

*** New Program Information *
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Criminal Injuries Compensation Program Frequently Asked Questions

**What is Criminal Injury Compensation?**

The Criminal Injuries Compensation Program provides financial help in cases where a crime victim sustains bodily injury or death as a direct result of a violent crime. The guidelines for this program are based on statutory law found in *Tennessee Code Annotated*, Title 29, Chapter 13. The Program also follows any federal requirements.

**Who provides the compensation?**

This Criminal Injuries Compensation Fund consists of fines, penalties and fees assessed against persons convicted of crimes in Tennessee. Available federal funds are also used. As a result, persons convicted of crimes support a program that benefits innocent victims.

**Who is eligible for benefits?**

A person may be eligible for benefits under the following circumstances:

- A person who suffered bodily injury as an innocent victim of a violent criminal act occurring within the borders of Tennessee, whether a state or federal crime.
- A resident of Tennessee who was an innocent victim of a violent crime that occurred in another state that does not have a victims' compensation program. At this time, all other states have a victims' compensation program.
- Dependents of a homicide victim. Certain relatives may qualify for medical and funeral expenses, and in some cases, dependency, mental health counseling and crime scene cleanup. If there are no surviving dependents, the victim's estate may qualify for certain unreimbursed expenses.
- An innocent person who sustained bodily injury or death while attempting to prevent a criminal act or in an attempt to apprehend a person(s) suspected of engaging in a criminal act.
- A person who suffered bodily injury or death as a result of a motor vehicle or watercraft accident caused by an intoxicated driver or by a driver who acted with criminal intent to intentionally inflict injury. In some circumstances, a passenger in the vehicle or watercraft driven by the intoxicated driver may not qualify for compensation.
- For crimes occurring on or after July 1, 2008, a person who suffered serious bodily injury or death and the evidence shows the operator of the vehicle causing the injury knew or reasonably should have known such injury occurred, but failed to stop at the scene (in violation of Tennessee Code Annotated, Title 55, Chapter 10, Section 101).

**What conditions determine eligibility?**

In order for a victim to receive Criminal Injuries Compensation, he or she must meet the following conditions.

- The victim (or the victim's survivors) must report the crime to the proper authorities within 48 hours after the crime was committed, unless the victim was a minor or good cause can be shown for reporting the crime late.
- The individual could not have contributed to his or her own victimization in any way (directly or indirectly), such as participating in the criminal act that led to the injury or death.
- The victim must fully cooperate with law enforcement officials in the investigation and prosecution of the crime.
- A claim application must be filed within one year after the date of the criminal act, unless good cause can be established for not doing so.

**Who is not eligible for benefits?**

A person may not be eligible for benefits if he or she fails to meet any of the above eligibility requirements or under the following circumstances:

- The individual was a passenger in a vehicle or watercraft operated by a driver the passenger knew or should have known was legally intoxicated and/or under the influence of a drug of abuse, unless the person is under age 14 OR at least 14 years of age but less than 18 and was riding with someone exercising parental control. The fact that the passenger may have been under the influence of alcohol and/or a drug of abuse does not excuse a failure to have known the condition of the driver.
- An award may not be approved in cases where the compensation would benefit

- An award may not be approved in cases where the compensation would benefit the person who committed the crime.



Who files the claim?

Generally, a claimant should be the individual who is legally responsible for payment of expenses not covered by other resources. If the eligible victim or dependent is under 18 years of age (or the eligible victim is proven to be physically/mentally incapable of filing on his own behalf), the person or agency that has legal guardianship would file as the claimant.



What are the benefits?

Benefits vary depending on the date of the crime and are based on expenses the victim/claimant owes for eligible services actually performed. Payment cannot be considered based on estimated costs that might be incurred in the future. The overall maximum benefit currently available under the Criminal Injuries Compensation Program is \$30,000.

Benefits are reduced by the amount of any other public or private assistance available to the victim/claimant. This includes insurance; workers' compensation benefits; medical, health or disability benefits, etc. Because the program is a fund of last resort, payment by the program is secondary to all other available benefits. For medical-related, dental and mental health counseling expenses arising from crimes on or after July 1, 2008, the program will only pay up to 75% of billed charges the program finds eligible for uninsured patient services and, if applied, requires the provider to accept the payment as payment in full if payment equals 75% of billed charges.

Compensation for Medical or Mental Health Expenses

A victim's medical expenses directly related to a covered injury are reimbursable under the program, up to the maximum award available. Mental health counseling may be available for a victim and, in certain circumstances, for certain relatives of a victim as provided for under program provisions. A "relative" is defined under the program's provisions in the law.

