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9th ANNUAL REPORT  
OF THE  
CRIME VICTIMS  
REPARATIONS BOARD  
OF  
MINNESOTA



98329

U.S. Department of Justice  
National Institute of Justice

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July 1, 1983 to June 30, 1984  
Administered by the  
Minnesota Crime Victims Reparations Board  
Department of Public Safety

CRIME VICTIMS REPARATIONS BOARD  
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STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC SAFETY  
SAINT PAUL 55155

JOHANNA MILLER, M.D.  
Chairwoman

DUANE E. WOODWORTH  
Executive Director

KENNETH STROM  
JOHN LYGHT  
Board Members

TO:  
HONORABLE RUDY PERPICH  
Governor of the State of Minnesota

HONORABLE MEMBERS OF THE STATE LEGISLATURE  
State of Minnesota

I have the honor to submit a completed annual report of the Minnesota Crime Victims Reparations Board submitted pursuant to the provisions of M.S. 299B.06, Subdivision 1(e) which covers the period July 1, 1983 through June 30, 1984.

Respectfully submitted,

Johanna Miller, M.D.  
Chairwoman

St. Paul  
Dated: July 1, 1984

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ACQUISITIONS

## PROLOGUE

Every year thousands of people are killed or injured in this State as a result of violent crime. Some are the actual victims of robberies, assaults, rapes, and homicides; some are innocent by-standers, or good samaritans attempting to stop a crime in progress. These innocent people endure the trauma of medical expenses and wage losses, while their dependents also suffer a loss of support and final expenses in cases of homicide.

The State of Minnesota has recognized this injustice visited upon the victim and the victim's family. In 1974, Minnesota enacted the Minnesota Crime Victims Reparations Law. This law provides an innovative method to mitigate the financial losses incurred by the victim and the victim's family as a result of these crimes of violence.

The program has been well received both politically and publicly; and the absence of detractors bespeaks its total and complete recognition and acceptance by the citizens of the State of Minnesota.

# NINTH ANNUAL REPORT OF THE CRIME VICTIMS REPARATIONS BOARD STATE OF MINNESOTA

TO:

Honorable Rudy Perpich  
Governor of the State of Minnesota

Paul Tschida, Commissioner  
Department of Public Safety

Honorable Legislators  
State of Minnesota

## HISTORY

The concept of governmental responsibility for compensation payments to the crime victim or to the victim's family enjoyed recognition at least as early as 1775 B.C. The ancient Babylonian Code of Hammurabi provided:

"... if a robber has not been caught, the robbed man shall declare his property in the presence of God, and the city and governor in whose territory and district the robbery was committed shall replace for him his lost property. If it was a life that was lost, the city and the governor shall pay one Mina of Silver to his heirs."

From the Code of Hammurabi through political commentators, through the Preamble to the Constitution of the United States of America, to the Constitution of the State of Minnesota, there is at least an implicit recognition that the primary duty of government is to maintain order and protect its citizens. However, the concept of Crime Victims Compensation or reparations fell into desuetude during the dark ages to be revived in modern times by British Commonwealth countries. Led by New Zealand in 1964, it quickly spread to Australia, England, and Canada, taking roots in the United States in California in 1965, New York in 1966, and in 1974 Minnesota became the 13th state to enact such legislation. Currently there are 41 United States jurisdictions that maintain some form of victim compensation programs, and a similar number of foreign countries.

The Minnesota Crime Victims Reparations law became effective on July 1, 1974, as a response to an acute proliferation of crimes of violence. The text of law, Minnesota Statutes 299B.01 et seq. may be found at Exhibit "A" herein.

## LEGISLATION

The Minnesota Crime Victims Reparations law provides reparations for economic losses to victims of crime involving personal injury and to their dependents in cases of death. It also permits recovery for economic losses incurred as a result of a good faith effort to prevent a crime or to apprehend a person suspected of engaging in a crime.

Program funding is by legislative appropriation of General Revenue funds. The maximum payment allowable of \$25,000.00 for any one claim has been met several times. The average claim payment being \$1,549.00. Such claims are first reduced by a \$100 deductible and further reduced by all collateral sources such as welfare payments, Social Security benefits, medical and hospitalization insurance payments, disability income insurance, worker's compensation and any other source of benefits.

Personal property losses and pain and suffering are not compensable, with limited exceptions for prosthetic devices. Further, injuries arising out of the use of an automobile, watercraft, or aircraft are not compensable unless the conduct was intentional or the vehicle was being used in the commission of a felony.

## BOARD/STAFF

The Minnesota Crime Victims Reparations Board is composed of three part-time members appointed by the Governor. They serve four-year staggered terms. One member must be admitted to the Bar. This mem-

ber is Kenneth Strom, Attorney, Austin, MN, whose appointment expires January, 1985. One member must be a licensed medical or osteopathic physician. This member is the current Chairwoman, Johanna Miller, MD, of Minneapolis, whose appointment expires January, 1988. The third member may be from the public at large. It has traditionally been filled by a member of law enforcement, and the current member is John Lyght, Sheriff, Grand Marais, MN, whose appointment expires January, 1987.

