

Criminal Victim Compensation

"The common argument that crime is caused by poverty is kind of a slander on the poor." -- H.L. Mencken, American newspaper columnist (1880-1956)

"True peace is not the absence of tension; it is the presence of justice." -- Dr. Martin Luther King, Jr., American civil rights activist and leader (1929-1968)

Tennessee's Criminal Injuries Compensation Program may provide financial help when a crime victim is hurt or killed by assault, robbery, homicide, and drunk driving. This column answers common questions about this program.

Q. When did this program start, and who pays for it?

The Tennessee legislature created this statewide program. In 1982 it began making payments to victims of crimes or their families when a victim is killed. 2007 marks its 25th anniversary.

The money to help innocent victims comes from fines, penalties, and fees assessed by courts against persons convicted of crimes in Tennessee. So far, more than \$153 million has been awarded to victims.

Q. Who is eligible for benefits?

If certain eligibility conditions are met, benefits can be paid to:

- A person who was bodily injured as an innocent victim of a violent criminal act in Tennessee;
- A Tennessee resident who was an innocent victim of terrorism or mass violence outside the United States;
- Dependents of a homicide victim;
- An innocent person injured or killed while trying to prevent a criminal act or while trying to apprehend a person suspected of committing a criminal act; or
- An innocent person hurt or killed due to a motor vehicle or watercraft accident caused by an intoxicated driver or a driver who intentionally caused injuries.

Q. What are the eligibility conditions?

Eligibility depends on several conditions:

- The victim, or the survivors, generally must report the crime to law enforcement within 48 hours.
- The victim must not have contributed to the criminal activity. For example, a passenger hurt while riding with a drunk driver might

not be eligible.

- The victim must cooperate with law enforcement officials who investigate and prosecute the crime.
- Claims must be filed within one year of the injury or death, unless the victim is a child. Children have until age 19 to file.

Q. What expenses are covered?

Benefits are generally limited to expenses for services that are actually performed. The overall maximum benefit is currently set at \$30,000.

This program is a "fund of last resort." This means benefits are intended for expenses that remain after public or private assistance is received, such as insurance proceeds, worker's compensation benefits, and medical health or disability benefits.

Benefits can be used to compensate for:

- Medical or mental health expenses;
- Lost wages;
- Permanent disability;
- Death benefits, including funeral and burial expenses;
- Crime scene clean-up;
- Moving expenses, if the crime happened in the victim's home;
- Travel expenses in order to attend the trial;
- Other financial losses or expenses not listed above that were actually incurred by the victim; and
- Pain and suffering, but only for victims of sexually-oriented crimes. **Note:** Tennessee is one of only two states that allow compensation for such pain and suffering.

Applications for benefits are available through local District Attorney General offices and through the Treasury Department at (615) 741-2734. Forms and information are also on-line at www.treasury.state.tn.us/injury.

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Note: This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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