



Compensation
for
Crime Victims

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Every state in the country operates a program to help pay for some of the expenses resulting from crimes involving violence or abuse. Victims of assault, rape, domestic violence, child abuse, drunk driving, and other crimes involving personal injury may qualify for this assistance. Families of murder victims also may be eligible for financial help.

These programs are called crime victim compensation programs. While each state's program is slightly different, this brochure will provide some general information about all of the programs. *It's important to check with the program in the state where the crime occurred to determine exactly what the eligibility requirements are and what benefits are available.*

Victims of crime under state, federal, military, and tribal jurisdiction are eligible to apply for compensation. A conviction of the offender is not required.

The programs will pay for certain expenses not covered by insurance or another public benefit program. With very limited exceptions in a few states, crimes solely involving theft of or damage to property are not covered.



What Are the Eligibility Requirements?

While each state's eligibility requirements vary slightly, victims are generally required to:

- Report the crime promptly to law enforcement.
Many states have a 72-hour reporting requirement.
- Cooperate in the investigation and prosecution of the crime.
- Be innocent of any criminal activity or misconduct leading to the victim's injury or death.
- File a timely application with the compensation program in the state where the crime occurred, and provide any information requested. Many states require that the application be filed within 1 year from the date of the crime, but a few states have shorter or longer periods.

What Losses May Be Paid?

The following expenses may be covered if they are not paid for by insurance or by another public benefit program, and if they result directly from the crime:

- Medical and hospital care, and dental work to repair injury to teeth.
- Mental health counseling.
- Lost earnings due to crime-related injuries.
- Loss of support for dependents of a deceased victim.
- Funeral and burial expenses.

Check with the specific state where the crime occurred to determine exactly what costs are covered by the program.

Who May Get Financial Help?

Those eligible for crime victim compensation include:

- A crime victim who has been physically injured.
 - In most states, a victim who suffers emotional injury as a result of violence or attempted violence, even though no physical injury resulted.
 - Family members of a deceased victim and, in some states, any other individual who pays for expenses resulting from a victim's injury or death.
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What Costs Are Not Covered?

- Property loss, theft and damage are usually not covered (unless damage is to eyeglasses, hearing aids, or other medically necessary devices). However, a few states may pay limited amounts for the loss of essential personal property during a violent crime, or for cleaning up the crime scene.
- Expenses paid by other sources, such as any type of public or private health insurance, automobile insurance, disability insurance, or workers compensation are not covered. (Some states also will deduct life insurance payments in homicides.)

Are There Limits on the Assistance Available?

Costs related directly to the crime can be reimbursed up to the maximum level in each state. These maximums average about \$25,000, though some states have higher or lower maximums. In addition, there may be limits on some types of benefits, such as mental health counseling or funeral costs.

How Can A Victim Apply?

Applications can be obtained from the compensation program, or from police, prosecutors, or victim service agencies. Most programs also have brochures describing their benefits, requirements and procedures. Victims can seek help from victim service programs in completing the application.

The application should be submitted to the compensation program as soon as possible. The compensation program will review the application to determine eligibility and to decide what costs can be paid, and will notify the applicant of the program's decision.



nacvcb

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National Association of Crime Victim Compensation Boards

Crime Victim Compensation: Resources for Recovery

Financial assistance for crime victims is available in every state in the country, D.C., Puerto Rico, and the U.S. Virgin Islands.

Crime victim compensation programs administered by state governments promote the recovery of nearly 200,000 victims and their families every year, paying out close to \$450 million annually. Each state operates its program under its own state law, determining who and what to pay. The vast majority of the money to fund these programs comes from offender fees and fines, rather than taxpayer dollars, with about a third coming from the federal VOCA fund.

Victims of violent or personal crimes, including assault, domestic violence, rape, child abuse, and drunk driving, as well as family members of murder victims, are eligible for victim compensation.

If a victim suffers physical injury or emotional trauma as a result of violent or personal crime, she or he may be eligible for compensation. Property crimes, such as theft and burglary, generally are not covered, with a few limited exceptions in a handful of states.

Crimes falling under local, state, federal, tribal, and military jurisdiction are equally eligible in state compensation programs.

Any violent crime can be covered by state compensation programs, regardless of the criminal jurisdiction, or who is investigating or prosecuting the crime. Apprehension and conviction of the offender are not requirements for eligibility.

While substantial federal resources fund state compensation programs, there is no federal or national crime victim compensation program, except for victims of international terrorism committed outside the U.S.

Each state covers crimes within its jurisdiction, and some cover crimes in foreign countries.

The victim of crime should apply in the state where the crime occurred, regardless of the state of residency. So, for example, someone living in Connecticut who is victimized in Massachusetts should apply in Massachusetts for compensation. About half the states also will cover their residents wherever in the world they are victimized. If someone is victimized in a foreign country, inquiry should be made of the state of residency to see whether victim compensation is available.

Crime victim compensation programs pay primarily for medical care, mental health counseling, lost wages and support, and funerals.

