-altering condition, who requires psychiatric care or counseling as a result of the criminally injurious conduct; (3) A person who suffers trauma so severe that it impedes or prohibits a person from participating in normal daily activities and who is either of the following: (a) A family member of a victim of criminally injurious conduct that consists of a homicide, or a family member of a victim who, as a result of criminally injurious conduct, has sustained a severe and permanently incapacitating injury resulting in paraplegia or a similar life-altering condition, and who can demonstrate either of the following by a preponderance of the evidence: (i) The person witnessed the criminally injurious conduct. (ii) The person arrived at the crime scene in its immediate aftermath. (b) An immediate family member who is a caretaker of a dependent victim of criminally injurious conduct that consists of a sexual assault. Ohio Rev. Code Ann. § 2743.51(L). “Collateral source” means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources: (1) The offender; (2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code; (3) Social security, Medicare, and Medicaid; (4) State-required, temporary, nonoccupational disability insurance; (5) Workers' compensation; (6) Wage continuation programs of any employer; (7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct; (8) A contract providing prepaid hospital and other health care services, or benefits for disability; (9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars; (10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country. “Collateral source” does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code. Ohio Rev. Code Ann. § 2743.51(B).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Types of Crime	Awards of reparations may be made for economic loss arising from "criminally injurious conduct." Criminally injurious conduct means: (1) Any conduct that occurs or is attempted **in Ohio**; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. This does **not** include conduct arising out of the ownership, maintenance or use of a **motor vehicle**, **unless** the person **intended** to cause personal injury or death, the person was using the vehicle to **flee** immediately after committing a felony, the person was operating the vehicle **under the influence of alcohol or drugs**, the conduct constitutes aggravated vehicular assault, or the conduct caused serious physical harm and was a hit-and-run. (2) Any conduct that occurs or is attempted **in another state, district, territory, or foreign country**; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted, **and** the person who claims an award of reparations (1) has a permanent place of residence within Ohio at the time of the criminally injurious conduct **and** meets one of the other requirements in Ohio Rev. Code Ann. § 2743.51(A)(2)(a) (described above). (3) Terrorism.	The attorney general shall make awards of reparations for economic loss arising from **criminally injurious conduct**, if satisfied by a preponderance of the evidence that the requirements for an award of reparations have been met. The court of claims has appellate jurisdiction to order awards of reparations for economic loss arising from **criminally injurious conduct**, if satisfied by a preponderance of the evidence that the requirements for an award of reparations have been met. Ohio Rev. Code Ann. § 2743.52(A)-(B). Ohio Rev. Code Ann. § 2743.52 places the burden of proof on an applicant to satisfy the Court of Claims Commissioners that the requirements for an award have been met by a preponderance of the evidence. *In re Berresford* , 63 Ohio Misc. 2d 379, 380 (Ct. Cl. 1993). “Criminally injurious conduct” means one of the following: (1) For the purposes of any person described in division (A)(1) of this section, **any conduct** that occurs or is attempted in this state**; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state**. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a **motor vehicle**, except when any of the following applies: (a) The person engaging in the conduct intended to cause personal injury or death; (b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state; (c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation; (d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code; (e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code [pertaining to violations of the vehicle operator's duty to stop after an accident]. (2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies: (a) The person engaging in the conduct intended to cause personal injury or death; (b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted; (c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI [Operating a Vehicle under the Influence violation; (d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of section 2903.08 of the Revised Code; (e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to section 4549.02 or 4549.021 of the Revised Code. (3) For the purposes of any person described in division (A)(1) or (2) of this section, terrorism that occurs within or outside the territorial jurisdiction of the United States. Ohio Rev. Code Ann. § 2743.51(C). “OVI violation” means any of the following: (1) A violation of section 4511.19 of the Revised Code, of any municipal ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or of any municipal ordinance prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine; (2) A violation of division (A)(1) of section 2903.06 of the Revised Code [pertaining to aggravated vehicular homicide]; (3) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code [pertaining to vehicular homicide and vehicular manslaughter]or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense; (4) For purposes of any person described in division (A)(2) of this section, a violation of any law of the state, district, territory, or foreign country in which the criminally injurious conduct occurred, if that law is substantially similar to a violation described in division (P)(1) or (2) of this section or if that law is substantially similar to a violation described in division (P)(3) of this section and the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense. Ohio Rev. Code Ann. § 2743.51(P).

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Geographic Nexus	1. Criminally injurious conduct occurred in Ohio to a US citizen or a resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country. 2. Criminally injurious conduct occurred in in another state, district, territory, or foreign country and the victim had a permanent place of residence within Ohio at the time of the offense and also complied with any one of nine additional criteria (listed above in **Eligibility Requirements: Identity of Person Seeking Compensation).** 3. Victims of terrorism, whether inside or outside the US.	"Criminally injurious conduct" means one of the following: (1) For the purposes of any person described in **division (A)(1)** of this section, **any conduct that occurs or is attempted in this state**; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies: (a) The person engaging in the conduct intended to cause personal injury or death; (b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state; (c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation; (d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code; (e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code [pertaining to violations of the vehicle operator's duty to stop after an accident]. (2) For the purposes of any person described in division (A)(2) of this section, **any conduct that occurs or is attempted in another state, district, territory, or foreign country**; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies: (a) The person engaging in the conduct intended to cause personal injury or death; (b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted; (c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI [Operating a Vehicle under the Influence violation; (d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of section 2903.08 of the Revised Code; (e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to section 4549.02 or 4549.021 of the Revised Code. (3) For the purposes of any person described in division (A)(1) or (2) of this section, **terrorism that occurs within or outside the territorial jurisdiction of the United States**. Ohio Rev. Code Ann. § 2743.51(C).
Eligibility Requirements: Criminal Background of Victim	Not directly related to the criminal background of the victim, but awards may not be awarded to victims if the crime occurred while the adult victim was serving a sentence of imprisonment in any detention facility after having been convicted of or pleading guilty to an offense.	The attorney general or the court of claims shall not make an award of reparations to a claimant if the criminally injurious conduct that caused the injury or death that is the subject of the claim occurred to a victim who was an adult and while the victim, after being convicted of or pleading guilty to an offense, was serving a sentence of imprisonment in any detention facility, as defined in section 2921.01 of the Revised Code. Ohio Rev. Code Ann. § 2743.60(F). Reparations otherwise payable to a victim under this section shall not be payable to the victim during any period that the victim is incarcerated. Ohio Rev. Code Ann. § 2743.60(I).
Citizenship Requirement?	None for general crime victim compensation.	There are no citizenship requirements related to Ohio's general crime victim compensation statute.
Is a Police Report or Cooperation with Law Enforcement Required?	Yes.	The attorney general or the court of claims shall not make or order an award of reparations to a claimant if the criminally injurious conduct upon which the claimant bases a claim never was reported to a law enforcement officer or agency. Ohio Rev. Code Ann. § 2743.60(A)(1). The attorney general or the court of claims, upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny a claim or reconsider and reduce an award of reparations. Ohio Rev. Code Ann. § 2743.60(C).

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Complicity in Crime Disqualifying?	Yes, as is "contributory misconduct."	The attorney general or the court of claims shall **not** make or order an award of reparations to a claimant if any of the following apply: (a) The claimant is the offender or an accomplice of the offender who committed the criminally injurious conduct, or the award would unjustly benefit the offender or accomplice. (b) Except as provided in division (B)(2) of this section, both of the following apply: (i) The victim was a passenger in a motor vehicle and knew or reasonably should have known that the driver was under the influence of alcohol, a drug of abuse, or both. (ii) The claimant is seeking compensation for injuries proximately caused by the driver described in division (B)(1)(b)(i) of this section being under the influence of alcohol, a drug of abuse, or both. (c) Both of the following apply: (i) The victim was under the influence of alcohol, a drug of abuse, or both and was a passenger in a motor vehicle and, if sober, should have reasonably known that the driver was under the influence of alcohol, a drug of abuse, or both. (ii) The claimant is seeking compensation for injuries proximately caused by the driver described in division (B)(1)(b)(i) of this section being under the influence of alcohol, a drug of abuse, or both. (2) Division (B)(1)(b) of this section does not apply if on the date of the occurrence of the criminally injurious conduct, the victim was under sixteen years of age or was at least sixteen years of age but less than eighteen years of age and was riding with a parent, guardian, or care-provider. Ohio Rev. Code Ann. § 2743.60(B)(1). Additionally: Except as otherwise provided in division (E)(2) of this section, in determining whether to make an award of reparations pursuant to this section, the attorney general or the court of claims shall consider whether there was contributory misconduct by the victim or the claimant. The attorney general or the court of claims shall reduce an award of reparations or deny a claim for an award of reparations to the extent it is determined to be reasonable because of the contributory misconduct of the claimant or the victim. (2) Notwithstanding division (E)(1) of this section, in determining whether to make an award of reparations pursuant to this section, if the criminally injurious conduct upon which the claim is based resulted in a victim's death, the attorney general and the court of claims shall not consider whether there was contributory misconduct by the deceased victim. The attorney general or the court of claims shall not reduce an award of reparations or deny a claim for an award of reparations based on contributory misconduct of a deceased victim. Ohio Rev. Code Ann. § 2743.60(E)(1)-(2). “Contributory misconduct” means any conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and to which all of the following apply: (1) The conduct occurred at the time of the criminally injurious conduct that is the basis of the claim. (2) The conduct itself caused or posed a substantial and imminent threat of causing serious physical harm or death to another. (3) The conduct instigated or proximately caused the criminally injurious conduct that is the basis of the claim. Ohio Rev. Code Ann. § 2743.51(M). *See also In re Strong* , 61 Ohio Misc. 2d 244 (Ct. Cl. 1988) (holding, among other things, that abusive language alone does not constitute contributory misconduct, and the decendents actions did not constitute contributory misconduct when the victim retreated in between the time of the potential contributory misconduct and the time he was shot).
To Whom are Applications Made?	The Ohio Attorney General.	A claim for an award of reparations shall be commenced by filing an application for an award of reparations with the attorney general. Ohio Rev. Code Ann. § 2743.56 (West)

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How are Applications Accepted?	Through an online portal, or by mail, email or fax.	**Application**: https://www.ohioattorneygeneral.gov/Files/Individuals-and-Families/Victims/Crime-Victim-Comp-Form.aspx The AG has established an online portal through which applications can be made: https://www.ohioattorneygeneral.gov/Individuals-and-Families/Victims/Apply-for-Victims-Compensation Applications can also be downloaded, printed, and mailed, emailed or faxed as follows: Crime Victim Services Section 30 E. Broad Street, 26th Floor Columbus, OH 43215, Fax to 614-752-2732 or 855-229-0600. New applications can also be emailed to CrimeVictimsCompensationApplications@OhioAGO.gov but they must be attached as a PDF or Word document. A claim for an award of reparations shall be commenced by filing an application for an award of reparations with the attorney general. The application may be filed by mail. If the application is filed by mail, the post-marked date of the application shall be considered the filing date of the application. The application shall be in a form prescribed by the attorney general and shall include a release authorizing the attorney general and the court of claims to obtain any report, document, or information that relates to the determination of the claim for an award of reparations that is requested in the application. Ohio Rev. Code Ann. § 2743.56(A).
Who May Submit an Application?	Victims of violent crime. Someone who legally assumes the financial responsibility in behalf of a victim of violent crime. For crimes resulting in death, the dependents of that victim or someone assuming the financial responsibility for that victim/family member. In certain crimes, family members may be eligible to file their own claim.	"Claimant" means both of the following categories of persons: (1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code: (a) A victim of the criminally injurious conduct: (b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section; (c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses; (d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section; (e) The estate of a deceased victim who is described in division (A)(1)(a) of this section. Ohio Rev. Code Ann. § 2743.51(A)(1)-(2).
What Language Services are Available?	None	
General Documentation Requirements	Application is required. Proof of expenses/losses may be submitted.	A claim for an award of reparations shall be commenced by filing an application for an award of reparations with the attorney general. The application may be filed by mail. If the application is filed by mail, the post-marked date of the application shall be considered the filing date of the application. The application shall be in a form prescribed by the attorney general and shall include a release authorizing the attorney general and the court of claims to obtain any report, document, or information that relates to the determination of the claim for an award of reparations that is requested in the application. Ohio Rev. Code Ann. § 2743.56(A). The attorney general may require the claimant to supplement the application for an award of reparations with any further information or documentary materials, including any medical report readily available, that may lead to any relevant facts in the determination of whether, and the extent to which, a claimant qualifies for an award of reparations. The attorney general may depose any witness, including the claimant, pursuant to Civil Rules 28, 30, and 45. Ohio Rev. Code Ann. § 2743.59(B)(1).

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	Medical and related expenses. Counseling for immediate family members of victims of homicide, sexual assault, or domestic violence. Wages lost because of the crime. Crime scene cleanup for personal security, such as doors and windows. The cost to replace items taken as evidence. The cost to replace items of clothing damaged as a result of medical treatment or assessment. Reimbursement for hearing aids, eyeglasses or other vision aids, dental appliances, teeth or other dental aids, canes, walkers, wheelchairs, and other mobility equipment. Lost wages and travel expenses for family members of a deceased victim to attend court proceedings. Financial support for dependents of a deceased victim. Funeral and burial expenses Protective order fees.	Ohio Rev. Code Ann. § 2743.51(E)-(K). *See also* Ohio Victims of Crime Compensation Program Application, Section 4.
Requirements/Limits for Relocation Expenses	Not available.	
Requirements/Limits for Mental Health Expenses	All "reasonable" charges.	For a [person who suffers personal injury or death as a result of criminally injurious conduct], "allowable expense" means **reasonable charges** incurred for reasonably needed products, services, and accommodations, including those for **medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care** and including replacement costs for hearing aids; dentures, retainers, and other dental appliances; canes, walkers, and other mobility tools; and eyeglasses and other corrective lenses. It does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semiprivate accommodations, unless accommodations other than semiprivate accommodations are medically required. Ohio Rev. Code Ann. § 2743.51(F)(1). (A) For claims for medical, psychological, dental, chiropractic, hospital, physical therapy, and nursing services, the attorney general may audit fee bill payments and adjust fee bill reimbursements in accordance with appropriate cost containment and reimbursement guidelines adopted by the administrator of workers compensation. (B) A medical provider that accepts payment for medical care-related allowable expenses as part of an award of reparations shall not seek reimbursement for any part of those allowable expenses from the victim or the claimant who was granted the award. This division does not prohibit the medical provider from seeking reimbursement from a collateral source. Ohio Rev. Code Ann. § 2743.521(A)-(B).
Requirements/Limits for Lost Income	No limit.	No limit other than $50,000 aggregate limit.

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Medical Expenses	All "reasonable" charges.	For a [person who suffers personal injury or death as a result of criminally injurious conduct], “allowable expense” means **reasonable charges** incurred for reasonably needed products, services, and accommodations, including those for **medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care** and including replacement costs for hearing aids; dentures, retainers, and other dental appliances; canes, walkers, and other mobility tools; and eyeglasses and other corrective lenses. It does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semiprivate accommodations, unless accommodations other than semiprivate accommodations are medically required. For [an immediate family member of a victim who requires psychiatric care as a result of the criminally injurious conduct], “allowable expense” means **reasonable charges incurred for psychiatric care or counseling reasonably needed** as a result of the criminally injurious conduct. No other type of expense is compensable under section 2743.51 to 2743.72 of the Revised Code for a victim of that type. For a [family member of a victim who suffers trauma so severe that it impedes or prohibits a person from participating in normal daily activities because they witnessed the crime or arrived at the crime scene in its immediate aftermath], “allowable expense” means work loss and **reasonable charges incurred for psychiatric care or counseling reasonably needed** as a result of the criminally injurious conduct. No other type of expense is compensable under sections 2743.51 to 2743.72 of the Revised Code for a victim of that type. Ohio Rev. Code Ann. § 2743.51(F)(1)-(3). (A) For claims for medical, psychological, dental, chiropractic, hospital, physical therapy, and nursing services, the attorney general may audit fee bill payments and adjust fee bill reimbursements in accordance with appropriate cost containment and reimbursement guidelines adopted by the administrator of workers compensation. (B) A medical provider that accepts payment for medical care-related allowable expenses as part of an award of reparations shall not seek reimbursement for any part of those allowable expenses from the victim or the claimant who was granted the award. This division does not prohibit the medical provider from seeking reimbursement from a collateral source. Ohio Rev. Code Ann. § 2743.521(A)-(B).
Timeframe to Obtain Benefits	Generally, within one hundred twenty days after receiving the claim application, with extensions with justification. Awards may be paid out in a lump sum or in installments.	The attorney general shall make a written finding of fact and decision in accordance with sections 2743.51 to 2743.72 of the Revised Code within one hundred twenty days after receiving the claim application. The attorney general may extend the one-hundred-twenty-day time limit and shall record in writing specific reasons to justify the extension. The attorney general shall notify the claimant of the extension and of the reasons for the extension. The attorney general shall serve a copy of its written finding of fact and decision upon the claimant. Ohio Rev. Code Ann. § 2743.59(E). (A) A decision of the attorney general or order or judgment of the court of claims granting an award of reparations may provide for the payment of the award in a lump sum or in installments. The part of an award equal to the amount of economic loss accrued to the date of the award shall be paid in a lump sum. An award for allowable expense that would accrue after the award is made shall not be paid in a lump sum. Except as provided in division (B) of this section, the part of an award not paid in a lump sum shall be paid in installments. (B) Upon the motion of the claimant, the attorney general may commute future economic loss, other than allowable expense, to a lump sum but only upon a finding that either of the following applies: (1) The award in a lump sum will promote the interests of the claimant. (2) The present value of all future economic loss, other than allowable expense, does not exceed one thousand dollars. (C) The attorney general may make an award for future economic loss payable in installments only for a period as to which future economic loss reasonably can be determined. An award for future economic loss payable in installments may be reconsidered and modified upon a finding that a material and substantial change of circumstances has occurred. Ohio Rev. Code Ann. § 2743.66(A)-(C).

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Emergency Assistance Available?	Yes, up to $2,000 if the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. Funeral expenses may also be awarded on an emergency basis if certain requirements are met.	The attorney general may make an emergency award if, before acting on an application for an award of reparations under this section, it appears likely that a final award will be made, and the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. **An emergency award shall not exceed two thousand dollars**. The attorney general or the court of claims shall deduct an amount of the emergency award from the final award, or the claimant or victim shall repay the amount of the emergency award that exceeds the final award made to the claimant. If no final award is made, the claimant or victim shall repay the entire emergency award. Ohio Rev. Code Ann. § 2743.67. Before acting on an application for an award of reparations that has been filed pursuant to section 2743.56 of the Revised Code, the attorney general may make an emergency award for funeral expenses if at the time the application for emergency funeral expenses is made the claimant is the party responsible for the victim's funeral expenses and the information that is then available to the attorney general supports a finding of reasonable belief that all of the following criteria are met: (1) That the requirements for a final award under division (C) of section 2743.59 of the Revised Code may be satisfied; (2) The decedent and the claimant are indigent. (3) The claimant will suffer undue hardship if immediate economic relief is not obtained. Ohio Rev. Code Ann. § 2743.671(B). An emergency award for funeral expenses under this section may only be made **before** cremation or burial of the decedent. Payment for funeral expenses under this section shall be the full award for such expenses arising from the death of the victim. No additional payment for funeral expenses shall be made to the funeral home, to the claimant applicant, or to any other claimant. A determination under this section does not preclude the attorney general from determining eligibility and awarding reparations for any expenses other than those related to the funeral. Ohio Rev. Code Ann. § 2743.671(C). “Funeral expenses” means the payment of cremation or burial services of the decedent. Ohio Rev. Code Ann. § 2743.671(A).
Compensation Cap (Overall)	$50,000	Reparations payable to a victim [who suffers personal injury or death as a result of criminally injurious conduct] and to all other claimants sustaining economic loss because of injury to or the death of that victim shall not exceed fifty thousand dollars in the aggregate. Reparations payable to a victim [who is an immediate family member of a victim of criminally injurious conduct who requires psychiatric care or counseling] shall not exceed five thousand dollars. Reparations payable to a [family member of a victim who suffers trauma so severe that it impedes or prohibits a person from participating in normal daily activities because they witnessed the crime or arrived at the crime scene in its immediate aftermath] shall not exceed fifteen thousand dollars. Ohio Rev. Code Ann. § 2743.60(H).
Sources of Funding	See column at right.	There is hereby created in the treasury of state the victims of human trafficking fund consisting of money seized in connection with a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code or acquired from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code or derived from the proceeds of the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code and deposited pursuant to section 2981.12 of the Revised Code and such other money as may be appropriated or contributed to the fund. Money in the fund shall be used for the sole purpose of treating, caring for, rehabilitating, educating, housing, and providing assistance for victims of trafficking in persons. The office of the attorney general shall administer the fund. Ohio Rev. Code Ann. § 5101.87.

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	Appeals may be made to the attorney general to reconsider a decision, or appeals may be made directly to the Ohio Court of Claims, where claims are reviewed *de novo*.	(A) The attorney general, on the attorney general's own motion or upon request of a claimant or victim, may reconsider a decision to make an award of reparations, the amount of an award of reparations, or a decision to deny a claim for an award of reparations. A claimant may file a request for reconsideration with the attorney general not later than thirty days after the attorney general renders an initial decision. A claimant may submit with the request any additional information that is relevant to the claimant's claim for an award of reparation. The attorney general shall reconsider the application based upon evidence that is relevant to the application and issue a final decision within sixty days of receiving the request for reconsideration. The attorney general may extend the sixty-day time limit and shall record in writing specific reasons to justify the extension. The attorney general shall notify the claimant of the extension and of the reasons for the extension. If a claimant does not file a request for reconsideration of a decision of the attorney general to make an award or to deny a claim or of the amount of an award within thirty days after the decision is rendered, the award, the denial of the claim, or the amount of the award is final unless the attorney general in the interest of justice allows the reconsideration after the expiration of that period of time. (B) A claimant may appeal an award of reparations, the amount of an award of reparations, or the denial of a claim for an award of reparations that is made by a final decision of the attorney general after any reconsideration. If the final decision of the attorney general with respect to any claim for an award of reparations is appealed, the court of claims, within ninety days of receiving the notice of appeal, shall schedule and conduct a hearing on the appeal. The court shall determine the appeal within sixty days from the date of the hearing on the basis of the record of the hearing before the court, including the original award or denial and the finding of fact of the attorney general, any information or documents that the attorney general used in the investigation, any information or data provided to the attorney general, any briefs or oral arguments that may be requested by the court, and any additional evidence presented at the hearing. The court may extend the sixty-day time limit and shall record in writing specific reasons to justify the extension. The attorney general shall supply the court with the original decision awarding or denying compensation, the finding of fact of the attorney general, any information or documents that the attorney general used in the investigation, and any information or data provided to the attorney general within fourteen days of the filing of the objection and notice of appeal by the applicant. The court shall notify the claimant and attorney general of the extension and of the reasons for the extension. If upon hearing and consideration of the record and evidence, the court decides that the decision of the attorney general appealed from is reasonable and lawful, it shall affirm the same. If the court decides that the decision of the attorney general is not supported by a preponderance of the evidence or is unreasonable or unlawful, the court shall reverse and vacate the decision or modify it and enter judgment thereon. The decision of the court is final. (C) Notices of an appeal concerning an award of reparations shall be filed within thirty days after the date on which the award or the denial of a claim is made by a final decision of the attorney general. If a notice of appeal is not filed within the thirty-day period, the award or denial of the claim is final unless the court of claims in the interests of justice allows the appeal. Ohio Rev. Code Ann. § 2743.61(A)-(C). The court of claims shall hear and determine **all matters relating to appeals** from decisions of the attorney general pursuant to sections 2743.51 to 2743.72 of the Revised Code. Ohio Rev. Code Ann. § 2743.53. See also In re Hall, 2004-Ohio-4600, ¶ 12 (holding that, because Ohio Rev. Code Ann. § 2743.53 states that the panel shall "hear and determine all matters relating to appeals", then "new evidence may be submitted and new issues may be raised at the panel level since panel hearings are de novo" and "we find that the panel has the jurisdiction to hear and determine all matters pertaining to appeals, whether or not the matter has been raised on direct appeal.")

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	Awards are reduced to the extent that the economic loss upon which the claim is based is recouped from other persons, including collateral sources.	The attorney general or the court of claims shall reduce an award of reparations or deny a claim for an award of reparations that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is recouped from other persons, including collateral sources. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If the award or denial is conditioned upon the recoupment of the claimant's economic loss from a collateral source and it is determined that the claimant did not unreasonably fail to present a timely claim to the collateral source and will not receive all or part of the expected recoupment, the claim may be reopened and an award may be made in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source. If the claimant recoups all or part of the economic loss upon which the claim is based from any other person or entity, including a collateral source, the attorney general may recover pursuant to section 2743.72 of the Revised Code the part of the award that represents the economic loss for which the claimant received the recoupment from the other person or entity. Ohio Rev. Code Ann. § 2743.60(D). If a claimant unreasonably fails to present a claim timely to a source of benefits or advantages that would have been a collateral source and that would have reimbursed the claimant for all or a portion of a particular expense, the attorney general or the court of claims may reduce an award of reparations or deny a claim for an award of reparations to the extent that it is reasonable to do so. Ohio Rev. Code Ann. § 2743.60(G). "Collateral sources" means “Collateral source” means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources: (1) The offender; (2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code; (3) Social security, Medicare, and Medicaid; (4) State-required, temporary, nonoccupational disability insurance; (5) Workers' compensation; (6) Wage continuation programs of any employer; (7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct; (8) A contract providing prepaid hospital and other health care services, or benefits for disability; (9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars; (10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country. “Collateral source” does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code. Ohio Rev. Code Ann. § 2743.51(B).
References and Resources		Link to application portal: https://www.ohioattorneygeneral.gov/Individuals-and-Families/Victims/Apply-for-Victims-Compensation Printable application: https://www.ohioattorneygeneral.gov/Files/Individuals-and-Families/Victims/Crime-Victim-Comp-Form.aspx

TOPIC	SUMMARY	DETAILED DESCRPTION
Additional Information	Although it does not appear to be compensation to a victim of a crime, a victim of "a severe form of trafficking" is also eligible for assistance provided by Ohio Works First to the same extent as an alien admitted to the US as a refugee. Ohio Works First provides cash and other assistance to eligible low-income families using the state's portion of Federal Temporary Assistance for Needy Families (TANF) dollars. This program provides: Supplemental Nutrition Cash Medicaid and Child Care	According to 22 U.S.C. 7105 (12/2018) a victim of a severe form of trafficking is eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under 8 U.S.C. 1612 (9/2008). (A) What is the definition of a “severe form of trafficking in persons?” As described in 22 U.S.C. 7102 (10/2018), the term “severe form of trafficking in persons” means: (1) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen years of age; or (2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (B) Who determines if an individual is a victim of a severe form of trafficking? The office of refugee resettlement (ORR) within the department of health and human services will make certification determinations for victims of a severe form of trafficking. (1) For adults, ORR will issue notarized letters of certification for an adult victim of a severe form of trafficking. (2) For children, ORR will issue notarized letters, similar to adult certification letters, stating that the child is a victim of a severe form of trafficking. Ohio Admin. Code 5101:1-2-30.1. According to 22 U.S.C. 7105 (12/2018) certain family members of a victim of a severe form of trafficking are eligible for benefits and services to the same extent as refugees. (A) Who is considered a family member of a victim of trafficking? A holder of a T-2, T-3, T-4, T-5 or T-6 visa (hereafter, “derivative T visa”) is considered a family member of a victim of a severe form of trafficking. Ohio Admin. Code 5101:1-2-30.3. Program enrollment and benefits information can be found here: https://www.odjfs.state.oh.us/forms/num/JFS07501/pdf/ Application forms can be found here: https://www.odjfs.state.oh.us/forms/num/JFS07200

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• Within one year of the crime-related injury of the victim. • The one year deadline may be waived and extended to two years for good cause, and may be extended beyond two (2) years only in child sexual assault cases. • In no event can other claims be extended beyond two (2) years.	"Compensation shall not be awarded . . . Unless the claim has been filed with the Crime Victims Compensation Board within thirty (30) months after the injury or death upon which the claim is based. If the victim is under a mental or cognitive disability or is a child under eighteen (18) years of age, the Board may use the date the criminal incident was disclosed to a responsible adult when establishing whether or not the claim was timely filed. In cases involving sexual assault of an adult eighteen (18) years of age or older, the Board may use the date the sexual assault forensic evidence kit was tested when establishing whether the claim was timely filed. The Board may, at its discretion, extend the filing period beyond one (1) year upon a showing of good cause or in all cases of sexual assault" - 21 O.S. 142.10(A)(1)
Eligibility Requirements: Identity of Person Seeking Compensation	**Compensation may be sought from:** • Victim who suffered physical or psychological harm or death as a result of a violent crime • Dependent of a deceased victim • Person authorized to act on behalf of the victim	"'Claimant' means any of the following persons applying for compensation under the Crime Victims Compensation Act: a. a victim, b. a dependent of a victim who has died because of criminally injurious conduct, or c. a person authorized to act on behalf of any of the persons enumerated in subparagraphs a and b of this paragraph" - 21 O.S. 142.3(3)
Eligibility Requirements: Types of Crime	• An actual or attempted misdemeanor or felony that results in personal injury, the threat of personal injury or death • Negligent operation of a motor vehicle in certain circumstances • Acts of terrorism	""Victim' means a person who suffers personal injury or death as a result of criminally injurious conduct and shall include a resident of this state who is injured or killed by an act of terrorism committed outside of the United States." - 21 O.S. 142.3(15) "'Criminally injurious conduct' means a misdemeanor or felony which occurs or is attempted in this state . . . that results in bodily injury, threat of bodily injury or death . . . ." - 21 O.S. 142.3(5)(a) "'Criminally injurious conduct'" may include negligent operation of a motor vehicle if (i) the vehicle is operated under the influence of alcohol; (ii) used with the intent to injury or kill; (iii) the vehicle is involved in a hit and run; (iv) the vehicle is driven recklessly - 21 O.S. 142.3(5)(b)
Eligibility Requirements: Geographic Nexus	• Crime must occur in Oklahoma or against a resident of Oklahoma in a state that does not have a crime victims compensation program • Applies to acts of terrorism committed outside of the United States	"'Criminally injurious conduct' means a misdemeanor or felony which occurs or is attempted in this state, or against a resident of this state in a state that does not have an eligible crime victims compensation program as such term is defined in the federal Victims of Crime Act of 1984; Public Law 98-473 . . . ." - 21 O.S. 142.3(5)(a) "'Criminally injurious conduct' shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside the United States" - 21 O.S. 142.3(5)(c)
Eligibility Requirements: Criminal Background of Victim	No limitations	N/A
Citizenship Requirement?	No limitations	""Victim' means a person who suffers personal injury or death as a result of criminally injurious conduct and shall include a resident of this state who is injured or killed by an act of terrorism committed outside of the United States." - 21 O.S. 142.3(15)
Is a Police Report or Cooperation with Law Enforcement Required?	• Crime must be reported within 72 hours, absent good cause or if the victim was a minor • In the case of sexual assault, the victim undergoes a forensic medical examination within 120 hours • Claimant must fully cooperate with the police, prosecution and other law enforcement entities during the investigation and prosecution of the offender	"Compensation shall not be awarded . . . Unless . . . such conduct was reported to a law enforcement officer within seventy-two (72) hours after its occurrence" - 21 O.S. 142.10(4)(a) "Compensation shall not be awarded . . . Unless . . . in the case of sexual assault, the victim undergoes a forensic medical examination within one hundred twenty (120) hours after its occurrence" - 21 O.S. 142.10(4)(b) "The Board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation. Victims of sexual assault who undergo a forensic medical examination within one hundred twenty (120) hours after the sexual assault shall be found to have fully cooperated. The Board may extend this period of time for good cause." - 21 O.S. 142.10(C)
Is Complicity in Crime Disqualifying?	• Claimant cannot have been an offender or accomplice to the underlying crime • Award cannot unjustly benefit an offender or accomplice • Awarded compensation can be reduced or denied if the claimant bears some degree of responsibility for the injury or death of the victim	"Compensation shall not be awarded . . . To a claimant who was the offender, or an accomplice of the offender" - 21 O.S. 142.10(A)(2) "Compensation shall not be awarded . . . To another person if the award would unjustly benefit the offender or accomplice" - 21 O.S. 142.10(A)(3) "Compensation otherwise payable to a claimant shall be diminished to the extent . . . Of the degree of responsibility for the cause of the injury or death attributable to the victim as determined by the Board. Provided, a self-inflicted injury shall not be attributable to the victim when the Board finds the injury is a direct result of the crime committed against the victim." - 21 O.S. 142.10(B)(2)

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TOPIC	SUMMARY	DETAILED DESCRPTION
To Whom are Applications Made?	Oklahoma Crime Victims Compensation Program (OCVC)	https://www.okvictimscomp.com/
How are Applications Accepted?	• Contacting the district attorney's office where the crime occurred • Calling the OCVC • Online • Mail • Email	https://www.okvictimscomp.com/
Who May Submit an Application?	Victim or Claimant	"'Claimant' means any of the following persons applying for compensation under the Crime Victims Compensation Act: a. a victim, b. a dependent of a victim who has died because of criminally injurious conduct, or c. a person authorized to act on behalf of any of the persons enumerated in subparagraphs a and b of this paragraph" - 21 O.S. 142.3(3)
What Language Services are Available?	• English • Spanish	https://ocvcapp.okvictimscomp.com/
General Documentation Requirements	• Police report • Additional documentation may be requested to support claim • The documentation process is carried out by the Victim-Witness Coordinator in the District Attorney's office • Other forms and reports that may be needed to determine out-of-pocket expenses • After the Victim-Witness Coordinator gathers all necessary information, the completed claim is forwarded back to the Crime Victims' Compensation Program for decision	https://oklahoma.gov/dac/victims/victims-compensation-program.html Does not appear to be specifically outlined via statute or regulation
Categories of Benefits Available	• Funeral: Up to $7,500 • Future Economic Loss: Needed services which cannot be obtained without prior approval of the victims compensation claim or payment in advance from the victim. • Traditional American Indian Services: The maximum allowable for burial related expenses, including gifting, is $7,500. The maximum allowable for healing services is $3,000 for the injured victim. The maximum for healing services for each family member after a homicide is also $3,000. The maximum award for all services compensated through the Crime Victims Compensation Program may not exceed $20,000. • Income Loss: see below • Loss of Support: In the event of the death of a victim, the Board may consider providing reimbursement for loss of support to a dependent based on the victim's net income at the time of death, less any collateral sources such as: Life insurance (over $50,000), Social Security, Worker' Compensation, uninsured motorist coverage, or 3rd party reimbursements. • Medical/Dental: see below • Counseling for Victims: see below • Grief Counseling: see below • Crime Scene Cleanup: Up to $2,000 • Replacement Services: Expenses reasonably incurred in obtaining ordinary and necessary services in place of those the victim would have performed for the benefit of self or family, if the victim had not been injured.	See 21 O.S. 142.13 for detailed statute https://www.okvictimscomp.com/wp-content/uploads/2019-Official-Claim-Form-EN_1.pdf (information also summarized in application)
Requirements/Limits for Relocation Expenses	Not available	N/A

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TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Mental Health Expenses	• Psychological therapy up to 80% of maximum allowance (considered part of broader medical related expenses, which are capped at 80% of the maximum allowance) • Counseling for victims up to $3,000 (the limit for victim counseling may be waived in extenuating circumstances; victims are advised to use a licensed mental health professional) • Grief counseling for family of homicide victim up to $3,000 (must be requested within three years of the crime; must use a qualified mental health professional; medical and pharmaceutical treatment not covered)	"The Board shall have the authority to set limits of compensation on any medical or mental health treatment, and require that providers of medical or mental health treatments be licensed prior to compensating for said treatment. Awards for all medical services shall not exceed 80 percent (80%) of the total cost of the service less any other reduction for contributory conduct, as determined by the Board. . . ." - 21 O.S. 142.9(F) "The Board may, in its discretion, approve payment of crisis counseling, occurring within three (3) years of the crime, in an amount not to Three Thousand Dollars ($3,000.00) for each family member of a homicide victim; provided, the counselor is a qualified mental health care provider. Medical and pharmaceutical treatment is not compensable for any family member of a deceased victim." - 21 O.S. 142.13(G) "Outpatient counseling expenses for a victim of criminally injurious conduct may be considered by the Board provided the counseling is focused on the crime and the counselor is a qualified mental health care provider. A total not to exceed Three Thousand Dollars ($3,000.00) may be awarded for individual counseling sessions for victims of criminally injurious conduct. Sessions between the mental health care provider and non-offending parents of a victimized child under eighteen (18) years of age may also be included in the award provided the combined total for the counseling and parental sessions do not exceed Three Thousand Dollars ($3,000.00) and the parental sessions relate to the victimization. In extreme cases, the Board may, in its discretion, waive the three-thousand-dollar limit. Inpatient mental health treatment will be reviewed on a case-by-case basis and may be compensated, at the discretion of the Board, in an amount not to exceed Twenty Thousand Dollars ($20,000.00)." - 21 O.S. 142.13(H) https://www.okvictimscomp.com/wp-content/uploads/2019-Official-Claim-Form-EN_1.pdf (application provides additional details not listed in statute or regulation)
Requirements/Limits for Lost Income	• Loss of income from work the victim would have performed if he/she had not been injured • Work loss must be verified by the employer and the attending physician • Caregiver work loss can be awarded up to $3,000 if the work loss is verified by the victim's physician and an employer's certificate from the caregiver's employer is filed • Caregiver work loss may only be awarded to persons who have non-reimbursed wage loss due to caring for an injured victim of crime	"The Crime Victims Compensation Board may compensate for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss. Compensation for a caregiver who has out-of-pocket wage loss as a result of caring for the victim who was injured as a result of criminally injurious conduct may not exceed Three Thousand Dollars ($3,000.00)." - 21 O.S. 142.13(A) https://www.okvictimscomp.com/wp-content/uploads/2019-Official-Claim-Form-EN_1.pdf (application provides additional details not listed in statute or regulation)
Requirements/Limits for Medical Expenses	• Includes products, services, and accommodations for medical care (Examples: doctor exams, dental work, hospital treatment, hospital stay, artificial limbs, prescriptions, and eye glasses) • Rehabilitation includes such things as physical and psychological therapy, rehabilitative occupational training, and other remedial treatment and care. • Medical related fees will be paid up to 80% of the maximum allowance.	"The Board shall have the authority to set limits of compensation on any medical or mental health treatment, and require that providers of medical or mental health treatments be licensed prior to compensating for said treatment. Awards for all medical services shall not exceed 80 percent (80%) of the total cost of the service less any other reduction for contributory conduct, as determined by the Board. Any medical provider that receives payment from the Crime Victims Compensation Revolving Fund for medical, dental or psychological services, or any provider that supplies equipment pursuant to an award under the Crime Victims Compensation Act shall, as a condition of the receipt of such payment, accept such payment as discharging in full any and all obligations of the claimant to pay, reimburse or compensate the provider for medical services, supplies or equipment that have been reimbursed pursuant to the Oklahoma Crime Victims Compensation Act. In the event the claimant has paid for a medical service, the claimant will be reimbursed for the out-of-pocket loss, less any reductions for contributory conduct, as determined by the Board." - 21 O.S. 142.9(F) https://www.okvictimscomp.com/wp-content/uploads/2019-Official-Claim-Form-EN_1.pdf (application provides additional details not listed in statute or regulation)
Timeframe to Obtain Benefits	• Claims usually take several months to complete due to the documentation that is required • Payment usually occurs three weeks after claim is approved	https://www.okvictimscomp.com/frequently-asked-questions/
Is Emergency Assistance Available?	Yes	"In the event a claimant requests advance claim consideration or requests an emergency award, the Administrator shall review said request and determine, based on the evidence of hardship so written and described, whether or not the claim shall be expedited and placed on the next Board docket. If the claim is expedited, the Board may review the claim for an emergency award, provided that elements of eligibility appear met, and out-of-pocket loss is verified. The decision of the Administrator as to whether or not a claim is expedited for Board review is not appealable. Notice requirements may be waived with written consent of the claimant." - OK Admin. Code 185:10-1-9

