

## **Victim Compensation Frequently Asked Questions**

### **What is the Mississippi Crime Victims' Compensation Act?**

The Mississippi Crime Victims Compensation Act provides eligible victims of violent crime with financial assistance for certain out-of-pocket expenses directly related to the crime and not covered by any other source of benefit (insurance, Medicare, Medicaid, disability/death benefits, Workers' Compensation, etc.)

### **Who May Receive 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).

### **What Expenses May Be Covered by the Victim Compensation Program?**

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. Contact this office for additional requirements.
- Domestic Violence Temporary Housing Assistance, up to \$500 one time benefit. Contact this office for additional requirements.
- 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
- Maximum Total Award is \$20,000
- Other limitations may apply

## **What Are the Requirements for Compensation?**

- The victim must report the crime to law enforcement officials within 72 hours after the crime or show good cause for not reporting.
- Application must be received by this office within 36 months after the date of the crime. For crimes occurring on or after July 1, 2007, the director, for good cause, may extend the time period allowed for filing a claim for an additional period not to exceed 12 months.
- In cases of child sexual abuse, the application must be received by this office within 36 months after the crime was reported or before the child's 25<sup>th</sup> birthday. For crimes occurring on or after July 1, 2007, the director, for good cause, may extend the time period allowed for filing a claim for an additional period not to exceed 12 months.
- The victim or claimant must fully cooperate with law enforcement investigation and prosecution.
- The victim or claimant must cooperate with the Victim Compensation Program and submit and verify out-of-pocket crime related expenses.
- 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 May be Eligible to Receive Compensation?**

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.

Those who may be eligible to receive compensation include:

- Dependents of a deceased victim
- Certain family members of the victim who incur mental health expenses
- Persons authorized to act on behalf of the victim or dependents of a deceased victim
- Persons who have assumed responsibility for funeral expenses
- A Mississippi resident who is a victim of a violent crime in a foreign country which does not provide crime victim compensation

## **Who Cannot Receive Compensation?**

- A victim who is engaged in illegal conduct
- The offender and/or the accomplice to the offender
- Anyone injured in a motor vehicle accident unless the vehicle was used by the offender (1) intentionally as a weapon, (2) in a hit & run, (3) while driving under the influence (DUI), (4) in an attempt to flee from law enforcement, and (5) to cause any injury to a child who is in the process of boarding or exiting a school bus (This crime must occur on or after July 21, 2013.)
- 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, 2007, but before July 1, 2013, a victim or claimant who has three prior felony convictions

- 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

### **What Expenses Are Not Covered by the Crime Victim Compensation Program?**

Expenses not covered include, but are not limited to the following:

- Stolen or damaged property
- Pain and suffering
- Attorney fees
- Expenses paid by an insurance plan, public funds, the offender or other benefit sources

### **How Do I Apply for Compensation?**

Victim Compensation Application Forms are available [here](#) for download under FORMS. You may also contact the Victim Compensation Program at 1-800-829-6766 statewide, or local at 601-359-6766.

Applications are also available from the District Attorney's Office, domestic violence shelters, rape crisis centers, child advocacy agencies, survivor of homicide agencies and MADD.

### **What Happens After I Mail in my Application?**

After receiving an application, it will be given a claim number. The application and related documentation received, including a complete offense report (which this office requests and receives from law enforcement), will then be reviewed to determine if the victim and/or claimant are eligible for compensation. This process involves verifying all the information presented in the application. A decision about whether the victim or claimant is eligible is usually made within 90 days. If the application is approved, a staff member is then assigned to the case to review expenses incurred as a result of the crime and to determine expense(s) eligibility. Payment of awards may be made directly to the service providers or to the victim/claimant. The victim or claimant is notified in writing of the decision to award or deny the claim.

### **If I Don't Agree With the Decision, What Can I Do?**

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.

## **How Is the Victim Compensation Program Funded?**

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.