The Board meets once per month to review and decide claims and conduct other business. They are paid \$35.00 per meeting plus expenses.

The jurisdiction of the Board is state-wide, and the management and administration of the program is delegated to one full-time Executive Director and one full-time secretary. This complement of two full-time staff has not been increased since 1974.

The Minnesota Crime Victims Reparations Board is a member of the National Association of Crime Victims Compensation Boards, which is comprised of 41 United States jurisdictions; and also of the International Association of Crime Victims Compensation Boards comprised of over 80 separate jurisdictions worldwide including Australia, England, Ireland, Wales, Hong Kong, Japan, and many others. The Executive Director, Duane E. Woodworth, is Co-Chairman of the International Association.

## APPLICATIONS

Applications, informative literature, and other forms are available at the Minnesota Crime Victims Reparations Board office in St. Paul. Interested persons may call in the Metro free-calling area; 296-7080; and in areas outside of the Metro free-calling area by dialing the toll-free number: 1-800-652-9747. Also, forms are generally available at most law enforcement agencies, hospitals, and social service agencies.

All law enforcement agencies have a mandatory duty to inform all crime victims who may be eligible, of the availability of benefits through the Minnesota Crime Victims Reparations Board. In this regard, 25,000 plastic wallet-sized cards have been printed and distributed to all law enforcement officers in order for them to easily meet the statutory mandate. A "Miranda" warning is included on the reverse side as a benefit to law enforcement officers.

## ELIGIBILITY

Persons who may make a claim for economic loss occasioned by the crime are limited to: 1) the victim; 2) dependents of a deceased victim; 3) the estate of a deceased victim; 4) any person who has purchased services for the victim; and 5) the guardian, conservator, or agent of any of the above persons.

Upon receipt of a Preliminary Claim form, the Executive Director determines initially whether minimal eligibility has been met. The following statutory requirements must be in evidence on the claim form before the same is processed: 1) a crime as defined in M.S. 609.02, Subdivision 1, must have been committed; 2) the crime must have been reported to the proper law enforcement authorities within the time period designated in M.S. 299B.03, Subdivision 2(a) (five days), unless the Board feels there are extenuating circumstances that allow extension of that time; 3) that the victim or claimant has fully cooperated with the police and other law enforcement officials; 4) that the victim is not the spouse of or a person living in the same household with the offender or his accomplice unless the Board determines that the interest of justice otherwise require in a particular case; 5) the claimant was not the offender or accomplice of the offender or an award to the claimant would not unjustly benefit the offender or an accomplice; 6) that the claim does not arise out of the use of a motor vehicle, aircraft, or watercraft; 7) is not a claim for personal property; 8) that the victim is an innocent victim of the crime having been committed against his or her person; and 9) must file a claim with the Board within one year of the happening of the event.

## PROCESSING

If the claim then meets these standards for eligibility, the claimant is requested to submit a Supplementary Claim form, which indicates the loss sustained by the claimant and what part of the loss has been paid through collateral sources, such as private hospitalization or medical plans, free health care, Social Security or any other collateral source that comes from the county, city, state or federal government.

A certificate is sent to the law enforcement agency involved in investigating the crime to determine whether the claimant has filled the requirement of the statute. The law enforcement officers are asked to indicate when the crime was reported, if the claimant was fully cooperative with them, and whether or not the claimant is considered by them to be an "innocent victim of crime."

The Executive Director as part of his investigative responsibilities also verifies: 1) whether or not the claimant was employed, the income reported, and its documentation; 2) the hospital and medical bills; and 3) insurance or any other collateral sources.

When the Executive Director certifies a claim as complete, he drafts Recommendations, Findings of Fact, and Order for payment, for a review of the Board Member assigned to the claim. The Board then makes a decision, and the claimant is notified of it. If the claimant is dissatisfied, he or she can apply within 30 days, in writing, for reconsideration of the decision by the full Board in a hearing governed by the rules and regulations adopted by the Board.

If the claimant remains unsatisfied after the reconsideration by the full Board, the claimant may appeal the decision to the State Hearing Examiner pursuant to the Administrative Procedure Act, Minnesota Statute 15.01 et seq.

Provision is made for payment of an emergency award in cases where urgency is apparent and requested and also for supplementary awards when justified.

## PUBLIC AWARENESS

Traditionally, a substantial effort has been expended by the Executive Director and the Board members to acquaint Minnesota citizens that such a law was available to citizens of our State. In this regard, the general mass media, radio, television, newspapers, speeches, etc., have been most helpful. In spite of our public relations efforts, it is quite apparent that there are many victims of crime in this State who are still not aware of our law.

Originally, it was felt that the most effective way to reach the victims of crime is through the law enforcement agencies. In this regard, thousands of brochures have been distributed to law enforcement personnel throughout the State. In addition, the Executive Director has spoken before many of the law enforcement agencies and their personnel so that they would be informed of their obligations under the law.