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TOPIC	SUMMARY	DETAILED DESCRPTION
Compensation Cap (Overall)	• The sum of all payments made to individual claimants and service providers on behalf of one victim may not exceed $25,000 • An additional $25,000 may be available for work loss or loss of support • In no event shall the sum of all payments exceed $50,000 • Funds may not be awarded for pain and suffering or property crimes • Payment may be made in a lump sum or in installments	"Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty-five Thousand Dollars ($25,000.00) in the aggregate. The Board may, after approval of an initial award of Twenty-five Thousand Dollars ($25,000.00), grant an additional sum not to exceed Twenty-five Thousand Dollars ($25,000.00), specifically for loss of wages for the victim or loss of support for dependents of a deceased victim, provided there is verifiable economic loss after deducting payments from other sources. In no event shall compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim exceed Fifty Thousand Dollars ($50,000.00) in the aggregate." - 21 O.S. 142.13(B) "The Board may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the Board may convert future economic loss, other than allowable expense, to a lump sum." - 21 O.S. 142.13(C)
Sources of Funding	• The primary source of funding is from criminal fines and penalty assessments at the District Court level • The second largest source of funding is from federal fines and penalty assessments at the Federal Court level, through the national Victims of Crime Act (VOCA) • Restitution • Inmate wage taxes	https://www.okvictimscomp.com/frequently-asked-questions/
Appeal Process	• If an application is denied, the victim or claimant is given a written explanation and instructions on how to exercise their right to appeal • The first appeal is to the Victim Compensation Board • If a victim or claimant is still dissatisfied with the decision by the Board, the second step in the process is to file a petition in District Court	“Every party to the claim shall be afforded an opportunity to appear and be heard and to offer evidence and argument on any issue relevant to the claim, and to examine witnesses and offer evidence in reply to any matter of an evidentiary nature in the record relevant to the claim.” - 21 O.S. 142.8(A) “In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice pursuant to regulations promulgated by the Board. A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Board.” - 21 O.S. 142.8(B) “The Board may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.” - 21 O.S. 142.8(C)
Payer of Last Resort Requirements	• The fund is payor last resort • Expenses that are paid or eligible to be paid from other sources such as: health insurance, Medicaid, Workers' Compensation, Medicare, and Indian Health Services may not be compensated. • Employer paid leave programs are also considered a collateral source when applying for work loss; and Social Security benefits are a collateral source when applying for loss of support.	"The Board may require any claimant to seek or accept any collateral source contribution." - 21 O.S. 142.7 "B. Compensation otherwise payable to a claimant shall be diminished to the extent: 1. That the economic loss is recouped from collateral sources . . . ." - 21 O.S. 142.10(B)(1)
References and Resources		**• General Overview** https://www.okvictimscomp.com/ **• General Overview** https://www.ok.gov/dac/Victims/Victims_Compensation_Program/ **• Eligibility** https://www.okvictimscomp.com/fund-eligibility/ **• Statutory Language** https://oklahoma.gov/dac/victims/victims-compensation-program.html; https://www.okvictimscomp.com/wp-content/uploads/VICTIMS-COMP-ACT-NOVEMBER-1-2019-for-Publication.pdf **• Application** https://www.okvictimscomp.com/wp-content/uploads/2019-Official-Claim-Form-EN_1.pdf **• Funding** https://www.ok.gov/dac/Victims/Victims_Compensation_Program/Funding_Sources_for_Crime_Victims_Compensation_Program/

OREGON

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Within 1 year of the date of the injury to the victim, or within any further extension provided by the Department for good cause. “Good cause” includes but is not limited to the victim's lack of knowledge of the Crime Victims' Compensation Program, failure of a law enforcement official to provide information to the victim as required, or emotional or physical trauma sustained by the victim that was a barrier to timely filing the application for compensation. If good cause is established, any award granted will be at the sole discretion of the Department. However, a victim may bring an action at any time within the 5 year period after the commission of the compensable crime.	"The application for an award of compensation [must be] filed with the department: (A) Within one year of the date of the injury to the victim; or (B) Within such further extension of time as the department, for good cause shown, allows." Or. Rev. Stat. Ann. § 147.015(1)(e). "[T]he victim of any compensable crime as defined in ORS 147.005 or the victim's representative may bring an action at any time within the five-year period after the commission of the compensable crime." Or. Rev. Stat. Ann. § 147.065. *See also* Or. Admin. R. 137-076-0030. "If the Department requires additional information from the applicant to process an application, a request for this additional information will be mailed or emailed to the applicant. If the applicant fails to respond within 30 days of the date the request for information was mailed or emailed, the Department shall send a written notice to the applicant's last known address informing the applicant that the application for compensation will be suspended until the applicant provides the requested information. The application will be in a suspended status until the applicant responds to the request for information. If information is provided more than one year after receipt of the initial application, any award provided is at the discretion of the Department." Or. Admin. R. 137-076-0032.
Eligibility Requirements: Identity of Person Seeking Compensation	A person is eligible for an award of compensation if, in addition to all other requirements being met, the person is a victim, or is a survivor or dependent of a deceased victim, of a compensable crime that has resulted in or may result in a compensable loss. Additionally, notwithstanding that a person is not a victim or a dependent of a deceased victim other persons may be eligible for compensation under limited circumstances. *See* Detailed Description for more information.	*See* Or. Rev. Stat. Ann. § 147.015(1)(a). “Victim” means: a person: •Killed or injured in this state as a result of a compensable crime perpetrated or attempted against that person; •Killed or injured in this state while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances; •Killed or injured in this state while assisting a law enforcement official to apprehend a person who has perpetrated a crime or to prevent the perpetration of any such crime, if that assistance was in response to the express request of the law enforcement official; •Killed or injured in another state as a result of a criminal episode that began in this state; •Who is an Oregon resident killed or injured as a result of a compensable crime perpetrated or attempted against the person in a state, within the United States, without a reciprocal crime victims' compensation program; or •Who is an Oregon resident killed or injured by an act of international terrorism committed outside the United States; or In the case of abuse of corpse in any degree, the corpse or a relative of the corpse. Or. Rev. Stat. Ann. § 147.005(17). “Survivor” means any spouse, parent, grandparent, guardian, sibling, child or other immediate family member or household member of a deceased victim, or a person to whom a deceased victim was engaged to be married when the compensable crime occurred. Or. Rev. Stat. Ann. § 147.005(16). “Dependent” means such relatives of a deceased victim who wholly or partially were dependent upon the victim's income at the time of death or would have been so dependent but for the victim's incapacity due to the injury from which the death resulted. Or. Rev. Stat. Ann. § 147.005(7). “Compensable crime” means abuse of corpse in any degree or an intentional, knowing, reckless or criminally negligent act that results in injury or death of another person and that, if committed by a person of full legal capacity, would be punishable as a crime in this state. Or. Rev. Stat. Ann. § 147.005(5). "Notwithstanding that a person is not a victim or a dependent of a deceased victim under ORS 147.015 (1)(a), the person is eligible for compensation for reasonable medical expenses for the victim and for reasonable funeral expenses of the deceased victim if the person: (a) Paid or incurred such expenses; and (b) Files a claim in the manner provided in ORS 147.105 and the conditions in ORS 147.015 (1)(b) to (e) are met." Or. Rev. Stat. Ann. § 147.025(1). "Notwithstanding that a person is not a survivor or dependent of a deceased victim under ORS 147.015 (1)(a), the person is eligible for compensation for reasonable counseling expenses up to a maximum amount of $5,000 if the person: (a) Paid or incurred such expenses; (b)(A) Was the first person to discover

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		reasonable counseling expenses up to a maximum amount of $5,000 if the person: (a) Paid or incurred such expenses; (b)(A) Was the first person to discover the corpse of the victim; or (B) Was a witness to the crime resulting in the death of a victim; and (c) Files a claim in the manner provided in ORS 147.105 and the conditions in ORS 147.015 (1)(b) to (e) are met." Or. Rev. Stat. Ann. § 147.025(2). "Notwithstanding that a person is not a victim or a survivor or dependent of a deceased victim under ORS 147.015 (1)(a), the person is eligible for the compensation described in ORS 147.035 (7) if: (a) The person is the personal representative, as defined by the Department of Justice by rule, of a victim or of a survivor or dependent of a deceased victim; (b) The person is involved in the proceeding in lieu of the victim, survivor or dependent; and (c) The person files a claim in the manner provided in ORS 147.105 and the conditions in ORS 147.015 (1)(b) to (e) are met." Or. Rev. Stat. Ann. § 147.025(3). "The Department of Justice may pay directly to the provider of the services compensation for medical, funeral or counseling expenses incurred by the person." Or. Rev. Stat. Ann. § 147.025(4).
Eligibility Requirements: Types of Crime	Compensation is available in connection with any "compensable crime" meaning any intentional, knowing, reckless, or criminally negligent act that results in injury or death of another person and that, if committed by a person of full legal capacity, would be punishable as a crime in this state. A compensable crime must have been committed by a person of full legal capacity for the victim or applicant to be eligible for an award of compensation. If the Department approves an award of compensation, and a court of competent jurisdiction subsequently finds that the suspect is not criminally responsible or is incapacitated, the Department will not change or rescind the award.	"Compensable crime" means abuse of corpse in any degree or an intentional, knowing, reckless or criminally negligent act that results in injury or death of another person and that, if committed by a person of full legal capacity, would be punishable as a crime in this state. Or. Rev. Stat. Ann. § 147.005(5). *See also* Or. Admin. R. 137-076-0016(2).
Eligibility Requirements: Geographic Nexus	"Victim" means: a person: •Killed or injured in this state as a result of a compensable crime perpetrated or attempted against that person; •Killed or injured in this state while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances; •Killed or injured in this state while assisting a law enforcement official to apprehend a person who has perpetrated a crime or to prevent the perpetration of any such crime, if that assistance was in response to the express request of the law enforcement official; •Killed or injured in another state as a result of a criminal episode that began in this state; •Who is an Oregon resident killed or injured as a result of a compensable crime perpetrated or attempted against the person in a state, within the United States, without a reciprocal crime victims' compensation program; or •Who is an Oregon resident killed or injured by an act of international terrorism committed outside the United States; or	*See* Or. Rev. Stat. Ann. § 147.005(17).

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Eligibility Requirements: Criminal Background of Victim	If at the time of application, the applicant is incarcerated as a result of a conviction of a crime, the department shall process the application in the normal course. The claim shall remain open but the applicant is not eligible for compensation until the applicant is released from custody. "In determining the amount of compensation for which an applicant is eligible, the Department of Justice shall consider the facts stated on the application filed pursuant to ORS 147.105, and: [...] Need not consider whether or not the alleged assailant has been apprehended or brought to trial or the result of any criminal proceedings against that person[.]" "[I]f an applicant is incarcerated at the time they apply for compensation, the application will be processed in the normal course of business. Payments can be made to health and other qualified providers, but any reimbursement to the applicant will not be made until they are released from custody. Payments will not be made for any healthcare received by the applicant while the applicant is incarcerated. The claim expiration will be extended for 3 years from the date the applicant is released from custody."	Or. Rev. Stat. Ann. §§ 147.105(6), 147.125(1)(a); Or. Admin. R. 137-076-0016(5).
Citizenship Requirement?	None identified.	
Is a Police Report or Cooperation with Law Enforcement Required?	One of the following requirements must be met: •Notification to the police department of the perpetration of the crime; •Failure to notify, but a determination by the Department of Justice that the applicant acted reasonably under the circumstances; •Certain abuse-related protective orders were obtained; •A medical assessmnet was conducted for sexual assault or any other forensic exam or medical assessment; or •A health provider certifies tha the victim reported the crime to the provider. Notification of the perpetration of the crime [...] must have been done prior to the application being received by the Department in order for a person to be eligible for an award of compensation. Any documentation used to satisfy the notification requirement must be directly related to the compensable crime.	"A person is eligible for an award of compensation [if, among other requirements] The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the death or injury to the victim, unless the Department of Justice finds that, notwithstanding the failure of notification, the applicant acted reasonably under the circumstances[.]" Or. Rev. Stat. Ann. § 147.015(1). "The requirement [...] to notify the appropriate law enforcement officials of the perpetration of the crime is satisfied if: [...] [a]s a result of the compensable crime for which the victim or applicant is applying for compensation, the victim or applicant obtained: (A) A temporary or permanent stalking protective order under ORS 30.866 or 163.730 to 163.750; (B) A sexual abuse restraining order under ORS 163.760 to 163.777; (C) An abuse prevention order under ORS 107.700 to 107.735 or 124.005 to 124.040; (D) Any other abuse prevention order or no contact order issued by a state, local, tribal or federal court; or (E) A medical assessment, as defined in ORS 147.395, for sexual assault, or any other forensic exam or medical assessment; [...] A health provider, tribal health provider, student health provider or community mental health provider certifies that the victim reported the crime to the provider; or [...] The victim provides to the department documentation that qualifies as law enforcement notification under the rules of the department." Or. Rev. Stat. Ann. § 147.015(2). "Notification of the perpetration of the crime as required by ORS 147.015 must have been done prior to the application being received by the Department in order for a person to be eligible for an award of compensation. Any documentation used to satisfy the notification requirement must be directly related to the compensable crime." Or. Admin. R. 137-076-0016(4).
Is Complicity in Crime Disqualifying?	The application for compensation must not be the result of collusion between the applicant and the assailant of the victim.	*See* Or. Rev. Stat. Ann. § 147.015(1)(c).
To Whom are Applications Made?	An applicant for compensation must file an application under oath on a form furnished by the Department of Justice.	*See* Or. Rev. Stat. Ann. § 147.105(1).
How are Applications Accepted?	Applications may be submitted through the Crime Victims' Compensation ("CVC") Portal, by mail, or by email.	*See* https://www.doj.state.or.us/crime-victims/crime-victim-compensation/cvc-portal/.
Who May Submit an Application?	Applications may be submitted by a victim or other applicant or by an advocate with a County Victim Assistance Program, operated through County District Attorneys Offices, or local community-based victim services agency.	*See* https://www.doj.state.or.us/crime-victims/resources/county-victim-assistance-programs/. *See* https://www.doj.state.or.us/crime-victims/crime-victim-compensation/cvc-portal/.
What Language Services are Available?	The application for compensation is available in English and Spanish. Available resources suggest that interpreters may be availble to victims at no cost.	*See* https://www.doj.state.or.us/crime-victims/crime-victim-compensation/cvc-portal/; https://www.doj.state.or.us/wp-content/uploads/2022/05/Point2YourLanguage.pdf.

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General Documentation Requirements	The department may require that the applicants submit with the application materials substantiating the facts stated in the application. If the department finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the applicant in writing of the specific additional items of information or materials required. An applicant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the department has completed its consideration of the original application. The filing of additional information or the amendment of the application pursuant to subsection (3) or (4) of this section shall be considered for the purposes of ORS 147.005 to 147.367 to have been filed at the same time as the original application.	Or. Rev. Stat. Ann. § 147.105(2)-(5). "Requests for payment of crime related expenses shall be submitted in the form of an itemized billing statement detailing the services provided, the provider's name, the date of service and, if necessary, any additional documentation the Department requests. All bills submitted to the Department for payment consideration must be submitted within 60 days of claim expiration. Failure to submit bills to the Department within this time frame may result in denial of payment." Or. Admin. R. 137-076-0043(1)-(2). "No payment shall be authorized for services provided after the date of claim expiration as described in ORS 147.035(8) and (9), except: (a) If a specific medical or dental procedure was commenced by the provider or approved by the Department prior to the date of claim expiration, but completion of the procedure will extend beyond claim expiration. The cost of the procedure and the duration of the treatment must be submitted to and approved by the Department prior to the date of claim expiration. No payment will be authorized for additional expense beyond the approved amount unless such additional expenses occur prior to the date of claim expiration and are approved by the Department. Payment will not be made to a medical or dental provider until services are rendered; (b) It is a catastrophic claim pursuant to ORS 147.035(10)(a) and OAR 137-076-0037." Or. Admin. R. 137-076-0043(3).
Categories of Benefits Available	•Mental health counseling expenses for victims and family members of children of sexual or physical abuse with a licensed provider •Medical and hospital expenses •Replacement of damaged eyeglasses, hearing aids, dentures and other medically necessary devices and expenses (must be mentioned in the police report or medical chart notes) •Rehabilitation expenses (up to $4,000 award) •Loss of earnings (missed earnings must be verified and more than two weeks must be verified by a physician – Paid Leave •Oregon and Short Term Disability are considered prior resources to CVC lost wages reimbursement) •Funeral expenses (up to $5,000 award payable to a funeral service provider. An additional benefit may be accessible to families who have paid out of pocket for additional costs associated wtih funeral, burial, memorial, or celebration of life costs.) •Loss of financial support to dependents of homicide victims (The victim's earnings and dependents of the victim must be verified.) •Grief counseling expenses for relatives of homicide victims with a licensed provider •Counseling expenses for children who witness domestic violence with a licensed provider •Counseling expenses for family members of any victim of international terrorism who resides in Oregon •Crime scene clean-up (up to $2,500) when a compensable crime occurred in a private residence •Loss of wage reimbursement for guardians of minor child victims, up to $5,000 (the parent or guardian must be caring for the child's physical or emotional needs following the compensable crime to be eligible for this reimbursement) •Limited counseling benefit for victims who experience compensable crimes who do not report to law enforcement, receive an order of protection or receive a forensic examination. ($5,000 benefit)	*See* https://www.doj.state.or.us/crime-victims/crime-victim-compensation/compensation-for-victims-of-crime/.
Requirements/Limits for Relocation Expenses	Relocation compensation does not appear to be available.	*See* https://www.doj.state.or.us/crime-victims/crime-victim-compensation/compensation-for-victims-of-crime/

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Requirements/Limits for Mental Health Expenses	*See* Medical Expenses (below) and Detailed Description. Note: If the applicant files an application for a compensable crime and does not meet all eligibility requirements, the Department may grant a limited counseling award of up to $5,000.	"When a claim for compensation is filed in a case of injury, compensation may be awarded for: [...] The victim's reasonable medical and hospital expenses, including counseling expenses and the cost of any medications, up to a maximum amount of $20,000 [...] Expenses related to transportation for the victim's medical care or counseling, at a rate determined by the Department of Justice, up to a maximum amount of $3,000, when: (A) The medical care or counseling is compensable under this section; (B) The medical care or counseling is provided more than 30 miles away from the victim's residence; and (C) Adequate medical care or counseling is not available in closer proximity to the victim's residence." Or. Rev. Stat. Ann. § 147.035(2)(a), (2)(g). "When a claim for compensation is filed in a case of death, compensation may be awarded for: [...] Reasonable counseling expenses for the survivors of a deceased victim or witnesses to the crime resulting in the death of the victim, up to a maximum amount of $20,000 for each deceased victim and including the cost of any prescription medications prescribed in conjunction with the counseling; and [...] Expenses related to transportation for a survivor's or a dependent's counseling, at a rate determined by the department, up to a maximum amount of $3,000, when: (A) The counseling is compensable under this section; (B) The counseling is provided more than 30 miles away from the survivor's or dependent's residence; and (C) Adequate counseling is not available in closer proximity to the survivor's or dependent's residence." Or. Rev. Stat. Ann. § 147.035(3)(e), (3)(f). When a claim for compensation is filed in a case of: (a) Abuse as defined in ORS 419B.005, counseling expenses of the victim's family, including the cost of any prescription medications prescribed in conjunction with the counseling, are compensable up to a maximum amount of $20,000, less any amounts awarded for the victim's medical or hospital expenses under subsection (2)(a) of this section. (b) Domestic violence as defined in ORS 135.230, the counseling expenses of children who witnessed the domestic violence, including the cost of any prescription medications prescribed in conjunction with the counseling, are compensable up to a maximum amount of $10,000. (c) International terrorism, the counseling expenses of a relative of the victim, including the cost of any prescription medications prescribed in conjunction with the counseling, are compensable up to a maximum amount of $1,000. Or. Rev. Stat. Ann. § 147.035(4). "If the case against the assailant of the victim is under direct or collateral review or the subject of any other post-conviction proceeding, or the assailant of the victim has a hearing scheduled before the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board or has applied for or is being considered for clemency or any other relief, compensation may be awarded for: [...] The victim's, survivor's or dependent's counseling expenses, including the cost of any prescription medications prescribed in conjunction with the counseling, up to a maximum amount of $10,000[.]" Or. Rev. Stat. Ann. § 147.035(7). *See also* Or. Admin. R. 137-076-0016. Schedules for certain medical and counseling expenses are provided by regulation. *See* Or. Admin. R. 137-076-0019. “Necessary services” are those required for the treatment of physical or emotional injury suffered by the victim as a direct result of a compensable crime. Or. Admin. R. 137-076-0020(1). "For purposes of ORS 147.025 and 147.035, reasonable psychiatric, psychological or counseling expenses are limited to expenses for necessary services provided by psychiatrists or physicians licensed under ORS Chapter 677, or psychiatric mental health nurse practitioners licensed under ORS Chapter 678, or licensed psychologists, licensed clinical social workers, licensed professional counselors, licensed psychologist associates or licensed marriage and family therapists licensed under ORS Chapter 675, or qualified mental health professionals as defined in OAR 309-039-0510(10). The Department shall have the authority to grant an exception to the above requirements when justification is provided that none of the above-referenced mental health treatment providers is a reasonable option for addressing the crime-related needs of a specific victim." Or. Admin. R. 137-076-0020(4).

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Requirements/Limits for Lost Income	Monetary Limits: $600 per week, up to $20,000 Requirements: The Department will review employment wages, to ensure payments are accurate and to coordinate benefits, this will alleviate the potential for overpayments. Compensation for lost earnings will be computed on the basis of 75% of the victim's documented gross earnings on the date of the compensable crime. Possible future earnings may not be considered as a basis for lost earnings compensation. The Department can contact employers to document earnings in lieu of other documentation.	"When a claim for compensation is filed in a case of injury, compensation may be awarded for: [...] Loss of the victim's earnings, at a maximum rate of $600 per week, up to a maximum amount of $20,000[.]" Or. Rev. Stat. Ann. § 147.035(2)(b). "A victim is eligible for loss of earnings under ORS 147.035(2)(b) when: (a) The victim is eligible to receive compensation under ORS 147.005 to 147.367; (b) The victim was gainfully employed or receiving unemployment benefits at the time of the compensable crime; and (c) The victim is prevented from working as a direct result of the compensable crime." Or. Admin. R. 137-076-0025(1). Loss of earnings does not include: •Missed time from work to attend court hearings or appointments; •Intermittent leave; Lost earnings compensation for periods of disability in excess of 10 working days may be paid only if the period of disability is confirmed by a health provider, or a licensed therapist when the victim has missed work due to an emotional injury. The maximum period for wage loss due to an emotional injury is six months unless good cause is determined by the Department. Or. Admin. R. 137-076-0025(1)(c). "A parent or guardian of a minor child victim may be eligible for loss of earnings under ORS 147.035 (2) when: (a) A minor child victim is eligible to receive compensation under ORS 147.005 to 147.367; (b) The parent or guardian of a minor child victim who was gainfully employed or receiving unemployment benefits at the time of the compensable crime to the victim; (c) The minor child victim sustained physical or emotional injuries directly related to the compensable crime. These injuries must require that the parent or guardian miss work to provide care for the minor child while they recover from their injuries. (d) A work release is required from the child's medical or mental health provider to review any request for loss of earnings." Or. Admin. R. 137-076-0025(2). Loss of earnings for the parent or guardian does not include: •Missed time from work to attend court hearings or to take a child to appointments; •Intermittent leave; Loss of earnings for the parent or guardian are compensable up to a maximum of $5,000.00 under the child victim's claim under ORS 147.035 (2)(f). Or. Admin. R. 137-076-0025(2)(d). •"Compensation for lost earnings may be paid for subsequent crime-related periods of disability. The victim must have qualified for loss of earnings at the time of the crime. The lost earnings compensation amount for subsequent periods of disability shall be recalculated and computed on the basis of 75% of the victim's current documented gross earnings at the time of the subsequent period of disability, and shall be paid accordingly; •If a victim was not working at the time of the compensable crime but has a history of annual earnings through periodic work such as seasonal work, contracting, or temporary assignments, the victim may still be eligible for lost earnings compensation if the Department receives proper documentation to support the gross earnings. Proper documentation includes but is not limited to a written employment contract, 1099, quarterly filing (1040-ES). This documentation shall be used by the Department to determine the victim's income and provide a basis for calculating the disability period, if applicable; •If a victim is self-employed the Department will require documentation to verify the loss of earnings. Such documentation includes but is not limited to a complete federal tax return for the prior year if the crime occurred in the first quarter of the year or a quarterly tax filing (1040-ES) if the crime occurred after the first quarter of the year, 1099, a bank statement for a business account, or a written employment contract; •Where a replacement is hired to fulfill the duties of an injured victim and the cost of this replacement person is a direct financial cost to the victim, the Department may use the documented replacement cost as the basis for calculating lost earnings compensation; •Under no circumstances may lost earnings compensation exceed the weekly or aggregate per-claim maximum amounts set forth in ORS 147.035(2)(b); •If an applicant is receiving a prior resource including but not limited to Workers' Compensation, Paid Leave Oregon or equivalent plan, short- or long-term disability, auto insurance such as personal injury protection (PIP), settlements or unemployment insurance, they do not qualify for loss of earnings through the Department; •Passive income is not considered earned income. Passive income is defined as income that includes regular earnings from a source other than an employer or contractor. Passive income can come from rental property or a business in which one does not actively participate." Or. Admin. R. 137-076-0025(3). "A victim's dependents are eligible for loss of support when: (a) The victim's dependents are eligible to receive compensation under ORS 147.005 to 147.367 and OAR 137-076-0025(4); (b) The victim was gainfully employed or receiving unemployment benefits at the time of the compensable crime; and (c) The victim is deceased as a result of the compensable crime." Or. Admin. R. 137-076-0025(4). "The amount of compensation for loss of support shall be computed on the basis of 75% of the deceased victim's documented gross earnings at the time of death. •Under no circumstances may loss of support compensation exceed the weekly or aggregate per-claim maximum amounts set forth in ORS 147.035(3)(d); •Compensation for loss of support may include documented loss of child support, if applicable. Loss of child support is calculated based on the amount of child support received by the child from the victim at the time of the victim's death not to exceed $800 per week per ORS 147.035(3)(d); •Loss of support compensation may be paid to documented dependent children until the age of 18, or until the age of 24 if the dependent child is a full-time college student. If the documented dependent child is a minor, payment shall be made to the child's legal guardian; •Loss of support compensation may also be paid to a dependent spouse of a deceased victim and any relative of the deceased victim who is a legal dependent

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		of the deceased victim at the time of the compensable crime; •Loss of support is based on the deceased victim's income at the time of the compensable crime that caused their death regardless of the surviving spouses income. The income of the deceased victim shall be used to determine loss of support compensation for the deceased victim's surviving dependents, including a surviving dependent spouse; •Documentation to determine the deceased victim's legal guardianship of surviving minor children will be required by the Department prior to the authorization of loss of support payments; •The current legal guardian of the surviving dependents must apply to the Department in order to receive loss of support for the dependents. Or. Admin. R. 137-076-0025(5).
Requirements/Limits for Medical Expenses	Monetary Limits: $20,000 (inclusive of counseling expenses). Additional transportation benefits may be available up to $3,000. Requirements: *See* Detailed Description.	"When a claim for compensation is filed in a case of injury, compensation may be awarded for: [...] The victim's reasonable medical and hospital expenses, including counseling expenses and the cost of any medications, up to a maximum amount of $20,000[.]" Or. Rev. Stat. Ann. § 147.035(2)(a). "Expenses related to transportation for the victim's medical care or counseling, at a rate determined by the Department of Justice, up to a maximum amount of $3,000, when: (A) The medical care or counseling is compensable under this section; (B) The medical care or counseling is provided more than 30 miles away from the victim's residence; and (C) Adequate medical care or counseling is not available in closer proximity to the victim's residence." Or. Rev. Stat. Ann. § 147.035(2)(g). "When a claim for compensation is filed in a case of death, compensation may be awarded for: (a) Reasonable funeral expenses, up to a maximum amount of $5,000, with an additional amount awarded at the discretion of the department; (b) Reasonable cleaning expenses, up to a maximum of $2,500; (c) The victim's reasonable medical and hospital expenses, up to a maximum amount of $20,000[.]" Or. Rev. Stat. Ann. § 147.035(3). "When a claim for compensation is filed in a case of: [...] Abuse as defined in ORS 419B.005, counseling expenses of the victim's family, including the cost of any prescription medications prescribed in conjunction with the counseling, are compensable up to a maximum amount of $20,000, less any amounts awarded for the victim's medical or hospital expenses[.]" Or. Rev. Stat. Ann. § 147.035(4)(a). "For medical fee schedules. The schedules shall represent at least the 75th percentile of the usual and customary fees charged to the public as determined by the department. An applicant or victim may not be charged for the percentile amount reduced by the department." Or. Rev. Stat. Ann. § 147.035(11)(d). Schedules for certain medical and counseling expenses are provided by regulation. See Or. Admin. R. 137-076-0019. “Necessary services” are those required for the treatment of physical or emotional injury suffered by the victim as a direct result of a compensable crime. Or. Admin. R. 137-076-0020(1). "For purposes of ORS 147.035, reasonable hospital expenses shall be limited to expenses for necessary services provided by licensed hospitals and by other health care facilities licensed to provide services that may otherwise be supplied by hospitals". Or. Admin. R. 137-076-0020(2). "For purposes of ORS 147.035, reasonable medical expenses shall be limited to ambulance expenses and expenses for necessary services provided by a Health Provider. Medical treatment needs to be provided by a licensed provider and injuries must be a direct result of the compensable crime. Verification to

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		Health Provider: Medical treatment needs to be provided by a licensed provider and injuries must be a direct result of the compensable crime. Verification to substantiate the necessity and reasonableness of treatment that was the direct result of the compensable crime may be required by the Department." Or. Admin. R. 137-076-0020(3). "For purposes of ORS 147.035, rehabilitation expenses are limited to necessary services associated with physical rehabilitation, alternative therapy or adaptations to allow a victim to conduct daily living tasks. A provider is licensed under the provisions governing that provider's profession. Treatment must be within 6 months from the date of the first crime related visit. If treatment begins beyond 6 months from the date of the compensable crime, the Department may require additional information." Or. Admin. R. 137-076-0020(5).
Timeframe to Obtain Benefits	Claims for compensation expire three years after a determination has been made on a claim, or when the victim, survivor, or dependent turns 21 (if later).	"A claim for compensation expires and no further payments may be made with regard to the claim: (a) When three years have elapsed from the entry of a determination order under ORS 147.135; or (b) If the victim, survivor or dependent attains 21 years of age after the date described in paragraph (a) of this subsection, when the victim, survivor or dependent attains 21 years of age." Or. Rev. Stat. Ann. § 147.035(8). "After processing the application filed under ORS 147.105 the Department of Justice shall enter an order stating: (1) Its findings of fact; and (2) Its decision as to whether or not compensation is due under ORS 147.005 to 147.367." Or. Rev. Stat. Ann. § 147.135.
Is Emergency Assistance Available?	Yes. Emergency compensation up to $1,000 may be provided. No separate application for emergency compensation is required.	"The Department of Justice may make an emergency award to the applicant pending a final decision in the claim, if it appears to the department, prior to taking action upon the claim that: (a) The claim is one with respect to which an award probably will be made; and (b) Undue hardship will result to the applicant if immediate payment is not made." Or. Rev. Stat. Ann. § 147.055(1). "The amount of such emergency award shall not exceed $1,000. [...] The amount of such emergency award shall be deducted from any final award made as a result of the claim. [...] The excess of the amount of such emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the recipient to the department." Or. Rev. Stat. Ann. § 147.055(2). "In the event an emergency award or overpayment is made and it is later determined that the application for compensation is not compensable or that there has been an overpayment, the recipient shall reimburse the Department for all emergency award payments or overpayment made, upon request by the Department. If the recipient does not repay the funds, the Department may commence a civil action for the recovery of such monies." Or. Admin. R. 137-076-0045.
Compensation Cap (Overall)	$47,000 may be awarded, in aggregate, to the victim and the survivors and dependents of a deceased victim.	"The maximum amount of compensation that may be awarded, in aggregate, to the victim and the survivors and dependents of a deceased victim is $47,000." Or. Rev. Stat. Ann. § 147.035(1)(b).
Sources of Funding	All funding comes from the Criminal Injuries Compensation Account.	*See* Or. Rev. Stat. Ann. § 147.225.

