

CRIME VICTIMS' COMPENSATION

In addition to restitution, you may also be eligible for crime victims' compensation. This is a fund that provides financial assistance for innocent victims of violent crimes to cover expenses incurred by the victim that are directly related to the crime. You may be able to file for crime victims compensation in addition to having an order for restitution (for expenses not paid by restitution).

Some expenses which are eligible for crime victims' compensation may include:

1. Funeral/burial expenses
2. Medical/dental expenses
3. Mental health counseling for up to 2 years from the date of the crime
4. Eyeglasses and corrective lenses
5. Loss of earnings resulting from the crime not to exceed \$150.00 per week (must be employed during time of incident and have actual loss of earnings)
6. Loss of financial support resulting from the crime, not to exceed \$150.00 per week

The Kentucky Claims Commission is the payer of last resort. Therefore the claim will reduce the award by the amounts already received or to be received from other sources (e.g. insurance, lawsuit settlements, Medicaid/Medicare, Worker's Compensation, Social Security, and/or restitution, among others).

Filing for crime victims' compensation is subject to time limitations, therefore please contact your prosecutor/victim advocate, to answer any questions you may have or for assistance in filing a claim. You may also wish to contact the Kentucky Claims Commission directly at (502) 782-8255 or you may visit their website at: <https://kycc.ky.gov>.

CRIME VICTIM SELF-HELP CHECKLIST

Here is a list of some things that may assist you in the collection and enforcement of your restitution.

1. Contact the prosecutor and/or the victim advocate in your case.
2. Provide your current contact information to the prosecutor's office and victim advocate as well as the court clerk and update this information when necessary.
3. Gather any necessary paperwork that is needed to prove your claim to restitution. This may include but not be limited to:
 - a. Estimates for replacement costs
 - b. Estimates for repairs
 - c. Receipts for expenses
4. Stay in contact with the victim advocate as to court dates, plea offers, etc. that may affect your case as well as your restitution. You may also wish to sign up for VINE Courts which will notify you of any court dates in your case You may visit their website at: <https://courts.ky.gov/Pages/VINE.aspx>
5. Be aware of the defendant's responsibility to pay restitution, as well as other factors including payment amounts and pay schedules and timelines.
6. If you have any questions or need clarification about restitution, contact your victim advocate or prosecutor. For contact information for your local prosecutor and victim advocate office please visit: <https://ag.ky.gov/AG%20Publications/Victim-Advocate-Map.pdf>
7. If you are awarded restitution and are not receiving the payment, contact the court (through the court clerk's office), the prosecutor or victim advocate with this information.



Crime Victims' Right to Restitution

OFFICE OF VICTIMS ADVOCACY
(502) 696-5312 or (800) 372-2551
<http://ag.ky.gov>

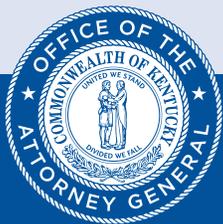


Daniel Cameron
ATTORNEY GENERAL

CRIME VICTIMS' RIGHT TO RESTITUTION

Victims of crime in Kentucky are entitled to certain rights, related to restitution, such as:

- Attorneys for the Commonwealth shall make a reasonable effort to insure that the victim receives information on available restitution.
- A victim shall be consulted by the Attorney for the Commonwealth, on the disposition of a case including dismissal, release of the defendant, any conditions of release, a negotiated plea, and entry into a pretrial diversion program.
- After the defendant is convicted or enters a guilty plea, the prosecutor shall contact the victim of their right to submit a Victim Impact Statement. This Victim Impact statement may include, issues related to restitution, along with other items. The Victim Impact Statement shall be considered by the Court prior to any decisions regarding sentencing.



Office of Victims Advocacy

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WHAT IS RESTITUTION?

Restitution means any form of compensation (payment) made by an offender to a victim for expenses suffered by a victim because of the offender's wrongful act.

In other words, it is an order made by a judge requiring the defendant to pay the victim's out of pocket expenses that were not covered by insurance and were incurred as a direct result of the crime. Restitution paid by an offender (defendant) to a victim can be ordered as a part of a criminal sentence or as a condition for probation.

Restitution is available to everyone that is a direct victim of a crime. If the victim is a minor or legally incapacitated "victim" means a parent, guardian, custodian or court appointed special advocate.

Expenses which are eligible for restitution include a variety of out-of-pocket losses directly relating to the crime. Although not an exhaustive list some expenses may include:

- medical expenses
- therapy costs
- prescription charges
- counseling costs
- lost wages
- lost or damaged property
- insurance deductibles

WHEN IS RESTITUTION ORDERED?

KRS 532.032 states that restitution is REQUIRED as part of, or a condition to, any of the following outcomes in a criminal case:

1. Any pretrial diversion agreement;
2. Probation, shock probation, conditional discharge or other alternative sentence;
3. If a defendant is sentenced to incarceration and paroled.

HOW IS RESTITUTION COLLECTED?

Restitution is ordered by the court to be paid to the Clerk or any other court-authorized program run by the County Attorney or Commonwealth's Attorney.

THE ROLE OF RESTITUTION IN THE COURTROOM

KRS 532.033 states that the Judge, when ordering restitution shall:

1. Order the restitution to be paid to a victim (i.e. specific person or organization);
2. Be responsible for overseeing the collection of restitution;
3. Set the amount of restitution to be paid;
4. Set the payment schedule to be paid by the defendant. The Judge may also order a lump sum payment to be made;
5. Monitor the payments made by the defendant (to assure payment is being made);
6. If restitution is NOT being paid, hold a hearing to determine why payments are not being made;
7. Institute sanctions, if necessary, for willful nonpayment;
8. Not release defendant from probation until restitution has been paid in full.

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