At the present time, 25,000 plastic cards for law enforcement officers to carry in their wallets have been printed summarizing the law so that they will have available on their person the information necessary to give to the victims of violent crimes while receiving the report of the incident. It is the law enforcement officer who is the one who usually comes in contact with the victim of a violent crime. If he or she

is knowledgeable about the law and informs the victims of their rights, no amount of other mass media material can substitute for this personal contact. Also, it demonstrates to the victim that the State is concerned about him or her. Also, other agencies that may come in contact with victims of crime, such as hospitals, mortuaries, courts, county social service agencies, and other institutions, have been provided with quantities of informational brochures in order that they may be given to victims of violent crimes.

Current workloads have dictated a lesser emphasis on public awareness due to insufficient staff and funding to meet current needs.

## AMENDMENTS

### Significant Past Amendments

Since the inception of the program in 1974, several amendments have been made strengthening the program, clarifying the law, expediting the payment process, and providing more adequate benefits to the claimants. Most notable:

In 1977 the maximum award was increased from \$10,000 to \$25,000. Several claims have been made for a maximum award, and many have exceeded \$10,000.

In 1979 a "Son of Sam" law was enacted mandating that the commercial exploitation of crimes be limited. If there is any commercial exploitation of a crime occurring in Minnesota, e.g., books or movies, the Board is empowered to confiscate the profits, through court action for the benefit of crime victims.

In 1983 a Crime Victims "Bill of Rights" was enacted, enumerating specified rights of victims and witnesses including a mandate to the Commissioner of Corrections, "... in cooperation with the Executive Director of the Minnesota Crime Victims Reparations Board . . ." to develop a plan to provide to victims of crime, information on available services in the geographical area wherein the crime occurred.

### Favored New Legislation

The Board favors new legislation in aid of the program and in aid of crime victims generally.

- (a) The Board is in favor of legislation mandating that the monetary surcharge penalties upon defendants convicted of certain crimes be dedicated exclusively to help defray the cost of the Minnesota Crime Victims Reparations Board.

(b) The Board is in favor of legislation to provide that a percentage of all monies earned by prisoners be dedicated to help defray the cost of the Minnesota Crime Victims Reparations Board.

(c) The Board is in favor of legislation limiting claims for lost wages to a maximum weekly amount.

(d) The Board is in favor of a repeal of the \$100.00 deductible.

## BUDGET DATA

### A. Generally

For FY 1984, the legislature appropriated \$661,000 out of the General Revenue Fund for the administration of the Minnesota Crime Victims Reparations Board. That appropriation was expended by July 1, 1984. Such under-funding has been a perennial problem of the program since its 1974 appropriation of \$100,000. The program is simply well received by the public and by interested agencies, both public and private, and much used by the eligible public.

The file numbers assigned to cases listed in the claim register for FY 1984, from 7-01-83 to 6-30-84, are interpreted as follows:

- AR = Arson: This represents cases of personal injury or death arising out of an original crime of arson.
- AS = Assault: This represents any assault against a person or property resulting in injury or death to the victim.
- H = Homicide: This represents any crime resulting in death to the victim.
- M = Mugging: This represents assault cases when the motive is robbery.
- PP = Personal Property: This represents cases where no personal injury or death results and the victim's only losses are of personal property. These are automatically denied.
- R = Rape: This represents all cases of sexual assault committed against male or female. On 4-30-76 the Minnesota Crime Victims Reparations Board resolved to delete the names of all sexual assault victims from the claims register since such register is a public document. This was done simply to avoid further embarrassment to these victims and their families. These names are available to the Governor and legislature upon request.

## B. Claims Statistics

### Number of Claims Filed

	FY 82	FY 83	FY 84	Changes
Arson	0	0	0	0
Assault	194	222	255	+ 33
Homicide	48	52	40	- 4
Mugging	33	50	15	- 17
Personal Property	2	2	3	+ 1
Sexual Assault	37	40	70	+ 30
Totals	314	366	383	+ 17 (+ 4.67%)

## C. Average Process Time (in months)

### Average Length of Time Required to Finalize a Claim

	FY 82	FY 83	FY 84	Changes
Arson	0	0	0	0
Assault	15.0	13.25	13.0	- .25
Homicide	6.0	4.25	4.25	0
Mugging	12.0	8.50	8.00	- .50
Sexual Assault	10.0	6.50	7.50	+ 1.00
Average	10.75	8.125	8.14	+ .43 (- .18%)

## D. Denied Claims

	FY 82	FY 83	FY 84
1. Below \$100 deductible (1)	24	21	16
2. Automobile case	6	5	9
3. Abandoned (3)	20	79	82
4. Not filed within 1 year	12	7	11
5. Lack of cooperation with police	7	10	6
6. Withdrew claim	28	6	13
7. No crime reported	1	0	0
8. Not an innocent victim	20	16	17
9. No crime committed	7	6	3
10. Occurred out of state	0	0	1
11. Not reported within 5 days	3	0	2
12. Personal property	2	2	6
13. Household or relative exclusion	14	10	10
14. Not dependent	1	0	9
15. Failed burden of proof	5	0	9
TOTALS	101	150	194
			(+ 29.0%)