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	Applicants may request a review by the Department of Justice for any order entered within 90 calendar days from the date of initial determination. Subsequently, any applicant may appeal to the Workers' Compensation Board, in writing.	"If the applicant disagrees with the order entered under ORS 147.135, the applicant may request review by the Department of Justice. [...] The department shall reconsider any order for which a request for review is received. The department shall notify the applicant of its decision on review within 30 days of the department's receipt of the request for review. [...] If the department determines that the request for review does not contain sufficient information to make a decision within 30 days of the department's receipt of the request for review, the 30-day time period may be extended by the department only with the oral or written permission of the applicant." Or. Rev. Stat. Ann. § 147.145(1)-(2). "Any applicant who requests review by the Department of Justice under ORS 147.145 and who disagrees with the decision of the department on review may appeal to the Workers' Compensation Board. The request for hearing shall be in writing. The request shall include the applicant's address, shall be signed by the applicant and shall be mailed to the board. The board shall conduct a hearing upon at least 10 days' notice by mail to all interested persons. A record of all proceedings at the hearing shall be kept but need not be transcribed. The board is not bound by rules of evidence or by technical or formal rules of procedure, and may conduct the hearing in any manner that will achieve substantial justice. However, no evidence is admissible at a hearing that has not previously been considered by the department. The decision by the board shall be final and shall not be subject to further administrative or judicial review." Or. Rev. Stat. Ann. § 147.155. "For the purposes of ORS 147.145, adult applicants shall have 90 calendar days from the date of the initial determination order to request review of the order by the Department. The request for review must be made in writing to the Department. If the request for review is made more than 90 calendar days after the date of the initial determination order, the Department may consider whether there is good cause to grant an extension of the deadline. No good cause extensions will be considered after three years have passed from the date of the initial determination order. The following events may constitute good cause for failure to submit a request for review within 90 calendar days: (a) Law enforcement identified new, relevant evidence regarding the compensable crime; (b) Physical or emotional trauma sustained by the victim that was a barrier to submit the request for reconsideration within the 90-day period; or (c) The applicant notified the Department of any changes in the applicant's mailing address, but did not receive the Department's initial determination order, and the applicant provides documentation that the Department did not properly mail the initial determination order. The 90-day deadline for submitting a request for review does not apply to applicants under the age of 18. In order to be considered, a request for review from an applicant under the age of 18 must be received by the Department within three years of the initial determination order or before the applicant's 21st birthday, whichever occurs later." Or. Admin. R. 137-076-0056.
Payer of Last Resort Requirements	The Department is considered the payer of last resort.	The Department of Justice must deduct the amount of benefits, payments or awards that are payable under the Workers' Compensation Law, from local governmental, state or federal funds or from any source, and that the victim or survivors or dependents of the victim have received or to which the victim or survivors or dependents of the victim are entitled as a result of the death or injury of the victim; *but* will not deduct the amount of proceeds from life insurance or contributions from the community that the survivors or dependents of the victim have received or to which the survivors or dependents of the victim are entitled as a result of the death of the victim. Or. Rev. Stat. Ann. § 147.125(1)(c)-(d). "No compensation will be paid to an applicant until expenses are accrued, treatment has been completed and all required documentation is received by the Department. [...] [B]enefits, payments or awards received by the victim, or survivors or dependents of the victim, from any source are considered a prior resource. A prior resource may include but is not limited to: private or public health insurance, automobile insurance, workers' compensation, disability insurance, homeowner's insurance, Paid Leave Oregon or equivalent plan, unemployment benefits, restitution, civil settlements, and tribal per capita payments. Indian Health Services insurance is not considered a prior resource." Or. Admin. R. 137-076-0040. "If the victim is successful in a claim or legal action against the assailant or another party and is able to recover monetary damages, the Department shall be subrogated for the full amount of payments made by the Department. However, the Department may, at its sole discretion, waive all or part of its recovery, if it is determined to be in the best interests of the Department and the victim." Or. Admin. R. 137-076-0065.
References and Resources		Oregon Compensation of Crime Victims Website: https://www.doj.state.or.us/crime-victims/crime-victim-compensation/compensation-for-victims-of-crime/ Statutes: Or. Rev. Stat. Ann. § 147.005 *et. seq.* Regulations: Or. Admin. R. 137-076-0000 *et seq.*

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Five years from date of crime, with exceptions.	A claim must be filed not later than five years after the discovery of the occurrence of the crime upon which the claim is based or not later than five years after the death of the direct victim or intervenor as a result of the crime or the discovery and identification of the body of a murder victim. 18 P.S. § 11.702(b)(1). Exceptions are: (1) Claims for counseling services related to sexual abuse under section 701.1. (2) If a direct victim is under 18 years of age at the time of the occurrence of the crime and the alleged offender is the direct victim's parent or a person responsible for the direct victim's welfare, an individual residing in the same home as the direct victim or a paramour of the direct victim's parent, all of the following shall apply: (A) The limitation period under this subsection is tolled until the direct victim reaches 21 years of age. (B) The limitation period shall run until the later of: (I) the end of the limitation period for the offense as set forth in 42 Pa.C.S. Ch. 55 Such. C2 (relating to criminal proceedings); or (II) the end of the limitation period under paragraph (1). (3) If a direct victim is under 18 years of age at the time of the occurrence of the crime and the direct victim is seeking reimbursement for counseling services only, all of the following shall apply: (A) The limitation period under this subsection is tolled until the direct victim reaches 21 years of age. (B) The limitation period shall run until the later of: (I) the end of the limitation period for the offense as set forth in 42 Pa.C.S. Ch. 55 Such. C; or (II) the end of the limitation period under paragraph (1). (4) The Office of Victims' Services may find good cause to accept a claim beyond the limitation period under paragraph (1) if one of the following circumstances existed at the time of the occurrence of the crime or the discovery of the occurrence of the crime: (A) The direct victim, intervenor or claimant was mentally or physically incapacitated. (B) The victim was a minor. (C) There was a fear of retaliation. (D) The occurrence of the crime was not readily apparent. (E) Other circumstances when good cause is shown by the claimant. 18 P.S. § 11.702(b)(2).
Eligibility Requirements: Identity of Person Seeking Compensation	Eligible claimants include: direct victims of crime; intervenors who acted to prevent crime or help apprehend criminals; surviving family of homicide victims; persons legally responsible for the victim's expenses; hospitals and healthcare providers; and a person eligible for counseling.	The following persons are eligible for compensation: (1) A direct victim. (2) An intervenor. (3) A surviving spouse, parent or child of a deceased direct victim or intervenor. (4) Any other individual dependent for principal support upon a deceased direct victim or intervenor. (5) Deleted by 2002, June 28, P.L. 496, No. 85, § 4, effective in 60 days. (6) Any person who assumes the obligation or who pays for the crime scene cleanup, funeral or burial expenses incurred as a direct result of the crime. (7) Hospitals or other licensed health care providers under section 707(h).1 (8) A person eligible for counseling under this chapter. 18 P.S. § 11.701(a). A person who is criminally responsible for the crime upon which a claim is based or an accomplice of the person shall not be eligible to receive compensation with respect to the claim. A member of the family of the individual who committed the crime shall not be eligible if the offender is living in the same household as the direct victim and will substantially benefit from the award. 18 P.S. § 11.701(b).
Eligibility Requirements: Types of Crime	Eligible crimes include those resulting in personal injury, death, or severe emotional trauma. Covers both misdemeanors and felonies involving personal injury. Property crimes alone are not covered.	“Direct victim” means an individual against whom a crime has been committed or attempted and who as a direct result of the criminal act or attempt suffers physical or mental injury, death or the loss of earnings under this act. The term shall not include the alleged offender. “Crime” includes an act which was committed without regard to legal exemption or defense which would constitute a crime under the following: (i) The act of April 14, 1972 (P.L. 233, No. 64),4 known as The Controlled Substance, Drug, Device and Cosmetic Act. (ii) 18 Pa.C.S. (relating to crimes and offenses). 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance). 30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence). 30 Pa.C.S. § 5502.2 (relating to homicide by watercraft). 30 Pa.C.S. § 5502.3 (relating to aggravated assault by watercraft while operating under influence). 30 Pa.C.S. § 5502.4 (relating to aggravated assault by watercraft). The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance). 75 Pa.C.S. § 3732 (relating to homicide by vehicle). 75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle). 75 Pa.C.S. § 3733 (relating to fleeing or attempting to elude police officer). 75 Pa.C.S. § 3734 (relating to driving without lights to avoid identification or arrest). 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence). 75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence). 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury). 75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed) if the nature and circumstances of the offense committed are substantially similar to an offense under 75 Pa.C.S. § 3742. 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs). (iii) The laws of the United States. 18 P.S. § 11.103.
Eligibility Requirements: Geographic Nexus	Acts committed in Pennsylvania or against Pennsylvania residents.	The term "crime" is limited to acts committed in in Pennsylvania, against a resident of Pennsylvania which would be a crime but for its occurrence in a location other than Pennsylvania, or against a resident of Pennsylvania which is an act of international terrorism. 18 P.S. § 11.103.
Eligibility Requirements: Criminal Background of Victim	None	N/A
Citizenship Requirement?	None	N/A

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Is a Police Report or Cooperation with Law Enforcement Required?	Yes, the full cooperation is required.	No aware shall be made unless, in relevant part, the direct victim, intervenor or claimant has fully cooperated with all law enforcement agencies and the Office of Victims' Services, unless the Office of Victims' Services finds the noncompliance to have been justified consistent with the Office of Victims' Services regulations. 18 P.S. § 11.707(a)(4).
Is Complicity in Crime Disqualifying?	Yes	A person who is criminally responsible for the crime upon which a claim is based or an accomplice of the person shall not be eligible to receive compensation with respect to the claim. A member of the family of the individual who committed the crime shall not be eligible if the offender is living in the same household as the direct victim and will substantially benefit from the award. 18 P.S. § 11.701(b).
To Whom are Applications Made?	The Office of Victims' Services	Claims must be filed with the Office of Victims' Services in person, by mail or by any electronic means authorized by the Office of Victims' Services. 18 P.S. § 11.702(c).
How are Applications Accepted?	In person, by mail or by any electronic means authorized by the Office of Victims' Services.	Claims must be filed with the Office of Victims' Services in person, by mail or by any electronic means authorized by the Office of Victims' Services. 18 P.S. § 11.702(c).
Who May Submit an Application?	A person eligible for compensation (see above), a parent or guardian of a minor, or a guardian or legal representative of a mentally incompetent individual.	A claim for compensation may be filed by an individual eligible for compensation or as follows: (1) If the individual is a minor, the claim may be filed by a parent or guardian. If the parent or guardian of a minor who is eligible for compensation is unavailable or fails to assume financial responsibility for the minor's care, a person who assumes financial responsibility for services eligible for compensation and who is not a provider of services or an insurance company may file a claim on behalf of the minor and may receive compensation for eligible services provided to the minor. (2) If the individual is mentally incompetent, the claim may be filed by a guardian or legal representative. If the guardian or legal representative of a mentally incompetent individual who is eligible for compensation is unavailable or fails to assume financial responsibility for the individual's care, a person who assumes financial responsibility for services eligible for compensation and who is not a provider of services or an insurance company may file a claim on behalf of the individual and may receive compensation for eligible services provided to the individual. 18 P.S. § 11.702(a).
What Language Services are Available?	Forms are available in 12 different languages on the OVS's website.	The OVS's website has forms in: Arabic, Chinese, French, German, Korean, Nepali, Portuguese, Russian, Spanish, Turkish, Ukrainian, and Vietnamese. https://www.pa.gov/services/pcv/apply-for-victims-compensation.html#.
General Documentation Requirements	When requested, claimants must document: medical bills, funeral expenses, loss of earnings, loss of support, counseling expenses, crime scene cleanup expenses, relocation expenses, and miscellaneous expenses.	When requested by OVS, the claimant shall submit copies of documents that are needed to process the particular type of claim, which include the following: (1) Medical treatment expenses. (i) Itemized bills in the name of the claimant showing the name, address and telephone number of the provider, dates of service, type of service performed and the amount charged for each service. (ii) Insurance benefit statements indicating payments or rejection. (iii) Canceled checks, verification from a medical provider or receipts for any medical bills related to the injury that were paid by the direct victim, intervenor or claimant. (iv) Written justification if the direct victim or intervenor is covered by an insurance plan or Medical Assistance, but did not utilize the prescribed coverage, such as that the direct victim or intervenor could not obtain the required care, could not maintain ongoing care from a previous provider, travel considerations or other circumstances when good cause is shown by the claimant. (2) Funeral expenses. (i) Certified death certificate. (ii) Itemized funeral bills in the name of the claimant for which the claimant is responsible. (iii) Canceled checks, receipts or verification from a provider for funeral bills relating to the death that were paid by claimant. (iv) Statements for benefits or payments received by the claimant as a result of the death of the direct victim or intervenor, such as life insurance or Social Security death benefits. (3) Loss of earnings. (i) Stolen money. (A) Statements for the month of the crime of payments such as Social Security, retirement, pension, disability, court-ordered child support or court-ordered spousal support. (B) Federal tax returns as filed, including all schedules if applicable, for the years requested or a signed statement that the claimant is not required to file a tax return. (C) Documentation of the homeowner's or renter's insurance coverage. (ii) Loss of wages. (A) Pay stubs or other earnings records for periods immediately prior to the loss. If not obtainable, withholding statements and Federal tax returns as filed, including schedules, if applicable, for the years requested, or a written statement that Federal tax returns were not filed. (B) Full name and complete address of claimant's employer. (C) Full name and complete address of a physician or psychologist who will certify the existence, duration and cause of the disability. (4) Loss of support. (i) Certified death certificate. (ii) Full name and complete address of employer of the deceased. (iii) Federal tax returns as filed, including schedules, if applicable, for the years requested, or a written statement that Federal tax returns were not filed. If unavailable, pay stubs, withholding statements or other earnings records for periods immediately prior to the injury. (iv) Statements for benefits received as a result of the death of the direct victim or intervenor, such as life insurance, Social Security, veterans' benefits or survivor benefits. (v) Documents that demonstrate financial dependency, including birth certificates, support orders or Federal tax returns as filed.

TOPIC	SUMMARY	DETAILED DESCRPTION
		(vi) Guardianship papers, when applicable. (5) Counseling expenses. (i) Itemized bills in the name of the claimant showing the name, address and telephone number of the provider, dates of service and the amount charged. (ii) Insurance benefit statements indicating payments or rejection. (iii) Canceled checks, verification from a provider or receipts for any counseling bills related to the injury that were paid by the direct victim, intervenor or claimant. (iv) Written justification if the direct victim or intervenor is covered by an insurance plan or Medical Assistance, but did not utilize the prescribed coverage, such as that the direct victim or intervenor could not obtain the required care, could not maintain ongoing care from a previous provider, travel considerations or other circumstances where good cause is shown by the claimant. (v) The following information establishing the claimant's relationship to the direct victim, the claimant witnessing the crime or the claimant's discovery of the homicide victim: (A) Witness. If the witness is not listed in the police report obtained by OVS, a written statement provided by someone who could substantiate that the witness was at the scene, preferably written by someone named in the police report. (B) Relative of direct victim. A copy of a birth certificate, if applicable, or other identifiable information acknowledging the relationship to the direct victim. (C) Individual engaged to the direct victim. An engagement announcement or a copy of the application for a marriage license. If either is unavailable, a written statement from the engaged individual plus a written statement from a family member acknowledging the intent of the union. (D) Shared household. A copy of a document, such as a bill or lease or mortgage agreement that indicates the same address for the direct victim and the victim or claimant filing for counseling expenses. (E) Individual who discovers homicide body. A police report. (F) Individual responsible for the direct victim's welfare. Foster parent documentation, guardianship papers or other documentation showing that the claimant filing for counseling is an individual responsible for the direct victim's welfare. (6) Crime-scene cleanup expenses. (i) Itemized bills and receipts in the name of the claimant related to the crime scene cleanup for which the claimant is responsible. (ii) Cancelled checks, receipts or verification from a provider for bills related to the crime scene cleanup. (iii) Documentation of homeowner's or renter's insurance coverage. (7) Relocation expenses. (i) Itemized bills and receipts related to the relocation for which the claimant is responsible. (ii) Cancelled checks, receipts or verification from a provider for bills related to the relocation. (iii) A verification letter from a human service agency, law enforcement or medical provider explaining the immediate need for relocation. (8) Miscellaneous expenses. (i) Itemized bills and receipts in the name of the claimant for which the claimant is responsible related to the miscellaneous expense. (ii) Cancelled checks, receipts or verification from a provider for bills related to the injury. 37 Pa. Code 411.11(k).
Categories of Benefits Available	Medical bills, funeral expenses, loss of earnings, loss of support, counseling expenses, crime scene cleanup expenses, relocation expenses, and miscellaneous expenses.	Eligible types of claims include: (1) Medical treatment expenses. (i) Itemized bills in the name of the claimant showing the name, address and telephone number of the provider, dates of service, type of service performed and the amount charged for each service. (ii) Insurance benefit statements indicating payments or rejection. (iii) Canceled checks, verification from a medical provider or receipts for any medical bills related to the injury that were paid by the direct victim, intervenor or claimant. (iv) Written justification if the direct victim or intervenor is covered by an insurance plan or Medical Assistance, but did not utilize the prescribed coverage, such as that the direct victim or intervenor could not obtain the required care, could not maintain ongoing care from a previous provider, travel considerations or other circumstances when good cause is shown by the claimant. (2) Funeral expenses. (i) Certified death certificate. (ii) Itemized funeral bills in the name of the claimant for which the claimant is responsible. (iii) Canceled checks, receipts or verification from a provider for funeral bills relating to the death that were paid by claimant. (iv) Statements for benefits or payments received by the claimant as a result of the death of the direct victim or intervenor, such as life insurance or Social Security death benefits. (3) Loss of earnings. (i) Stolen money. (A) Statements for the month of the crime of payments such as Social Security, retirement, pension, disability, court-ordered child support or court-ordered spousal support. (B) Federal tax returns as filed, including all schedules if applicable, for the years requested or a signed statement that the claimant is not required to file a tax return. (C) Documentation of the homeowner's or renter's insurance coverage. (ii) Loss of wages. (A) Pay stubs or other earnings records for periods immediately prior to the loss. If not obtainable, withholding statements and Federal tax returns as filed, including schedules, if applicable, for the years requested, or a written statement that Federal tax returns were not filed. (B) Full name and complete address of claimant's employer. (C) Full name and complete address of a physician or psychologist who will certify the existence, duration and cause of the disability. (4) Loss of support. (i) Certified death certificate. (ii) Full name and complete address of employer of the deceased. (iii) Federal tax returns as filed, including schedules, if applicable, for the years requested, or a written statement that Federal tax returns were not filed. If unavailable, pay stubs, withholding statements or other earnings records for periods immediately prior to the injury. (iv) Statements for benefits received as a result of the death of the direct victim or intervenor, such as life insurance, Social Security, veterans' benefits or survivor benefits. (v) Documents that demonstrate financial dependency, including birth certificates, support orders or Federal tax returns as filed.

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		(vi) Guardianship papers, when applicable. (5) Counseling expenses. (i) Itemized bills in the name of the claimant showing the name, address and telephone number of the provider, dates of service and the amount charged. (ii) Insurance benefit statements indicating payments or rejection. (iii) Canceled checks, verification from a provider or receipts for any counseling bills related to the injury that were paid by the direct victim, intervenor or claimant. (iv) Written justification if the direct victim or intervenor is covered by an insurance plan or Medical Assistance, but did not utilize the prescribed coverage, such as that the direct victim or intervenor could not obtain the required care, could not maintain ongoing care from a previous provider, travel considerations or other circumstances where good cause is shown by the claimant. (v) The following information establishing the claimant's relationship to the direct victim, the claimant witnessing the crime or the claimant's discovery of the homicide victim: (A) Witness. If the witness is not listed in the police report obtained by OVS, a written statement provided by someone who could substantiate that the witness was at the scene, preferably written by someone named in the police report. (B) Relative of direct victim. A copy of a birth certificate, if applicable, or other identifiable information acknowledging the relationship to the direct victim. (C) Individual engaged to the direct victim. An engagement announcement or a copy of the application for a marriage license. If either is unavailable, a written statement from the engaged individual plus a written statement from a family member acknowledging the intent of the union. (D) Shared household. A copy of a document, such as a bill or lease or mortgage agreement that indicates the same address for the direct victim and the victim or claimant filing for counseling expenses. (E) Individual who discovers homicide body. A police report. (F) Individual responsible for the direct victim's welfare. Foster parent documentation, guardianship papers or other documentation showing that the claimant filing for counseling is an individual responsible for the direct victim's welfare. (6) Crime-scene cleanup expenses. (i) Itemized bills and receipts in the name of the claimant related to the crime scene cleanup for which the claimant is responsible. (ii) Cancelled checks, receipts or verification from a provider for bills related to the crime scene cleanup. (iii) Documentation of homeowner's or renter's insurance coverage. (7) Relocation expenses. (i) Itemized bills and receipts related to the relocation for which the claimant is responsible. (ii) Cancelled checks, receipts or verification from a provider for bills related to the relocation. (iii) A verification letter from a human service agency, law enforcement or medical provider explaining the immediate need for relocation. (8) Miscellaneous expenses. (i) Itemized bills and receipts in the name of the claimant for which the claimant is responsible related to the miscellaneous expense. (ii) Cancelled checks, receipts or verification from a provider for bills related to the injury. 37 Pa. Code 411.11(k).
Requirements/Limits for Relocation Expenses	Up to $1,000 per household.	OVS will reimburse for expenses incurred by the temporary or permanent relocation of a direct victim and individuals residing in the direct victim's household when immediate relocation is necessary to protect their health and safety. This reimbursement will not exceed $1,000 per household for each direct victim for the following: (1) Relocation expenses to be reimbursed are as follows: (i) Lodging to a daily maximum of $75. (ii) Rental of substitute living quarters. (iii) Utility connection fees, which do not include cable. (iv) Rental of a passenger vehicle for a total daily maximum of $30. (v) Private vehicle usage at mileage rate currently paid by the Commonwealth to its own employees for travel. (vi) Common carrier fares. (vii) Moving company charges or van rental. (viii) Tolls and parking expenses. (ix) Rental of post office box. (x) Charges for storage of personal belongings. (xi) Child care expenses. (2) Reimbursement will be made only when a medical provider, human services provider or law enforcement representative, which may include a district attorney or other prosecutorial agency, verifies the immediate need for relocation. (3) OVS may consider a delay past the prescribed immediate need time period to be justified when the direct victim, intervenor or claimant is mentally or physically incapacitated, there is a fear of retaliation or other circumstances when good cause is shown by the claimant. 37 Pa. Code § 411.42(f).

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Mental Health Expenses	Anywhere from $1,500 - $10,000, depending on the claimant.	OVS will pay expenses of counseling performed by or under the supervision of a psychiatrist, psychologist, licensed professional counselor or licensed social worker to claimants as follows: (1) A maximum of $10,000 in total expenses of a direct victim who was under 18 years of age upon the occurrence of the crime. (2) A maximum of $5,000 in total expenses of a direct victim who was 18 years of age or older upon the occurrence of the crime. (3) A maximum of $5,000 in total expenses of any of the following individuals affected by the homicide of a direct victim: (i) An individual responsible for the welfare of the direct victim, which includes legal guardians and foster parents. (ii) An individual related in the second degree of consanguinity or affinity to the direct victim. (iii) An individual residing in the same household with the direct victim. (iv) An individual engaged to be married to the direct victim. (4) A maximum of $2,500 in total expenses of any of the individuals described in paragraph (3) affected by a crime against a direct victim that is not a homicide. (5) A maximum of $1,500 in total expenses of an individual who: (i) Is physically present at a crime scene and witnesses a violent crime. (ii) Discovers the body in a homicide. (6) For counseling expenses relating to a homicide, OVS may not reduce the amount of the award or deny the reimbursement due to the conduct of the direct victim. 37 Pa. Code § 411.42(g).
Requirements/Limits for Lost Income	Up to the average weekly wage of a direct victim or intervenor.	(a) OVS may make an award for the loss of cash equal to one month's net worth of Social Security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, court-ordered child support or court-ordered spousal support payments if the payments are the primary source of the victims income and the victim is deprived of the money as a direct result of a crime. The actual amount stolen must be indicated in the police report. In no instance may payment exceed the amount stolen. Changes or amendments to the amount stolen must be made to the police within 2 weeks of the crime and subsequently documented by the police. (b) OVS may make an award within the monetary limitations of the act to compensate a direct victim, intervenor or claimant for loss of earnings attributable to the injury not to exceed the average weekly wage if the claimant was not otherwise reimbursed for the loss. A loss of earnings must be definitely ascertainable at the time of the injury and may not include a loss that is conditioned upon future events. (c) In claims involving the death of a direct victim or intervenor, OVS may pay up to 2 week's net loss of earnings in connection with the death not to exceed the average weekly wage if the claimant was not otherwise reimbursed for the loss. The loss is limited to that suffered by a claimant who incurred a loss of earnings as a result of one of the following: (1) Trauma. (2) Making funeral arrangements. (3) Accompanying the deceased to the place of interment. 37 Pa. Code § 411.43(a)-(c). An award made for loss of earnings or loss of support shall, unless reduced pursuant to other provisions of this chapter, be in an amount equal to the actual loss sustained. The following shall apply: (i) No such award shall exceed the average weekly wage for all persons covered by the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L. 2897, No. 1),1 known as the Unemployment Compensation Law, in this Commonwealth as determined annually by the Department of Labor and Industry for each week of lost earnings or support. (ii) Except as set forth in subparagraph (iii), the aggregate award for the loss shall not exceed $15,000. (iii) In the case of death of a direct victim or intervenor, the aggregate award shall not exceed $20,000. 18 P.S. § 11.707(b)(2).
Requirements/Limits for Medical Expenses	65% of the usual and customary charge for the service rendered.	The following provisions for payment of medical expenses apply: (1) OVS will pay a hospital or other licensed health care provider at the rate of 65% of the usual and customary charge for the service rendered. (2) This rate will apply to any bill for services incurred on or after December 12, 2009. (3) Forensic rape examinations. (i) OVS will reimburse a maximum of $1,000 to a hospital or other licensed health care provider, or both, for a forensic rape examination and medications directly related to the sexual offense. (ii) The reimbursement will not include expenses for analyzing collected evidence for DNA or presence of Rohypnol or other similar drugs. (iii) Claims shall be filed with OVS no later than 1 year after the date of the crime. (iv) OVS will reimburse a direct victim who is erroneously billed and subsequently pays the cost of the forensic rape examination or medications directly related to the sexual offense. The reimbursement will be subject to the $1,000 monetary limitation. 37 Pa. Code § 411.42(b).
Timeframe to Obtain Benefits	Not specified	N/A
Is Emergency Assistance Available?	Yes, for a claimant who incurs an undue hardship by paying medical expenses or funeral expenses out of his own pocket, or who incurred loss of earnings or support as a result of the crime incident.	(a) If it appears to OVS that the claimant has an urgent financial need, OVS may make an emergency award to the claimant as a determination on the claim. (b) An emergency award is solely for a claimant who incurs an undue hardship by paying medical expenses or funeral expenses out of his own pocket, or who incurred loss of earnings or support as a result of the crime incident. (c) The total amount of an emergency award will not exceed $5,000 per claim. 37 Pa. Code § 411.17(a)-(c).
Compensation Cap (Overall)	$35,000.00	The total amount of an award may not exceed $35,000 except for payment of the following: (1) Counseling, the maximum amount of which must be in accordance with section 707(b)(4.1) of the act. (18 P. S. § 11.707(b) (4.1)) (2) Forensic rape examination and medications directly related to the sexual offense, the amount of which may not exceed $1,000. (3) Reasonable and necessary costs of cleaning the crime scene of a private residence, the amount of which may not exceed $500. 37 Pa. Code § 411.41. For counseling, the following shall apply: (i) The amount of an award under paragraph (4)(i) shall not exceed $5,000 where the direct victim is an adult and shall not exceed $10,000 where the direct victim is a minor. A minor who is a direct victim of a sexual offense may request that the minor's primary insurance carrier not be billed for counseling services if the policy is held or administered by either the alleged perpetrator of the crime against the direct victim or an individual responsible for the minor's welfare that is not supportive of counseling services. (ii) The amount of an award under paragraph (4)(ii), (v), (vi), (vii) or (viii) shall not exceed $2,500 except in the case of a homicide whereby the amount of this award shall not exceed $5,000. (iii) The amount of an award under paragraph (4)(iii) or (iv) shall not exceed $1,500. 18 P.S. § 11.707(b)(4.1).
Sources of Funding	Multiple funding sources	Program funded through: criminal court costs/fines; federal VOCA funds; restitution recovery; and state appropriations. Offenders pay costs that support program. 18 P.S. § 11.1101.

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process		A claimant may contest OVS's determination by submitting a written request for reconsideration no later than 30 days from the date of the determination. If a request for reconsideration is not filed within the time required, the determination becomes a final decision of OVS (subject to certain excused delays). 37 Pa. Code § 411.31(a). Based on further review and additional information or clarification that OVS receives, OVS will issue a reconsidered determination that either reaffirms or modifies the determination. 37 Pa. Code § 411.31(d). If OVS is unable to determine if a claim is justified based upon supporting documents, it may direct a hearing before a hearing examiner designated by the OVS. A claimant may submit a written request for a hearing no later than 30 days after OVS issues its reconsidered determination. If a claimant fails to file the request for hearing within this time, the reconsideration determination becomes a final decision of OVS (subject to certain excused delays). 37 Pa. Code § 411.32(a)-(c). The hearing officer will issue a report and recommendation which will be delivered to a designated Commission official acting on behalf of OVS who has no previous involvement in the claim. Upon completing the review of the hearing officer's report and recommendation, the designated Commission official will do one of the following on behalf of OVS: (1) Adopt the hearing officer's report and recommendation as written as a final decision. (2) Modify the report and recommendation and issue the modified document as the final decision. (3) Reject the report and recommendation in its entirety and prepare and issue a final decision for OVS. 37 Pa. Code § 411.33. Within 30 days after receipt of a copy of the report containing a final decision of the Office of Victims' Services, the claimant may appeal the final decision of the Office of Victims' Services in the manner provided for appeals from administrative agencies as provided in 2 Pa.C.S. Ch. 7 Such. A (relating to judicial review of Commonwealth agency action). 18 P.S. § 11.705.
Payer of Last Resort Requirements	Awards may be reduced based on payments received from other sources.	an award made under this chapter shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury: (1) from or on behalf of the individual who committed the crime; (2) under any insurance or health and welfare programs, including those mandated by law; (3) under any contract of insurance wherein the claimant is the beneficiary; (4) from public funds; (5) as an emergency award under section 706;2 (6) under any pension program, including those providing for disability or survivor's benefits; or (7) under a settlement or award made by or on behalf of a party alleged to be responsible in whole or in part for the injury, without regard to the party's criminal culpability. 18 P.S. § 11.707(e).
References and Resources	Statutes, regulations, and OVS's website.	18 P.S. §§ 11.701 et. Seq. 37 Pa. Code §§ 411.1 et. Seq. https://www.pa.gov/content/dam/copapwp-pagov/en/pccd/documents/victim-services/documents/vcap%20manual%202024.pdf.

RHODE ISLAND

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• Within three years of the date of the injury or death • Crime must be reported to law enforcement within 15 days, otherwise a claim generally cannot be filed • Failure to report may be excused for good cause	"Actions for compensation under this chapter shall be commenced within three (3) years after the date of the injury or death, and no compensation shall be awarded for an injury or death resulting from a crime that was not reported to the appropriate law enforcement authority within fifteen (15) days of its occurrence; provided, that the office shall have the authority to allow a claim that was not reported pursuant to this section when the victim or secondary victim was below the age of eighteen (18) years of age, or of unsound mind, or for good cause shown." - RI Gen Laws § 12-25-22(a)
Eligibility Requirements: Identity of Person Seeking Compensation	Victims who suffer personal, physical or emotional injury in a violent crime in Rhode Island Dependents and immediate family members of homicide victims.	"In any case in which a person is injured or killed by any act of a person or persons that is within the description of the offenses listed in § 12-25-20, the victim, his or her guardian, the child advocate as provided in § 42-73-9.1, or in the case of his or her death, a legal representative, may apply to the office for compensation. Additionally, a secondary victim or their guardian, the child advocate as provided in § 42-73-9.1 or a legal representative on behalf of a secondary victim, may apply to the office for compensation. The office shall provide notice of the application to the attorney general. The office may award compensation in accordance with the provisions of this chapter if the act occurs: . . . ." - RI Gen Laws § 12-25-19(a)
Eligibility Requirements: Types of Crime	(1) Assault with intent to commit murder, robbery, or rape (2) Assault with a dangerous weapon (3) Assault and battery (4) Mayhem (5) Indecent assault and battery on a child under thirteen (13) years of age (6) Arson or statutory burning (7) Kidnapping (8) Robbery or larceny from that person (9) Murder (10) Manslaughter (11) First or second degree sexual assault (12) Child molestation, first or second degree (13) The abominable and detestable crime against nature or assault with intent to commit the abominable and detestable crime against nature (14) Driving under the influence of alcohol or drugs (15) Refusal by a driver to submit to a chemical test for alcohol or drugs in the immediate aftermath of a collision (16) Driving so as to endanger, resulting in death, pursuant to § 31-27-1 (17) Driving so as to endanger, resulting in personal injury, pursuant to § 31-27-1.1 (18) Any other crime excluding motor vehicle offenses other than those enumerated in this section which results in personal injury or death (19) Failure to stop by a driver in circumstances which result in the death of any person, pursuant to § 31-26-1	See RI Gen Laws § 12-25-20
Eligibility Requirements: Geographic Nexus	• Within Rhode Island • Within the maritime jurisdiction of Rhode Island • Residents of Rhode Island if they are injured in a state, territory, etc. without a compensation program • Residents of Rhode Island injured in an act of terrorism outside of the United States	"The office may award compensation in accordance with the provisions of this chapter if the act occurs: (1) Within the physical confines of the state of Rhode Island; (2) Within the maritime jurisdiction of the state of Rhode Island; (3) Outside the state of Rhode Island to any victim who has his or her residence in the state of Rhode Island and had the residence in the state at the time that the offense occurred, and is not entitled to compensation of any kind from the state, possession, or territory or district of the United States in which the offense occurred; or (4) Outside the state of Rhode Island to any victim, who had his or her residence in the state of Rhode Island at the time the offense occurred, who is injured or killed by an act of terrorism occurring either outside of the United States, as defined in 18 U.S.C. § 2331, or within the United States as referred to in 34 U.S.C. § 20105." - RI Gen Laws § 12-25-19(a)(1)-(4)

RHODE ISLAND

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Criminal Background of Victim	• Prior convictions of the victim can be consider in determining whether to issue compensation • Awards not permitted to imprisoned victims.	"(d)(1) In determining whether to award compensation as described in this section and the amount of compensation, the office shall consider any circumstances it determines to be relevant, including, but not limited to . . . (ii) Violent felonious criminal conduct of the victim committed within the past five (5) years or subsequent to his or her injury; (iii) Any conviction of a crime of violence by the victim . . . ." - RI Gen Laws § 12-25-19(d)(1) "(2) Any individual who is incarcerated at any criminal institutional facility at the time of his or her injury shall be deemed ineligible to receive an award of compensation as described in this section." - RI Gen Laws § 12-25-19(d)(2)
Citizenship Requirement?	No limitations	"'Victim' means a person who is injured or killed by any act of a person or persons that is within the description of any of the offenses specified in § 12-25-20 and which act occurs in the state of Rhode Island. "Victim" also means a resident of the state of Rhode Island who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331 occurring outside the United States or within the United States as referred to in 34 U.S.C. § 20105." - RI Gen Laws § 12-25-17(13)
Is a Police Report or Cooperation with Law Enforcement Required?	• Crime must be reported to law enforcement within 15 days, otherwise a claim generally cannot be filed • Failure to report may be excused for good cause • Cooperation with law enforcement considered when determining compensation	"Actions for compensation under this chapter shall be commenced within three (3) years after the date of the injury or death, and no compensation shall be awarded for an injury or death resulting from a crime that was not reported to the appropriate law enforcement authority within fifteen (15) days of its occurrence; provided, that the office shall have the authority to allow a claim that was not reported pursuant to this section when the victim or secondary victim was below the age of eighteen (18) years of age, or of unsound mind, or for good cause shown." - RI Gen Laws § 12-25-22(a) "(d)(1) In determining whether to award compensation as described in this section and the amount of compensation, the office shall consider any circumstances it determines to be relevant, including, but not limited to: (i) Compliance by the victim with the reasonable requests of law enforcement agencies and personnel . . . ." - RI Gen Laws § 12-25-19(d)(1)
Is Complicity in Crime Disqualifying?	Award may be reduced or denied based on participation in the crime	"Circumstances that may warrant a reduction or denial of an award based on contributory conduct include: a. crimes in which the victim deliberately provoked the offender by means of fighting words, racial or other bias-motivated taunting, or by threats coupled with overt actions indicating the victim's intent to carry out the threat; b. crimes in which the victim initiated or significantly escalated a physical altercation with the offender; c. crimes in which the victim could have anticipated the conflict and retreated, but decided not to retreat; d. crimes constituting acts of retaliation or retribution for a crime or crimes previously committed by the victim; e. crimes in which the victim acted as an accomplice to the offender; f. crimes committed during the course of an illegal act in which the victim was a knowing and willing participant; g. crimes in which the victim's felony criminal record, coupled with the circumstances of the crime, lead to the reasonable inference that the crime for which the Applicant seeks compensation was directly caused or provoked by the victim's criminal history." - 120-RICR-00-00-2.9(D)(3)
To Whom are Applications Made?	Crime Victim Compensation Program, Office of the General Treasury	https://cvcapp.treasury.ri.gov/
How are Applications Accepted?	• Online portal • Fax • Regular mail	https://treasury.ri.gov/cvcp
Who May Submit an Application?	• Victim • Victim's guardian • Child advocate • Legal representative, in the case of death	"In any case in which a person is injured or killed by any act of a person or persons that is within the description of the offenses listed in § 12-25-20, the victim, his or her guardian, the child advocate as provided in § 42-73-9.1, or in the case of his or her death, a legal representative, may apply to the office for compensation. Additionally, a secondary victim or their guardian, the child advocate as provided in § 42-73-9.1 or a legal representative on behalf of a secondary victim, may apply to the office for compensation. The office shall provide notice of the application to the attorney general." - RI Gen Laws § 12-25-19(a)

RHODE ISLAND

TOPIC	SUMMARY	DETAILED DESCRPTION
What Language Services are Available?	Spanish	https://treasury.ri.gov/programs/crime-victim-compensation-program/apply-now
General Documentation Requirements	Applicants must submit documentation to support applications for compensation	"Applicant's Obligations: An Applicant shall have the following obligations with respect to an application for compensation: . . . The application must be accompanied by copies of bills and other supporting documentation necessary to verify the application . . . ." - 120-RICR-00-00-2.11(A)(3)
Categories of Benefits Available	• Medical expenses • Mental health counseling • Loss of earnings • Loss of support • Funeral and burial expenses • Pain and suffering • Attorney fees • Parent/guardian loss of earnings • Crime scene clean-up • Emergency relocation expenses • Home modifications • Travel expenses and overnight accommodations	See 120-RICR-00-00-2.8(A) for detailed regulations on categories of benefits
Requirements/Limits for Relocation Expenses	• Emergency relocation expenses permitted up to $5,000 • The crime must have occurred at the victim's primary residence and the applicant must have an immediate need to relocate • If the crime did not occur at the victim's primary residence, documentation must be provided to show that the applicant reasonable fears living at his/her primary residence	"Emergency relocation expenses: The Administrator may issue an award for expenses resulting from the temporary or permanent relocation of a victim, or the temporary or permanent relocation of a relative, domestic partner or dependent of a homicide victim provided that such relative, domestic partner or dependent was living in the same household where the homicide occurred. Compensation awarded for emergency relocation expenses shall not exceed the sum of five thousand dollars ($5,000.00). Any award for emergency relocation expenses shall be deducted from the final award." - 120-RICR-00-00-2.8(A)(12) See 120-RICR-00-00-2.8(A)(12) for detailed regulations on requirements and eligible expenses for emergency relocation
Requirements/Limits for Mental Health Expenses	• $130 per hour is reimbursed for individual services provided by a licensed psychiatrist • $110 per hour is reimbursed for individual services provided by a licensed clinical psychologist • $90 per hour is reimbursed for individual services provided by a licensed clinical social worker, mental health nurse, marriage and family therapist (MFT), or clinical nurse specialist with a specialty in psychiatric mental health nursing • For group therapy, forty percent (40%) of the maximum individual session rate is reimbursed • Family therapy is reimbursed as individual session rates • An award issued to or on behalf of a secondary victim shall not exceed one thousand five hundred dollars ($1,500.00) and shall not be paid for costs incurred after a secondary victim reaches the age of eighteen (18) • An award issued to a minor witness of domestic violence or homicide shall not exceed one thousand five hundred dollars ($1,500.00) per claim	See 120-RICR-00-00-2.8(A)(3) for detailed regulations regarding mental health counseling

RHODE ISLAND

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	• Victim must have been employed at the time of the crime; unemployed victim's cannot recover lost earnings • Victim must show the "exact" number of weeks he/she will not be able to work and submit a disability letter from a treating physician or mental health provider • Lost earnings are based on the victim's earnings at the time of the crime • The victim may be required to submit documentation to support lost earnings claim	See 120-RICR-00-00-2.8(A)(4) for detailed regulations regarding lost earnings
Requirements/Limits for Medical Expenses	• Awards only permitted for medical expenses incurred as a result of the crime, not for preexisting medical conditions • Compensation is generally not permitted based on estimates of medical expenses, though may be allowed for preauthorized expenses under certain circumstances • Medical providers must cooperate with the victim compensation office • The victim compensation office may consult with outside medical advisors in determining whether to issue an award	See 120-RICR-00-00-2.8(A)(2) for detailed regulations regarding medical expenses
Timeframe to Obtain Benefits	The state performance report providing information about claim processing time is currently unavailable	https://ovc.ojp.gov/states/rhode-island
Is Emergency Assistance Available?	• Emergency assistance available for burial expenses (up to $10,000), crime scene clean up (up to $2,000), and relocation expenses (up to $5,000) • Emergency expenses are deducted from the overall compensation cap	"The office may award emergency compensation under this chapter for the: (1) Burial expenses of a victim who dies as a direct result of a violent crime as defined in this chapter; (2) Cost of the crime scene clean up; and (3) Relocation expenses." - RI Gen Laws § 12-25-21.1 "The office may award emergency compensation under the 1999 amendments to the Criminal Injuries Compensation Act of 1996 for the burial expenses of a victim who dies as a direct result of a violent crime. An award for emergency compensation shall be awarded at the sole discretion of the Administrator. An award for emergency compensation shall not exceed the sum of ten thousand dollars ($10,000.00). Any award for emergency compensation shall be deducted from the final award. In the event the victim is later found to be ineligible for compensation under the provisions of R.I. Gen. Laws §§ 12-25-1 et. seq., then the victim's estate or the Applicant, or both, shall repay the amount of the emergency award to the fund." - 120-RICR-00-00-2.7(d) "Emergency relocation expenses: The Administrator may issue an award for expenses resulting from the temporary or permanent relocation of a victim, or the temporary or permanent relocation of a relative, domestic partner or dependent of a homicide victim provided that such relative, domestic partner or dependent was living in the same household where the homicide occurred. Compensation awarded for emergency relocation expenses shall not exceed the sum of five thousand dollars ($5,000.00). Any award for emergency relocation expenses shall be deducted from the final award." - 120-RICR-00-00-2.12
Compensation Cap (Overall)	$25,000	"No compensation shall be awarded under this chapter to the victim, or in the case of death to dependent relatives or to the legal representative, in a total amount in excess of twenty-five thousand dollars ($25,000) plus any attorney fees awarded upon appeal to the treasurer or to the superior court pursuant to § 12-25-25." - RI Gen Laws § 12-25-22(b)
Sources of Funding	The program is primarily funded by court fees, federal grants, and gifts. The program is administered by the Office of the General Treasurer. It is not funded with taxpayer money.	