Compensation for Lost Wages

A victim whose crime-related injuries temporarily prevent him/her from working may be eligible to receive compensation for wages lost due physical inability to work due to the injuries. Reimbursement is determined in accordance with the criminal injuries compensation law and is based on the victim's weekly wage at the time of the injury. To be eligible for compensation, a victim must be employed immediately prior to the injury. The level of compensation varies according to the victim's salary at the time of the injury and the amount allowable under program provisions.

Compensation for Permanent Disability

A victim may qualify for permanent total or permanent partial disability that results from injuries incurred as the result of the crime. Payment for such disabilities is paid as allowable under the criminal injuries compensation law and is based on the victim's weekly wage at the time of the injury, provisions in the law pertaining to the injuries, and a physician's assessment of those injuries.

Compensation for Pain and Suffering

Persons who are victims of sexually-oriented crimes may be eligible for up to \$3,000, if it is determined that the victim experienced pain and suffering as a result of commission of the sexually-oriented crime. Tennessee is currently one of only two states that allows a criminal injury compensation payment of pain and suffering.

Death Benefits

Benefits are available to the dependents of a deceased victim, subject to the maximum amounts available under the program. This may include loss of support, as well as reimbursement for funeral and burial expenses up to \$6,000 and crime scene cleanup expenses up to \$3,000. Mental health counseling expenses may also be reimbursable up to \$3,500 for relatives of the deceased victim (as defined in criminal injuries law), also subject to the overall award amount. All types of reimbursement fall within the overall maximum award amount.

Compensation for Crime Scene Cleanup

Reimbursement may be considered for expenses incurred to clean a residential homicide, sexual assault or aggravated assault crime scene, provided that the cleaning is necessary due to the crime or processing of the crime scene and the residence is that of the victim or a relative (as defined by criminal injuries compensation law). Compensation may be available up to \$3,000, subject to the overall maximum award amount.

Compensation for Property Loss or Damage

Property loss or damage is not covered under the program. The only exceptions are:

- Loss of or damage to "dental devices," "medically related devices" or "artificial prosthetic devices."
- Reasonable costs for cleaning, repairing or replacing eyeglasses and hearing aids owned by a victim that were damaged or destroyed by the crime or processing of the crime scene.
- Reasonable costs for repairing or replacing personal property owned by the victim or a victim's relative (as defined by criminal injuries compensation law) that was damaged or destroyed in processing the scene of a homicide, sexual assault or aggravated assault. This compensation may apply only if the scene was the residence of the victim or the relative of the victim who owned the property.

Compensation for Moving Expenses

Reimbursement may be considered for certain moving expenses when the crime occurs in the victim's primary residence. If eligible, payment may be considered for a victim's reasonable moving costs, storage fees, and utility transfer fees.

Compensation for Travel to Trial

Limited reimbursement may be considered for a claimant's reasonable travel expenses to attend the trial, appellate, post conviction or habeas corpus proceedings of the alleged defendant(s) who committed the crime upon which the claim is based. This compensation may be available for the victim, guardian of a minor victim, legal representative of an estate (not an attorney who serves as such for a fee), or victim's relative as defined by criminal injuries law. No claimant may receive an award if he or she is eligible for payment of travel expenses by the state or county as a result of attending the trial as a witness. Travel may not exceed a cumulative total of \$1,250 for all claimants and no more than four (4) claimants may receive reimbursement as a result of the "same criminal act."

Compensation for Other Losses

Losses or expenses actually incurred by the victim that are related to the crime but which are not listed above may be approved for reimbursement if allowable and deemed appropriate by the Division of Claims Administration.



Who determines what benefits are paid?

After a claim for compensation is filed with the Division of Claims Administration, a copy is forwarded to the appropriate United States Attorney or District Attorney (prosecutor) who provides information concerning the circumstances surrounding the crime. The Division reviews the claim and may ask the claimant to provide additional information. Upon receipt of a completed claim form and documentation, as well as receipt of the prosecutor's report, the Division determines whether the claim is compensable and, if so, issues payment as allowed by statute.

If a minor child is awarded compensation, the Division of Claims Administration may pay the minor's funds to a juvenile court to be deposited into an interest-bearing account until the child turns 18 years of age.



Sexual Assault Forensic Exam

This Fund can also provide payment for a sexual assault forensic medical exam for collection of evidence. The provider of the service must bill the Fund and cannot bill the patient for the services (or the balance after the Fund's payment). The provider should phone our office if they need information about this procedure.



How do I get more information?

You may obtain additional information on the Criminal Injuries Compensation Program by contacting the District Attorney's office in your county, the U.S. Attorney's Office, or by contacting:

State of Tennessee

Treasury Department

Division of Claims Administration
9th Floor Andrew Jackson Building
Nashville, TN 37243-0243
(615) 741-2734
Fax (615) 532-4979

Forms and information are available at:

www.treasury.state.tn.us/injury/