## E. Fiscal Data (2)

1. Original appropriation plus restitution and refunds (estimated)	\$661,048
Subtotal	50,000
2. Less operating expenses — Subtotal	\$711,048
3. Less claims payments — Total	\$606,000
4. Average claim payment (\$606,000 - 391)	\$ -0-
5. Cost of Administration (\$105,048 - \$711,048)	\$ 1,549
	\$ 14.78%

**F. Appropriations History**

	Appropriated \$100,000	Expenditure \$100,000
FY 75		
FY 76	300,000	300,000
FY 77	375,000	375,000
FY 78	375,000	375,000
FY 79	500,000	456,239
FY 80	500,000	500,000
FY 81	500,000	500,000
FY 82	600,000	600,000
FY 83	600,000	600,000
FY 84	650,000	650,000

**G. Claims History (4)**

FY	Filed	Paid	Denied	Pending
74-76	580	269	228	0
77	329	158	133	0
78	389	241	146	0
79	420	242	148	0
80	483	218	121	0
81	504	253	101	11
82	314	276	150	25
83	364	377	162	84
84	383	391	194	104
TOTALS	3,766	2,425	1,383	224

**H. Detail of FY 1984 Claims (4)**

Filed	Paid	Denied	Handled	Previous Years	FY 82	Total
383	391	194	1,040	120	104	224

**I. Victim Statistics**

**1. Age to Sex to Crime:**

Crime:	Sex	0-10	11-15	16-25	26-40	41-60	61+	Totals
Homicide:	Male:	1	1	12	15	3	0	32
	Female:	1	0	3	4	0	0	8
40								
Sexual Assault:	Male:	8	5	2	0	0	0	15
	Female:	16	10	17	9	2	1	55
70								
Assault:	Male:	2	3	63	75	20	7	170
	Female:	1	4	33	36	3	5	82
255								
Unknown age								
3								
Arson:	Male:	0	0	0	0	0	0	0
	Female:	0	0	0	0	0	0	0
0								
Mugging:	Male:	0	0	0	0	1	0	1
	Female:	0	0	0	2	4	8	14
15								
Personal Property:	Male:	0	0	0	1	1	0	2
	Female:	0	0	0	1	0	0	1
3								
Totals:		29	23	110	123	34	21	383

**2. Weapon Used:**

	Sexual				
	Homicide	Assault	Assault	Mugging	Totals
Gun:	9	0	16	1	26
Knife:	21	6	48	0	75
Hands/Feet:	3	0	135	13	161
Other:					
Instrument:	7	3	56	1	67
Totals:	40	9	255	15	329

**NOTES:**

- (1) Includes claims reduced to under \$100 after deducting collateral sources such as insurance, welfare, worker's compensation and employer benefits.
- (2) Some discrepancies may appear in actual amounts due to variations in accounting methods, open accounts payable, and accounts receivable.
- (3) The reasons claimants abandon their claim is unknown. A claim is deemed abandoned when the claimant fails to respond to communications within a reasonable time, moves without leaving a forwarding address, or refuses to submit requested information.
- (4) Figures will vary due to some claims being counted twice, e.g., a claim denied in one year and counted as such may be appealed and subsequently paid if the original denial were reversed.
- (5) 383 new claims were filed in FY 84, 391 final awards were made, some of which were claims made in preceding years. In addition, 231 Supplementary Awards were made, making a total of 622 awards. Total awards (622) plus denials (194) plus pending claims (224) = 1,040 claims handled, or an increase of over 2% of the 1,018 claims handled in FY 83.

**PROJECTIONS**

The Minnesota Crime Victims Reparations Board was created in 1974 and initially funded with \$100,000. It was quickly apparent that this appropriation was insufficient, and a supplementary appropriation of \$100,000 was approved. Since then the annual appropriation has increased to its current level of \$600,000. Each year the program has expended its appropriation in the first 8 or 9 months of each fiscal year.

Since the Board has no control over the amount of crime committed in Minnesota, it follows that it has

no control over the number of victims, nor any control over the number of claimants applying for benefits. Exhibits "B" and "C" graphically illustrate the consequences of a workload that has increased beyond the capacity of this small staff. As the number of claims received nears 400 per year, the average time to process a claim increased beyond the public's capacity to endure. A point could be reached where the two-member staff will do nothing but receive claims and open files, having no time to investigate or recommend payment; not even recommended denial. Exhibit "C" shows that as the number of claims received nears 400 per year, the work production indicators of claims paid and denied decreases as the processing time increases. In 1978 it took 113 days to process a claim; in 1979 it took 126 days; and in 1980 it increased to 263 days or 8.75 months. In FY 81 the time was 12.6 months. In FY 82 this delay time was reduced to 10.75 months through a full year's use of an emergency temporary clerk-typist. By gubernatorial action this clerk-typist position was eliminated. In FY 83 the average process time was 8.125 months. In FY 84 the processing time increased slightly. It is projected that in FY 85 the average process time will remain the same as long as emergency temporary help and volunteer workers are available, and the number of claimants filing new claims remains the same or increases only slightly. Any delay becomes crucial to claimants, as at six months after any treatment, suppliers begin turning their accounts receivable over to collection agencies.