RHODE ISLAND

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	• Request reconsideration within 15 days of notice of award or denial • Appeal to the Superior Court for judicial review within 30 days for decision on request for reconsideration	"Within fifteen (15) days of the date of receipt of the notice of an award or denial, the Applicant may submit a request for reconsideration of the Administrator's decision. The request for reconsideration must be in writing, accompanied by any further documentation supporting the application and the request for reconsideration." - 120-RICR-00-00-2.10(A)(1) "Within thirty (30) days of the Treasurer's or Treasurer's designee's decision upon reconsideration, the Applicant may petition the Superior Court for judicial review pursuant to the Administrative Procedures Act, R.I. Gen. Laws § 42-35-15 and pursuant to R.I. Gen. Laws § 12-25-18(h)." - 120-RICR-00-00-2.10(B)(1)
Payer of Last Resort Requirements	Yes, the program is a payer of last resort	The Criminal Injuries Compensation Act shall be regarded as a fund of last resort. Accordingly, the office shall deduct from any payments awarded under this chapter any payments received by the victim or by any of his or her dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this chapter), the state of Rhode Island or any state or any of its subdivisions, or from any insurance carrier, for personal injury or death compensable under this chapter, including lost wages, but only to the extent that the sum of the payments and any award under this chapter are in excess of the total compensable injuries suffered by the victim as determined by the office." - RI Gen Laws § 12-25-22(b) "Fund of Last Resort: The Criminal Injuries Compensation Act is a fund of last resort. An Applicant must demonstrate that his/her compensable losses or legal liability exceed reimbursements or eligibility for reimbursement or compensation from any other collateral resource including, but not limited to, all resources and sources of payment or reimbursement listed in § 2.11(B)(5) of this Part and R.I. Gen. Laws § 12-25-23(b). Awards for compensation shall be reduced by all amounts reimbursed, reimbursable or otherwise compensable by any other source. No third party which has provided any compensation to an Applicant shall have any claims against the office or the Program or to the funds awarded to the Applicant pursuant to R.I. Gen. Laws § 12-25-24." 120-RICR-00-00-2.8(A)(1)(c)
References and Resources		• **General Overview** https://treasury.ri.gov/cvcp • **Statutory Language** file:///C:/Users/j9h1/Downloads/CVCP_Statutes_20180418.pdf • **Regulatory Language** file:///C:/Users/j9h1/Downloads/Final1_120-RICR-00-00-2_11-04-2024_0.pdf • **Application** https://treasury.ri.gov/programs/crime-victim-compensation-program/apply-now • **Funding** https://ovc.ojp.gov/states/rhode-island

SOUTH CAROLINA

SOUTH CAROLINA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• Within 180 days but may be waived for good cause • Crime must be reported to law enforcement within 48 hours absent good cause • The time period to file a claim may be extended up to four years for a minor or incompetent person	"A claim must be filed by the claimant not later than one hundred eighty days after the latest of the following events: (1) the occurrence of the crime upon which the claim is based; (2) the death of the victim; (3) the discovery by the law enforcement agency that the occurrence was the result of crime; or (4) the manifestation of a mental or physical injury is diagnosed as a result of a crime committed against a minor." - S.C. Code § 16-3-1230(B) "Upon good cause shown, the time for filing may be extended for a period not to exceed four years after the occurrence, diagnosed manifestation, or death. "Good cause" for the above purposes includes reliance upon advice of an official victim assistance specialist who either misinformed or neglected to inform a victim of rights and benefits of the Victim Compensation Fund but does not mean simply ignorance of the law." - S.C. Code § 16-3-1230(C) "For the purposes of subsection (A)(3), a crime reported more than forty-eight hours after its occurrence is not "promptly reported", absent a showing of special circumstances or causes which justify the delay." - S.C. Code § 16-3-1170(B)
Eligibility Requirements: Identity of Person Seeking Compensation	Persons who have been emotionally and/or physically injured in a reported crime to law enforcement and are deemed eligible to be considered for certain benefits from DCVC. Individual victims, immediate family members, or their legal representatives/guardians can apply for consideration of crime victim compensation assistance.	"Except as provided in Section 16-3-1220, a victim, surviving spouse, or a parent or legally dependent child of a victim is entitled to file for benefits under this article . . . ." - S.C. Code § 16-3-1210
Eligibility Requirements: Types of Crime	Any state, federal or common law crime, with the exception of certain motor vehicle/boat/aircraft crimes	"'Crime' means an act which is defined as a crime by state, federal, or common law, including terrorism as defined in Section 2331 of Title 18, United States Code. Unless injury or death was recklessly or intentionally inflicted, 'crime' does not include an act involving the operation of a motor vehicle, boat, or aircraft." - S.C. Code § 16-3-1110(A)(6)
Eligibility Requirements: Geographic Nexus	• Within South Carolina • Victim is a resident of South Carolina and the crime was committed outside of South Carolina • Victim is a resident of South Carolina and injured by an act of terrorism outside of the U.S.	"Except as provided in Section 16-3-1220, a victim, surviving spouse, or a parent or legally dependent child of a victim is entitled to file for benefits under this article if either: (a) the offense was committed in this State; or (b) the victim was a resident of this State when the crime was committed in either another state or outside the United States if the crime is terrorism. In either case the award payable under this article must be reduced by the amount paid or payable under the laws of another state as a result of the criminal act giving rise to the claim; or (c) the victim was a resident of this State when the offense was committed in another state. In any case, the award payable under this article must be reduced by the amount paid or payable under the laws of another state as a result of the criminal act giving rise to the claim." - S.C. Code § 16-3-1210
Eligibility Requirements: Criminal Background of Victim	No limitations	
Citizenship Requirement?	No limitations	
Is a Police Report or Cooperation with Law Enforcement Required?	Cooperation with law enforcement required to obtain an award	"(A) No award may be made unless: . . . (3) the crime was promptly reported to the proper authority and recorded in police records; and (4) the claimant or other award recipient has fully cooperated with all law enforcement agencies and with the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation." - S.C. Code § 16-3-1170(A)(2)-(3)
Is Complicity in Crime Disqualifying?	• Award must be denied of the claimant participated in the crime • In determining whether to make an award, the claimant's own conduct can be considered	"A person listed in Section 16-3-1210 is not eligible to recover under this article if the person: (1) committed or aided in the commission of the crime upon which the claim is based or engaged in other unlawful activity which contributed to or aggravated the resulting injury; (2) is the surviving parent, spouse, or dependent of a deceased victim who would have been barred by subsection (1) had he survived; (3) is a dependent of the offender who committed the crime upon which the claim is based, and the offender would be a principal beneficiary of the award." - S.C. Code § 16-3-1220 "In determining the amount of an award, the Deputy Director, the Board, or its panel shall determine whether because of his conduct the victim or intervenor of such crime contributed to the infliction of his injury, and the Deputy Director, the Board, or its panel may reduce the amount of the award or reject the claim altogether in accordance with such determination; provided, however, the Deputy Director, the Board, or its panel may disregard for this purpose the contribution of an intervenor for his own injury or death where the record shows that the contribution was attributable to efforts by the intervenor as set forth in subsection (8) of Section 16-3-1110." - S.C. Code § 16-3-1200

SOUTH CAROLINA

TOPIC	SUMMARY	DETAILED DESCRPTION
To Whom are Applications Made?	South Carolina Department of Crime Victim Compensation (DCVC)	https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/how-to-apply-for-compensation/
How are Applications Accepted?	Mail	Mail to: Department of Crime Victim Compensation, Edgar A. Brown Building, Room 401, 1205 Pendleton Street, Columbia, South Carolina 29201
Who May Submit an Application?	• Victim • Victim's guardian • Victim's parent • Other person authorized to manage victim's affairs	"A claim may be filed by a person eligible to receive an award, as provided in Section 16-3-1210, or, if the person is an incompetent or a minor, by his parent or legal guardian or other individual authorized to administer his affairs." - S.C. Code § 16-3-1230
What Language Services are Available?	Spanish	https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/resources-for-advocates-providers/
General Documentation Requirements	Specific forms for claims involving: • Mental health • Lost wages • Funeral expenses • Loss of support • Counseling Other documents considered in determining eligibility: • Law enforcement incident reports • Law enforcement supplemental reports • Report/affidavit/investigative follow up reports • Letters from victim advocates • Victim and/or witness statements	https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/how-to-apply-for-compensation/ https://www.scag.gov/documents/DCVC%20Tips%20for%20Advocates.pdf
Categories of Benefits Available	Includes, but is not limited to: • Medical and psychological counseling expenses • Specific damages and economic losses • Funeral expenses and related costs • Vehicle impoundment fees • Child care costs • Transportation related to a victim's participation in the criminal justice process Does not include: • Property damage • Property replacement cost • Crime scene clean-up • Household utilities • Rent • Mortgage • Babysitting expenses • Groceries • Attorney fees • Pain and suffering	"'Restitution' means payment for all injuries, specific losses, and expenses sustained by a crime victim resulting from an offender's criminal conduct. It includes, but is not limited to: (a) medical and psychological counseling expenses; (b) specific damages and economic losses; (c) funeral expenses and related costs; (d) vehicle impoundment fees; (e) child care costs; and (f) transportation related to a victim's participation in the criminal justice process." - S.C. Code § 16-3-1110(A)(11) "Restitution does not include awards for pain and suffering, wrongful death, emotional distress, or loss of consortium." - S.C. Code § 16-3-1110(B) https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/crime-victim-compensation-faqs/
Requirements/Limits for Relocation Expenses	No assistance for any relocation expenses	https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/crime-victim-compensation-faqs/
Requirements/Limits for Mental Health Expenses	• Limited to twenty sessions • Additional forty sessions may be permitted	"(A) An award may be made for: (1) reasonable and customary charges as periodically determined by the board for medical services, including mental health counseling, required and rendered as a direct result of the injury on which the claim is based, as long as these services are rendered by a licensed professional. Payment for mental health counseling is limited to the number of sessions during a one hundred eighty-day period beginning on the date of the first counseling session or twenty sessions, whichever is greater. Upon recommendation of the director, the board may allow victims who max out the current benefit of twenty mental health counseling sessions to request up to an additional twenty sessions for a total of forty sessions . . . ." - S.C. Code § 16-3-1180(A)(1)

SOUTH CAROLINA

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	Generally no limits on amount of lost income recoverable, subject to overall cap on compensation	"(A) An award may be made for: . . . (3) loss of earning or support, provided that: (a) claimant is deprived of that income for at least two consecutive weeks; (b) the loss is not reimbursable; (c) the amount may not exceed the maximum rate provided in Section 42-1-50; (d) conditions (a), (b), and (c) may be waived in severe hardship cases . . . ." - S.C. Code § 16-3-1180(A)(3)
Requirements/Limits for Medical Expenses	Generally no limits on amount of lost income recoverable, subject to overall cap on compensation	"(A) An award may be made for: . . . (2) reasonable and customary charges as periodically determined by the board for other services required and rendered as a direct result of the injury upon which the claim is based, as long as the service is rendered by a professional or paraprofessional who holds a license, certificate, or other documentary evidence of specific training and qualification in a field of service which, by regulation, the board recognizes as a service required by and beneficial to crime victims . . . ." - S.C. Code § 16-3-1180(A)(2)
Timeframe to Obtain Benefits	The state performance report providing information about claim processing time is currently unavailable	https://ovc.ojp.gov/states/south-carolina
Is Emergency Assistance Available?	Yes, up to $1,000	"Notwithstanding the provisions of Section 16-3-1130, if it appears to the deputy director that the claim is one with respect to which an award probably will be made and undue hardship will result to the claimant, if immediate payment is not made, the deputy director may make one or more emergency awards to the claimant pending a final decision in the case, provided that: (1) the amount of each emergency award shall not exceed five hundred dollars; (2) the total amount of such emergency awards shall not exceed one thousand dollars; (3) the amount of such emergency awards must be deducted from any final award made to the claimant; and (4) the excess of the amount of any emergency award over the amount of the final award, or the full amount of any emergency award if no final award is made, must be repaid by the claimant to the Victim Compensation Fund as created by this article." - S.C. Code § 16-3-1150
Compensation Cap (Overall)	$25,000	"The aggregate of award to and on behalf of victims may not exceed fifteen thousand dollars unless the Crime Victim Advisory Board, by two-thirds vote, and the director concur that extraordinary circumstances exist. In this case, the award may not exceed twenty-five thousand dollars." - S.C. Code § 16-3-1180(C)
Sources of Funding	• State funding • Subrogation actions • Federal funding • Court costs • Fines	"The funds placed in the Victim Compensation Fund shall consist of all money appropriated by the General Assembly, if any, for the purpose of compensating claimants under this article and money recovered on behalf of the State pursuant to this article by subrogation or other action, recovered by court order, received from the federal government, received from additional court costs, received from assessments or fines, or received from any other public or private source, pursuant to this article." - S.C. Code § 16-3-1290
Appeal Process	• Appeal may be filed with the board within 30 days after a decision by the deputy director • The board only meets twice a year • The board's decision is final	"The claimant may, within thirty days after receipt of the report of the decision of the deputy director, make an application in writing to the deputy director for review of the decision." - S.C. Code § 16-3-1140(A) "Upon receipt of an application for review pursuant to subsection (A), the deputy director shall forward all relevant documents and information to the Chairman of the Crime Victim Advisory Board. The chairman shall appoint a three-member panel of the board which shall review the records and affirm or modify the decision of the deputy director; provided, that the chairman may order, in his discretion, that any particular case must be heard by the full board. If considered necessary by the board or its panel or if requested by the claimant, the board or its panel shall order a hearing prior to rendering a decision. At the hearing any relevant evidence, not legally privileged, is admissible. The board or its panel shall render a decision within ninety days after completion of the investigation. The action of the board or its panel is final and nonappealable. If the deputy director receives no application for review pursuant to subsection (A), his decision becomes the final decision of the Department of Crime Victim Compensation." - S.C. Code § 16-3-1140(B)
Payer of Last Resort Requirements	Yes, the program is a payer of last resort	https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/
References and Resources		**• General Overview** https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/ **• Statutory Language** https://casetext.com/statute/code-of-laws-of-south-carolina-1976/title-16-crimes-and-offenses/chapter-3-offenses-against-the-person/article-13-compensation-of-victims-of-crime **• Application and Forms** https://www.scag.gov/inside-the-office/crime-victim-services-division/crime-victim-compensation/crime-victim-forms-applications/

SOUTH DAKOTA

SOUTH DAKOTA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• The claim for compensation must be filed within one year of the crime unless good cause is shown for the delay in filing • Crime must be reported to law enforcement within five days	No claim for compensation may be awarded: (1) Unless an application for compensation is filed with the department within one year after the date of the personal injury or death and the personal injury or death was the result of a crime which had been reported to a law enforcement officer or agency within five days of its occurrence or, if the crime could not reasonably have been reported within that period, within five days of the date when a report could reasonably have been made. The department may waive the one year application requirement for good cause shown . . . ." - S.D. Codified Laws § 23A-28B-25(1) "Good cause criteria for failing to apply within one year. When determining whether good cause exists for failing to apply for assistance within one year, the department shall consider the following: (1) The claimant's age; (2) The claimant's physical and psychological condition; (3) Evidence such as medical records or verifiable reports from other third parties that substantiate the claimant's health or safety would have been jeopardized if the crime had been reported in a timely manner; (4) Evidence that substantiates the claimant was not aware of this program. Evidence may consist of a written statement from the claimant that contains information as to how and when the claimant became aware of the program; and (5) Evidence that substantiates the claimant thought the bills would be paid by a collateral source. Evidence may consist of a copy of a written notice or letter of denial concerning payment of the bill by the collateral source." - ARSD 67:55:01:07
Eligibility Requirements: Identity of Person Seeking Compensation	• The person injured by the crime • Any person responsible for maintaining the person injured by the crime • In the event of death, dependents of the injured person • Immediate family member of the primary victim who has experienced hardship as a result of the crime	"The department may order payment of compensation: (1) For the benefit of the injured person; (2) In the event of personal injury to or death of the victim, to any person responsible for maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of such injury or death; and (3) In the event of death of the victim, for the benefit of one or more dependents of the victim. If two or more such dependents are entitled to an award of compensation, the award shall be apportioned by the department among the dependents in a manner which the department determines to be fair and equitable." - S.D. Codified Laws § 23A-28B-18
Eligibility Requirements: Types of Crime	Any conduct which results in personal injury or death and is punishable as a felony or misdemeanor, or would be so punishable except that the person engaging in the conduct lacked the capacity to commit the crime	"'Crime,' conduct that occurs or is attempted in this state, including that arising from domestic violence, human trafficking, and acts of terrorism, as defined in 18 USC § 2331 as of January 1, 1997, which conduct results in personal injury or death and is punishable as a felony or misdemeanor, or would be so punishable except that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. The term does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, boat, or aircraft unless the conduct was intended to cause or did recklessly cause personal injury or death or unless the conduct constitutes a violation of § 32-23-1, 22-16-41, or 22-18-36 . . . ." - S.D. Codified Laws § 23A-28B-1(3)
Eligibility Requirements: Geographic Nexus	• Within South Dakota • If the victim is a resident of South Dakota and the crime was committed outside of South Dakota	"If a resident of South Dakota is a victim of a crime as defined in § 23A-28B-1, but the crime occurred outside the boundaries of this state, the resident has the same rights under the provisions of this chapter as if the crime had occurred within this state upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a crime victims' compensation law which covers the injury or death suffered by the resident." - S.D. Codified Laws § 23A-28B-2
Eligibility Requirements: Criminal Background of Victim	No limitations	
Citizenship Requirement?	No limitations	
Is a Police Report or Cooperation with Law Enforcement Required?	Cooperation with law enforcement required to obtain award	"No claim for compensation may be awarded: . . . (2) If the victim: . . . (c) Fails or refuses to cooperate fully with any appropriate law enforcement officer or agency or with the department in the administration of this chapter. If a claimant other than a victim fails or refuses to cooperate pursuant to this subsection, no compensation may be awarded to that claimant . . . ." - S.D. Codified Laws § 23A-28B-25(2)(c)
Is Complicity in Crime Disqualifying?	Participation in the crime bars compensation	"No claim for compensation may be awarded: . . . (2) If the victim: . . . (b) Committed or otherwise participated in a crime which caused or contributed to the victim's injury or death . . . ." - S.D. Codified Laws § 23A-28B-25(2)(B)
To Whom are Applications Made?	South Dakota Crime Victims' Compensation Program	https://dps.sd.gov/victims-services/crime-victims-compensation/eligibility-and-apply-cvc
How are Applications Accepted?	• Online portal • Email • Regular mail	https://dps.sd.gov/victims-services/crime-victims-compensation/eligibility-and-apply-cvc

SOUTH DAKOTA

TOPIC	SUMMARY	DETAILED DESCRPTION
Who May Submit an Application?	• Victim • Parent, guardian or conservator of a minor or protected person (which is not defined)	"An application for compensation may be made on a minor's behalf by the minor's parent, guardian, or conservator. An application by a protected person may be made on the protected person's behalf by the person's guardian or conservator." - S.D. Codified Laws § 23A-28B-15
What Language Services are Available?	Appears that the application is only available in English	
General Documentation Requirements	Documentation sufficient to substantiate the facts in the application	"The department may require that documentation substantiating the facts stated in an application for compensation be submitted with the application. If the department determines that an application does not contain the required information or that the facts stated in the application have not been substantiated, it shall notify the applicant in writing of the specific additional documentation required and that the applicant has thirty days from the date of the notice in which to furnish such information to the department. The department shall reject the application of a claimant who fails to file the requested information within the time specified unless the applicant requests, and the department grants, an extension of time in which to furnish such information." - S.D. Codified Laws § 23A-28B-13
Categories of Benefits Available	• Economic losses incurred as a direct result of the crime • Medical expenses • Homicide scene cleanup • Certain personal property • Security device replacement • Transportation	"The department or commission, as applicable, may order payment of victims' compensation in accordance with the provisions of this chapter for reasonable economic losses incurred as a direct result of personal injury to or death of a victim, including any economic loss as defined in § 23A-28B-1." - S.D. Codified Laws § 23A-28B-19 "'Economic loss,' medical and hospital expenses, loss of earnings, loss of future earnings, funeral and burial expenses, homicide scene cleanup expenses, limited personal property losses, mileage, security devices, and loss of economic benefits or support to dependents, including home maintenance and child care expenses . . . ." - S.D. Codified Laws § 23A-28B-1(6) "'Medical expense,' the cost of all medical and dental services, mental health counseling, dental and prosthetic devices, eyeglasses or other corrective lenses, including services rendered in accordance with any method of healing recognized by the laws of this state or the United States . . . ." - S.D. Codified Laws § 23A-28B-1(9) "'Homicide scene cleanup expenses,' the cost of cleaning the scene of a homicide, if the scene is a residence or an automobile, including removing, or attempting to remove, from the crime scene, blood, dirt, stains, or other debris caused by the crime or the processing of the crime scene. Compensation may be paid for services provided by persons who are not members of the immediate family of the victim, including the victim's spouse, parents, siblings and children, or persons who were not living with the victim at the time of the crime . . . ." - S.D. Codified Laws § 23A-28B-1(13) "'Personal property losses,' the replacement value of property, including clothing and bedding, used for evidentiary purposes . . . ." - S.D. Codified Laws § 23A-28B-1(14) "'Security devices,' the cost to repair or install locks, door eyeholes, security lights, or other similar security and safety measures necessary to ensure the safety of the victim." - S.D. Codified Laws § 23A-28B-1(15) See ARSD Chapter 67:55:04 for detailed regulations regarding claims and compensation
Requirements/Limits for Relocation Expenses	Does not appear to be available or, at minimum, is not specifically addressed	

SOUTH DAKOTA

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Mental Health Expenses	• Available for up to 24 months following the date of the crime, subject to exceptions for good cause • Documentation must be provided concerning the length of sessions and provider • Provider of services must meet certain educational requirements	"Mental health services. Payment for mental health services is limited to assessment, diagnosis, and treatment, including individual or group counseling sessions provided by a mental health professional for up to 24 months immediately following the date of the crime. If the victim is a juvenile, or was a juvenile at the time of victimization, and there is good cause to waive the one-year requirement under SDCL 23A-28B-25, payment for mental health services may be made for up to 24 months from the date of the application. If the mental health professional providing services needs the assistance of an interpreter, payment for the interpreter may be compensated unless the agency is otherwise required to provide an interpreter. No compensation is allowed for mental health services provided for the purpose of determining a child's custody. Mental health services provided by an individual whose position is funded in whole or in part by federal funds or whose position is used as a match for federal funds are not compensable services. A claim for mental health services must contain the length of each counseling session and the name of the individual who provided the service. For purposes of this section, a session is 50 minutes. The department shall prorate the payment for a session that lasts less than 50 minutes." - ARSD 67:55:04:03 "Mental health services -- Qualifications of a provider. Mental health services must be provided by an individual who meets one of the following requirements: (1) Holds a bachelor's degree in counseling, psychology, social work, or a related field, is licensed as a social worker, and works under the supervision of a qualified mental health professional; (2) Holds a master's degree in counseling, psychology, or social work and is licensed or certified as a professional counselor, social worker, or therapist; (3) Holds a doctor's degree in psychology or medicine." - ARSD 67:55:04:04
Requirements/Limits for Lost Income	• Limited to the 12 month period following the date of the crime for the victim • Limited to 40 hours for parent or spouse of victim • Must be employed when the crime was committed • Lost earnings calculated based on the average monthly earnings for the six months before the crime	"Lost earnings -- Payment limits. Payment for lost earnings or loss of future earnings is limited to the following: (1) If the claimant is the victim, the 12-month period immediately following the date of the crime; (2) If the claimant is the parent of a child who was a victim, 40 hours for lost earnings; or (3) If the claimant is the parent or spouse of a homicide victim, 40 hours for lost earnings. In order to be compensated for lost earnings or loss of future earnings, the claimant must have been employed at the time the crime was committed. The amount of lost earnings or the loss of future earnings a claimant is eligible to receive is calculated according to SDCL 23A-28B-20. An application for lost earnings may include the hours the individual was absent from work to meet with law enforcement, attend funeral services, attend court proceedings, or receive treatment or follow-up treatment. The application may not include hours for which the individual used and was paid for sick or annual leave." - ARSD 67:55:04:08 "Calculating compensation--Standard. For the purpose of calculating compensation to be awarded pursuant to this chapter, the department shall establish uniform standards for compensation under this chapter, taking into consideration the rates and amounts of compensation payable for injuries and for death under the laws of this state and the United States and availability of funds under this chapter. Standards for compensation shall be established by rules promulgated by the department pursuant to chapter 1-26. Loss of earnings, loss of future earnings, and loss of support shall be determined on the basis of the victim's average monthly earnings for the six months immediately preceding the date of injury, or the monthly minimum wage as of the date of the crime underlying the claim, whichever is less. The monthly minimum wage shall be based upon the federal hourly minimum wage in effect as of the date of the crime multiplied by 173.2 hours per month." - S.D. Codified Laws § 23A-28B-20
Requirements/Limits for Medical Expenses	• Medical expenses limited to 12-month period immediately following the date of the crime, subject to exceptions for good cause • If requesting an extension, supporting documentation must be provided	"Time limit for medical expenses -- Extension. Except for mental health expenses covered under § 67:55:04:03 and the costs of medications related to the treatment of a mental condition, payment for medical expenses is limited to those medical services provided during the 12-month period immediately following the date the crime occurred. The department may extend this 12-month period if good cause is shown. If requesting an extension, the claimant must provide written and signed documentation from the attending physician that explains the needed medical service and the reason the service cannot be provided within the 12-month period." - ARSD 67:55:04:19
Timeframe to Obtain Benefits	The state performance report providing information about claim processing time is currently unavailable	https://ovc.ojp.gov/states/south-dakota

SOUTH DAKOTA

TOPIC	SUMMARY	DETAILED DESCRPTION
Is Emergency Assistance Available?	• Permitted up to $1,000 • Deducted from the total award cap • Emergency must be repaid under certain circumstances	"If the department concludes that an award of compensation is likely and that undue hardship will result to a claimant if an immediate award is not made, the department may grant an emergency award of compensation. The amount of such emergency award shall be based upon the claimant's immediate and verifiable needs as a result of loss of income or support, upon emergency medical treatment expenses or upon funeral and burial expenses. The amount of an emergency award may not exceed one thousand dollars. Any emergency award granted pursuant to this section shall be deducted from any final compensation award made to the claimant. Any excess of the amount of any emergency award over the amount of the final award, or the full amount of any emergency award if no final award is made, shall be repaid by the claimant to the department for reimbursement to the fund." - S.D. Codified Laws § 23A-28B-27 "Repayment of emergency award. An emergency award that was the result of lost income or support, emergency medical treatment expenses, or funeral and burial expenses shall first be deducted from any amounts payable to the individual for the individual's out-of-pocket losses. If repayment is not fully achieved through this deduction, the department shall reduce on a pro rata basis amounts which would otherwise be payable to other third parties on behalf of the individual." - ARSD 67:55:04:22
Compensation Cap (Overall)	• $15,000	"Compensation granted to any claimant suffering economic loss as the result of injury to or death of any one victim may not exceed fifteen thousand dollars." S.D. Codified Laws § 23A-28B-21 "Approval of amounts in excess of payment limits -- Commission approval required. With the exception of an emergency award, the commission may deviate from the limits established in this chapter. The claimant must submit evidence to the commission that substantiates the need for the deviation. Based on the evidence submitted, the commission shall determine whether the deviation is warranted. Within 15 days of the commission's decision, the department shall notify the individual in writing. Under no circumstances may payments exceed the program limits established in SDCL 23A-28B-21." - ARSD 67:55:04:20
Sources of Funding	• Surcharges • Prison revenues and wages • Contributions and grants • Court ordered payments • Other interest and fees	"There is established within the state treasury the crime victims' compensation fund, into which shall be deposited surcharges collected pursuant to § 23A-28B-42, deductions from prison industries revenues or inmate wages pursuant to subdivision 24-7-3(1), contributions, grants, payments ordered by the court, interest received on moneys in the fund, and all other fees and moneys collected for the purposes of this chapter. This fund shall be used for the purposes of paying compensation awards and administering the crime victims' compensation program as provided for in this chapter. The fund may also be used as provided in § 23A-28B-40.1." - S.D. Codified Laws § 23A-28B-40
Appeal Process	• 15 days following initial order to appeal • Commission holds a hearing evidence may be presented • Commision's decision is final	"If a claimant disagrees with an order entered by the department, the claimant, within fifteen days from the date of service of the order, may request a review of the claim by the commission. A request for review shall be in writing in a form prescribed by the commission. Upon receipt of a request for review, the commission shall treat the department order as a recommendation by the department and shall hold a hearing to decide the claim. The hearing shall be held upon at least thirty days notice to the claimant and any other interested persons. The commission shall consider the order of the department and any objections to the order by the claimant. In addition, the commission may subpoena persons or documents, administer oaths or affirmations, and receive any additional relevant evidence which the commission deems necessary to decide the compensability of the claim. Based upon evidence presented at the hearing, the commission may adopt, modify, or reject the order of the department. A record of all proceedings at the hearing shall be kept. Any hearing held pursuant to this section may not be deemed a contested case hearing and the provisions of §§ 1-26-16 to 1-26-37, inclusive, governing contested cases and appeals therefrom do not apply. However, the commission shall adopt procedural rules pursuant to chapter 1-26 governing hearings held pursuant to this section. If no request for review is received within fifteen days, the department order shall become final with no further action by the commission and compensation shall be paid in accordance therewith." - S.D. Codified Laws § 23A-28B-32 "Final decision by commission. Based on the testimony received, the evidence provided, and the results of any independent investigation, the commission shall enter its final decision as determined by a majority of the commission members. The decision is final and conclusive as to all matters adjudicated." - ARSD 67:55:02:10 See ARSD 67:55:02:06 for detailed regulations regarding hearing procedure
Payer of Last Resort Requirements	Yes, the program is a payer of last resort	https://dps.sd.gov/victims-services/crime-victims-compensation

SOUTH DAKOTA

TOPIC	SUMMARY	DETAILED DESCRPTION
References and Resources		**• General Overview** https://dps.sd.gov/victims-services/crime-victims-compensation **• Statutory Language** https://casetext.com/statute/south-dakota-codified-laws/title-23a-criminal-procedure/chapter-28b-crime-victims-compensation-program **• Regulatory Language** https://sdlegislature.gov/Rules/Administrative/67:55 **• Application and Forms** https://dps.sd.gov/victims-services/crime-victims-compensation/eligibility-and-apply-cvc

TENNESSEE

TENNESSEE

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• Two years after occurrence of crime, death of victim or diagnosis of injury. • Crime must be reported to law enforcement within fifteen days absent good cause	"A claim for compensation must be filed not later than two (2) years after the occurrence of the crime upon which the claim is based, two (2) years after the death of the victim, or two (2) years after any mental or physical manifestation or injury is diagnosed as a result of an act committed against a minor that would constitute a criminal offense under §§ 39-13-502 - 39-13-505, § 39-13-522, § 39-15-302, § 39-17-902, or §§ 39-17-1003 - 39-17-1005, or an attempt, conspiracy, or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing such claim may be extended either before or after the expiration of the filing period. A claim cannot be filed until the crime upon which the claim is based has been reported by the victim, or a member of the victim's family, to the proper authorities within fifteen (15) days after the occurrence of such crime unless, for good cause shown, it is found that the delay was justified. Good cause for the failure of a victim or a member of the victim's family to report a crime may be found if the victim is: (1) Physically unable; (2) A victim of sexual assault; (3) A victim of domestic abuse; or (4) A victim of human trafficking." - TN Code § 29-13-108(a)
Eligibility Requirements: Identity of Person Seeking Compensation	• Victim of a crime • In the case of the death of the victim, a dependent of the victim • In the case of the death of a victim, where the compensation is for unreimbursed or unreimbursable mental health counseling or treatment made necessary by the death of the victim, a family member of the victim or person who resided with the victim, subject to the order of preference and priority between family members and persons who resided with the victim • In the case of the death of the victim, where the compensation is for unreimbursed or unreimbursable funeral or burial expenses (i) the legal representative of the estate of the victim or (ii) various options if no estate of the victim has been opened • In the case of the personal injury of the victim, where the compensation is for expenses incurred by any person responsible for the maintenance of that victim, to that person • In the case of a sexually-oriented crime committed against a victim who is under eighteen (18) years of age, where the compensation is for unreimbursed or unreimbursable mental health counseling or treatment made necessary by the sexually-oriented crime, any sibling or non-offending custodial parent of the victim, or both • In the case of domestic assault committed against the victim, where the compensation is for unreimbursed or unreimbursable mental health counseling or treatment made necessary by the crime, any child of the victim who witnesses the crime and who is under eighteen (18) years of age	See TN Code § 29-13-105 for detailed definition of persons eligible for compensation
Eligibility Requirements: Types of Crime	• An act constituting a crime under state or federal law • An attempt to prevent a crime from occurring • The apprehension of someone who committed a felony	"(1) An act committed in this state, which, if committed by a mentally competent, criminally responsible adult, would constitute a crime under state or federal law; provided, that an injury or death inflicted through the use of a motor vehicle or watercraft shall be eligible for compensation under this chapter only under [certain circumstances]: . . . (2) An attempt to prevent or the actual prevention of a crime or an attempted crime under state or federal law in this state which the victim reasonably believed had occurred or was about to occur; (3) The apprehending of an individual who had committed a felony in the presence of the victim, if, under the circumstances, the victim could have reasonably believed that a felony had occurred; or (4) Any of the foregoing acts committed or taken in another state if the victim was a resident of this state at the time the crime or act occurred and the claimant's request for compensation from the state in which the crime or act occurred is not honored." - TN Code § 29-13-104
Eligibility Requirements: Geographic Nexus	• Crime committed in Tennessee • Crime committed against a victim that is a resident of Tennessee in a state that does not honor the victims compensation claim	See above, TN Code § 29-13-104

TENNESSEE

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Criminal Background of Victim	• Persons who have been convicted of an offense under federal law are ineligible if they are delinquent on paying a fine, restitution or other monetary penalty	"(d) A person who has been convicted of an offense under federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense shall not be eligible to receive an award with respect to a claim under this chapter. This subsection (d) shall not apply until the date on which the United States attorney general, in consultation with the director of the administrative office of the United States courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer federal victim compensation programs that are sufficient to ensure that victim compensation is not denied to any person except as authorized by law." - TN Code § 29-13-105
Citizenship Requirement?	No limitations	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	• Crime must be reported to law enforcement within fifteen days absent good cause	"A claim cannot be filed until the crime upon which the claim is based has been reported by the victim, or a member of the victim's family, to the proper authorities within fifteen (15) days after the occurrence of such crime unless, for good cause shown, it is found that the delay was justified. Good cause for the failure of a victim or a member of the victim's family to report a crime may be found if the victim is: (1) Physically unable; (2) A victim of sexual assault; (3) A victim of domestic abuse; or (4) A victim of human trafficking." - TN Code § 29-13-108(a)
Is Complicity in Crime Disqualifying?	• Cannot have participated in or been an accomplice in the crime underlying the compensation claim	"(b) A person who is criminally responsible for the crime upon which a claim is based, or an accomplice of such person, or anyone who has contributed to the crime in any respect, shall not be eligible to receive an award with respect to a claim under this chapter." - TN Code § 29-13-105(b)
To Whom are Applications Made?	Tennessee Criminal Injuries Compensation Program	https://live-anon.origamirisk.com/Origami/IncidentEntry/Welcome
How are Applications Accepted?	• Appears online is preferred method • May also be able to submit by mail, email or fax but unclear	https://treasury.tn.gov/Portals/0/Documents/Criminal%20Injuries/Instructions-CIC.pdf
Who May Submit an Application?	• Victim • Guardian of the victim • Legal representative of the victim • Dependent of the victim	"(2) 'Claimant' means any person or persons filing a claim for compensation under this chapter on such person's or persons' own behalf, the guardian of a victim if the victim is a minor, the legal representative of the estate of a deceased victim, or the dependents of the victim[.]" - TN Code § 29-13-102
What Language Services are Available?	• Spanish	https://treasury.tn.gov/Services/Claims-and-Risk-Management/Criminal-Injuries-Compensation-ProgramSpanish
General Documentation Requirements	• Documentation sufficient to show that losses or expenses were actually or reasonably incurred	"(a) Payment of compensation under this chapter shall be ordered for losses or expenses as defined in this section only upon submission of written documentation which clearly shows that such losses and expenses were actually and reasonably incurred by the claimant. The burden of proof of losses and expenses shall be upon the claimant." - TN Code § 29-13-106
Categories of Benefits Available	• Expenses incurred as a result of the crime • Partial or total disability • Costs associated with traveling to the offender's trial • Crime scene mitigation and/or cleaning costs • Pecuniary losses to dependents of a deceased victim • Lost wages • Moving expenses • Costs to repair eyeglasses, hearing aids, dental devices, other medical devices • Personal property that was destroyed in processing the crime scene	See TN Code § 29-13-106 for detailed explanation
Requirements/Limits for Relocation Expenses	• Moving expenses must be reasonable and the victim must not have received any compensation for two months after the crime	"(7) The victim's reasonable moving expenses, storage fees and fees for transfer of utility service if the move is a direct result of an assault committed upon such victim at the victim's residence, provided that the victim shall not receive compensation for more than two (2) moves resulting from the assault" - TN Code § 29-13-106
Requirements/Limits for Mental Health Expenses	• Mental health counseling limited to $3,500	"(6) Any award made for mental health counseling or treatment pursuant to § 29-13-105(a)(3), (a)(6) or (a)(7) shall be made in an amount deemed necessary and appropriate, not to exceed three thousand five hundred dollars ($3,500)" - TN Code § 29-13-107
Requirements/Limits for Lost Income	• No limitation beyond overall cap	N/A