These are the major expense categories covered by the programs, but there are a host of miscellaneous expenses that also may be paid for. Property losses almost never are covered, except for crime-scene cleanup, and very limited amounts in a few states.

Each state sets limits on the amount of compensation available.

Maximums typically are about \$25,000, though some states have lower and higher maximums. In addition, there may be limits on some types of benefits, such as mental health counseling or funeral costs.

To qualify for compensation, victims must meet certain requirements.

While every state operates under its own law, the requirements are broadly similar. Typically, victims must:

1. Report the crime promptly
2. Cooperate with law enforcement
3. File a timely application
4. Not have engaged in criminal activity or misconduct that caused the crime
5. Have an expense or loss not covered by insurance or another public benefit program, like the V.A., CHAMPUS, Medicaid, and other federal programs.

Victim-witness and law enforcement personnel need to tell victims about this vital resource.

Without information about compensation programs, victims will never be able to access the financial help that is available to them. The compensation programs themselves operate with small staffs and depend heavily on the help of others who work with victims.

Please tell victims about crime victim compensation and help them apply for benefits!

More information about each state is accessible in the Program Directory at www.nacvcb.org.

The National Association of Crime Victim Compensation Boards

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Basic Program Information

NOTE: Significant exceptions exist for many states' reporting and filing requirements. In general, most states can waive reporting and filing requirements for "good cause," and many have specific exceptions for child victims. With regard to the maximums listed below, nearly every state has limits below the maximum on some specific expenses, such as funerals, mental health counseling, and lost wages. Go to www.nacvcb.org and the Program Directory there to find more state information.

	<u>Reporting Requirement</u> <u>(in hours unless noted)</u>	<u>Filing</u> <u>Limit</u>	<u>Maximum</u> <u>Payment</u>
Alabama	72	1 year	20,000
Alaska	5 days	2 years	40,000; 80,000 in homicides with multiple victims
Arizona	72	2 years	25,000
Arkansas	72	1 year	10,000; 25,000 for catastrophic injuries
California	reasonable time	3 years	63,000
Colorado	72	1 year	20,000 (each district may set lower maximum)
Connecticut	5 days; no report req. for sex assault	2 years	15,000; 25,000 in homicides
Delaware	72	1 year	25,000; 50,000 when injuries are total and permanent
D.C.	7 days	1 year	25,000
Florida	72	1 year	15,000; 30,000 for catastrophic injuries
Georgia	72	1 year	25,000
Hawaii	72	18 months	10,000; 20,000 if only medical expenses are claimed
Idaho	72	1 year	25,000
Illinois	72/7 days sexual assault	2 years	27,000
Indiana	48	180 days	15,000, plus \$5,000 for funeral/burial
Iowa	72	2 years	No overall limit; maximums for each expense
Kansas	72	2 years	25,000
Kentucky	48	5 years	25,000
Louisiana	72	1 year	10,000; 25,000 when injuries are total and permanent
Maine	5 days	3 years	15,000
Maryland	48	3 years	45,000
Massachusetts	5 days	3 years	25,000; 50,000 for catastrophic injury
Michigan	48	1 year	25,000
Minnesota	30 days	3 years	50,000
Mississippi	72	3 years	20,000
Missouri	48	2 years	25,000
Montana	72	1 year	25,000
Nebraska	72	2 years	10,000
Nevada	5 days	1 year	100,000; policy generally limits awards to 35,000
New Hampshire	5 days	1 year	25,000
New Jersey	9 months	3 years	25,000; 60,000 for catastrophic injuries
New Mexico	30 days; 180 days d.v./sexual assault	2 years	20,000; 50,000 for catastrophic injuries
New York	7 days	1 year	No medical maximum; limits on other expenses
North Carolina	72	2 years	30,000; additional 5,000 for funeral expenses
North Dakota	72	1 year	25,000
Ohio	no limit	no limit	50,000
Oklahoma	72	1 year	20,000; 40,000 in catastrophic cases and homicides
Oregon	72	6 months	47,000
Pennsylvania	72	2 years	46,500 (35,000 plus 10,000 counseling; 1,500 other)
Puerto Rico	72	6 months	6,000 per person, 15,000 per family; 40,000 in catastrophic
Rhode Island	10 days	3 years	25,000
South Carolina	48	180 days	15,000; 25,000 in catastrophic cases
South Dakota	5 days	1 year	15,000
Tennessee	48	1 year	30,000
Texas	reasonable time	3 years	50,000; 125,000 when injuries are permanent and total
Utah	no limit	no limit	25,000; additional 25,000 medical if base amount exceeded
Vermont	no limit	no limit	10,000
Virgin Islands	24	2 years	25,000
Virginia	5 days	1 year	25,000
Washington	1 year	2 years	50,000
West Virginia	72	2 years	35,000; 50,000 in homicides; 100,000 in catastrophic cases
Wisconsin	5 days	1 year	40,000; additional 2,000 for funerals
Wyoming	reasonable time	1 year	15,000; 25,000 for catastrophic injuries