Graphic Exhibits "B" and "C" indicate an increase in the number of claims paid. This is due to the Board having an emergency temporary clerk-typist, and volunteer help, and a decrease in new filings. Without this additional help, the number of claims paid would have continued the projected decline. Exhibit "D" shows a decline in the average dollar amount of the claims paid. This is due primarily to a more conservative approach to claims awards payment by the Board. It has, however, resulted in an increase in the number of appeals cases which have risen from a low of one or two per year, to 27 during fiscal year 1981, and to 18 for fiscal year 1982, 14 for fiscal year 1983, and 31 for FY 84. Exhibit "E" merely shows that each year's budget is fully expended every year, and that projections show the program to be underfunded.

Additionally, as claim payments increase, a fixed appropriation means that fewer claimants may be paid. Those that are unpaid are simply carried over into the next fiscal year, creating congestion in that year.

The Board is faced with a limited staff complement,

a continuing increase in relevant crime statistics, and increasing victim applications. These factors indicate that the integrity of the program is in jeopardy.

**POLICY — INTENT PHILOSOPHY**

The reason for compensating innocent victims of violent crimes is humanitarian and part of the fulfillment of an arguable duty of the State. Early history of government indicates that one of the primary functions of our society is the protection of citizens from injury or death. When that protection to be afforded the citizens breaks down and the State takes over the function of punishing the offender, the citizen has generally no other source to look to for help than the government whose duty it was to provide him protection.

The Minnesota Crime Victims Reparations law provides the means where the injured victim can present his or her claim in a non-courtroom forum. The victim, without the benefit of this statute, is left with nothing except the bills, the worry of the family, as well as the disruption of the household. As a practical matter, now a victim in the State of Minnesota knows that his government is concerned with the victim and not just concerned with the offender. There has been some experience to indicate that victims of crime who formerly might be unwilling and uncooperative with law enforcement agencies to arrest the perpetrators now become willing and cooperative witnesses to the conclusion of a case. Since it costs approximately \$100,000,000 per year to operate the Department of Corrections, or from \$30,000 to \$45,000 per year per prisoner, depending upon the facility; the sum of \$600,000 per year, or \$1,500 per victim to compensate victims of violent crime in this state seems minuscule by comparison.

The Board has continued to treat each claimant not as an adversary but as a person in need of assistance. We are dedicated to the principle of providing more than just token assistance to the innocent victim of crime. We are proud to be an arm of our State government, extending a helping hand to the long neglected innocent victims of crime.

The Board gratefully acknowledges the excellent cooperation extended to it by the Commissioner of Public Safety, Paul Tschida, and his entire staff who so efficiently and effectively assist our agency. The Board further gratefully acknowledges the excellent cooperation that has been extended to it by the law

enforcement agencies throughout the State, the Attorney General's Office, and the media for helping us to acquaint the public with the Minnesota Crime Victims Reparations Board laws.

To give the reader an idea of the work of the Board, we have included a representative sample of case histories involving some of the claims we have decided. We have omitted the name of the victims included in this report, but we have indicated the reasons for denial of the claims or awards made to them.

In the register of cases handled from July 1, 1983, through June 30, 1984, the names of the victims appear, with the exception of rape victims who are referred to as "rape claimants", for we do not want to cause these claimants further embarrassment. The names of these claimants, however, are available to the Governor and the Legislature at their request as required by M.S. 299B.06 (e).

Respectfully submitted.

July 1, 1984

JOHANNA MILLER, M.D., Chairwoman  
 KENNETH M. STROM, Board Member  
 JOHN LYGHT, Board Member  
 DUANE E. WOODWORTH, Executive  
 Director

## CHAPTER 299B Crime Victims Reparations

Sec.	Title.
299B.01	Definitions.
299B.02	Eligibility for reparations.
299B.03	Amount of reparations.
299B.04	Crime victims reparations board.
299B.05	Powers and duties of the board.
299B.06	Determination of claims.
299B.07	Attorneys fees; limitation for representation before board.
299B.08	Consideration of decisions by full board.
299B.09	Reparations; how paid.
299B.10	Subrogation.
299B.11	Medical privilege.
299B.12	Enforcement of board's orders.
299B.13	Department of corrections; restitution.
299B.14	Use of record of claim; evidence.
299B.15	Law enforcement agencies; duty to inform victims of right to file claim.
299B.16	Fraudulent claims; penalty.
299B.17	Limiting commercial exploitation of crimes; payment of victims.

**299B.01 TITLE.** Sections 299B.01 to 299B.16 shall be known as the Minnesota crime victims reparations act.

**299B.02 DEFINITIONS.** For the purposes of sections 299B.01 to 299B.16 the following terms shall have the meanings given them:

(1) "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to section 609.05.

(2) "Board" means the crime victims reparations board established by section 299B.05.

(3) "Claimant" means a person entitled to apply for reparations pursuant to section 299B.01 to 299B.16.