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TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Medical Expenses	• No limitation beyond overall cap, however coverage of specific billed amounts may vary depending on how much remains in the overall cap	"(7) Except as otherwise provided in subdivision (6), any award made for medical or medical-related expenses, including, but not limited to, dental, chiropractic, hospital, physical therapy and nursing services, shall be made in an amount of seventy-five percent (75%) of the billed charges if there exists a sufficient amount left in the maximum award rate stipulated in § 29-13-106(e). If an insufficient amount exists in the maximum award rate to pay seventy-five percent (75%) of the billed charges, the billed charges shall be reduced to the amount remaining to bring the total compensation awarded on account of the criminal act to the maximum rate specified in § 29-13-106(e). Any medical provider or hospital that accepts payment under this part for medical or medical-related expenses or services shall accept the payment as payment in full and shall not bill any balance of those expenses to the victim or the claimant if the total payments made under this part to any such provider or hospital equal seventy-five percent (75%) of the billed charges. This subdivision (7) does not prohibit the medical provider or hospital from seeking reimbursement from the victim or the claimant for the difference, if any, between seventy-five percent (75%) of the billed charges and the amount paid by the division under this subdivision (7). This subdivision (7) does not apply to reimbursements for forensic medical examinations provided under § 29-13-118. Reimbursements for forensic medical examinations are governed by § 29-13-118." - TN Code § 29-13-107
Timeframe to Obtain Benefits	• Claims are typically processed in 90 days • The state performance report providing information about claim processing time is currently unavailable	https://treasury.tn.gov/Services/Claims-and-Risk-Management/Criminal-Injuries-Compensation https://ovc.ojp.gov/states/tennessee#notice
Is Emergency Assistance Available?	• Permitted up to $500 • Deducted from the total award cap • Emergency must be repaid under certain circumstances	"(a) If it appears to the claims commission, prior to any hearing on a claim, that: (1) Such claim is one with respect to which an award will probably be made; and (2) Undue hardship will result to the claimant if immediate payment is not made; the claims commission may make an emergency award to the claimant pending a final decision in the case. (b) The amount of such emergency award shall not exceed five hundred dollars ($500). (c) The amount of such emergency award shall be deducted from any final award made to the claimant. The excess of the amount of such emergency award over the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the state. (d) No emergency award shall be made pursuant to this section unless the board of claims certifies that there is sufficient money in the fund to pay all awards that have been made pursuant to this chapter." - TN Code § 29-13-114

TENNESSEE

TOPIC	SUMMARY	DETAILED DESCRPTION
Compensation Cap (Overall)	• For crimes occurring on or after July 1, 2025: $34,100 • For crimes occurring between 7/1/24 and 6/30/25: $32,900 • For crimes occurring between 7/1/17 and 6/30/24: $32,000	"(2) Award Limit and Requirements. For a claim or claims filed with the division requesting compensation for a crime committed against a victim, the maximum compensation award shall not exceed thirty-two thousand nine hundred dollars ($32,900.00); this maximum compensation award shall be effective on July 1, 2024 and shall apply to all claims filed for crimes occurring on or after such date. For a claim or claims filed with the division requesting compensation for a crime occurring between July 1, 2023 and June 30, 2024, the maximum compensation award shall not exceed thirty-two thousand dollars ($32,000.00). Maximum compensation awards apply to the aggregate of all claims filed arising from a single crime against a victim." - Tenn. Comp. R. & Regs. 0300-02-.07 "(h) It is the intent of the general assembly that the maximum award pursuant to subsection (e) equal no less than one hundred five percent (105%) of the national average of the maximum compensation award provided by the fifty (50) states within the United States, the District of Columbia and the United States Virgin Islands. No later than October 1 of each year, the treasurer shall compare the maximum award limit for this program with the average of the maximum award limits of the other states; provided, however, that the other states have a maximum award limit which is ascertainable or set in a manner similar to that of Tennessee. In the event that any of the states or territories do not have an overall maximum award, the treasurer shall eliminate that state or territory from comparison. If the treasurer determines that the maximum is less than one hundred five percent (105%) of the national average, the treasurer shall adjust the maximum award to an amount equal to one hundred five percent (105%) of the national average; provided, however, that the maximum award shall be rounded up to the nearest one hundred dollars ($100). Any adjustment made pursuant to this provision shall be effective on July 1 of the next fiscal year and shall apply to claims filed for crimes occurring on or after such date. The treasurer shall make any adjustment to the maximum award by rule promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5." - TN Code § 29-13-106 https://treasury.tn.gov/Portals/0/Documents/Criminal%20Injuries/CIC_MaximumExpenseAmounts.pdf (note: maximum award subject to adjustment year to year per above)
Sources of Funding	• State and federal funding • Crime proceeds	See TN Code § 29-13-116 and TN Code § 29-13-403 for detailed explanations
Appeal Process	• Can be appealed within 90 days of adverse ruling	See TN Code § 29-13-108 for detailed explanation of appeals process
Payer of Last Resort Requirements	Yes, the program is a payer of last resort	https://treasury.tn.gov/Services/Claims-and-Risk-Management/Criminal-Injuries-Compensation
References and Resources		**• General Overview** https://treasury.tn.gov/Services/Claims-and-Risk-Management/Criminal-Injuries-Compensation **• Statutory Language** https://law.justia.com/codes/tennessee/title-29/chapter-13/ **• Application and Forms** https://live-anon.origamirisk.com/Origami/IncidentEntry/Welcome

TEXAS

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Three years from the date of the crime, absent good cause (e.g., age of the victim, mental or physical capacity of the victim)	"(a) Except as otherwise provided by this article, a claimant or victim must file an application not later than the third anniversary of the date of the criminally injurious conduct. (b) The attorney general may extend the time for filing for good cause shown by the claimant or victim. (c) If the victim is a child, the application must be filed not later than the third anniversary of the date the claimant or victim is made aware of the offense, but not after the child attains 21 years of age. (d) If a claimant or victim presents medically documented evidence of a physical or mental incapacity that was incurred by the claimant or victim as a result of the criminally injurious conduct and that reasonably prevented the claimant or victim from filing the application within the limitations period under Subsection (a), the period of the incapacity is not included. (e) For a claim that is based on criminally injurious conduct in violation of Chapter 19, Penal Code, the claimant must file an application not later than the third anniversary of the date the identity of the victim is established by a law enforcement agency." - Tex. Code Crim. Proc. art. 56B.052
Eligibility Requirements: Identity of Person Seeking Compensation	**Compensation may be sought from:** • Victim: (i) a victim who was injured or died because of the crime; (ii) someone who came to the aid of a crime victim and was injured or died;(iii) first responders who were injured or died while responding to a crime • Claimant: someone other than the victim who is (i) authorized to act on behalf of a victim who is a minor, incapacitated, or deceased; (ii) assuming the legal responsibility or paying crime-related bills; (iii) a dependent of a deceased victim; (iv) an immediate family or household member who requires crime-related mental health care	"(a) Except as otherwise provided by this article, a claimant or victim must file an application not later than the third anniversary of the date of the criminally injurious conduct." - Tex. Code Crim. Proc. art. 56B.052(a) "(2) 'Claimant' means any of the following individuals, other than a service provider, who is entitled to file or has filed a claim for compensation under this chapter: (A) an authorized individual acting on behalf of a victim; (B) an individual who legally assumes the obligation or who voluntarily pays medical or burial expenses of a victim incurred as a result of the criminally injurious conduct of another; (C) a dependent of a victim who died as a result of the criminally injurious conduct; (D) a family member or household member of a victim who, as a result of the criminally injurious conduct: (i) requires psychiatric care or counseling; (ii) incurs expenses for traveling to and attending a deceased victim's funeral; or (iii) suffers wage loss from bereavement leave taken in connection with the death of the victim; or (E) an authorized individual acting on behalf of a child described by Paragraph (C) or (D)." - Tex. Code Crim. Proc. art. 56B.003(2) "'Victim' means: (A) an individual who: (i) suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in this state; and (ii) is a resident of this state or another state of the United States; (B) an individual who: (i) suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in a state or country that does not have a crime victims' compensation program that meets the requirements of Section 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b)); (ii) is a resident of this state; and (iii) would be entitled to compensation under this chapter if the criminally injurious conduct or actions had occurred in this state; or (C) an individual who: (i) suffers personal injury or death as a result of criminally injurious conduct caused by an act of international terrorism as defined by 18 U.S.C. Section 2331 committed outside of the United States; and (ii) is a resident of this state." - Tex. Code Crim. Proc. art. 56B.003(14)
Eligibility Requirements: Types of Crime	Crimes or attempted crimes that caused physical or mental injury or death Covered crimes: • Assault • Child Abuse • Child Sexual Abuse • DWI • Elder Abuse • Family Violence • Hit and Run • Homicide • Human Trafficking • Kidnapping • Robbery • Sexual Assault • Kidnapping Not covered crimes: • Identity Theft • Property Crimes	"(4) 'Criminally injurious conduct' means conduct that: (A) occurs or is attempted; (B) poses a substantial threat of personal injury or death; (C) is punishable by fine, imprisonment, or death, or would be punishable by fine, imprisonment, or death if the person engaging in the conduct possessed the capacity to commit the conduct; and (D) does not arise out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water vehicle, unless the conduct is: (i) intended to cause personal injury or death; (ii) in violation of Section 545.157 or 545.401, Transportation Code, if the conduct results in bodily injury or death; (iii) in violation of Section 550.021, Transportation Code; or (iv) in violation of one or more of the following sections of the Penal Code: (a) Section 19.04 (manslaughter); (b) Section 19.05 (criminally negligent homicide); (c) Section 22.02 (aggravated assault); (d) Section 22.05 (deadly conduct); (e) Section 49.04 (driving while intoxicated); (f) Section 49.05 (flying while intoxicated); (g) Section 49.06 (boating while intoxicated); (h) Section 49.07 (intoxication assault); or (i) Section 49.08 (intoxication manslaughter)." - Tex. Code Crim. Proc. art. 56B.003 "(a) For purposes of this chapter, criminally injurious conduct includes the solicitation or patronization of forced labor or services, including sexual conduct, by any person if the solicitation or patronization occurs in connection with a scheme or course of conduct that constitutes the trafficking of persons. (b) A victim of criminally injurious conduct described by Subsection (a) is a trafficking victim for the purposes of grant programs administered by the office of the governor." - Tex. Code Crim. Proc. art. 56B.0035

TEXAS

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Geographic Nexus	The crime must occur in Texas to a U.S. resident or the victim is a Texas resident and the crime occurred in a country that does not offer crime victims' compensation	"'Victim' means: (A) an individual who: (i) suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in this state; and (ii) is a resident of this state or another state of the United States; (B) an individual who: (i) suffers personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in a state or country that does not have a crime victims' compensation program that meets the requirements of Section 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b)); (ii) is a resident of this state; and (iii) would be entitled to compensation under this chapter if the criminally injurious conduct or actions had occurred in this state; or (C) an individual who: (i) suffers personal injury or death as a result of criminally injurious conduct caused by an act of international terrorism as defined by 18 U.S.C. Section 2331 committed outside of the United States; and (ii) is a resident of this state." - Tex. Code Crim. Proc. art. 56B.003(14)
Eligibility Requirements: Criminal Background of Victim	The applicant cannot be incarcerated at the time of the crime	"(b) The attorney general shall deny an application for compensation under this chapter if: . . . (6) the claimant or victim was incarcerated in a penal institution, as defined by Section 1.07, Penal Code, at the time the offense was committed" - Tex. Code Crim. Proc. art. 56B.057(b)(6)
Citizenship Requirement?	No limitations	
Is a Police Report or Cooperation with Law Enforcement Required?	• The crime must be reported to an appropriate law enforcement agency within a reasonable time period • The victim or claimant must cooperate with the law enforcement investigation	"(a) Except as otherwise provided by this article, the attorney general may deny or reduce an award otherwise payable: (1) if the claimant or victim has not substantially cooperated with an appropriate law enforcement agency . . . ." - Tex. Code Crim. Proc. art. 56B.107(a)(1) "(c) The attorney general may not deny or reduce an award under Subsection (a)(1) based on the interactions of the claimant or victim with a law enforcement agency at the crime scene or hospital unless the attorney general finds that the claimant or victim, subsequent to the claimant's or victim's interactions at the crime scene or hospital, failed or refused to substantially cooperate with the law enforcement agency. (d) For purposes of Subsection (a)(1), a victim receiving a forensic medical examination constitutes sufficient evidence that a victim has substantially cooperated with an investigation of a sexual assault or other sex offense." - Tex. Code Crim. Proc. art. 56B.107(c)-(d)
Is Complicity in Crime Disqualifying?	**The victim may not:** • Participate in the crime • Commit illegal activity at the time of the crime. (Does not apply to a person who seeks compensation if the illegal activity the person engaged in was the result of human trafficking.) • Share responsibility for the crime • Give false information to the Crime Victims' Compensation Program	"(a) Except as otherwise provided by this article, the attorney general may deny or reduce an award otherwise payable: . . . (2) if, as a result of the claimant's or victim's behavior, the claimant or victim bears a share of the responsibility for the act or omission giving rise to the claim . . . (4) if the claimant or victim was engaging in an activity that at the time of the criminally injurious conduct was prohibited by law, including a rule." - Tex. Code Crim. Proc. art. 56B.107(a)(2), (4). "(b) Subsection (a)(4) does not apply to a claimant or victim who seeks compensation for criminally injurious conduct that is: (1) in violation of Section 20A.02(a)(7), Penal Code; or (2) trafficking of persons, other than an offense described by Subdivision (1), if the activity the claimant or victim engaged in was the result of force, fraud, or coercion." - Tex. Code Crim. Proc. art. 56B.107
To Whom are Applications Made?	Office of the Attorney General, Crime Victims' Compensation (CVC) Program	https://www.texasattorneygeneral.gov/crime-victims/compensation-program-overview/apply-crime-victims-compensation
How are Applications Accepted?	Online or by mail	https://www.texasattorneygeneral.gov/crime-victims/compensation-program-overview/apply-crime-victims-compensation
Who May Submit an Application?	Victim or Claimant	"(a) Except as otherwise provided by this article, a claimant or victim must file an application not later than the third anniversary of the date of the criminally injurious conduct." - Tex. Code Crim. Proc. art. 56B.052
What Language Services are Available?	• English • Spanish	https://www.texasattorneygeneral.gov/crime-victims/compensation-program-overview/apply-crime-victims-compensation
General Documentation Requirements	Requested to include "all the documentation you can"	**Relevant documents may include:** • Police report • Protective order with affidavit • Hospital or doctor bills • Health insurance card • Auto insurance declaration page Additional documentation may be required depending on compensation requested: https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/CVC_QuickReferenceGuide.pdf

TEXAS

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	**Covered benefits may include:** • Reasonable and necessary medical and funeral expenses • Travel exceeding 20 miles one way for participation and attendance at funeral services, medical appointments and criminal justice appointments • Loss of earnings as a result of the disability of the victim • Loss of earnings for investigative, judicial or medical appointments • Loss of support to dependents of victim's, as a result of the victim's death or if the victim was supporting them at the time of the crime • Psychiatric care/counseling • Counseling for the victim and eligible claimants • Eyeglasses, hearing aids, dentures or prosthetic devices, if damaged during or needed as a result of the crime • Crime scene clean-up • Replacement of property seized as evidence or rendered unusable by the investigation • New expenses for child or adult dependent care as a result of the crime • One time rent and relocation expenses for victims of family violence, victims of sexual assault who were assaulted in their home, victims of stalking or victims of human trafficking. • Reasonable attorney fees for assistance in filing the Crime Victims' Compensation Program application.	Additional limitations or caps on benefits may exist depending on the compensation request: https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/CVC_QuickReferenceGuide.pdf
Requirements/Limits for Relocation Expenses	• $2,000 max for deposits/moving expenses • 3 months of rent, not to exceed $1,800	**Available for victims of:** • Family violence • Sexual assault occurring in the victim's residence • Human trafficking • Stalking **Documentation required:** • Relocation expense worksheet • Copy of signed lease agreement or letter of intent • Receipts related to moving expenses • Relocation and rental assistance acknowledgment form • Other sources of rental payments (i.e. housing authority payments) https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/CVC_QuickReferenceGuide.pdf
Requirements/Limits for Mental Health Expenses	• Referred to as "counseling" • $3,000 per family member or household member of the victim • Must be in counseling while receiving psychiatric medicine • Limited to 60 sessions	**Available for:** • Victim • Immediate family member, or household member of the victim at the time of the crime **Documentation and other requirements:** • Pre-approval after first three (3) sessions • Licensed counselor (per CVC mental health care instructions) • Full disclosure of available insurance or other health care assistance (Medicare, Medicaid, Health or Auto Insurance, etc.) https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/CVC_QuickReferenceGuide.pdf

TEXAS

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Lost Income	• Referred to as "loss of wages" • $700 per week	**Available for:** • Victim (if employed at the time of the crime) • Claimant (if crime-related travel) **Documentation required:** • Employer Verification (EV) per CVC form • Tax return and schedules (if self-employed) • Social Security number or Tax I.D. • Medical report from doctor or therapist indicating inability to work is crime-related, per CVC M.R. form • Statement of SSI/TWCC disability benefits https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/CVC_QuickReferenceGuide.pdf
Requirements/Limits for Medical Expenses	• Actual cost (up to maximum award amount) subject to Medical Fee Guideline limits • Dental subject to fair and reasonable guidelines	**Available for:** • Victim requiring medically indicated service which results from crime • Claimant who legally or voluntarily pays expenses **Documentation required:** • Itemized bills from medical provider (submitted within 6 mos. of service or cost incurred) • Receipts for paid bills • Explanation of Benefits (EOB) from the audited bill • Full disclosure of available insurance or other health care assistance (Medicare, Medicaid, Health or Auto Insurance, etc.) • HCFA 1500/UB 92/standard health insurance form https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/CVC_QuickReferenceGuide.pdf
Timeframe to Obtain Benefits	No specific timeframe provided	
Is Emergency Assistance Available?	• Permitted up $1,500 • Deducted from final award	"(a) Before acting on an application for compensation under this chapter, the attorney general may make an emergency award if it appears likely that: (1) a final award will be made; and (2) the claimant or victim will suffer undue hardship if immediate economic relief is not obtained. (b) An emergency award may not exceed $1,500. (c) The amount of an emergency award must be: (1) deducted from the final award; or (2) repaid by and recoverable from the claimant or victim to the extent the emergency award exceeds the final award." - Tex. Code Crim. Proc. art. 56B.102
Compensation Cap (Overall)	• General cap up to $50,000 • Up to an additional $75,000 for extraordinary pecuniary losses Extraordinary pecuniary loss is a total and permanent disability; eligible disabilities may include: • Mangling, crushing or amputation of a major portion of an extremity • Traumatic injury to the spinal cord that has caused or may cause paralysis • Severe burns that require burn center care • Loss of vision in both eyes	See Tex. Code Crim. Proc. art. 56B.106 for detailed statute
Sources of Funding	• Court fees • Federal Victims of Crimes Act grants • Restitution • Subrogation • Other receipts • Gifts	See Tex. Code Crim. Proc. art. 56B.45 et seq. for detailed statute

TEXAS

TOPIC	SUMMARY	DETAILED DESCRPTION
Appeal Process	**Level 1 - Reconsideration Review** • Timing: Within 30 days of application denial • Request for reconsideration must be submitted to the CVC • Reconsideration decision made by a "legal assistant" upon review of application **Level 2 - Final Ruling Hearing** • Timing: Within 30 days after denial of reconsideration • Request for final ruling hearing must be submitted to the CVC • Applicant is notified of hearing date and time at least 10 days before hearing • A "hearing officer" (which appears to be an attorney) presides over the hearing, which is conducted over the phone • An applicant can testify and produce witnesses, along with any additional information that is not the application • The hearing officer issues final written decision **Level 3 - Judicial Review** • Timing: Within 40 days of final ruling decision • "Written notice of dissatisfaction" must be submitted to Office of the Attorney General (OAG) • Applicant can then file suit in court within 40 days of the OAG's receipt of the notice	See https://www.texasattorneygeneral.gov/crime-victims/appeals-process for timing and supporting documentation
Payer of Last Resort Requirements	Yes, all collateral sources must provide payment first **Collateral sources of payment may include:** • Medicaid • Health insurance • Medicare • Texas Workers' Compensation • Auto insurance	"If compensation is awarded under this chapter, the state is subrogated to all the claimant's or victim's rights to receive or recover benefits for pecuniary loss to the extent compensation is awarded from a collateral source." - Tex. Code Crim. Proc. art. 56B.202 "(b) The attorney general shall establish whether, as a direct result of criminally injurious conduct, a claimant or victim suffered personal injury or death that resulted in a pecuniary loss for which the claimant or victim is not compensated from a collateral source." - Tex. Code Crim. Proc. art. 56B.103(b)
References and Resources		• **General Overview:** https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/Crime-Victims-Compensation-Overview.pdf • **Application Overview:** https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/apply-crime-victims-compensation • **Appeal Overview:** https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/appeals-process • **Eligibility Overview:** https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/eligibility-crime-victims-compensation-program • **Quick Reference Chart:** https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/CVC_QuickReferenceGuide.pdf • **Costs Covered Overview:** https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/costs-covered-crime-victims-compensation-program • **Statutory Language:** https://casetext.com/statute/texas-codes/code-of-criminal-procedure/title-1-code-of-criminal-procedure/chapter-56b-crime-victims-compensation

UTAH

UTAH

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• Crime must have occurred after December 31, 1986	(1) A victim is eligible for a reparations award under this part if: . . . (f) the criminally injurious conduct occurred after December 31, 1986." - U.C.A. 1953 § 63M-7-509
Eligibility Requirements: Identity of Person Seeking Compensation	• Victim of criminally injurious conduct • Dependent of a deceased victim of criminally injurious conduct • Representative acting on behalf of one of the above	"(1) A victim is eligible for a reparations award under this part if: (a) the claimant is: (i) a victim of criminally injurious conduct; (ii) a dependent of a deceased victim of criminally injurious conduct; or (iii) a representative acting on behalf of one of the above" - U.C.A. 1953 § 63M-7-509
Eligibility Requirements: Types of Crime	• Aggravated Robbery • Assault (including Domestic Violence) • Bigamy • Child Physical or Sexual Abuse • DUI with Injury or Death • Elder Abuse • Home Invasion • Homicide • Human Trafficking (Sex or Labor) • Kidnapping and Unlawful Detention • Protective Order Violations • Sex Crimes • Stalking • Threats of Violence • Vehicular Assault or Homicide	"(b) “Criminally injurious conduct” includes a felony violation of Section 76-7-101 and other conduct leading to the psychological injury of an individual resulting from living in a setting that involves a bigamous relationship." - U.C.A. 1953 § 63M-7-502 See U.C.A. 1953 § 76-7-101 for specific crimes
Eligibility Requirements: Geographic Nexus	• Crime committed in Utah • Crime committed against a victim that is a resident of Utah in a state that does not provide for victim compensation	"(b)(i) the criminally injurious conduct occurred in Utah; or (ii) the victim is a Utah resident who suffers injury or death as a result of criminally injurious conduct inflicted in a state, territory, or country that does not provide a crime victims' compensation program" - U.C.A. 1953 § 63M-7-509
Eligibility Requirements: Criminal Background of Victim	• Compensation may be limited in certain circumstances due to criminal background of victim	See U.C.A. 1953 § 63M-7-510 for detailed explanation
Citizenship Requirement?	• No limitations	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	• Generally must be reported to law enforcement • Reporting may be excused in certain circumstances involving sexual assault	"(1) A victim is eligible for a reparations award under this part if: . . . (d) the criminally injurious conduct is reported to a law enforcement officer, in the law enforcement officer's capacity as a law enforcement officer, or another federal or state investigative agency; (e) the claimant or victim cooperates with the appropriate law enforcement agencies and prosecuting attorneys in efforts to apprehend or convict the perpetrator of the alleged offense" - U.C.A. 1953 § 63M-7-509 "(3)(a) Notwithstanding the requirements of Subsections (1)(d) and (e), a victim of sexual assault is not required to report the sexual assault to a law enforcement officer or another federal or state investigative agency or cooperate with the appropriate law enforcement agencies and prosecuting attorneys to be eligible for a reparations award under this section if: (i) the victim seeks assistance from an advocacy services provider, a criminal justice system victim advocate, or a nongovernment organization victim advocate; and (ii) the advocacy services provider, the criminal justice system victim advocate, or the nongovernment organization victim advocate completes a questionnaire, provided by the office, regarding the sexual assault." - U.C.A. 1953 § 63M-7-509
Is Complicity in Crime Disqualifying?	• Yes, for offenders or accomplices of the offender	See U.C.A. 1953 § 63M-7-510 for detailed explanation
To Whom are Applications Made?	• The Utah Office for Victims of Crime	https://crimevictim.utah.gov/victim-financial-assistance/application-process/
How are Applications Accepted?	• Mail or online	https://crimevictim.utah.gov/victim-financial-assistance/application-process/
Who May Submit an Application?	• Victim of criminally injurious conduct • Dependent of a deceased victim of criminally injurious conduct • Representative acting on behalf of one of the above	"(4) 'Claimant' means any of the following claiming reparations under this part: (a) a victim; (b) a dependent of a deceased victim; or (c) an individual or representative who files a reparations claim on behalf of a victim." - U.C.A. 1953 § 63M-7-502
What Language Services are Available?	• Spanish	https://crimevictim.utah.gov/victim-financial-assistance/application-process/
General Documentation Requirements	• No specific documentation requirement	N/A

UTAH

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	• Medical care • Dental care • Mental health counseling • Funeral and burial expenses • Relocation and related costs • Loss of earnings • Loss of support to dependents • Child care • Eyeglasses, hearing aids, or other medically necessary devices • Replacement of door locks, windows, or other essential personal property required for the health and safety of the victim • Cultural services provided in accordance with recognized spiritual or religious methods of healing	See U.C.A. 1953 § 63M-7-511 and U.A.C. R270-1-1 et seq. for detailed explanations
Requirements/Limits for Relocation Expenses	• Generally $2,000 but potentially up to $4,000	"(1) (a) Pursuant to Subsection 63M-7-511(4)(a), the office may pay up to $2,000 for any reasonable and necessary cost for a victim to secure a safe living situation after a crime has occurred. (b) Relocation expenses include: (i) moving to a new location; (ii) maintaining or assuming responsibility for rent at a current residence; (iii) moving or shipping the victim's personal property; (iv) storing the victim's belonging; and (v) any other reasonable expense. (2) The board may approve relocation expenses more than $2,000 where extenuating circumstances exist." - U.A.C. R270-1-11
Requirements/Limits for Mental Health Expenses	• Limitations dependent on type of mental health treatment being sought	See U.A.C. R270-1-5 for detailed regulations
Requirements/Limits for Lost Income	• Generally 66-2/3% of weekly salary over twelve weeks max	"(1) Pursuant to Subsection 63M-7-511(4)(d), the 66-2/3% of a person's weekly salary or wages is calculated on gross earnings. (2)(a) The office may reimburse victims for a loss of earnings for up to a maximum of 12 weeks work loss, at an amount not to exceed the maximum allowed per week by Worker's Compensation guidelines in effect at the time of work loss. (b) The board may review extenuating circumstances on reparations claims involving loss of earnings for consideration and authorization of extensions beyond set limits." - U.A.C. R270-1-10
Requirements/Limits for Medical Expenses	• Rate established by Utah law or 50% of the billed charges for medical services if not specified under Utah law	"Pursuant to Subsection 63M-7-511(4), if the victim does not have any collateral source to pay for medical services the office may pay: (1) the rate established by the PEHP fee schedule for medical services; or (2) 50% of the billed charges for medical services if PEHP does not have a fee schedule established for a medical service." - U.A.C. R270-1-21
Timeframe to Obtain Benefits	• Claims are typically processed in 30 to 60 days • The state performance report providing information about claim processing time is currently unavailable	https://crimevictim.utah.gov/victim-financial-assistance/application-process/ https://ovc.ojp.gov/states/utah
Is Emergency Assistance Available?	• Permitted at compensation office's discretion • Deducted from the total award cap	"(1) If the reparations officer determines that the claimant will suffer financial hardship unless an emergency reparations award is made, and it appears likely that a final reparations award will be made, an amount may be paid to the claimant, to be deducted from the final reparations award or repaid by and recoverable from the claimant to the extent that it exceeds the final reparations award. (2) The office may limit emergency reparations awards under Subsection (1) to any amount the office considers necessary." - U.C.A. 1953 § 63M-7-522
Compensation Cap (Overall)	• Generally $25,000 • Up to $50,000 for medical expenses resulting from serious bodily injury or substantial bodily injury	"(1)(a) Except as provided in Subsection (1)(b), a reparations award may not exceed $25,000. (b) Notwithstanding Subsection (1)(a), a reparations award for medical expenses resulting from serious bodily injury or substantial bodily injury may not exceed $50,000." - U.C.A. 1953 § 63M-7-511.5
Sources of Funding	• Appropriations • A percentage of the income earned by inmates working for correctional industries • Restitution imposed by judges	See U.C.A. 1953 § 63M-7-526 for detailed explanation
Appeal Process	• Administrative appeal permitted; no right to appeal before court • Three year limitations period for appealing	"Pursuant to Section 63M-7-515(1), the director shall review contested determinations by a reparations officer or designate the board to review the contested determination. The director will keep the board apprised of all contested determinations. The decision of the director or the board is final and may not be appealed." - U.A.C. R270-2-3 "Pursuant to 63M-7-506(1) and 63M-7-525(2) any right to contest a determination of eligibility or of a benefit by a reparation officer shall expire three years from the date of application with the office. The Director may extend the right to contest a determination after the three year expiration rule if extenuating circumstances exist or if the claim has already been extended by a reparation officer pursuant to R270-1-22." - U.A.C. R270-2-4

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	• Generally, subject to certain discretionary exceptions	See U.A.C. R270-1-28 for detailed explanation
References and Resources		**• General Overview** https://crimevictim.utah.gov/ **• Statutory Language** https://law.justia.com/codes/utah/title-63m/chapter-7/part-5/ **• Regulatory Language** https://adminrules.utah.gov/public/rule/R270-1/Current%20Rules **• Application and Forms** https://crimevictim.utah.gov/victim-financial-assistance/application-process/

VERMONT

TOPIC	SUMMARY	DETAILED DESCRIPTION
Time to File	Victims may file an application for compensation for crimes committed after July 1, 1987 if pecuniary losses were incurred on or after July 1, 1990. Aside from this, there does not appear to be a statute of limitations for filing a compensation claim.	See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions A victim or a dependent of a victim shall be eligible for compensation for pecuniary losses sustained as a result of a crime that occurred after July 1, 1987 if the losses occurred on or after July 1, 1990. A victim who is under the age of 18 at the time the application for compensation is filed shall be eligible for compensation for pecuniary losses sustained as a result of a crime, no matter when the crime occurred, if the losses occurred on or after July 1, 1990. A victim shall be eligible for compensation for pecuniary losses sustained as a result of a crime which occurred before July 1, 1987 if at the time of application the case is being investigated or is being prosecuted. Vt. Stat. Ann. tit. 13, § 5353(g), (h), (i). “Pecuniary loss” means, in the case of a victim, the amount of medical or medically related expenses, loss of wages, and any other expenses that the Board feels became necessary as a direct result of the crime. Medical or medically related expenses may include, but are not limited to, the costs of individual or family psychological, psychiatric, or mental health counseling and the costs of replacing or repairing eyeglasses, hearing aids, dentures, or any prosthetic devices that were taken, lost, or destroyed during the commission of the crime. In the case of a dependent, “pecuniary loss” means the cost of psychological, psychiatric, or mental health counseling, funeral expenses for the victim, and, upon demonstration of financial hardship, temporary living expenses. Vt. Stat. Ann. tit. 13, § 5351(5).
Eligibility Requirements: Identity of Person Seeking Compensation	• The crime has been reported to a law enforcement officer, who must conclude that a crime was committed. • The victim has suffered physical injury or emotional harm as a direct result of a crime. • The crime was committed in Vermont, or was committed against a Vermont resident in a country that does not have a Compensation Program. • The crime was committed after July 1, 1987. • The victim did not violate a criminal law of this state which caused or contributed to his or her injuries or death. • Family members of a homicide victim are also eligible. A crime victim includes "a person who has experienced emotional harm, physical harm, or death as the direct result of a crime that happened in Vermont; or a crime was committed against a Vermont resident in a state or country that does not have a Compensation Program."	See here: https://ccvs.vermont.gov/victims-compensation/eligibility See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions A victim or a dependent of a victim shall, upon application, be eligible for compensation if: (1) a law enforcement official has filed a report concluding that a crime was committed which resulted in the injury or death of the victim; and (2) the crime was committed in this State; or (3) the victim is a Vermont resident, the state in which the crime occurred does not have an eligible crime Victims Compensation Program and the applicant would have been eligible for compensation under this chapter if the crime had been committed in this State; or (4) the victim is a Vermont resident who is injured or killed by an act of terrorism outside the United States, to the extent that compensation is not otherwise available under federal law. Vt. Stat. Ann. tit. 13, § 5353(a). In any case in which the person entitled to compensation under this chapter is a minor or is mentally incompetent or unable to apply because of his or her physical condition, the application may be made on the person's behalf by a parent, spouse, guardian, or other person authorized to administer the estate. Vt. Stat. Ann. tit. 13, § 5353(d). In any case in which a victim otherwise eligible for compensation under this chapter dies without making an application, the Board may, upon application, award medical or medically related expenses to the victim's estate. Vt. Stat. Ann. tit. 13, § 5353(e). The Board may award funeral expenses to the next of kin of a deceased victim who is not survived by a dependent. Vt. Stat. Ann. tit. 13, § 5353(f). “Victim” means: (A) a person who sustains injury or death as a direct result of the commission or attempted commission of a crime; (B) an intervenor who is injured or killed in an attempt to assist the person described in subdivision (A) of this subdivision (7) or the police; (C) a surviving immediate family member of a homicide victim, including a spouse, domestic partner, parent, sibling, child, grandparent, or other survivor who may suffer severe emotional harm as a result of the victim's death as determined on a case-by-case basis in the discretion of the Board; or (D) a resident of this State who is injured or killed as the result of a crime committed outside the United States. Vt. Stat. Ann. tit. 13, § 5351(7)

TOPIC	SUMMARY	DETAILED DESCRIPTION
		Vt. Stat. Ann. tit. 13, § 5351 (1).
Eligibility Requirements: Types of Crime	Types of crimes that may qualify for Victim Compensation: • Arson • Assault • Burglary • Child Physical Abuse/Neglect • Child Pornography • Child Sexual Abuse • Domestic Violence • DUI (Driving under influence of intoxicating liquor or other substance) • Fraud/Financial crimes • Homicide • **Human Trafficking** • Kidnapping • Other Vehicular Crimes • Robbery • Sexual Assault • Stalking • Terrorism • Other	See here: https://ccvs.vermont.gov/victims-compensation/eligibility
Eligibility Requirements: Geographic Nexus	The crime must have been committed in Vermont or a state that does not have a victim's compensation program if the victim is a resident of Vermont. Every state has a Victims Compensation Program. If the crime is in another state, the victim must apply to the Compensation Program in that state. The Office for Victims of Crime has a map of the different state Victims Compensation Programs.	See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions A victim or a dependent of a victim shall, upon application, be eligible for compensation if: (1) a law enforcement official has filed a report concluding that a crime was committed which resulted in the injury or death of the victim; and (2) the crime was committed in this State; or (3) the victim is a Vermont resident, the state in which the crime occurred does not have an eligible crime Victims Compensation Program and the applicant would have been eligible for compensation under this chapter if the crime had been committed in this State; or (4) the victim is a Vermont resident who is injured or killed by an act of terrorism outside the United States, to the extent that compensation is not otherwise available under federal law. Vt. Stat. Ann. tit. 13, § 5353(a).
Eligibility Requirements: Criminal Background of Victim	An application for compensation may be denied if a victim violated a criminal law of Vermont that caused the victim's injuries or death at the time of the crime.	See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions After review of the evidence relevant to the application for compensation, the Board shall approve the application if a preponderance of the evidence shows that as a direct result of the crime an injury occurred that resulted in a pecuniary loss to the victim or the dependent. An application for assistance shall be denied if any of the following apply: (1) The application was not made within the period of time permitted for commencing prosecution of the crime. The Board may extend the time for filing for good cause shown. (2) The victim violated a criminal law of this State that caused or contributed to the victim's injuries or death. Vt. Stat. Ann. tit. 13, § 5355(a), (b).