(4) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under sections 299B.01 to 299B.16 which the victim or claimant has received, or which is readily available to him from:

(a) the offender;

(b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 299B.01 to 299B.16;

(c) social security, medicare, and medicaid;

(d) state required temporary non-occupational disability insurance;

(e) worker's compensation;

(f) wage continuation programs of any employer;

(g) proceeds of a contract of insurance payable to the victim for economic loss which he sustained because of the crime;

(h) a contract providing prepaid hospital and other health care services, or benefits for disability; or

(i) any private source as a voluntary donation or gift. The term does not include a life insurance contract.

(5)(a) "Crime" means conduct that

(i) occurs or is attempted in this state,

(ii) poses a substantial threat of personal injury or death, and

(iii) is included within the definition of "crime" in Minnesota Statutes 1971, Section 609.02, Subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(b) a crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is

EXHIBIT 'A'

pending or a new trial or rehearing has been ordered.

(c) "Crime" does not include conduct arising out of the use of a motor vehicle, as defined in section 169.01, subdivision 2, an aircraft or watercraft unless

(i) the conduct was intended to cause personal injury or death, or

(ii) the use of the motor vehicle, aircraft or watercraft in the commission of a felony was a proximate cause of the victim's injury or death.

(6) "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.

(7) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(i) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;

(ii) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;

(iii) loss of income the victim would have earned had he not been injured; and

(iv) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had he not been injured.

(b) In the case of death the term is limited to:

(i) reasonable expenses incurred for funeral, burial or cremation;

(ii) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(iii) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to his dependents if he had lived; and

(iv) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of his dependents if he had lived.

(8) "Injury" means actual bodily harm including pregnancy and mental or nervous shock.

(9) "Victim" means a person who suffers personal injury or death as a direct result of

(a) a crime;

(b) the good faith effort of any person to prevent a crime; or

(c) the good faith effort of any person to apprehend a person suspected of engaging in a crime.

**299B.03 ELIGIBILITY FOR REPARATIONS.** Subdivision 1. Except as provided in subdivision 2, the following persons shall be entitled to reparations upon a showing by a preponderance of the evidence that the requirements for reparations have been met:

(a) a victim who has incurred economic loss;

(b) a dependent who has incurred economic loss;

(c) the estate of a deceased victim if the estate has incurred economic loss;

(d) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 299B.02, clause (7) for a victim;

(e) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.

**Subd. 2.** No reparations shall be awarded to a claimant otherwise eligible if:

(a) the crime was not reported to the police within five days of its occurrence or, if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim is the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the board determined that the interests of justice otherwise require in a particular case;

(d) the claimant was the offender or an accomplice of the offender or award to the claimant would unjustly benefit the offender or an accomplice; or

(e) no claim was filed with the board within one year of victim's injury or death but if it could not have been made within that period, then the claim can be made within one year of the time when a claim could

have been made;

(f) the claim is less than \$100.

**299B.04 AMOUNT OF REPARATIONS.** Reparations shall equal economic loss except that:

(1) reparations shall be reduced to the extent that economic loss is recouped from a collateral source;

(2) reparations shall be reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom he claims and by the first \$100 of economic loss; and

(3) reparations paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed \$25,000.

**299B.05 CRIME VICTIMS REPARATIONS BOARD.** Subdivision 1. There is created in the department of public safety, for budgetary and administrative purposes, the crime victims reparations board, which shall consist of three members appointed by the governor with the advice and consent of the senate. One of the members shall be designated as chairman by the governor and serve as such at his pleasure. At least one member shall be a person who is admitted to the bar of this state, and at least one member shall be a medical or osteopathic physician licensed to practice in this state.

**Subd. 2.** (Repealed, 1976 c 134 s 79)

**Subd. 2a.** The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

**Subd. 3.** Members of the board shall serve part time.

**299B.06 POWERS AND DUTIES OF THE BOARD.** Subdivision 1. Duties. In addition to carrying out any duties specified elsewhere in sections 229B.01 to 229B.16 or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to chapter 15;

(b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;

(c) promulgate within 90 days following the effective date of Laws 1974, Chapter 463 rules to implement sections 299B.01 to 299B.16, including rules governing the method of practice and procedure before the board, prescribing the manner in which appli-

cations for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; and

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied.

**Subd. 2. Powers.** In addition to exercising any powers specified elsewhere in sections 299B.01 to 299B.16 or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(f) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under sections 299B.01 to 299B.16;

(g) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and

(h) reconsider any decision granting or denying reparations or determining their amount.

**299B.07 DETERMINATION OF CLAIMS.** Subdivision 1. A claim, when accepted for filing, shall be assigned by the chairman to himself or to another mem-

ber of the board.

Subd. 2. The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim.

Subd. 3. The board member to whom a claim is assigned may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in support of it and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of the papers and report, he shall order a hearing.

Subd. 4. After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the board member to whom the claim was assigned shall make a decision either granting an award or deny the claim.

Subd. 5. The board member making a decision shall file with the board a written report setting forth such decision and his reasons therefor. The board shall notify the claimant and furnish him a copy of the report.

**299B.071 ATTORNEYS FEES: LIMITATION FOR REPRESENTATION BEFORE BOARD.** The board may limit the fee charged by any attorney for representing a claimant before the board.