TOPIC	SUMMARY	DETAILED DESCRIPTION
Citizenship Requirement?	Not expressly specified. While the statute indicates that an application requires the applicant to provide their social security number, a copy of the application online does not request a social security number.	The application for compensation shall be signed by the applicant and shall contain at least the following information which shall be provided subject to the penalties of perjury: (1) A description of the date, nature, and circumstances of the crime. (2) A complete financial statement, including pecuniary losses and the extent to which the applicant has been or may be indemnified for these expenses from any source. (3) When appropriate, a statement indicating the extent of any disability resulting from the injury. (4) When reasonably available, copies of all law enforcement reports and reports from all health care providers who treated or examined the victim at the time of or after the crime or who treated or examined the dependent. **(5) The applicant's Social Security number for the purpose of making cash payment to the applicant in accordance with section 5356 of this title.** Vt. Stat. Ann. tit. 13, § 5353(c). See also here: https://ccvs.vermont.gov/sites/ccvs/files/documents/English%20Victims%20Compensation%20Application.pdf
Is a Police Report or Cooperation with Law Enforcement Required?	Yes. A law enforcement official must have filed a report concluding that a crime was committed which resulted in the injury or death of the victim. However, the applicant does not need to have a completed police report to apply - the claims specialist assigned to your application will gather the information needed for eligibility.	A victim or a dependent of a victim shall, upon application, be eligible for compensation if: **(1) a law enforcement official has filed a report concluding that a crime was committed which resulted in the injury or death of the victim; and** (2) the crime was committed in this State; or (3) the victim is a Vermont resident, the state in which the crime occurred does not have an eligible crime Victims Compensation Program and the applicant would have been eligible for compensation under this chapter if the crime had been committed in this State; or (4) the victim is a Vermont resident who is injured or killed by an act of terrorism outside the United States, to the extent that compensation is not otherwise available under federal law. Vt. Stat. Ann. tit. 13, § 5353(a). See here: https://ccvs.vermont.gov/victims-compensation/application-forms
Is Complicity in Crime Disqualifying?	An application for compensation may be denied if a victim violated a criminal law of Vermont that caused the victim's injuries or death at the time of the crime.	See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions
To Whom are Applications Made?	Applications are submitted to the State of Vermont Center for Crime Victim Services. The application is submitted online using the following link: https://ccvcvt.org/ Vermont Victims Compensation Program 60 South Main Street, Suite 1 Waterbury, VT 05676. Phone: 1-800-750-1213 1-802-241-1250 Fax: 1-802-241-1253	See here: https://ccvs.vermont.gov/victims-compensation/application-forms A few helpful resources: • If you have questions, please call 800-750-1213 (Vermont only) or 802-241-1250. Our Compensation Claims Specialists are available Monday through Friday from 8:30am to 4:30pm. • If you have difficulties printing any of the documents, please call us. • When applying for Victims Compensation you do not have to provide a police report. The claims specialist assigned to your application will gather the information needed for eligibility. • View a short video about how to fill out an application for the Victims Compensation Program. This video provides ASL interpretation: https://www.youtube.com/watch?v=PpH3HhEdFbg&feature=youtu.be

TOPIC	SUMMARY	DETAILED DESCRIPTION
How are Applications Accepted?	Applications are accepted online. You will be asked to "Create an Account" to start the application process, or to sign in if you have any active application: https://ccvcvt.org/ It appears you may also submit a hard-copy application: https://ccvs.vermont.gov/sites/ccvs/files/documents/English%20Victims%20Compensation%20Application.pdf "If you would prefer to mail your application to us in a separate envelope and do not have a stamp, please contact the Victims Compensation Program and we will send you a postage paid envelope to mail your application and/or bills."	See here: https://ccvs.vermont.gov/victims-compensation/application-forms A few helpful resources: • If you have questions, please call 800-750-1213 (Vermont only) or 802-241-1250. Our Compensation Claims Specialists are available Monday through Friday from 8:30am to 4:30pm. • If you have difficulties printing any of the documents, please call us. • When applying for Victims Compensation you do not have to provide a police report. The claims specialist assigned to your application will gather the information needed for eligibility. • View a short video about how to fill out an application for the Victims Compensation Program. This video provides ASL interpretation: https://www.youtube.com/watch?v=PpH3HhEdFbg&feature=youtu.be
Who May Submit an Application?	• A person who sustains injury or death as a direct result of the commission or attempted commission of a crime; • An intervenor who is injured or killed in an attempt to assist the person described in subdivision (A) of this subdivision (7) or the police; • A surviving immediate family member of a homicide victim, including a spouse, domestic partner, parent, sibling, child, grandparent, or other survivor who may suffer severe emotional harm as a result of the victim's death as determined on a case-by-case basis in the discretion of the Board; or • A resident of this State who is injured or killed as the result of a crime committed outside the United States.	"Victim" means: (A) a person who sustains injury or death as a direct result of the commission or attempted commission of a crime; (B) an intervenor who is injured or killed in an attempt to assist the person described in subdivision (A) of this subdivision (7) or the police; (C) a surviving immediate family member of a homicide victim, including a spouse, domestic partner, parent, sibling, child, grandparent, or other survivor who may suffer severe emotional harm as a result of the victim's death as determined on a case-by-case basis in the discretion of the Board; or (D) a resident of this State who is injured or killed as the result of a crime committed outside the United States. Vt. Stat. Ann. tit. 13, § 5351(7). "Injury" means actual bodily harm or pregnancy, or emotional harm resulting from the crime. Vt. Stat. Ann. tit. 13, § 5351(4). "Crime" includes delinquent acts and an act of terrorism, as defined in 18 U.S.C. § 2331, committed outside the United States against a resident of this State. Vt. Stat. Ann. tit. 13, § 5351(3).
What Language Services are Available?	Victims compensation application documents and a brochure summarizing "Your Rights as a Victim in Vermont" are available in the following languages: • English • Arabic • Bosnian • Dari • French • May May • Nepali • Pashto • Chinese • Somali • Spanish • Swahili • Vietnamese There is also a video that details how to fill out an application for the Victims Compensation Program that provides American Sign Language (ASL) interpretation.	See here: https://ccvs.vermont.gov/victims-compensation/application-forms

TOPIC	SUMMARY	DETAILED DESCRIPTION
General Documentation Requirements	• Application form submitted online or via hard-copy. • Victim information (including parent/guardian information if victim is a minor) • Survivor information (if victim is deceased) • Information about the crime - if applicant does not have all information, the Board will try to gather remaining information from the police or applicant's Victim Advocate. • Attorney information, if applicable • Type of compensation requested, including documentation of any crime-related bills for crime-related treatment, including: - A complete financial statement, including pecuniary losses and the extent to which the applicant has been or may be indemnified for these expenses from any source. - When appropriate, a statement indicating the extent of any disability resulting from the injury. - When reasonably available, copies of all law enforcement reports and reports from all health care providers who treated or examined the victim at the time of or after the crime or who treated or examined the dependent. • Insurance information • Employer information / missed work details • Authorization to Obtain Information • Repayment, Restitution, and Subrogation Agreement • Certification	See here: https://ccvs.vermont.gov/sites/ccvs/files/documents/English%20Victims%20Compensation%20Application.pdf The application for compensation shall be signed by the applicant and shall contain at least the following information which shall be provided subject to the penalties of perjury: (1) A description of the date, nature, and circumstances of the crime. (2) A complete financial statement, including pecuniary losses and the extent to which the applicant has been or may be indemnified for these expenses from any source. (3) When appropriate, a statement indicating the extent of any disability resulting from the injury. (4) When reasonably available, copies of all law enforcement reports and reports from all health care providers who treated or examined the victim at the time of or after the crime or who treated or examined the dependent. (5) The applicant's Social Security number for the purpose of making cash payment to the applicant in accordance with section 5356 of this title. Vt. Stat. Ann. tit. 13, § 5353(c).
Categories of Benefits Available	Where appropriate, money is available to pay for the following expenses, that have not already been paid by other sources. The Victims Compensation Program determines what crime related losses can and cannot be paid by the Program on your claim and there are caps or limits on some types of losses. • Medical/dental • Mental health counseling for victim and supportive counseling for family members that live in the household with the victim • Funeral costs • Lost wages due to time missed from work • Mileage/gas reimbursement • Crime scene clean-up • Limited rent/relocation • Safety/security • Child care • Boarding of pets • Payment for pets that are injured/killed during the crime • If death occurs as a result of the crime, legal dependents may receive temporary living expenses • Loss of support • Eyeglasses, hearing aids, dentures, or any prosthetic device taken, lost or destroyed during the commission of a crime Expenses that cannot be paid by the Compensation Program: • Any expense not related to the crime • Any expenses paid by insurance or another source of reimbursement or coverage • Expenses for lost, stolen or damaged property (except medically necessary items due to a qualifying crime) • Damages for pain and suffering	See here: https://ccvs.vermont.gov/victims-compensation/eligibility “Pecuniary loss” means, in the case of a victim, the amount of medical or medically related expenses, loss of wages, and any other expenses that the Board feels became necessary as a direct result of the crime. Medical or medically related expenses may include, but are not limited to, the costs of individual or family psychological, psychiatric, or mental health counseling and the costs of replacing or repairing eyeglasses, hearing aids, dentures, or any prosthetic devices that were taken, lost, or destroyed during the commission of the crime. In the case of a dependent, “pecuniary loss” means the cost of psychological, psychiatric, or mental health counseling, funeral expenses for the victim, and, upon demonstration of financial hardship, temporary living expenses. Vt. Stat. Ann. tit. 13, § 5351(5).

TOPIC	SUMMARY	DETAILED DESCRIPTION
	• Damages for pain and suffering • Attorney fees	
Requirements/Limits for Relocation Expenses	The intention of the Victims Compensation Program is to assist victims with relocation costs in cases where a victim's safety or security are at risk or when a victim becomes displaced as a direct result of a crime. If a victim is already working with the Department of Children and Families Economic Services Division we would ask that they contact their caseworker to find out if they qualify for any rental assistance before the Victims Compensation Program will consider payment. The Victims Compensation Program will generally pay relocation costs no more than once in a 12-month period. If the Victims Compensation Program decides that the victim is eligible for housing and relocation assistance, they may provide: • Up to 2 months rent • Secured deposits not to exceed 1 months rent • Start-up costs (e.g., gas, utilities, land line, PO box, etc.) • Relocation costs (e.g., rental trucks, moving companies, storage fees of up to 3 months) not to exceed $1500 • Emergency housing with a max of $100/per night for up to 7 nights • Payment for law enforcement fees for safety during a relocation	See Policy for Housing and Relocation: https://ccvs.vermont.gov/sites/ccvs/files/documents/Housing%20and%20Relocation%20Policy.pdf

TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Mental Health Expenses	A victim who sustains an injury, emotional or physical, resulting from the commission or attempted commission of a crime and, under certain circumstances, a family member of that victim, shall be eligible for mental health treatment. Coverage for mental health counseling will follow a determined fee schedule based on when the services occurred. For services completed after August 12, 2024, the fee schedule is as follows: • One-hour individual or family sessions will be paid at a maximum of $100.00 per session. Individual and family sessions will be pro-rated according to the length of the session based on this rate. • Group sessions will be paid at $45.00 per session flat rate. • Any medication check will be paid at $35.00 per visit flat rate. All bills must be submitted to insurance first for repayment. To be eligible for payment of counseling expenses, the treatment provider must submit a current Mental Health Treatment Plan which must: • Define the symptoms to be treated that are directly related to the injuries resulting from the commission or attempted commission of a crime; and • Address how the proposed treatment will help the victim deal with those symptoms. ***Please review the Mental Health Policy for additional information on treatment extension requests, payment procedures, type of treatment covered, evaluations/assessments, eligible providers, and child victims.***	See Mental Health Policy: https://ccvs.vermont.gov/sites/ccvs/files/documents/Mental%20Health%20Policy%208.12.2024.pdf See Mental Health Policy Billing Procedures: https://ccvs.vermont.gov/sites/ccvs/files/documents/Mental%20Health%20Billing%20Procedures%208.12.2024.pdf

TOPIC	SUMMARY	DETAILED DESCRIPTION
Requirements/Limits for Lost Income	A victim who sustains an injury as a result of the commission of a criminal act shall be eligible for reimbursement of wages lost. Eligibility guidelines include: 1. A victim, or the parent or guardian of a minor victim, shall be eligible for reimbursement of wages lost due to work missed because of, but not limited to, the following reasons: injury; court appearance; participation in depositions; investigative interviews or other criminal justice proceedings; funeral services; counseling, medical, or other appointments or activities that become necessary as a direct result of the crime. 2. For the purposes of calculating reimbursement, lost wages will be paid at 85% of the victim's gross wages at the time of the loss. 3. For self-employed victims, a special formula is used to calculate actual value or wages lost (e.g., according to net income reported). 4. Additional documentation is required to support compensation claims, including physician's report or a statement from a mental health provider indicated nature of disability/why victim could not work. 5. The Victims Compensation Program will reimburse lost wages not to exceed a maximum reimbursement of $500.00 per week per claim, and for not longer than 12 weeks per claim. 6. If a victim is eligible for any other benefits, including, disability income, worker's compensation, unemployment compensation, or witness fees, the amount of the benefits received from other sources will be deducted from the Victims Compensation reimbursement. 7. Any family member of an injured victim may be considered eligible for reimbursement of wages lost because of work missed while the family member cares for the injured victim. 8. Lost wages paid through the Victims Compensation Program are not reportable income for state and federal income tax purposes.	See Policy for Lost Wages: https://ccvs.vermont.gov/sites/ccvs/files/documents/Policy%20for%20Lost%20Wages.pdf
Requirements/Limits for Medical Expenses	The Victims Compensation Program will only pay for allowable services rendered by a provider who is licensed in the state in which they practice. This is inclusive of dental, mental health, and health care providers. A mental health provider in the state of Vermont must be licensed or registered on the Vermont Roster of Non-Licensed and Non-Certified Psychotherapists. Staff will require proof of credentials from all providers before payment is made. Additionally: • Must provide itemized bill for services rendered + corresponding explanation of benefits from insurance company. • Treatment must be directly related to the crime. • Insurance must always be billed first. • The Victims Compensation Program is authorized to pay an uninsured health care facility/provider (which is inclusive of medical and dental providers) at 60% of the billed charge. ***Please refer to the Payment Policy for Health Care Providers for additional information regarding insurance/billing limitations for providers, the presence of civil lawsuits or insurance actions, and provider eligibility.***	"Pecuniary loss" means, in the case of a victim, the amount of medical or medically related expenses, loss of wages, and any other expenses that the Board feels became necessary as a direct result of the crime. **Medical or medically related expenses may include, but are not limited to, the costs of individual or family psychological, psychiatric, or mental health counseling and the costs of replacing or repairing eyeglasses, hearing aids, dentures, or any prosthetic devices that were taken, lost, or destroyed during the commission of the crime.** In the case of a dependent, "pecuniary loss" means the cost of psychological, psychiatric, or mental health counseling, funeral expenses for the victim, and, upon demonstration of financial hardship, temporary living expenses. Vt. Stat. Ann. tit. 13, § 5351(5). See also Payment Policy for Health Care Providers: https://ccvs.vermont.gov/sites/ccvs/files/documents/Payment%20Policy%20for%20Health%20Care%20Providers.pdf

TOPIC	SUMMARY	DETAILED DESCRIPTION
Additional Requirements/Limits for Specified Compensation Categories	The Center for Crime Victim Services has additional polices addressing the scope of allowable compensation claimed for certain crime-related expenses, in addition to the policies identified above. These policies include: • Loss of Support Policy • Sexual Assault Program Mental Health Policy • Sexual Assault Program Mental Health Treatment Plan • Policy for Crime Scene Clean Up • Policy for Funeral and Burial Expenses • Policy for Injured Pets • Policy for Pet and Animal Care • Policy for Respite • Temporary Living Expense Policy • Travel Expenses Policy	See a list of all policies here: https://ccvs.vermont.gov/victims-compensation/policies
Timeframe to Obtain Benefits	Applications will be reviewed by the Victim's Compensation Board (the "Board"), but a review timeline is not specified. "It depends on how long it takes us to verify the losses." Delays may occur if the application is not signed and dated in the appropriate places, or if there is not proper verification.	See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions The Board shall review applications to determine whether compensation should be awarded under this chapter. If, in the opinion of the Board, a report by an impartial medical expert relating to the applicant's health care history, the applicant's condition after the injury or the cause of the victim's death would be of material assistance, the Board may order such an examination and report, at the Board's expense. In making its determination, the board shall consider all relevant information presented to the Board. Vt. Stat. Ann. tit. 13, § 5354.
Is Emergency Assistance Available?	Victims of domestic violence and sexual violence can see additional support through their local Vermont Network Program, which supports victims and survivors of domestic and sexual violence. This support may include: free and confidential 24/7 hotline support, help with the legal system, financial, medical and personal medical advocacy, help finding emergency shelter, and assistance filing a protection order. Additional services are available to you at no cost if you are a victim of sexual violence. You are not required to report a crime. Contact your local network program at the number listed below. Vermont Network Against Domestic and Sexual Violence Domestic Violence 24-Hour Hotline: 1-800-228-7395 Sexual Violence 24-Hour Hotline: 1-800-489-7273 Information regarding a victim's local Vermont Network Program is available here: https://www.vtnetwork.org/ Also, each county in Vermont has a Victim Advocate located in the State's Attorney's Office. We encourage you to call your Advocate with any questions you may have about the court process. For information on how to contact your Advocate, call the Victims Compensation Program at 1-800-750-1213 (Voice–VT only) or 1-802-241-1250 (Voice)	See here: https://ccvs.vcms0.vt.prod.cdc.nicusa.com/sites/ccvs/files/documents/Your%20Rights%20as%20a%20Victim%20in%20Vermont%20Final.pdf Additionally, the Center for Crime Victim Services (CCVS) provides a wide array of programs and services to support crime victims in Vermont. Our direct service programs include the Victims Compensation Program, the Sexual Assault Program, the Victim Assistance Program, and the Restitution Unit. The Vermont Victim Services Resource Directory includes a detailed listing of statewide resources by agency/program, location, service, etc.: https://ccvs.vermont.gov/sites/ccvs/files/documents/2023_vt_victim_services_resource_directory_0.pdf Additionally, Dialing 2-1-1 helps direct, and sometimes connect, callers to services for everyday needs and in difficult times. 2-1-1 is the easy-to-remember number that helps Vermonters cut through what can be a confusing and overwhelming maze of information and resources. 2-1-1 helps Vermonters with information and referrals to the services that best meet their needs. Simply Dial 2-1-1, text your zip code to 898211 or search our database online by going to: www.vermont211.org See here: https://ccvs.vermont.gov/resources-and-other-help See here: https://ccvs.vermont.gov/sites/ccvs/files/documents/English%20Victims%20Compensation%20Application.pdf
Compensation Cap (Overall)	$10,000.00	See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions If the application is approved, the Board shall authorize cash payments, not to exceed $10,000.00, to or on behalf of the applicant, equal to the unreimbursed pecuniary loss directly resulting from the injury or death of the victim. Applications approved in any fiscal year shall not exceed funds appropriated and authorized in that fiscal year for this purpose. Vt. Stat. Ann. tit. 13, § 5356(a).
Sources of Funding	Fees collected by the court for certain criminal offenses and money from prison inmate labor contributions.	Funds available to the Board for payments include fees collected and deposited by the court into the Victims Compensation Fund as described in section 7282 of this title [surcharges charged by the clerk or judicial bureau for certain criminal offenses or civil penalties] and monies from inmate labor contributions from the prison industries enhancement program or from any other source. Vt. Stat. Ann. tit. 13, § 5356(b).

TOPIC	SUMMARY	DETAILED DESCRIPTION
Appeal Process	An applicant may file a petition with the Board for review of its preliminary decision if an application is denied within 30 days from the date the notice of denial was mailed. The Board will hold a hearing to reverse or affirm the preliminary denial, at which time the decision of the Board is final.	If the Board intends to deny an application, the Board shall send the applicant written notice of the decision personally or by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may file a petition with the Board for review of its preliminary decision within 30 days of the date on which the notice is mailed. After the hearing, the Board shall affirm or reverse the preliminary denial, explaining the reasons therefor in writing. The decision of the Board shall be final. Vt. Stat. Ann. tit. 13, § 5355(c), (d).
Payer of Last Resort Requirements	Insurance must be billed first. Insurances that must be considered include: • Health insurance • Dental insurance • Vision insurance • Auto insurance • Homeowner's or renter's insurance • Civil lawsuit • Worker's compensation • Disability insurance Restitution is also considered.	See here: https://ccvs.vermont.gov/victims-compensation/frequently-asked-questions "I understand, on behalf of myself, assignee, heir, or dependent, that Vermont law requires me to contact and repay the Victims Compensation Program if I receive payments from the offender, a civil action, or an insurance company, and that the Victims Compensation Program has a lien against any monies I may recover as a result of this crime. I also understand that I must notify the Program if I hire a lawyer to represent me in any action related to this crime. I understand that my signature indicates Hati agree with all statements specified in this agreement." See here: https://ccvs.vermont.gov/sites/ccvs/files/documents/English%20Victims%20Compensation%20Application.pdf
References and Resources		**Laws and Regulations** • Compensation to Victims of Crime, 13 V.S.A. § Chapter 167 *et seq* . **Guidance** • Vermont Center for Crime Services - Victims Compensation, https://ccvs.vermont.gov/victims-compensation • Application for Vermont Victims Compensation, https://ccvs.vermont.gov/sites/ccvs/files/documents/English%20Victims%20Compensation%20Application.pdf

VIRGINIA

VIRGINIA

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	• One year after date of crime or death of victim • Exceptions permitted for minors and for good cause	"B. A claim shall be filed by the claimant not later than one year after the occurrence of the crime upon which such claim is based, or not later than one year after the death of the victim. However, (i) in cases involving claims made on behalf of a minor or a person who is incapacitated, the provisions of subsection A of § 8.01-229 shall apply to toll the one-year period; (ii) in cases involving claims made by a victim against profits of crime held in escrow pursuant to Chapter 21.2 (§ 19.2-368.19 et seq.) of this title, the claim shall be filed within five years of the date of the special order of escrow; and (iii) in cases involving claims of sexual abuse of a minor, the claim shall be filed within 10 years after the minor's eighteenth birthday, except for in cases involving claims of sexual abuse of a minor where the conduct constitutes a felony, the passage of time shall not be a barrier to when the victim can file a claim. For good cause shown, the Commission may extend the time for filing for a crime committed on or after July 1, 2001." - VA Code Ann. § 19.2-368.5
Eligibility Requirements: Identity of Person Seeking Compensation	• Victim of crime • Parent or guardian of victim of crime • Relatives of victim of crime • Person injured trying to prevent a crime	See VA Code Ann. § 19.2-368.4 for detailed explanation
Eligibility Requirements: Types of Crime	• A crime under Virginia or common law	"'Crime' means an act committed by any person in the Commonwealth of Virginia which would constitute a crime as defined by the Code of Virginia or at common law. However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this chapter unless the injuries (i) were intentionally inflicted through the use of such vehicle or (ii) resulted from a violation of § 18.2-51.4 or 18.2-266 or from a felony violation of § 46.2-894." - VA Code Ann. § 19.2-368.2
Eligibility Requirements: Geographic Nexus	• Crime committed in Virginia • Crime committed against a victim that is a resident of Virginia in a state that does not provide for victim compensation	Crime' means an act committed by any person in the Commonwealth of Virginia which would constitute a crime as defined by the Code of Virginia or at common law. However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this chapter unless the injuries (i) were intentionally inflicted through the use of such vehicle or (ii) resulted from a violation of § 18.2-51.4 or 18.2-266 or from a felony violation of § 46.2-894. - VA Code Ann. § 19.2-368.2 "C. A resident of Virginia who is the victim of a crime occurring outside Virginia and any other person as defined in subsection A who is injured as a result of a crime occurring outside Virginia shall be eligible for an award pursuant to this chapter if (i) the person would be eligible for benefits had the crime occurred in Virginia and (ii) the state, country or territory in which the crime occurred does not have a crime victims' compensation program deemed eligible pursuant to the provisions of the federal Victims of Crime Act and does not compensate nonresidents." - VA Code Ann. § 19.2-368.4
Eligibility Requirements: Criminal Background of Victim	• No prohibitions	N/A
Citizenship Requirement?	• None	N/A
Is a Police Report or Cooperation with Law Enforcement Required?	• Crime must be reported within 120 hours • Cooperation generally required	"No award shall be made unless the Commission finds that: . . . 3. Police records show that such crime was promptly reported to the proper authorities. In no case may an award be made where the police records show that such report was made more than 120 hours after the occurrence of such crime, unless the Commission, for good cause shown, finds the delay to have been justified. The provisions of this subdivision shall not apply to claims of sexual abuse. The Commission, upon finding that any claimant or award recipient has not fully cooperated with all law-enforcement agencies, unless the law-enforcement agency certifies that the claimant or award recipient was willing but unable to cooperate due to a good faith belief that such cooperation would have endangered such claimant or award recipient and such claimant or award recipient was not provided with any victim or witness protection services when such protection services were requested by a law-enforcement agency, may deny, reduce, or withdraw any award, as the case may be." - VA Code Ann. § 19.2-368.10
Is Complicity in Crime Disqualifying?	• Yes	"B. A person who is criminally responsible for the crime upon which a claim is based, or an accomplice or accessory of such person, shall not be eligible to receive an award with respect to such claim." - VA Code Ann. § 19.2-368.4
To Whom are Applications Made?	• The Virginia Victims Fund	See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf at p. 6

VIRGINIA

TOPIC	SUMMARY	DETAILED DESCRPTION
How are Applications Accepted?	• In person • Mail • Online	"C. Claims shall be filed in the office of the Commission in person, by mail, or by electronic means in accordance with standards approved by the Commission. The Commission shall accept for filing all claims submitted by persons eligible under subsection A of this section and alleging the jurisdictional requirements set forth in this chapter and meeting the requirements as to form in the rules and regulations of the Commission." - VA Code Ann. § 19.2-368.5 https://webfile.workcomp.virginia.gov/login
Who May Submit an Application?	• Any person eligible to receive an award	"A. A claim may be filed by a person eligible to receive an award, as provided in § 19.2-368.4, or if such person is a minor, by his parent or guardian. In any case in which the person entitled to make a claim is incapacitated, the claim may be filed on his behalf by his guardian, conservator or such other individual authorized to administer his estate." - VA Code Ann. § 19.2-368.5
What Language Services are Available?	• Arabic • Chinese • Korean • Spanish • Filipino • Vietnamese	N/A
General Documentation Requirements	• No documentation requirements at time of application submission but required documentation may be later requested	See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf at p. 32-34 for detailed explanation
Categories of Benefits Available	• Medical Expenses • Funeral Expenses • Lost Wages • Prescriptions • Home Security • Crime-Scene Clean-Up • Moving • Temporary Housing • Mileage to medical appointments and to court-related appointments for child victims • Loss of Support • Counseling	See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf p. 44-57 for detailed explanation
Requirements/Limits for Relocation Expenses	• Generally up to $2,0000	"The Fund may pay reasonable and necessary moving expenses, not to exceed $2000 ($500 for crimes occurring before July 1, 2002, and $1000 for crimes occurring prior to July 1, 2014), for (a) crime victims or (b) surviving spouses, parents, grandparents, siblings or children of victims who were killed as a result of a crime. This includes charges for professional movers, rental of moving equipment, temporary storage costs, rent, and loss of security deposits. § 19.2-368.11:1(E)(vi)" - See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf at p. 55
Requirements/Limits for Mental Health Expenses	• Grief counseling limited to $3,500 per person for no more than $35,000 total • Mental health counseling limited to 40 sessions	See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf at p. 45-46 for detailed explanation
Requirements/Limits for Lost Income	• Capped at $600 per week	"B. Compensation for Partial Loss of Earnings: An award made pursuant to this chapter for partial loss of earnings which results directly from incapacity incurred by a crime victim shall be payable during incapacity at a weekly rate equal to 66-2/3 percent of the difference between the victim's average weekly wages before the injury and the weekly wages which the victim is able to earn thereafter. The combined total of actual weekly earnings and compensation for partial loss of earnings shall not exceed $600 per week." - VA Code Ann. § 19.2-368.11:1 See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf at 49-51 for detailed explanation

VIRGINIA

TOPIC	SUMMARY	DETAILED DESCRPTION
Requirements/Limits for Medical Expenses	• Permitted up to $35,000 maximum total cap • Medical and billing records likely to be requested and required	"Appropriate and reasonably incurred medical expenses that are not covered by private health insurance, Medicare, Medicaid, or other sources will be paid up to the maximum award of $35,000. Payment will be made directly to the healthcare provider unless documentation is provided to establish that payment was made by the claimant. In order to verify the extent of a victim's injuries and to substantiate medical expenses as required by §19.2-368.6(B) of the Act, the Fund corresponds directly with all medical care providers listed on the VVF application. Providers for which documentation is requested include, but are not limited to, hospitals, physicians, dentists, sexual assault nurse examiners, rehabilitative services, physical therapists, ambulance services, psychologists, clinical social workers, ophthalmologists, optometrists, laboratories, clinics, and prosthesis/orthotic providers. A "Notice of Filing" letter is sent to pathologists, radiologists, and anesthesiologists as these providers do not usually prepare medical records. The Notice of Filing informs providers that a VVF claim has been filed and explains that collections activities must not occur as long as the VVF claim is pending. Required documentation includes (1) medical records (including office notes), (2) itemized billing statements, (3) verification of collateral resources, and (4) a signed Memorandum of Agreement (MOA) from the healthcare provider as required by §19.2- 368.3(1)(ii)." - see https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf at p. 44
Timeframe to Obtain Benefits	• Timeline described as "lengthy" • The state performance report providing information about claim processing time is currently unavailable	https://virginiavictimsfund.org/compensation https://ovc.ojp.gov/states/virginia
Is Emergency Assistance Available?	• Permitted up to $3,000 • Deducted from overall cap • May be subject to return	"Notwithstanding any other provisions of this chapter, if it appears to the Commission, that (1) such claim is one with respect to which an award probably will be made, and (2) undue hardship will result to the claimant if immediate payment is not made, the Commission may make an emergency award to the claimant, pending a final decision in the case, provided that (i) the amount of such emergency award shall not exceed $3,000, (ii) the amount of such emergency award shall be deducted from any final award made to the claimant, and (iii) the excess of the amount of such emergency award over the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the Commission." - VA Code Ann. § 19.2-368.9
Compensation Cap (Overall)	• Cannot exceed $35,000	"H. To qualify for an award under this chapter, a claim must have a minimum value of $100, and payments for injury or death to a victim of crime, to the victim's dependents or to others entitled to payment for covered expenses, after being reduced as provided in subsection G, shall not exceed $35,000 in the aggregate." - VA Code Ann. § 19.2-368.11:1
Sources of Funding	• Fines • General fund contributions • Grants • Restitution • Other	See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Annual-Report-FY2024.pdf at 7
Appeal Process	• Step 1: Request for reconsideration (must be filed within 45 days of original determination) • Step 2: Review to full committee (must be filed within 30 days after reconsideration order) • Step 3: Appeal to Virginia Court of Appeals (must be filed within 30 days of full committee's opinion)	See https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf at 41-43 for detailed explanation
Payer of Last Resort Requirements	• Yes	See https://virginiavictimsfund.org/compensation

TOPIC	SUMMARY	DETAILED DESCRPTION
References and Resources		**• General Overview** https://vadoc.virginia.gov/victim-services/victim-compensation/ **• General Overview** https://virginiavictimsfund.org/ **• Statutory Language** https://law.lis.virginia.gov/vacodefull/title19.2/chapter21.1/ **• Administrative Manuel (similar to regulations)** https://virginiavictimsfund.org/sites/default/files/Documents/VVF-Policies-and-Procedures.pdf **• Application and Forms** https://webfile.workcomp.virginia.gov/login **• Application and Forms** https://virginiavictimsfund.org/sample-documents

WASHINGTON

TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Within 3 years of the criminal act having been reported to the policy, though exceptions are available.	"An application for benefits is not received by the department within three years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued, unless the director has determined that "good cause" exists to expand the time permitted to receive the application. "Good cause" shall be determined by the department on case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the criminal act was reported to a local police department or sheriff office or the date the rights of beneficiaries accrued; or [...] The criminal act is not reported by the victim or someone on his or her behalf to a local police department or sheriff's office within twelve months of its occurrence or, if it could not reasonably have been reported within that period, within twelve months of the time when a report could reasonably have been made. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victims." Wash. Rev. Code Ann. § 7.68.060(1). "Because victims of childhood criminal acts may repress conscious memory of such criminal acts far beyond the age of eighteen, the rights of adult victims of childhood criminal acts shall accrue a the time the victim discovers or reasonably should have discovered the elements of the crime. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victim." Wash. Rev. Code Ann. § 7.68.060(5). "Benefits under this chapter are available to any victim of a person against whom the state initiates proceedings under chapter 71.09 RCW. The right created under this subsection shall accrue when the victim is notified of proceedings under chapter 71.09 RCW or the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings. An application for benefits under this subsection must be received by the department within two years after the date the victim's right accrued unless the director determines that good cause exists to expand the time to receive the application. The director shall determine "good cause" on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the right of the victim accrued. Benefits under this subsection shall be limited to compensation for costs or losses incurred on or after the date the victim's right accrues for a claim allowed under this subsection." Wash. Rev. Code Ann. § 7.68.060(6)(a).
Eligibility Requirements: Identity of Person Seeking Compensation	The following persons may seek compensation: •Victim •Beneficiary	"Victim" means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or hi or her good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" is interchangeable with "employee" or "worker" as defined in chapter 51.08 RCW as now or hereafter amended. Wash. Rev. Code Ann. § 7.68.020(16). "Beneficiary" means "a husband, wife, registered domestic partner, or child of a victim in whom shall vest a right to receive payment under this chapter, except that a husband or wife of an injured victim, living separate and apart in a state of abandonment, regardless of the party responsible therefor, for more than one year at the time of the injury or subsequently, shall not be a beneficiary. spouse who has lived separate and apart from the other spouse for the period of two years and who has not, during that time, received or attempted by process of law to collect funds for maintenance, shall be deemed living in a state of abandonment." Wash. Rev. Code Ann. § 7.68.020(3). Can family members of sexual assault victims receive counseling? Counseling for immediate family members of sexual assault victims is appropriate when: (a) The family member suffers psychological trauma as a result of the sexual assault; or (b) Counseling the family member will help the client's recovery. Immediate family members are the client's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family unit. Counseling for immediate family members will be covered under the victim's sexual assault claim. Wash. Admin. Code 296-30-080.
Eligibility Requirements: Types of Crime	Eligible crimes include: •Any act committed or attempted in this state, unless otherwise provided, which is punishable as a federal offense that is comparable to a felony or gross misdemeanor in this state; •Any act committed or attempted in this state, unless otherwise provided, which is punishable as a felony or gross misdemeanor under the laws of this state; •Any act committed outside the state of Washington against a resident of the state of Washington which would be compensable had it occurred inside this state and the crime occurred in a state which does not have a crime victims' compensation program, for which the victim is eligible as set forth in the Washington compensation law; <u>or</u> •Trafficking.	"Criminal act" means "an act committed or attempted in this state, unless otherwise provided in this chapter, which is: (a) Punishable as a federal offense that is comparable to a felony or gross misdemeanor in this state; (b) punishable as a felony or gross misdemeanor under the laws of this state; (c) an act committed outside the state of Washington against a resident of the state of Washington which would be compensable had it occurred inside this state and the crime occurred in a state which does not have a crime victims' compensation program, for which the victim is eligible as set forth in the Washington compensation law; or (d) trafficking as defined in RCW 9A.40.100. A "criminal act" does not include the following: (i) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law unless: (A) The injury or death was intentionally inflicted; (B) The operation thereof was part of the commission of another nonvehicular criminal act as defined in this section; (C) The death or injury was the result of the operation of a motor vehicle after July 24, 1983, and one of the following applies: (I) A preponderance of the evidence establishes that the death was the result of vehicular homicide under RCW 46.61.520; (II) The victim submits a copy of a certificate of probable cause filed by the prosecutor stating that a vehicula assault under RCW 46.61.522 occurred; (III) Charges have been filed against the defendant for vehicular assault under RCW 46.61.522; (IV) A conviction of vehicular assault under RCW 46.61.522 has been obtained; or (V) In cases where a probable criminal defendant has died in perpetration of vehicular assault or, in cases where the perpetrator of the vehicular assault is unascertainable because he or she left the scene of the accident in violation of RCW 46.52.020 or, because of physical or mental infirmity or disability the perpetrator is incapable of standing trial f vehicular assault, the department may, by a preponderance of the evidence, establish that a vehicular assault had been committed and authorize benefits; (D) The injury or death was caused by a driver in violation of RCW 46.61.502; or (E) The injury or death was caused by a driver in violation of RCW 46.61.655(7)(a), failure to secure a load in the first degree; (ii) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in (d)(i)(C) of this subsection; (iii) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; and (iv) Acts which, but for the insanity or mental irresponsibility of the perpetrator, woul constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter." Wash. Rev. Code Ann. § 7.68.020(6). *See* Wash. Rev. Code Ann. § 9A.40.100, defining "trafficking."

TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Geographic Nexus	*See* Types of Crime, directly above.	
Eligibility Requirements: Criminal Background of Victim	Injuries sustained while a victim was incarcerated are not eligible for benefits. Additionally, persons who have been convicted of a violent felony or felony crime against persons within five years preceding the criminal act is not eligible for benefits. Persons who have not completely satisfied all legal financial obligations owed are not eligible for benefits. Minors charged with prostitution who are victims of certain crimes of sexual abuse may be eligible for compensation.	"No person or spouse, child, or dependent of such person is eligible for benefits under this chapter when the injury for which benefits are sought was: [...] Sustained while the victim was confined i any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections." Wash. Rev. Code Ann. § 7.68.060(2)(c). "A victim is not eligible for benefits under this chapter if the victim: (a) Has been convicted of a felony offense within five years preceding the criminal act for which the victim is applying where the felony offense is a violent offense under RCW 9.94A.030 or a crime against persons under RCW 9.94A.411, or is convicted of such a felony offense after the criminal act for which the victim is applying; and (b) Has not completely satisfied all legal financial obligations owed." Wash. Rev. Code Ann. § 7.68.060(4). "A person identified as the “minor” in the charge of commercial sexual abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promotir travel for commercial sexual abuse of a minor under RCW 9.68A.102 is considered a victim of a criminal act for the purpose of the right to benefits under this chapter even if the person is also charged with prostitution under RCW 9A.88.030." Wash. Rev. Code Ann. § 7.68.060(6)(b).
Citizenship Requirement?	"Except as otherwise provided by treaty or this chapter, whenever compensation is payable to a beneficiary who is an alien not residing in the United States, the department shall pay the compensation to which a resident beneficiary is eligible under this chapter. But if a nonresident alien beneficiary is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefit of such law in as favorable a degree as herein extended to nonresident aliens, he or she shall receive no compensation. No payment shall be made to any beneficiary residing in any country with which the United States does not maintain diplomatic relations when such payment is due."	Wash. Rev. Code Ann. § 7.68.077.