**299B.08 CONSIDERATION OF DECISIONS BY FULL BOARD.** Subdivision 1. The claimant may, within 30 days after receipt of the report of the decision of the board member to whom his claim was assigned, make an application in writing to the board for consideration of the decision by the full board.

Subd. 2. Any member of the board may, within 30 days after the filing of the report, make an application in writing to the board for consideration of the decision by the full board.

Subd. 3. The board shall treat all claims considered pursuant to this section as contested cases within the meaning of Chapter 14.

**299B.09 REPARATIONS: HOW PAID.** Reparations may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award shall be deducted from the final award, if a lump sum, or prorated over a period of time if the final award is made in installments. Reparations are exempt from execution or attachment except by persons who have supplied services, products or accommodations to the victim as a result of the injury or death which is the basis of the claim. The board, in its

discretion may order that all or part of the reparations awarded be paid directly to these suppliers.

**299B.10 SUBROGATION.** The state shall be subrogated, to the extent of reparations awarded, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is or, if readily available to the victim or claimant would be, a collateral source. Nothing in this section shall limit the claimant's right to bring a cause of action to recover for other damages.

**299B.11 MEDICAL PRIVILEGE.** There is no privilege as to communication or records relevant to an issue of the physical, mental, or emotional condition of the claimant or victim in a proceeding under sections 299B.01 to 299B.16 in which that condition is an issue. Nothing contained in this section shall be interpreted to abridge the attorney-client privilege.

**299B.12 ENFORCEMENT OF BOARD'S ORDERS.** If a person refuses to comply with an order of the board or asserts a privilege to withhold or suppress evidence relevant to a claim, the board may make any just order including denial of the claim, but may not find the person in contempt. If necessary to carry out any of its powers and duties, the board may petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a mental or physical examination.

**299B.13 DEPARTMENT OF CORRECTIONS: RESTITUTION.** The department of corrections may, as a means of assisting in the rehabilitation of persons committed to their care, establish programs and procedures whereby such persons may contribute toward restitution of those persons injured as a consequence of their criminal acts.

**299B.14 USE OF RECORD OF CLAIM: EVIDENCE.** Neither a record of the proceedings on a claim, a decision of the board, nor the fact that an award has been made or denied shall be admissible as evidence in any criminal or civil action against the alleged offender, except an action by the state on its subrogation claim.

**299B.15 LAW ENFORCEMENT AGENCIES: DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM.** All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to sections 299B.01 to 299B.16 and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the board and maintain a supply of all forms necessary for the preparation and presentation of claims.

**299B.16 FRAUDULENT CLAIMS: PENALTY.** Any person who knowingly makes a false claim under sections 299B.01 to 299B.16 shall be guilty of a gross misdemeanor.

**299B.17 LIMITING COMMERCIAL EXPLOITATION OF CRIMES; PAYMENT OF VICTIMS.** Subd. 1. For purposes of this section "crime" means an offense which is a felony under the Laws of Minnesota.

Subd. 2. A legal entity that contracts with an individual person or the representative or assignee of a person who has been convicted of a crime in this state, or found not guilty by reason of insanity, regarding (a) the reenactment of the crime, by way of a movie, book, newspaper or magazine article, radio or television presentation, or live or recorded entertainment of any kind, or (b) the expression of the person's thoughts, feelings, opinions or emotions about the crime, shall notify the crime victims reparations board of the existence of the contract and pay over to the crime victims reparations board any moneys owed to that person or his representatives by virtue of the contract. If the crime occurred in this state, the proportion payable is one hundred percent. If the crime occurred in another jurisdiction having a law applicable to the case which is substantially similar to this section, the proportion payable is zero and this section does not apply. In all other cases, the proportion payable is that which fairly can be allocated to commerce in this state. This section does not apply to crimes occurring outside the United States. The board shall deposit the moneys pursuant to subdivision 7 and assign the amount received in each case for the benefit of any victim of crimes committed by the person. The moneys shall be paid by the board to any victim or the legal representative of a victim if (1) the person is convicted of the crime or found not guilty by reason of insanity, and (2) the claimant, within five years of the date of payment to the board in the case, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against the person or his representatives. Notwithstanding any provision of law for the timely bringing of an action, an action may be brought pursuant to this section within a five year period which begins to run on the date payment is made to the board in a case; provided that once the person has been discharged from his sentence by court order or upon expiration of sentence, this section shall not apply.

Subd. 3. When the board receives a payment pursuant to this section, it shall attempt to notify any known victims of the crime and shall publish a notice of that fact in a newspaper having general circulation in the county where the crime was committed. The

expenses of notification shall be paid from the amount received for that case.

Subd. 4. When the board has made payments to or on behalf of a crime victim pursuant to sections 299B.01 to 299B.16, to the extent of payment made, it is subrogated to any claim or judgment of the victim or his representative against the offender.

Subd. 5. Upon a showing by that person convicted of a crime or found not guilty by reason of insanity, or his representative, that five years have elapsed from the date of payment to the board in the case, and further that no actions are pending against him pursuant to this section, the board shall immediately pay over to him any moneys in the account related to the case.