TOPIC	SUMMARY	DETAILED DESCRPTION
Is a Police Report or Cooperation with Law Enforcement Required?	A crime must be reported to any of the following to meet reporting requirements: •Local law enforcement (city, county or state police agencies); •Federal police; •Indian tribal police; •Military police; or •Child protective services (CPS) when they have reported to local police.	"No person or spouse, child, or dependent of such person is eligible for benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation t state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator of the criminal act which gave rise to the claim unless the director determines such cooperation ma be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being." Wash. Rev. Code Ann. § 7.68.060(3). No compensation of any kind shall be available under this chapter if: "An application for benefits is not received by the department within three years after the date the criminal act was reported to local police department or sheriff's office or the date the rights of beneficiaries accrued, unless the director has determined that "good cause" exists to expand the time permitted to receive the application. "Good cause" shall be determined by the department on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued; or [...] The criminal act is not reported by the victim or someone on h or her behalf to a local police department or sheriff's office within twelve months of its occurrence or, if it could not reasonably have been reported within that period, within twelve months of the tim when a report could reasonably have been made. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victims." Wash. Rev. Code Ann. § 7.68.060(1). Who does a victim report the crime to in order to meet reporting requirements? The crime can be reported to any of the following: (1) Local law enforcement (city, county or state police agencies); (2) Federal police; (3) Indian tribal police; (4) Military police; or (5) Child protective services (CPS) when they have reported to local police. Wash. Admin. Code 296-30-060.
Is Complicity in Crime Disqualifying?	Yes. Complicity in the crime is generally disqualifying.	No person or spouse, child, or dependent of such person is eligible for benefits under this chapter when the injury for which benefits are sought was: (a) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim; [or] (b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony[.]" Wash. Rev. Code Ann. § 7.68.060(2)(a)-(b).
To Whom are Applications Made?	The Washington Department of Labor and Industries operate the Crime Victims Compensation Program.	"The department of labor and industries shall operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program." Wash. Rev. Code Ann. § 7.68.015.
How are Applications Accepted?	Applications may be submitted online through the Crime Victim Benefits Portal or by fax or email.	See https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits
Who May Submit an Application?	A victim or the victim's treating provider.	"Where a victim is eligible for compensation under this chapter he or she shall file with the department his or her application for such, together with the certificate of the treating provider who attended him or her. An application for compensation form developed by the department shall include a notice specifying the victim's right to receive health services from a treating provider utilizin his or her private or public insurance or if no insurance, of the victim's choice under RCW 7.68.095. The treating provider who attended the injured victim shall inform the injured victim of his or her rights under this chapter and lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the victim. If the application required by this section is filed on behalf of the victim by the treating provider who attended the victim, the treating provider may transmit the application to the department electronically." Wash. Rev. Code Ann. § 7.68.062.
What Language Services are Available?	Application materials and interpretation services are available in the following languages: •Spanish •Cambodian •Korean •Russian •Vietnamese •Chinese •Somali	*See* https://lni.wa.gov/claims/crime-victim-claims/crime-victims-forms-publications
General Documentation Requirements	Relocation compensation does not appear to be available.	*See* https://lni.wa.gov/claims/crime-victim-claims/who-can-file-and-what-is-covered.

TOPIC	SUMMARY	DETAILED DESCRPTION
Categories of Benefits Available	The following types of benefits may be available: •Medical/Dental treatment •Medication •Mental health treatment •Grief counseling •Partial wage loss replacement •Funeral expenses •Expenses not covered by other insurance (such as medical co-pays and medical deductibles)	*See* https://lni.wa.gov/claims/crime-victim-claims/who-can-file-and-what-is-covered.
Requirements/Limits for Relocation Expenses	Relocation assistance does not appear to be available.	
Requirements/Limits for Mental Health Expenses	Monetary Limit: $150,000 (combined limit for medical and mental health treatment)	*See* https://lni.wa.gov/claims/crime-victim-claims/who-can-file-and-what-is-covered. "The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per injury or death." Wash. Rev. Code Ann. § 7.68.085.
Requirements/Limits for Lost Income	Monetary Limit: Wages, based on 60% of the victim's wages.	*See* https://lni.wa.gov/claims/crime-victim-claims/who-can-file-and-what-is-covered. •Benefits payable for temporary total disability that results in financial support for lost wages shall not exceed fifteen thousand dollars. •Benefits payable for a permanent total disability or fatality that results in financial support for lost wages shall not exceed forty thousand dollars. After at least twelve monthly payments have been paid, the department shall have the sole discretion to make a final lump sum payment of the balance remaining. •If the victim was not gainfully employed at the time of the criminal act, no financial support for lost wages will be paid to the victim or any beneficiaries, unless the victim was gainfully employed fo a total of at least twelve weeks in the six months preceding the date of the criminal act. •No victim or beneficiary shall receive compensation for or during the day on which the injury was received. •If a victim's employer continues to pay the victim's wages that he or she was earning at the time of the crime, the victim shall not receive any financial support for lost wages. •When the director determines that a temporary total disability results in a loss of wages, the victim shall receive monthly subject to subsection (1) of this section, during the period of disability, sixt percent of the victim's monthly wage but no more than one hundred percent of the state's average monthly wage as defined in RCW 7.68.020. The minimum monthly payment shall be no less tha five hundred dollars. Monthly wages shall be based upon employer wage statements, employment security records, or documents reported to and certified by the internal revenue service. Monthly wages must be determined using the actual documented monthly wage or averaging the total wages earned for up to twelve successive calendar months preceding the injury. In cases where the victim's wages and hours are fixed, they shall be determined by multiplying the daily wage the victim was receiving at the time of the injury [*see* statute for more information]. •When the director determines that a permanent total disability or death results in a loss of wages, the victim or eligible spouse shall receive the monthly payments established in this subsection, not to exceed forty thousand dollars or the limits established in this chapter. •The legal guardian or custodian of a minor victim shall receive up to thirty days of the legal guardian's or custodian's lost wages if the director determines that the legal guardian or custodian has lost wages due to any one or more of the following: (i) The time where the legal guardian or custodian of a minor victim accompanies the minor victim to medical or counseling services related to the crime; or (ii) The time where the legal guardian or custodian of a minor victim accompanies the minor victim to criminal justice proceedings related to the crime. Wages under this subsection shall be based on employer wage statements, employment security records, or documents reported to and certified by the internal revenue service. •If the director determines that the victim is voluntarily retired and is no longer attached to the workforce, benefits shall not be paid under this section. Wash. Rev. Code Ann. § 7.68.070.
Requirements/Limits for Medical Expenses	Monetary Limit: $150,000 (combined limit for medical and mental health treatment) Requirements: A medical examination may be required.	*See* https://lni.wa.gov/claims/crime-victim-claims/who-can-file-and-what-is-covered. "The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per injury or death." Wash. Rev. Code Ann. § 7.68.085. "The department may require that the victim present himself or herself for a special medical examination by a physician or physicians selected by the department, and the department may require that the victim present himself or herself for a personal interview. The costs of the examination or interview, including payment of any reasonable round-trip travel expenses, shall be paid by the department as part of the victim's total claim under RCW 7.68.070(1). The director may establish a medical bureau within the department to perform medical examinations under this section. Where a dispute arises from the handling of any claim before the condition of the injured victim becomes fixed, the victim may request the department to resolve the dispute or the director may initiate an inquiry on his or her own motion. In these cases, the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050." Wash. Rev. Code Ann. § 7.68.066; *see also* Wash. Rev. Code Ann. § 7.68.094.

WASHINGTON

TOPIC	SUMMARY	DETAILED DESCRPTION
Timeframe to Obtain Benefits	Applications are generally confirmed as received within 5-7 days. Determinations on applications are generally made within 15-18 days of receipt.	*See* https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits
Is Emergency Assistance Available?	None identified.	
Compensation Cap (Overall)	$190,000 per claim ($40,000 for any single injury or death, exclusive of certain authorized medical benefits; $150,000 for certain medical and mental health benefits).	"Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or beneficiary in case of death of the victim, are eligible for benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. Except for medical benefits authorized under RCW 7.68.080, no more than forty thousand dollar s shall be granted as a result of a single injury or death." Wash. Rev. Code Ann. § 7.68.070(1). "The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per injury or death." Wash. Rev. Code Ann. § 7.68.085.
Sources of Funding	The crime victims' compensation account is created in the custody of the state treasurer. Expenditures from the account may be used only for the crime victims' compensation program. The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, statutory provision, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed.	"The crime victims' compensation account is created in the custody of the state treasurer. Expenditures from the account may be used only for the crime victims' compensation program under this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures." Wash. Rev. Code Ann. § 7.68.045. See https://lni.wa.gov/claims/crime-victim-claims/who-can-file-and-what-is-covered. *See also* Wash. Rev. Code Ann. § 7.68.090.
Appeal Process	Appeals generally must be received within 90 days of receipt of the order or decision, and must be made in writing to the crime victims compensation program.	"The provisions contained in chapter 51.52 RCW relating to appeals shall govern appeals under this chapter: PROVIDED, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal, or other action shall apply to this chapter: PROVIDED FURTHER, That appeals taken from a decision of the board of industrial insurance appeals under this chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.05.510 through 34.05.598, and the department shall have the same right of review from a decision of the board of industrial insurance appeals as does the claimant: PROVIDED FURTHER, That the time in which to file a protest or appeal from any order, decision, or award under this chapter shall be ninety days from the date the order, decision, or award is communicated to the parties." Wash. Rev. Code Ann. § 7.68.110. If you or the client do not agree with our order, decision or award a written protest may be sent to the crime victims compensation program or appeal to the board of industrial insurance appeals. A protest or appeal to our order or decision requiring repayment by a provider must be received within twenty days from receipt of the order or decision. A protest or appeal regarding other issues must be received within ninety days of receipt of the order or decision. Wash. Admin. Code 296-30-105.
Payer of Last Resort Requirements	The Crime Victims Compensation Program is a payer of last resort.	*See* https://lni.wa.gov/forms-publications/F800-118-000.pdf.
References and Resources		Washington Crime Victim Claims Website: https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits Statutes: Wash. Rev. Code Ann. § 7.68.015 *et seq.* Regulations: Wash. Admin. Code 296-30-010 *et seq.*

WEST VIRGINIA

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	Within 2 years of the crime.	"All applications for an award of compensation shall be filed within two years after the occurrence of the criminally injurious conduct that is the basis of the application." W. Va. Code Ann. § 14-2A-10(b). "Except as provided in § 14-2A-10(b) of this code, the commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation." W. Va. Code Ann. § 14-2A-14(a).
Eligibility Requirements: Identity of Person Seeking Compensation	The following persons may seek compensation: - Victim - Qualifying dependent or family member of a victim - A person who pays certain obligations of a victim or victim's dependent - A person authorized to act on behalf of a victim - Certain secondary victims	"Claimant" means "any of the following persons, whether residents or nonresidents of this state, who claim an award of compensation under this article: (1) A victim, except the term "victim" does not include a nonresident of this state where the criminally injurious act did not occur in this state; (2) A dependent, spouse, or minor child of a deceased victim or, if the deceased victim is a minor, the parents, legal guardians, and siblings of the victim; (3) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim or a victim's dependent when the obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim; (4) A person who is authorized to act on behalf of a victim, dependent, or a third person who is not a collateral source including, but not limited to, assignees, persons holding power of attorney or others who hold authority to make or submit claims in place of or on behalf of a victim, a dependent, or third person who is not a collateral source and if the victim, dependent, or third person who is not a collateral source is a minor or other legally incompetent person, their duly qualified fiduciary; and (5) A person who is a secondary victim in need of mental health counseling due to the person's exposure to the crime committed whose award may not exceed $5,000." W. Va. Code Ann. § 14-2A-3(a). "Victim" means "the following: A person who suffers personal injury or death as a result of any one of the following: (A) Criminally injurious conduct; (B) The good faith effort of the person to prevent criminally injurious conduct; or (C) The good faith effort of the person to apprehend a person that the injured person has observed engaging in criminally injurious conduct or who the injured person has reasonable cause to believe has engaged in criminally injurious conduct immediately prior to the attempted apprehension." W. Va. Code Ann. § 14-2A-3(k).
Eligibility Requirements: Types of Crime	The crime must pose a substantial threat of personal injury or death and be punishable by fine or imprisonment. Crimes Resulting in Personal Injury: Malicious Assault Assault and Battery Child Abuse/Molestation Bullying Domestic Violence Elder Abuse Driving under the Influence Reckless Driving Vehicle Homicide (Negligent Homicide) Murder Other Violent Crimes Robbery Sexual Assault Kidnapping Human Trafficking	"Criminally injurious conduct" means conduct that occurs or is attempted in this state, or in any state not having a victim compensation program, which poses a substantial threat of personal injury or death and is punishable by fine or imprisonment. "Criminally injurious conduct" also includes criminally injurious conduct committed outside of the United States against a resident of this state. "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the person engaging in the conduct intended to cause personal injury or death or committed any offense contained within § 17C-5-1 of this code, driving under the influence of alcohol, controlled substances or drugs, leaving the scene of the accident, or reckless driving. W. Va. Code Ann. § 14-2A-3(c). *See* https://www.wvlegislature.gov/Joint/Victims/eligibility.cfm#AUTH.
Eligibility Requirements: Geographic Nexus	The criminally injurious conduct must have occurred or been attempted in West Virginia or outside of the United States against a resident of this state.	"Criminally injurious conduct" means conduct that occurs or is attempted in this state, or in any state not having a victim compensation program, which poses a substantial threat of personal injury or death and is punishable by fine or imprisonment. "Criminally injurious conduct" also includes criminally injurious conduct committed outside of the United States against a resident of this state. "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the person engaging in the conduct intended to cause personal injury or death or committed any offense contained within § 17C-5-1 of this code, driving under the influence of alcohol, controlled substances or drugs, leaving the scene of the accident, or reckless driving. W. Va. Code Ann. § 14-2A-3(c).

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TOPIC	SUMMARY	DETAILED DESCRPTION
Eligibility Requirements: Criminal Background of Victim	A commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county, or regional jail, prison, private prison, or correctional facility.	"A commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county, or regional jail, prison, private prison, or correctional facility." W. Va. Code Ann. § 14-2A-14(e).
Citizenship Requirement?	None identified.	N/A.
Is a Police Report or Cooperation with Law Enforcement Required?	A police report must have been made within 96 hours of the crime or for a sexual offense a forensic medical examination must have been made within 96 hours of the crime, unless good cause for the failure to report or obtain an examination is shown. Further, cooperation with law enforcement is a requirement of receipt of compensation.	"The commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the victim did not undergo a forensic medical examination, within 96 hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: Provided, That reporting to a law-enforcement officer or agency or a forensic medical examination is not required if the victim is a juvenile in order for a commissioner to approve an award of compensation: Provided, however, That the filing of a civil abuse and neglect petition in a circuit court satisfies the reporting requirement, thereby allowing the minor child who is the subject of the petition to file an application for benefits, with the claims process to proceed in accordance with this code." W. Va. Code Ann. § 14-2A-14(b). "A commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation, or reconsider a claim already approved." W. Va. Code Ann. § 14-2A-14(d).
Is Complicity in Crime Disqualifying?	The commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice. Claims may be reduced or denied based on contributory misconduct.	"The commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice." W. Va. Code Ann. § 14-2A-14(c). "The commissioner shall reduce an award of compensation or deny a claim for an award of compensation [...] if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims." W. Va. Code Ann. § 14-2A-14(f).
To Whom are Applications Made?	The West Virginia Legislative Claims Commission.	"Any commissioner of the West Virginia Legislative Claims Commission individually, or the West Virginia Legislative Claims Commission en banc, shall have jurisdiction to approve awards of compensation arising from criminally injurious conduct, in accordance with the provisions of this article, if satisfied by a preponderance of the evidence that the requirements for an award of compensation have been met." W. Va. Code Ann. § 14-2A-5.
How are Applications Accepted?	Applications must be submitted by mail.	"A Crime Victims Compensation Fund application must be completed. Applications are available upon request from the Fund requestee's information or by calling the Fund at 1-877-562-6878 (within W.Va. only) or (304) 347-4850. Applications may be obtain from local county prosecuting attorney offices. Claimants may also seek assistance from an attorney. Reasonable fees will be paid by the Fund at no cost to the claimant regardless of the outcome of the claim. Attorney's are paid from the Fund, not from awards." *See* https://www.wvlegislature.gov/Joint/Victims/eligibility.cfm#APPLY. *See* https://www.wvlegislature.gov/joint/victims/crime_victim_application.pdf.
Who May Submit an Application?	The following persons may apply for compensation: - Victim - Qualifying dependent or family member of a victim - A person who pays certain obligations of a victim or victim's dependent - A person authorized to act on behalf of a victim - Certain secondary victims	"Claimant" means "any of the following persons, whether residents or nonresidents of this state, who claim an award of compensation under this article: (1) A victim, except the term "victim" does not include a nonresident of this state where the criminally injurious act did not occur in this state; (2) A dependent, spouse, or minor child of a deceased victim or, if the deceased victim is a minor, the parents, legal guardians, and siblings of the victim; (3) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim or a victim's dependent when the obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim; (4) A person who is authorized to act on behalf of a victim, dependent, or a third person who is not a collateral source including, but not limited to, assignees, persons holding power of attorney or others who hold authority to make or submit claims in place of or on behalf of a victim, a dependent, or third person who is not a collateral source and if the victim, dependent, or third person who is not a collateral source is a minor or other legally incompetent person, their duly qualified fiduciary; and (5) A person who is a secondary victim in need of mental health counseling due to the person's exposure to the crime committed whose award may not exceed $5,000." W. Va. Code Ann. § 14-2A-3(a). "Victim" means "the following: A person who suffers personal injury or death as a result of any one of the following: (A) Criminally injurious conduct; (B) The good faith effort of the person to prevent criminally injurious conduct; or (C) The good faith effort of the person to apprehend a person that the injured person has observed engaging in criminally injurious conduct or who the injured person has reasonable cause to believe has engaged in criminally injurious conduct immediately prior to the attempted apprehension." W. Va. Code Ann. § 14-2A-3(k).
What Language Services are Available?	Not specified.	N/A.

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TOPIC	SUMMARY	DETAILED DESCRPTION
General Documentation Requirements	*See* Detailed Description.	"A claim for an award of compensation shall be commenced by filing an application for an award of compensation with the clerk of the West Virginia Legislative Claims Commission. The application shall be in a form prescribed by the clerk of the West Virginia Legislative Claims Commission and shall contain the information specified in subdivisions (1) through (6) of this subsection and, to the extent possible, the information in subdivisions (7) through (10) of this subsection: (1) The name and address of the victim of the criminally injurious conduct, the name and address of the claimant and the relationship of the claimant to the victim; (2) The nature of the criminally injurious conduct that is the basis for the claim and the date on which the conduct occurred; (3) The law-enforcement agency or officer to whom the criminally injurious conduct was reported and the date on which it was reported; (4) Whether the claimant is the spouse, parent, child, brother or sister of the offender, or is similarly related to an accomplice of the offender who committed the criminally injurious conduct; (5) A release authorizing the West Virginia Legislative Claims Commission and the claim investigator to obtain any report, document or information that relates to the determination of the claim for an award of compensation; (6) If the victim is deceased, the name and address of each dependent of the victim and the extent to which each is dependent upon the victim for care and support; (7) The nature and extent of the injuries that the victim sustained from the criminally injurious conduct for which compensation is sought, the name and address of any person who gave medical treatment to the victim for the injuries, the name and address of any hospital or similar institution where the victim received medical treatment for the injuries, and whether the victim died as a result of the injuries; (8) The total amount of the economic loss that the victim, a dependent or the claimant sustained or will sustain as a result of the criminally injurious conduct, without regard to the financial limitation set forth in subsection (g), section fourteen of this article; (9) The amount of benefits or advantages that the victim, a dependent or other claimant has received or is entitled to receive from any collateral source for economic loss that resulted from the criminally injurious conduct, and the name of each collateral source; (10) Any additional relevant information that the West Virginia Legislative Claims Commission may require. The West Virginia Legislative Claims Commission may require the claimant to submit, with the application, materials to substantiate the facts that are stated in the application." W. Va. Code Ann. § 14-2A-10(a). *See* https://www.wvlegislature.gov/joint/victims/crime_victim_application.pdf
Categories of Benefits Available	Compensation may be available for the following expenses: - medical - funeral/burial expenses - work loss - mileage to a medical treatment facility and to court for the prosecution of the offender - mental health counseling - relocation expenses	*See* https://www.wvlegislature.gov/joint/victims/crime_victim_application.pdf.
Requirements/Limits for Relocation Expenses	No express limit identified.	N/A.
Requirements/Limits for Mental Health Expenses	No express limit identified.	N/A.
Requirements/Limits for Lost Income	No express limit identified.	N/A.
Requirements/Limits for Medical Expenses	No express limit identified.	N/A.
Timeframe to Obtain Benefits	None identified.	N/A.
Is Emergency Assistance Available?	None identified.	N/A.
Compensation Cap (Overall)	The cap is $35,000 generally, $50,000 if the victim has died, and $100,000 if the victim is left with a severe disability.	"Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim may not exceed $35,000 in the aggregate. Compensation payable to all claimants because of the death of the victim may not exceed $50,000 in the aggregate. In the event the victim's personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C. § 423, the commission may award an additional amount, not to exceed $100,000, for special needs attributable to the injury." W. Va. Code Ann. § 14-2A-14(g).

TOPIC	SUMMARY	DETAILED DESCRPTION
Sources of Funding	Funding is provided through the Crime Victims Compensation Fund.	"(a) Every person within the state who is convicted of or pleads guilty to a misdemeanor offense, other than a traffic offense that is not a moving violation, in any magistrate court or circuit court, shall pay the sum of ten dollars as costs in the case, in addition to any other court costs that the court is required by law to impose upon the convicted person. Every person within the state who is convicted of or pleads guilty to a misdemeanor offense, other than a traffic offense that is not a moving violation, in any municipal court, shall pay the sum of eight dollars as costs in the case, in addition to any other court costs that the court is required by law to impose upon the convicted person. In addition to any other costs previously specified, every person within the state who is convicted of or pleads guilty to a violation of section two, article five, chapter seventeen-c of this code, shall pay a fee in the amount of twenty percent of any fine imposed under that section. This is in addition to any other court costs required by this section or which may be required by law. (b) The clerk of the circuit court, magistrate court or municipal court where the additional costs are imposed under the provisions of subsection (a) of this section shall, on or before the last day of each month, transmit all costs received under this article to the state treasurer for deposit in the state treasury to the credit of a special revenue fund to be known as the “Crime Victims Compensation Fund”. All moneys collected and received under this article and paid into the state treasury and credited to the crime victims compensation fund in the manner prescribed in section two, article two, chapter twelve of this code, shall be kept and maintained for the specific purposes of this article, and may not be treated by the auditor and treasurer as part of the general revenue of the state. (c) Expenditure of moneys in the crime victims compensation fund is authorized from collections. (d) Moneys in the crime victims compensation fund may be expended for: (1) The payment of the costs of administration of this article; (2) The payment of economic loss awards approved by the court; and (3) The payment of attorney and witness fees, allowed pursuant to section nineteen of this article. (e) The services of the office of the attorney general, as may be required or authorized by any of the provisions of this article, shall be rendered without charge to the fund. (f) Any moneys in the crime victims compensation fund may be invested as provided in article six, chapter twelve of this code, with the interest income credited to the crime victims compensation fund. (g) All funds in the special economic loss claim payment fund created under the provisions of section twenty of this article prior to the amendments made in that section enacted in the year one thousand nine hundred ninety-nine shall be transferred to the crime victims compensation fund within a reasonable time from the effective date of the amendments. (h) All gifts that are received to be used for the purposes of this article shall be deposited into the crime victims compensation fund." W. Va. Code Ann. § 14-2A-4.
Appeal Process	Hearing requests may be made within 21 days after notification by the commissioner of a decision.	"(a) If either the claim investigator or the claimant disagrees with the approval of an award or the denial of a claim in the summary manner set forth in the preceding sections of this article, the claim investigator or the claimant, or both, shall file with the clerk a request for hearing. Such request shall be filed within twenty-one days after notification by the commissioner of his or her decision. (b) Upon receipt of a request for hearing, the clerk shall set a date and time for hearing, shall advise the Attorney General and the claimant of the receipt of the request and docketing of the claim, and shall request the Attorney General to commence negotiations with the claimant. (c) During the period of negotiations and pending hearing, the Attorney General, shall, if possible, reach an agreement with the claimant regarding the facts upon which the claim is based so as to avoid the necessity for the introduction of evidence at the hearing. If the parties are unable to agree upon the facts, an attempt shall be made to stipulate the questions of fact in issue. (d) The hearing held in accordance with this section shall be before a single commissioner to whom the claim has not been previously assigned. Hearings before a commissioner may, in the discretion of such hearing officer, be held at such locations throughout the state as will facilitate the appearance of the claimant and witnesses. (e) The hearing shall be conducted so as to disclose all material facts and issues. The commissioner may examine or cross-examine witnesses. The commissioner may call witnesses or require evidence not produced by the parties; may stipulate the questions to be argued by the parties; and may continue the hearing until some subsequent time to permit a more complete presentation of the claim. (f) After the close of the hearing the commissioner shall consider the claim and shall conclude his or her determination, if possible, within thirty days. (g) The commission shall adopt and may from time to time amend rules of procedure to govern proceedings before the commission in accordance with the provisions of this article. The rules shall be designed to assure a simple, expeditious and inexpensive consideration of claims. The rules shall permit a claimant to appear in his or her own behalf or be represented by counsel and provide for interests of the state to be represented by the Attorney General in any hearing under this section at no additional cost to the fund or the state. Under its rules, the commission shall not be bound by the usual common law or statutory rules of evidence. The commission may accept and weigh, in accordance with its evidential value, any information that will assist the commission in determining the factual basis of a claim." W. Va. Code Ann. § 14-2A-15.

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	Awards may be reduced as a result of payments from collateral sources.	"Collateral source" means "a source of benefits or advantages for economic loss otherwise compensable that the victim or claimant has received or that is readily available to him or her from any of the following sources: (1) The offender, including restitution received from the offender pursuant to an order by a court sentencing the offender or placing him or her on probation following a conviction in a criminal case arising from the criminally injurious act for which a claim for compensation is made; (2) The government of the United States or its agencies, a state or its political subdivisions, or an instrumentality of two or more states; (3) Social Security, Medicare, and Medicaid; (4) State-required, temporary, nonoccupational disability insurance or other disability insurance; (5) Workers' compensation; (6) Wage continuation programs of an employer; (7) Proceeds of a contract of insurance payable to the victim or claimant for loss that was sustained because of the criminally injurious conduct; (8) A contract providing prepaid hospital and other health care services or benefits for disability; and (9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim which exceeds $25,000." W. Va. Code Ann. § 14-2A-3(b). "After reaching a decision to approve an award of compensation, but prior to announcing the approval, the commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the West Virginia Legislative Claims Commission. The commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source: Provided, That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section." W. Va. Code Ann. § 14-2A-14(f). "Subrogation rights which a collateral source may have shall not extend to a recovery from a claimant of all or any part of an award made under this article. A collateral source may not apply, in the name of a claimant or otherwise, for an award of compensation based upon injury to a claimant to whose rights the collateral source may be subrogated." W. Va. Code Ann. § 14-2A-23. "If an award of compensation is made under the provisions of this article and is not reduced on account of the availability of payment by a collateral source, the state, upon the payment of the award or a part of the award, shall be subrogated to all of the claimant's rights to receive or recover benefits or advantages for economic loss for which an award of compensation was made from such source if it were a collateral source or would be a collateral source if it were readily available to the victim or claimant. The claimant may sue the offender for any damages or injuries caused by the offender's criminally injurious conduct and not compensated for by an award of compensation. The claimant may join with the attorney general as co-plaintiff in any action against the offender. All moneys that are collected by the state pursuant to its rights of subrogation as provided in this section shall be deposited in the crime victims compensation fund." W. Va. Code Ann. § 14-2A-22.
References and Resources		W. Va. Code Ann. § 14-2A-1 *et seq.* *See* https://www.wvlegislature.gov/Joint/Victims/eligibility.cfm.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Time to File	1 year after theh date of the personal injury or death.	No order for the payment of an award may be made unless the application was made within 1 year after the date of the personal injury or death[.] Wis. Stat. Ann. § 949.08(1).
Eligibility Requirements: Identity of Person Seeking Compensation	Awards may be made: (1) To or for the benefit of the injured person; (2) In the case of personal injury to or death of the victim, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury to or death; or (3) I the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim. If 2 or more dependents are entitled to an award, the award shall be apportioned by the department among the dependents.	In any case in which a person is injured or killed by an incident specified in s. 949.03(1m), by any act or omission of any other person that is within the description of crimes under s. 949.03(2) or by any act or omission of any person that is within the description of the crime listed and the condition provided under s. 949.03(4), the department may order the payment of an award1: (1) To or for the benefit of the injured person; (2) In the case of personal injury to or death of the victim, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury to or death; or (3) Except as provided in s. 949.06(1m), in the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim. If 2 or more dependents are entitled to an award, the award shall be apportioned by the department among the dependents. Wis. Stat. Ann. § 949.05.
Eligibility Requirements: Types of Crime	See list of specified crimes at right.	The department may order the payment of an award for personal injury or death which results from: (1m) Preventing or attempting to prevent the commission of a crime; apprehending or attempting to apprehend a suspected criminal; aiding or attempting to aid a police officer to apprehend or arrest a suspected criminal; aiding or attempting to aid a victim of a crime specified in sub. (2); or aiding or attempting to aid a victim of the crime specified and the condition provided in sub. (4). (2) The commission or the attempt to commit any crime specified in s. 346.62(4), 346.63(2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.198, 940.20, 940.201, 940.204, 940.21, 940.22(2), 940.225, 940.23, 940.235, 940.24, 940.25, 940.285, 940.29, 940.30, 940.302(2), 940.305, 940.31, 940.32, 941.327, 942.09, 943.02, 943.03, 943.04, 943.10, 943.20, 943.231(1), 943.32, 943.81, 943.86, 943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075, 948.08, 948.085, 948.09, 948.095, 948.20, 948.21(1), 948.30, or 948.51 [see list below] (3) The commission or the attempt to commit abuse described in s. 48.02(1)(g) [relating to the manufacturing of methamphetamine in the presence of, or in the home of, a child] (4) The commission or the attempt to commit the crime specified in s. 346.67(1) [relating to hit-and-run vehicular accidents] if the victim was a pedestrian, a person riding a bicycle, or a person in a buggy. Wis. Stat. Ann. § 949.03. “Crime” means an act committed in this state which would constitute a crime as defined in s. 939.12 if committed by a competent adult who has no legal defense for the act. Wis. Stat. Ann. § 949.01(1). List of crimes described in Section 2: 346.62(4) Reckless Driving 346.63(2) or (6) Operating Under Influence of Intoxicant or Other Drug 346.67(1) Duty Upon Striking (Pedestrian Only) 346.67(1) Duty Upon Striking (Involving a Bicyclist or Person in a Buggy) 940.01 First-Degree Intentional Homicide 940.02 First-Degree Reckless Homicide 940.03 Felony Murder 940.05 Second-Degree Intentional Homicide 940.06 Second-Degree Reckless Homicide 940.07 Homicide Resulting from Negligent Control of Vicious Animal

TOPIC	SUMMARY	DETAILED DESCRPTION
		940.07 Homicide Resulting from Negligent Control of Vicious Animal 940.08 Homicide by Negligent Handling of Dangerous Weapon, Explosives or Fire 940.09 Homicide by Intoxicated Use of Vehicle or Firearm 940.10 Homicide by Negligent Operation of Vehicle 940.19 Battery; Substantial Battery; Aggravated Battery 940.20 Battery; Special Circumstances 940.201 Battery or Threat to Witnesses 940.21 Mayhem 940.22(2) Sexual Exploitation by a Therapist 940.225 Sexual Assault 940.23 Reckless Injury 940.235 Strangulation & Suffocation 940.24 Injury by Negligent Handling of Dangerous Weapon, Explosives or Fire 940.25 Injury by Intoxicated Use of a Vehicle 940.285 Abuse of Vulnerable Adults 940.29 Abuse of Residents of Penal Facilities 940.30 False Imprisonment 940.302 (2) Human Trafficking 940.305 Taking Hostages 940.31 Kidnapping 940.32 Stalking 941.327 Tampering with Household Products 942.09 Representations Depicting Nudity 943.02 Arson of Buildings; Damage of Property by Explosives 943.03 Arson of Property Other Than Building 943.04 Arson with Intent to Defraud 943.10 Burglary 943.20 Theft 943.23(1g) Operating Vehicle Without Owner’s Consent While Possessing Dangerous Weapon 943.32 Robbery

TOPIC	SUMMARY	DETAILED DESCRPTION
		943.81 Theft from a Financial Institution 943.86 Extortion against a Financial Institution 943.87 Robbery of a Financial Institution 948.02 Sexual Assault of a Child 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child 948.03 Physical Abuse of a Child 948.04 Causing Mental Harm to a Child 948.05 Sexual Exploitation of a Child (Effective 4/24/12) 948.051 Trafficking of a Child 948.06 Incest with a Child (Effective 4/24/12) 948.07 Child Enticement 948.075 Use of a Computer to Facilitate a Child Sex Crime (Effective 4/24/12) 948.08 Soliciting a Child for Prostitution (Effective 4/24/12) 948.085 Sexual Assault of a Child Placed in Substitute Care 948.09 Sexual Intercourse with a Child Age 16 or Older (Effective 4/24/12) 948.095 Sexual Assault of a Student by a School Instructional Staff Person 948.20 Abandonment of a Child 948.21(1) Neglecting a Child (Effective 4/13/16) 948.30 Abduction of Another's Child; Constructive Custody 948.51 Hazing See Crime Victim Compensation Program Handout (2018) available at https://www.doj.state.wi.us/sites/default/files/ocvs/compensation/CVC%20LE%20Handout%202018.pdf.
Eligibility Requirements: Geographic Nexus	Applies to crimes committed in the state of Wisconsin. Also applies to crimes occurring outside of Wisconsin if committed against a Wisconsin resident and the state, territory, country or political subdivision where the crime occurred does not have a compensation of victims of crimes law which covers the injury or death suffered by the person.	"Crime" means an act **committed in this state** which would constitute a crime as defined in s. 939.12 if committed by a competent adult who has no legal defense for the act. Wis. Stat. Ann. § 949.01(1). If a Wisconsin resident suffers injury or death in a situation described in s. 949.03 except that the act occurred outside this state, the resident has the same rights under this subchapter as if the act had occurred in this state upon a showing that the state, territory, country or political subdivision of a country in which the act occurred does not have a compensation of victims of crimes law which covers the injury or death suffered by the person. Wis. Stat. Ann. § 949.035 (West)
Eligibility Requirements: Criminal Background of Victim	None.	No limitations.
Citizenship Requirement?	None.	No limitations.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Is a Police Report or Cooperation with Law Enforcement Required?	Yes, the offense must be reported to the police within 5 days of the occurrence, or within 5 days of the time when a report could reasonably have been made. Requirement is waivable by the WI Department of Justice. The victim must cooperate with the investigation and prosecution of the case. However, criminal charges do not need to be filed in order to apply for Crime Victim Compensation.	The personal injury or death was the result of an incident or offense which had been reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within such period, within 5 days of the time when a report could reasonably have been made. The department may waive the requirements under this subsection in the interest of justice. Wis. Stat. Ann. § 949.08(1).
Is Complicity in Crime Disqualifying?	Yes.	No award may be ordered if the victim: (a) Engaged in conduct which substantially contributed to the infliction of the victim's injury or death or in which the victim could have reasonably foreseen could lead to the injury or death. This does not apply to awards to victims under s. 949.03(1m) [relating to persons preventing or attempting to prevent the commission of a crime or aiding victims of a crime]. (b) Committed a crime which caused or contributed to the victim's injury or death. (d) Has not cooperated with appropriate law enforcement agencies. (e) Is an adult passenger in the offender's vehicle, the crime involved is specified in s. 346.63(2) or 940.25 [related to intoxicated use of a vehicle], and the passenger knew the offender was under the influence of an intoxicant, a controlled substance, or another drug to a degree that renders him or her incapable of safely driving. This paragraph does not apply if the victim is also a victim of a crime specified in s. 940.30 [false imprisonment], 940.305 [taking hostages], 940.31 [kidnapping] or 948.30 [child abduction]. (em) Is an adult passenger in the offender's commercial motor vehicle, the crime involved is specified in s. 346.63(6) [related to intoxicated use of a vehicle] or 940.25, and the passenger knew the offender was under the influence of an intoxicant, a controlled substance, or another drug to a degree that renders him or her incapable of safely driving. This paragraph does not apply if the victim is also a victim of a crime specified in s. 940.30, 940.305, 940.31, or 948.30. Wis. Stat. Ann. § 949.08(2)(a)-(em).
To Whom are Applications Made?	Wi Department of Justice Crime Victim Compensation Program	*See* https://www.doj.state.wi.us/ocvs/compensation/apply-crime-victim-compensation
How are Applications Accepted?	Online, mail, email or fax.	Online portal: https://wisdoj.gov1.qualtrics.com/jfe/form/SV_cAChdgG3ETQUUoI Paper application for print or download: https://www.doj.state.wi.us/sites/default/files/ocvs/compensation/Fillable%20CVCApplication%20English.pdf Mail Wisconsin Crime Victim Compensation Program PO Box 7951 Madison, WI 53707-7951 Fax (608) 264-6368 Email ocvs@doj.state.wi.us
Who May Submit an Application?	Any person may apply for an award.	(ag) Any person may apply for an award under this subchapter. (ar) Application by a minor may be made on the minor's behalf by his or her parent or guardian. (b) Application by an individual adjudicated incompetent may be made on the individual's behalf by the guardian or other person authorized to administer the individual's estate. Wis. Stat. Ann. § 949.04(1).

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What Language Services are Available?	The online application is available in English and Spanish. The paper application is also available in English, Spanish and Hmong. The application also provides a field to request interpretation services in other languages.	Online application: https://wisdoj.gov1.qualtrics.com/jfe/form/SV_cAChdgG3ETQUUol (see language selection box at top right) Paper Application English: https://www.doj.state.wi.us/sites/default/files/ocvs/compensation/Fillable%20CVCApplication%20English.pdf Spanish: https://www.doj.state.wi.us/sites/default/files/ocvs/compensation/Fillable%20CVC%20Application%20Espa%C3%B1ol.pdf Hmong: https://www.doj.state.wi.us/sites/default/files/ocvs/compensation/CVCApplication%20Hmong.pdf The application also provides a field to request interpretation services in other languages.
General Documentation Requirements	Application and itemized copies of crime-related medical bills.	
Categories of Benefits Available	Medical treatment Work loss Housing accessibility adaptations Replacement value of any clothing and bedding, computer or mobile telephones, or other property that is held for evidentiary purposes Funeral and burial expenses Loss of support Costs associated with securing and cleaning up a crime scene	(1) In accordance with this subchapter, the department shall make awards, as appropriate, for any of the following economic losses incurred as a direct result of an injury: (a) Medical treatment, subject to the limits set forth under par. (bg). (b) Work loss of a victim, a parent of a victim, or in the case of a homicide, a family member of a victim, shall be subject to the limits set forth under par. (bg) and shall be determined as follows: 1. If the victim or parent of a victim was employed at the time of the injury, loss of actual earnings shall be based upon his or her net income at the time of the injury. 2. If the victim was not employed at the time of the injury or, if as a direct result of the injury, the victim suffered a disability causing a loss of potential income, the award may be based upon a sufficient showing by the victim that he or she actually incurred loss of income. 3. If a victim is released by a physician to return to work with restrictions but is unable to return to the job he or she was performing at the time the crime was committed, the award shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing, but unreasonably failed to undertake. 4. The department may award each victim, parent of a victim, or in the case of a homicide, family member of a victim not more than 2 weeks of lost wages without requiring proof of disability from a physician. (bg) The department may award each parent of a victim not more than $3,000 total for reimbursement of expenses under par. (a) related to mental health treatment and for work loss under par. (b). (bm) If at the time of the injury, the victim was a caregiver in his or her home, an amount sufficient to ensure that the duties and responsibilities are continued until the victim is able to resume the performance of the duties, or until the cost of services reaches the maximum allowable under s. 949.08(1m)(a), whichever is less. (br) If as a direct result of the personal injury, the victim suffered a protracted disability, reasonable and necessary housing accessibility adaptations, but not to exceed $5,000. (c) Reasonable replacement value of any clothing and bedding that is held for evidentiary purposes, but not to exceed $300. (cg) Reasonable replacement value of any computer or mobile telephone that is held for evidentiary purposes, but not to exceed $200. (cm) Reasonable replacement value for property, other than clothing and bedding under par. (c), that is held for evidentiary purposes and is rendered unusable as a result of crime laboratory testing, but not to exceed $200. (d) Reasonable funeral and burial expenses, not to exceed $5,000.

TOPIC	SUMMARY	DETAILED DESCRPTION
		(e) Loss of support, which shall be determined on the basis of the victim's net annual income at the time of death, and shall be calculated as follows: 1. The department shall determine the victim's net annual income, and shall multiply that amount by 4. Subject to subds. 2. and 3., the loss of support award is this amount. 2. The department shall deduct from the amount calculated under subd. 1. an amount equal to benefits the dependents received or are to receive, over the course of 4 years, as a survivor benefit from the federal social security program. 3. The department shall deduct from the amount calculated under subd. 1. the amount of any life insurance proceeds the dependents received as a result of the victim's death. (f) Reasonable and necessary costs associated with securing and cleaning up a crime scene, not to exceed $1,000. Wis. Stat. Ann. § 949.06(1). “Family member” means any spouse, domestic partner under ch. 770, parent, grandparent, stepparent, foster parent, child, stepchild, adopted child, grandchild, foster child, brother, sister, half brother, or half sister. Wis. Stat. Ann. § 949.06 (4)(1m)(a).
Requirements/Limits for Relocation Expenses	Not available	Not available
Requirements/Limits for Mental Health Expenses	$3,000 limit.	The department may award each parent of a victim not more than $3,000 total for reimbursement of expenses under par. (a) related to mental health treatment Wis. Stat. Ann. § 949.06(1)(bg).
Requirements/Limits for Lost Income	$3,000 limit.	The department may award each parent of a victim not more than $3,000 total for reimbursement of expenses ... for work loss under par. (b). Wis. Stat. Ann. § 949.06(1)(bg). 1. If the victim or parent of a victim was employed at the time of the injury, loss of actual earnings shall be based upon his or her net income at the time of the injury. 2. If the victim was not employed at the time of the injury or, if as a direct result of the injury, the victim suffered a disability causing a loss of potential income, the award may be based upon a sufficient showing by the victim that he or she actually incurred loss of income. 3. If a victim is released by a physician to return to work with restrictions but is unable to return to the job he or she was performing at the time the crime was committed, the award shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing, but unreasonably failed to undertake. 4. The department may award each victim, parent of a victim, or in the case of a homicide, family member of a victim not more than 2 weeks of lost wages without requiring proof of disability from a physician. Wis. Stat. Ann. § 949.06(b).
Requirements/Limits for Medical Expenses	No limit for medical expenses, other than mental health treatment, other than the $40,000 total cap.	No limitations, other than the $3,000 cap on mental health treatment, up to the $40,000 total cap.
Timeframe to Obtain Benefits	At least four months.	No timeframe is specified within the statute. The website to apply for compensation states: "Complete your application as soon as possible! Do not wait until court is over or until treatment is completed. **Due to the high volume of claims received, a specialist will be assigned to review your claim for eligibility approximately four months following receipt of your application**. No bills will be paid by this program until eligibility is determined. It is strongly encouraged that you arrange payment plans with any vendors for outstanding bills to avoid collections." https://www.doj.state.wi.us/ocvs/compensation/apply-crime-victim-compensation.(emphasis added).
Is Emergency Assistance Available?	No	None provided.

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TOPIC	SUMMARY	DETAILED DESCRPTION
Compensation Cap (Overall)	$40,000	The department may not make an award of more than $40,000 for any one injury or death. Wis. Stat. Ann. § 949.08(1m)(a).
Sources of Funding		
Appeal Process	Appeals may be made following the guidelines in WI ST Ch. 227, Administrative Procedure and Review, whereupon a person is entitled to a hearing in a contested case upon filing a written request with the relevant agency.	(1) The procedure of ch. 227 [Administrative Procedure and Review] for contested cases applies to hearings under this subchapter except as otherwise provided in this section and ss. 949.12 [relating to the Department's power to issue subpoenas] and 949.14 [relating to attorney's fees]. (2) The division of hearings and appeals in the department of administration shall appoint hearing examiners to make findings and orders under s. 227.46 and this subchapter. (3) All hearings shall be open to the public unless in a particular case the examiner determines that the hearing, or a portion thereof, shall be held in private having regard to the fact that the offender has not been convicted or to the interest of the victim of an alleged sexual offense. Wis. Stat. Ann. § 949.11. In addition to any other right provided by law, any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if: (a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction; (b) There is no evidence of legislative intent that the interest is not to be protected; (c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and (d) There is a dispute of material fact. Wis. Stat. Ann. § 227.42(1).
Payer of Last Resort Requirements	Any award shall be reduced by the amount of any payment received from the sources described at right.	Any award made under this section shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death: (a) From, or on behalf of, the person who committed the crime. (b) From insurance payments or program, including worker's compensation and unemployment insurance. The department may reduce an award related to a crime under s. 346.62(4), 346.63(2) or (6), 940.09, 940.10, or 940.25, if the victim was not in compliance with s. 344.62(1) at the time of the crime, by an amount equal to the payment the victim would have received from an insurance program or payment if the victim had been in compliance with s. 344.62(1). The department may not reduce an award by an amount received or to be received from an insurance payment or program if it has deducted that amount from an award for economic loss under sub. (1)(e)3. (c) From public funds. (e) From one or more 3rd parties held liable for the offender's acts. (f) From an award under s. 949.26 [relating to sexual assault forensic examination compensation].
References and Resources		Handout: https://www.doj.state.wi.us/sites/default/files/ocvs/compensation/CVC%20LE%20Handout%202018.pdf Website for Victim Resource Center: https://www.doj.state.wi.us/ocvs/victim-rights/victim-rights-navigating-justice-system WI DOJ Human Trafficking Website: https://www.doj.state.wi.us/ocvs/human-trafficking#Find%20services

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Time to File	The claim must be filed within 1 year of the date of the crime.	*See* https://drive.google.com/file/d/1Zvzf8VC9HEhB-phGvVFadXOoyJGJDWVq/view.
Eligibility Requirements: Identity of Person Seeking Compensation	The following persons may be eligible for compensation: A victim of a crime who has suffered injury as a result of: - a criminal act - trying to stop a person committing a crime - trying to help a law enforcement officer - trying to help a victim of a crime Families and dependents of deceased victims Persons who are authorized to act on behalf of victims	"The Division shall not make an award unless it determines eligibility based on the following: (a) The victim suffered personal injury or death as a result of a "criminal act" under the laws of the State of Wyoming. No act involving the operation of motor vehicle, boat, or aircraft which results in injury or death constitutes a crime for the purpose of this act unless the injury or death was recklessly or intentionally inflicted through the use of the vehicle, boat, or aircraft, or unless the act constitutes a violation of W.S. 31-5-233." Wyo. Admin. Code 015.0012.3 § 4(a). "Victim" means: "(A) A person who suffers personal injury or is killed in this state as a direct result of: (I) A criminal act of another person; (II) The person's good faith and reasonable effort in attempting to prevent the commission of a criminal act, or to apprehend a person engaging in a criminal act or assisting a law enforcement officer to do so; (III) Assisting or attempting to assist a person against whom a crime is being perpetrated or attempted; (IV) A federal crime occurring in Wyoming. (B) A resident who is a victim of a crime occurring outside this state if: (I) The crime would be compensable had it occurred inside this state; and (II) The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in W.S. 1-40-101 through 1-40-119. (C) A resident of this state who is injured or killed by an act of terrorism, as defined by 18 U.S.C. 2331, committed outside the United States; (D) Family members who are Wyoming residents and who have suffered a pecuniary loss as a result of a terrorist attack in the United States, regardless of the actual victim's residency; (E) A resident of this state who is a victim of a crime involving terrorism occurring outside this state if: (I) The crime would be compensable had it occurred within this state; and (II) The resident of this state suffered a pecuniary loss as a direct result of the act of terrorism committed in another state of the United States." Wyo. Stat. Ann. § 1-40-102(a)(ix). "A Victim means: A person who suffers personal injury or is killed in this state as a direct result of: (A) A criminal act of another person; (B) The persons good faith and reasonable effort in attempting to prevent the commission of a criminal act, or to apprehend a person engaging in a criminal act or assisting a law enforcement officer to do so; (C) Assisting or attempting to assist a person against whom a crime is being perpetrated or attempted; or (D) A federal crime occurring in Wyoming; (E) A resident who is a victim of a crime occurring outside this state if: (i) The crime would be compensable had it occurred inside this state; and (ii) The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in W.S. 1-40-101 through 1-40-119; or (F) A resident of this state who is injured or killed by an act of terrorism, as defined by 18 U.S.C. 2331, committed outside the United States, W.S. 1-40-102(a)(ix)." Wyo. Admin. Code 015.0012.3 § 2(a)(vii). "The victim or his dependent is entitled to compensation under this act if: (i) The victim suffered personal injury as a result of a criminal act; (ii) Repealed by Laws 1989, ch. 233, § 2. (iii) The injury to or death of the victim was not attributable to his own wrongful act; (iv) The appropriate law enforcement authorities were notified of the criminal act allegedly causing the injury to or death of the victim as soon as practical under the circumstance after perpetration of the offense and the claimant cooperates with appropriate law enforcement authorities with respect to the crime for which compensation is sought; (v) The application for compensation is filed with the division within one (1) year after the date of the injury to or death of the victim, or within any extension of time the division allows for good cause shown; and (vi) The owner of real estate has paid all claims for reimbursement pursuant to W.S. 35-9-158(a)(ii)." Wyo. Stat. Ann. § 1-40-106(a). *See* https://drive.google.com/file/d/1Zvzf8VC9HEhB-phGvVFadXOoyJGJDWVq/view.

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Eligibility Requirements: Types of Crime	Compensation may be available in connection with any act which constitutes a crime or an act of terrorism which results in actual bodily injury, or actual mental harm, or death to the victim.	"Criminal act" means "an act committed or attempted in this state, including an act of domestic violence, which constitutes a crime as defined by the laws of this state or an act of terrorism, as defined by 18 U.S.C. 2331 committed outside the United States, and which results in actual bodily injury, or actual mental harm, or death to the victim. No act involving the operation of a motor vehicle, boat or aircraft which results in injury or death constitutes a crime for the purpose of this act unless the injury or death was recklessly or intentionally inflicted through the use of the vehicle, boat or aircraft, or unless the act constitutes a violation of W.S. 31-5-233[.]" Wyo. Stat. Ann. § 1-40-102(a)(iii); Wyo. Admin. Code 015.0012.3 § 2(a)(ii). "Personal injury" means "actual bodily injury or actual mental harm[.]" Wyo. Stat. Ann. § 1-40-102(a)(vii); Wyo. Admin. Code 015.0012.3 § 2(a)(vi). "Crime" means "an act committed in this state which would constitute a crime as defined in W.S. 6-1-104[.]" Wyo. Admin. Code 015.0012.3 § 2(b)(ii).
Eligibility Requirements: Geographic Nexus	(i) The crime must have occurred in Wyoming, or (ii) the victim was impacted by a crime outside of Wyoming but the Victim is a resident of Wyoming and the crime occurred in a state which does not have a crime victim compensation program for which the victim is eligible, or (iii) the victim is a resident of Wyoming who was injured or killed by an act of terrorism.	"Criminal act" means "an act committed or attempted in this state, including an act of domestic violence, which constitutes a crime as defined by the laws of this state or an act of terrorism, as defined by 18 U.S.C. 2331 committed outside the United States, and which results in actual bodily injury, or actual mental harm, or death to the victim. No act involving the operation of a motor vehicle, boat or aircraft which results in injury or death constitutes a crime for the purpose of this act unless the injury or death was recklessly or intentionally inflicted through the use of the vehicle, boat or aircraft, or unless the act constitutes a violation of W.S. 31-5-233[.]" Wyo. Stat. Ann. § 1-40-102(a)(iii). "Victim" means: "(A) A person who suffers personal injury or is killed in this state as a direct result of: (I) A criminal act of another person; (II) The person's good faith and reasonable effort in attempting to prevent the commission of a criminal act, or to apprehend a person engaging in a criminal act or assisting a law enforcement officer to do so; (III) Assisting or attempting to assist a person against whom a crime is being perpetrated or attempted; (IV) A federal crime occurring in Wyoming. (B) A resident who is a victim of a crime occurring outside this state if: (I) The crime would be compensable had it occurred inside this state; and (II) The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in W.S. 1-40-101 through 1-40-119. (C) A resident of this state who is injured or killed by an act of terrorism, as defined by 18 U.S.C. 2331, committed outside the United States; (D) Family members who are Wyoming residents and who have suffered a pecuniary loss as a result of a terrorist attack in the United States, regardless of the actual victim's residency; (E) A resident of this state who is a victim of a crime involving terrorism occurring outside this state if: (I) The crime would be compensable had it occurred within this state; and (II) The resident of this state suffered a pecuniary loss as a direct result of the act of terrorism committed in another state of the United States." Wyo. Stat. Ann. § 1-40-102(a)(ix).
Eligibility Requirements: Criminal Background of Victim	If the victim perpetrates a felony after applying for compensation the victim will not be eligible. If the victim was incarcerated at the time of the crime that forms the basis for the application for compensation the individual will not qualify.	"Any person who perpetrates any criminal act on the person of another or who is convicted of a felony after applying to the division for compensation is not eligible or entitled to receive compensation under this act." Wyo. Stat. Ann. § 1-40-106(c). "An individual who is a victim of a criminal attack while confined in a prison or other correctional facility at the time of the crime[.]" *See* https://drive.google.com/file/d/1Zvzf8VC9HEhB-phGvVFadXOoyJGJDWVq/view.
Citizenship Requirement?	None identified.	N/A.

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Is a Police Report or Cooperation with Law Enforcement Required?	A police report is required within a reasonable time after the crime. The claimant must fully cooperate in the investigation and prosecution of the crime.	"In determining whether a victim reasonably cooperated with law enforcement the Division may consider the victims age, physical condition and psychological state and any compelling health and safety reasons that would jeopardize the well being of the victim. (i) Reasonable cooperation with law enforcement by the victim may include but not be limited to the following: (A) providing law enforcement with a true, accurate and complete statement of the circumstances that led to the crime; (B) participating in the investigation of the crime to assist law enforcement with the identification of a suspect; (C) participating in prosecution procedures including deposition and trail testimony as requested; (D) Sexual abuse victims shall be deemed to have reasonably cooperated with law enforcement if the victim undergoes a sexual assault forensic exam;" Wyo. Admin. Code 015.0012.3 § 4(c). "Law enforcement agency" means "any agency that is responsible for the enforcement of the laws or governmental administrative rules concerning a particular group[.]" Wyo. Admin. Code 015.0012.3 § 2(b)(iii). The victim or claimant must report the crime to law enforcement within a reasonable time after the crime. The victim or claimant must fully cooperate in the investigation and prosecution of the crime. *See* https://drive.google.com/file/d/1Zvzf8VC9HEhB-phGvVFadXOoyJGJDWVq/view. "Verification of the crime shall require a completed certification form or law enforcement investigation report." Wyo. Admin. Code 015.0012.3 § 6(a).
Is Complicity in Crime Disqualifying?	The victim's involvement in the crime may lead to a reduction in compensation or disqualify the victim from receiving compensation.	"In reducing or disqualifying compensation applications the Division may consider but is not limited to the following: (a) Whether the victim attempted to withdraw from the incident; (b) Comparable or reasonable force on the part of the suspect in response to the actions of the victim; (c) Comparable size and strength of the victim and suspect; (d) Retaliatory action for a prior physical assault or injury committed by the victim against the perpetrator, and the victim could have reasonably foreseen the likelihood of retaliations; (e) Victim contributed to or was involved in the events leading to the crime; (f) When the victim was a passenger of a drunk driver the Division shall consider whether the victim could have reasonably known the intoxication level of the driver, the drivers behavior or judgement appeared impaired or the victim encouraged or discouraged the driver from driving; (g) Mutual combatant situations." Wyo. Admin. Code 015.0012.3 § 11.
To Whom are Applications Made?	The Victim Services Division within the Office of the Attorney General.	"Division" means "the victim services division within the office of the attorney general, created by W.S. 9-1-636[.]" Wyo. Stat. Ann. § 1-40-102(a)(x).
How are Applications Accepted?	Applications must be submitted by mail.	*See* https://drive.google.com/file/d/1r3tb2JHkQ5qfkUBgTluYxci9bXRgC42P/view.
Who May Submit an Application?	The following persons may submit an application: A victim of a crime who has suffered injury as a result of: - a criminal act - trying to stop a person committing a crime - trying to help a law enforcement officer - trying to help a victim of a crime Families and dependents of deceased victims Persons who are authorized to act on behalf of victims	"The victim or his dependent is entitled to compensation under this act if: (i) The victim suffered personal injury as a result of a criminal act; (ii) Repealed by Laws 1989, ch. 233, § 2. (iii) The injury to or death of the victim was not attributable to his own wrongful act; (iv) The appropriate law enforcement authorities were notified of the criminal act allegedly causing the injury to or death of the victim as soon as practical under the circumstance after perpetration of the offense and the claimant cooperates with appropriate law enforcement authorities with respect to the crime for which compensation is sought; (v) The application for compensation is filed with the division within one (1) year after the date of the injury to or death of the victim, or within any extension of time the division allows for good cause shown; and (vi) The owner of real estate has paid all claims for reimbursement pursuant to W.S. 35-9-158(a)(ii)." Wyo. Stat. Ann. § 1-40-106(a).
What Language Services are Available?	Relevant documentation is provided in English and Spanish. More limited materials are available in German, Somali, Chinese, French, and Marshallese.	*See* https://dvs.wyo.gov/language/language-options.

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General Documentation Requirements	An application plus all required documentation must be provided.	"(a) The application for compensation shall be on a form furnished by the division, setting forth: (i) The victim's name and address; (ii) If the victim is deceased, the claimant's name and address and his relationship to the victim, the names and addresses of the victim's dependents and the extent to which each is dependent; (iii) The date and nature of the criminal act on which claim for compensation is based; (iv) The date and place where and the law enforcement officials to whom notification of the criminal act was given; (v) The nature and extent of the injuries the victim sustained and the names and addresses of those giving medical and hospitalization treatment to the victim; (vi) The economic loss to the applicant and to all other persons as specified under paragraph (a)(ii) of this section resulting from the injury or death; (vii) The amount and source of benefits, payments or awards, if any, payable to the applicant and dependents; (viii) Releases authorizing the surrender to the division of all reports, medical records and other information relating to the claim and crime; and (ix) Any other information the division reasonably requires. (b) The division may require that materials substantiating the facts stated in the application be submitted with the application. If the division finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the applicant in writing of the specific additional items or information or materials required and that the applicant has thirty (30) days from the date of the notice in which to furnish those items to the division. The division shall reject the application of an applicant who although notified fails to file the requested information or substantiating materials within the time specified unless he requests, and the division grants, an extension of time in which to furnish that information. (c) An applicant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the division disposes of the original application. In either case, the filing of additional information or of an amended application shall be considered to have been filed at the same time as the original application." Wyo. Stat. Ann. § 1-40-107. "(a) Hearings shall be held on the application and are open to the public unless the division determines that a closed hearing is necessary because: (i) The alleged assailant or offender has not been brought to trial and a public hearing would adversely affect either his apprehension or his trial; (ii) The victim or alleged assailant is a minor; (iii) An open hearing would cause trauma for the victim; (iv) A public hearing would frustrate rather than further the interest of justice. (b) A record shall be kept of the proceedings of hearings held before the division and shall include the division's findings of fact and conclusions of the amount of compensation, if any, to which the applicant and persons dependent on a deceased victim are entitled. No part of the record of any hearing before the division may be used for any purpose in a criminal proceeding except in the prosecution of a person alleged to have perjured himself in his testimony before the division. (c) At the conclusion of the hearing, the division shall enter an order stating: (i) Its findings of fact;

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		(i) Its findings of fact; (ii) Its decision as to whether or not compensation is due under this act and the amount of compensation due, if any; (iii) Whether disbursement of the compensation awarded is to be made in a lump sum or in periodic payments; and (iv) The person or persons to whom the compensation should be paid. (d) If the division finds, in the case of an application made by a person dependent for his support on a deceased victim, that persons other than the applicant were also dependent on that victim for their support, it shall also: (i) Name those persons in its order; (ii) State the percentage share of the total compensation award and the dollar amount to which each is entitled; and (iii) Order that those amounts be paid to those persons directly or, in the case of a minor or incompetent, to his guardian or conservator, as the case may be." Wyo. Stat. Ann. § 1-40-108. "In determining whether a criminal act has occurred, the Division shall take into account the following sources of information: (i) Description of the act as related by the victim on the application form (ii) Any reports prepared by the appropriate law enforcement agencies; (iii) The law enforcement certification form prepared by law enforcement in response to a request from the Division; (iv) Any formal charging documents filed against the perpetrator, including the criminal complaint arrest warrant and information on any judgement and sentence or other final order entered against him; (v) Any other information that the Division deems to be relevant, including but not limited to, provocation, consent, participation in an illegal activity or behavior on the part of the victim which, directly or indirectly contributed to his injury or death, and the prior case history of the victim which may also include matters pertaining to the victim's medical history, and whether the victim cooperated with law enforcement authority or showed a compelling health or safety reason why they could not cooperate; (vi) The Division may consider, but is not bound by, the categorizing of the offense by the reporting law enforcement agency or prosecuting attorney; (vii) In all cases the Division shall exercise its discretion in determining whether a crime has occurred; and (viii) The application for compensation must be filed within I year from the date of the injury or death of the victim or within the extension of time the Division has allowed for good cause. (A) Good cause in determining whether a victim has satisfied the requirement to report a crime to law enforcement, the Division may consider the victims age, physical condition and psychological state, and any compelling health or safety reason that would jeopardize the well being of the victim. The Division may waive the report to law enforcement or the 1 year filing date if good cause is shown." Wyo. Admin. Code 015.0012.3 § 4(b). "The divisions claim specialists shall conduct a review of all claims and verify all requests for financial assistance. (a) Verification of the crime shall require a completed certification form or law enforcement investigation report. (b) Verification of medical and funeral expenses. Applicant shall submit copies of all bills related to the personal injury or death. In case of a deceased victim a copy of the death certificate is required. (c) Verification of Loss of Earnings. An employer's certification form shall be mailed to the applicant's employer. In some cases verification may be done by phone. For self-employed victims or self employed defendants, IRS quarterly or yearly reports shall be submitted. (d) Verification of Future Loss of Earnings. Along with the employer's certification, a medical certification form is required. If the injury has caused a disability this shall be verified by a physician. The physician shall estimate when the applicant will again be able to work." Wyo. Admin. Code 015.0012.3 § 6.

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Categories of Benefits Available	The Wyoming Crime Victim Compensation Program covers: - Mental health treatment or counseling - Medical or dental expenses - Lost wages or income - Burial and funeral expenses - Moving or relocation expenses - Financial support to care for the dependents of a victim who died or became disabled as a result of the crime	"If a person is injured or killed by a criminal act, the division may order the payment of compensation in accordance with this act for: (i) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, by the victim, his dependent, or any person responsible for the victim's maintenance; (ii) Loss of earning power as a result of the victim's total or partial incapacity; (iii) Economic loss to the deceased victim's dependents; and (iv) Any other loss resulting from the personal injury or death of the victim which the division determines to be reasonable." Wyo. Stat. Ann. § 1-40-110(a). "(b) Medical Expenses. Medical expenses include those incurred from the reasonable and necessary costs of all medical and dental services, dental and prosthetic devices, services rendered by any method of healing recognized by the law of this state, and mental health counseling and care. (i) Compensable medical expenses include: (A) those incurred from the date of the injury to the decision date; (B) in the event the application is considered more than one year after the date of the crime, compensable medical expenses shall be limited to those medical expenses incurred one year after the crime date; (C) no compensation shall be paid for future medical expenses. (c) Mental health counseling and care means the assessment, diagnosis and treatment of an individual's mental and emotional functioning that is required to alleviate psychological trauma resulting from compensable crime. (i) Mental health counseling shall be provided by a certified or licensed practitioner of the healing arts acting within the scope of his or her license or certificate. (ii) Counseling services provided to an eligible victim by a counselor whose position is funded, in whole or in part, or whose position is used as match to a federal Victims of Crime Act funds, shall not be eligible for compensation payment. (iii) Compensation for family counseling shall be payable only for sessions where the focus of the session is to assist the victim in recovery from a compensable crime. (d) Loss of earnings, loss of future earnings, and loss of dependents support. In order to be compensated for loss of earnings or loss of support the victim must have been employed at the time of the crime that caused the death or personal injury. (i) If the victim was self employed at the time of injury or death, the loss of actual earnings shall be determined by the income reported on the previous year's federal income tax return or the current year's income based on current financial records or any other documentation that enables the Division to determine the income for the six months immediately proceeding the date of the injury. The loss of earnings is computed at current federal minimum wage. (ii) If the sole employment of the victim at the time of the injury or death was limited to performing duties and responsibilities of a homemaker, the award shall be determined by documentation of actual expenses for cost of services or hours worked at federal minimum wage, whichever is less. (iii) All loss of earning and support is computed at the federal minimum wage times the number of scheduled hours worked or lost. (e) Loss of support shall be awarded to the dependents of a homicide or disabled victims and verified and computed in the same manner as loss of earnings. (f) Funeral/ Burial Expenses. An award for reasonable funeral and burial expenses shall not exceed the maximum limit set forth in the Wyoming Statue addressing crime victims compensation. (g) Clothing and Bedding. A reasonable replacement value for clothing and bedding taken for evidentiary purposes." Wyo. Admin. Code 015.0012.3 § 8. *See* https://www.sublettecountywy.gov/241/Wyoming-Crime-Victim-Compensation-Fund.
Requirements/Limits for Relocation Expenses	Relocation expenses are available only under limited circumstances. *See* Detailed Description.	"Expenses to relocate a victim to another community or state due to a threat of personal injury. Expenses for relocation apply only if the crime scene was the home of the victim (domestic violence, homicide, and sexual assaults only). Examples: U-Haul, gas, mileage, per diem. Threat must be verified in writing by law enforcement, prosecuting attorney, or any agency with statutory authority." *See* https://drive.google.com/file/d/1r3tb2JHkQ5qfkUBgTluYxci9bXRgC42P/view.
Requirements/Limits for Mental Health Expenses	No specific cap applies.	"Mental health counseling and care means the assessment, diagnosis and treatment of an individual's mental and emotional functioning that is required to alleviate psychological trauma resulting from compensable crime. (i) Mental health counseling shall be provided by a certified or licensed practitioner of the healing arts acting within the scope of his or her license or certificate. (ii) Counseling services provided to an eligible victim by a counselor whose position is funded, in whole or in part, or whose position is used as match to a federal Victims of Crime Act funds, shall not be eligible for compensation payment. (iii) Compensation for family counseling shall be payable only for sessions where the focus of the session is to assist the victim in recovery from a compensable crime." Wyo. Admin. Code 015.0012.3 § 8(c).

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Requirements/Limits for Lost Income	Generally available only if the victim was employed on the date of the crime.	"Loss of earnings, loss of future earnings, and loss of dependents support. In order to be compensated for loss of earnings or loss of support the victim must have been employed at the time of the crime that caused the death or personal injury. (i) If the victim was self employed at the time of injury or death, the loss of actual earnings shall be determined by the income reported on the previous year's federal income tax return or the current year's income based on current financial records or any other documentation that enables the Division to determine the income for the six months immediately proceeding the date of the injury. The loss of earnings is computed at current federal minimum wage. (ii) If the sole employment of the victim at the time of the injury or death was limited to performing duties and responsibilities of a homemaker, the award shall be determined by documentation of actual expenses for cost of services or hours worked at federal minimum wage, whichever is less. (iii) All loss of earning and support is computed at the federal minimum wage times the number of scheduled hours worked or lost. Loss of support shall be awarded to the dependents of a homicide or disabled victims and verified and computed in the same manner as loss of earnings." Wyo. Admin. Code 015.0012.3 § 8(d)-(e). "Loss of earnings and loss of future earnings shall be determined on the basis of the victim's average monthly earnings for the six (6) months immediately preceding the date of the injury, or the current federal minimum wage, whichever is less. Loss of support shall be determined on the basis of the victim's or defendant's average monthly earnings for the six (6) months immediately preceding the date of the injury, or the current federal minimum wage, whichever is less." Wyo. Stat. Ann. § 1-40-109. "The victim must be employed on the date of the crime. Victims who are self-employed may be required to submit additional information for verifying lose wages. Loss of earnings is compensated at the federal minimum wage or actual loss, whichever is less at the time of the crime. Collateral sources such as vacation or sick pay must be used before lost wages will be compensated." *See* https://drive.google.com/file/d/1r3tb2JHkQ5qfkUBgTluYxci9bXRgC42P/view.
Requirements/Limits for Medical Expenses	No specific cap applies.	"Medical expense" includes "the cost of all medical and dental services, mental health counseling and care, dental and prosthetic devices, eyeglasses or other corrective lenses, and services rendered in accordance with any method of healing recognized by the law of this state[.]" Wyo. Stat. Ann. § 1-40-102(a)(vi); Wyo. Admin. Code 015.0012.3 § 2(a)(v). "Medical Expenses. Medical expenses include those incurred from the reasonable and necessary costs of all medical and dental services, dental and prosthetic devices, services rendered by any method of healing recognized by the law of this state, and mental health counseling and care. (i) Compensable medical expenses include: (A) those incurred from the date of the injury to the decision date; (B) in the event the application is considered more than one year after the date of the crime, compensable medical expenses shall be limited to those medical expenses incurred one year after the crime date; (C) no compensation shall be paid for future medical expenses." Wyo. Admin. Code 015.0012.3 § 8(b).
Timeframe to Obtain Benefits	None identified.	N/A.
Is Emergency Assistance Available?	Emergency awards not to exceed $1,000 may be granted.	"(a) The division may grant an emergency award prior to the holding of a hearing, if upon application of a person eligible for compensation, the division determines undue hardship will result to the applicant if immediate payment is not made. (b) The amount of the emergency award shall be dependent on the applicant's immediate and verifiable needs as a result of loss of income or support, for emergency medical treatment, or for funeral and burial expenses. The amount of an emergency award to an applicant shall not exceed one thousand dollars ($1,000.00). (c) Any emergency award granted under this section shall be deducted from the final compensation award made to the applicant. The excess of the amount of any emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made shall be repaid to the division by the applicant." Wyo. Stat. Ann. § 1-40-111. "The Division may grant an emergency award, not to exceed the amount specified in Wyoming Statues, for loss of income, emergency treatment, or for funeral or burial expenses, if it is determined an undue hardship will result to the applicant if immediate payment is not made, and the probability exists an award equal to or greater than the emergency award will be made through the usual compensation process. (a) An emergency application form shall be filed with adequate information on which to base a determination an emergency award is appropriate. (b) Any emergency award shall be deducted from the final amount of compensation awarded the victim. (c) A victim shall not receive an emergency award pursuant to this section for more than two separate incidents of crime victimization, nor receive more than one award within a period of 24 consecutive months. (d) A decision denying or reducing any emergency award shall not be appealable." Wyo. Admin. Code 015.0012.3 § 9.

TOPIC	SUMMARY	DETAILED DESCRPTION
Compensation Cap (Overall)	The maximum individual award of compensation paid to any victim or dependent shall not exceed $15,000.	"(b) Loss of earnings and loss of future earnings shall be determined on the basis of the victim's average monthly earnings for the six (6) months immediately preceding the date of the injury, or the current federal minimum wage, whichever is less. (c) Loss of support shall be determined on the basis of the victim's or defendant's average monthly earnings for the six (6) months immediately preceding the date of the injury, or the current federal minimum wage, whichever is less. (d) Except as provided in subsection (e) of this section, the maximum individual award of compensation paid to any victim or dependent shall not exceed fifteen thousand dollars ($15,000.00). Compensation shall only be awarded for economic losses occurring within a twenty-four (24) month period from the date of the injury or discovery of the crime. However, the division may extend the twenty-four (24) month period to allow compensation for mental health counseling and care occurring within an additional twelve (12) month period for a total of thirty-six (36) months. (e) In addition to the maximum award authorized in subsection (d) of this section, in the case of catastrophic injury the division may award an additional amount not to exceed ten thousand dollars ($10,000.00) to the victim to cover future lost wages, special medical needs and any other special assistance needed as a result of the injury. The additional award may be made only for economic losses occurring within twenty-four (24) months after the date of the injury or discovery of the crime." Wyo. Stat. Ann. § 1-40-109. “Catastrophic injury” means "any permanent disability of limbs or functions as a result of being a victim of a crime[.]" Wyo. Stat. Ann. § 1-40-102(a)(xi).
Sources of Funding	Funding is provided through the Crime Victims' Compensation Account.	“Account” means "the crime victims' compensation account established by W.S. 1-40-114[.]" Wyo. Stat. Ann. § 1-40-102(a)(i). "There is established an account to be known as the crime victims' compensation account. The account is under the administration and control of the division for purposes of providing compensation or other benefits to crime victims and for purposes of implementing this act. The account shall consist of all monies the division receives or collects from any source and all monies shall be paid to the state treasurer for deposit in the account. The division may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically given to the division for the benefit of victims of crime. The monies within the account may be withdrawn therefrom by vouchers signed by the director of the division or his designee. The division shall keep detailed permanent records of all monies credited to the account and all expenditures and disbursements from the account." Wyo. Stat. Ann. § 1-40-114. Funding of the account is described in Wyo. Stat. Ann. § 1-40-119.
Appeal Process	A claimant may request an appeal within 30 days of the date of the written notification of the decision to make or deny an award.	"The Director shall determine if reconsideration of a decision or a hearing is necessary. The claimant may also request reconsideration of a decision or may request a hearing. (a) Review: (i) If the claimant is dissatisfied with the decision of the compensation award, denial of award, or amount of award, with the exception of an emergency award, the claimant may request reconsideration within 30 days of the date of the written notification of the decision to make or deny an award. The request shall be in writing, shall state the reasons why the claimant disagrees with the decision, and provide additional information for review. If the claimant fails to request reconsideration of the decision by the Director within thirty days, the decision of the Division then becomes final. (ii) If the claimant does request reconsideration and is dissatisfied with the Director's decision, the claimant may request an appeals hearing. There shall be a request made within 30 days of the hearing to the division director. (iii) The Director may appoint an appeals committee to conduct a reconsideration, pre-hearing conferences, hearing conferences, and any other hearings necessary under this act. (iv) Interested persons may be notified within 10 days prior to the date of the hearing. The notice shall include: (A) time, place, and nature of the proceedings. (b) In any proceeding under this act the burden of proof is upon the claimant to prove by a preponderance of the evidence the requirements of the act have been met. (c) Any decision made by the appeals committee shall be the final decision." Wyo. Admin. Code 015.0012.3 § 15.

TOPIC	SUMMARY	DETAILED DESCRPTION
Payer of Last Resort Requirements	The Crime Victims Compensation is a payer of last resort.	"[I]n determining the amount of compensation to be allowed by order, the division shall consider amounts received or receivable from any other source or sources by the victim or his dependents as a result of the incident or offense giving rise to the application. The division shall not deny compensation solely because the applicant is entitled to income from a collateral source." Wyo. Stat. Ann. § 1-40-110(d). "Collateral Sources. In determining the amount of an award to an applicant, the Division shall consider the amount of any payments received or to be received from a collateral source. (i) The term collateral source includes but is not limited to: (A) amounts received from the offender, including restitution; (B) proceeds of any contract of insurance payable to the Victim Services Division a contract providing hospital and other health care services or benefits; (C) any governmental entity or government program." Wyo. Admin. Code 015.0012.3 § 8(h). "(a) If an order for the payment of compensation for personal injury or death is made under this act, the state, upon payment of the amount of the order, shall be subrogated to any right of action the victim or dependent of the victim has against the person or persons responsible for the injury or death, and the state may bring an action against the responsible person for the amount of the damages the applicant sustained. (b) The applicant or other recipient shall give written notice to the division of the making of a claim or demand or the filing of a suit for the damages specified in subsection (a) of this section. (c) Restitution by an offender under W.S. 7-9-101 through 7-9-115 shall: (i) To the extent compensation is paid under this act, be paid to the division, deposited in the account and be set off against a judgment in favor of the state in a civil action arising out of the same facts or event; (ii) Reduce by like amount any compensation subsequently paid under this act arising out of the same facts or event. (d) to (f) Repealed by Laws 1997, ch. 152, § 2. (g) Any payment of benefits to, or on behalf of, a victim or other claimant under this act creates a debt due and owing to the state by any person found, in a criminal court proceeding in which he is a party, to have committed the criminal act. Payment of the debt shall be a condition of probation or parole: (i) In making payment of the debt a condition of probation or parole, the court or state board of parole shall set the schedule or amounts of payments, subject to modification based on change of circumstances; (ii) If the court or board does not order payment of the debt, or orders only partial payment, it shall state on the record the reasons therefor." Wyo. Stat. Ann. § 1-40-112. "(a) Any court order of restitution paid to the victim or applicant shall be deducted from the compensation award. (b) After an order for compensation has been entered by the Division, a copy of the Defendant Reimbursement form shall be sent to the prosecutor or other official handling the case so restitution maybe ordered by the judge to reimburse the crime victims account." Wyo. Admin. Code 015.0012.3 § 12. "Crime Victims Compensation is a payer of last resort. Before compensation can be considered for award, all collateral sources must be exhausted. Examples of collateral sources are Social Security, health insurance, life insurance, Medicaid, Medicare, vacation, or sick pay." https://drive.google.com/file/d/1r3tb2JHkQ5qfkUBgTluYxci9bXRgC42P/view.
References and Resources		Wyo. Stat. Ann. § 1-40-101 *et seq.* Wyo. Admin. Code 015.0012.3 § 1 *et seq.* *See* https://www.sublettecountywy.gov/241/Wyoming-Crime-Victim-Compensation-Fund