Subd. 6. Notwithstanding any other provision of this section, the board shall make payments to a person convicted of crime or found not guilty by reason of insanity from the account of amounts received with reference to that person upon the order of a court of competent jurisdiction after a showing by that person that the moneys shall be used for the reasonable costs of defense in the appeal of his criminal conviction or in civil proceedings pursuant to this section.

Subd. 7. All moneys received by the board pursuant to this section shall be deposited in the state treasury, credited to a special account, and are appropriated to the board for the purposes of this section. Money in the special account may be invested pursuant to section 11A.25. When so invested, any interest or profit shall accrue to, and any loss be borne by, the special account. The board shall allocate money in the special account to each case pursuant to this section.

Subd. 8. Any action taken, whether by way of execution of a power of attorney, creation of corporate or trust entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.

Sec. 2. Effective date. This act is effective the day after final enactment and applies to contracts entered into after that date.

Approved May 29, 1979.

Legislation enacted during the 1981 session may or may not have a financial impact upon the Minnesota Crime Victims Reparations Board. The first is Minn. Stat. §609.101. The second is the Department of Transportation appropriation found at Minnesota Session Law Service 1981, C. 257 P. 1794. Both statutes are set forth below.

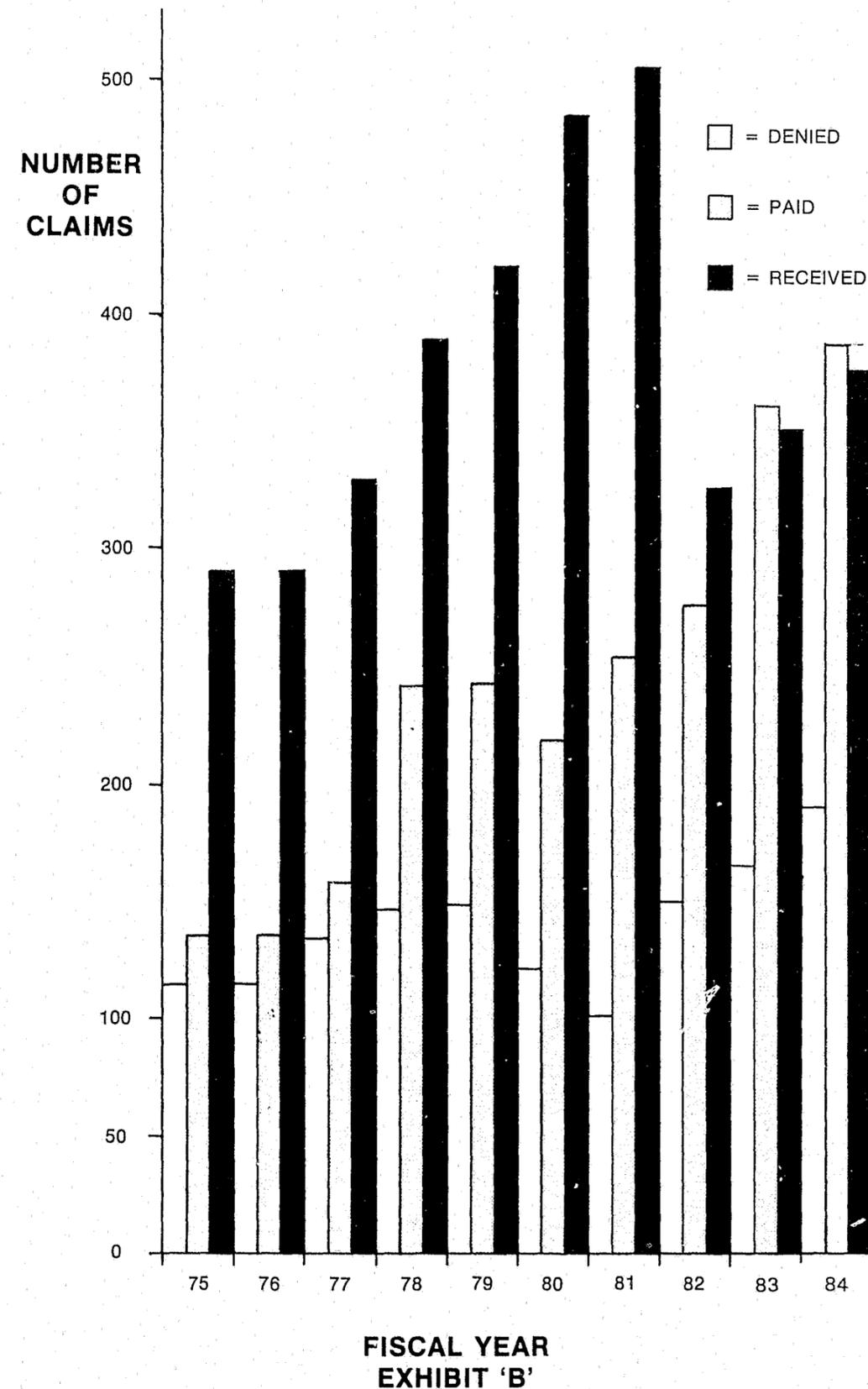
**609.101. SURCHARGE ON FINES, ASSESSMENTS.**

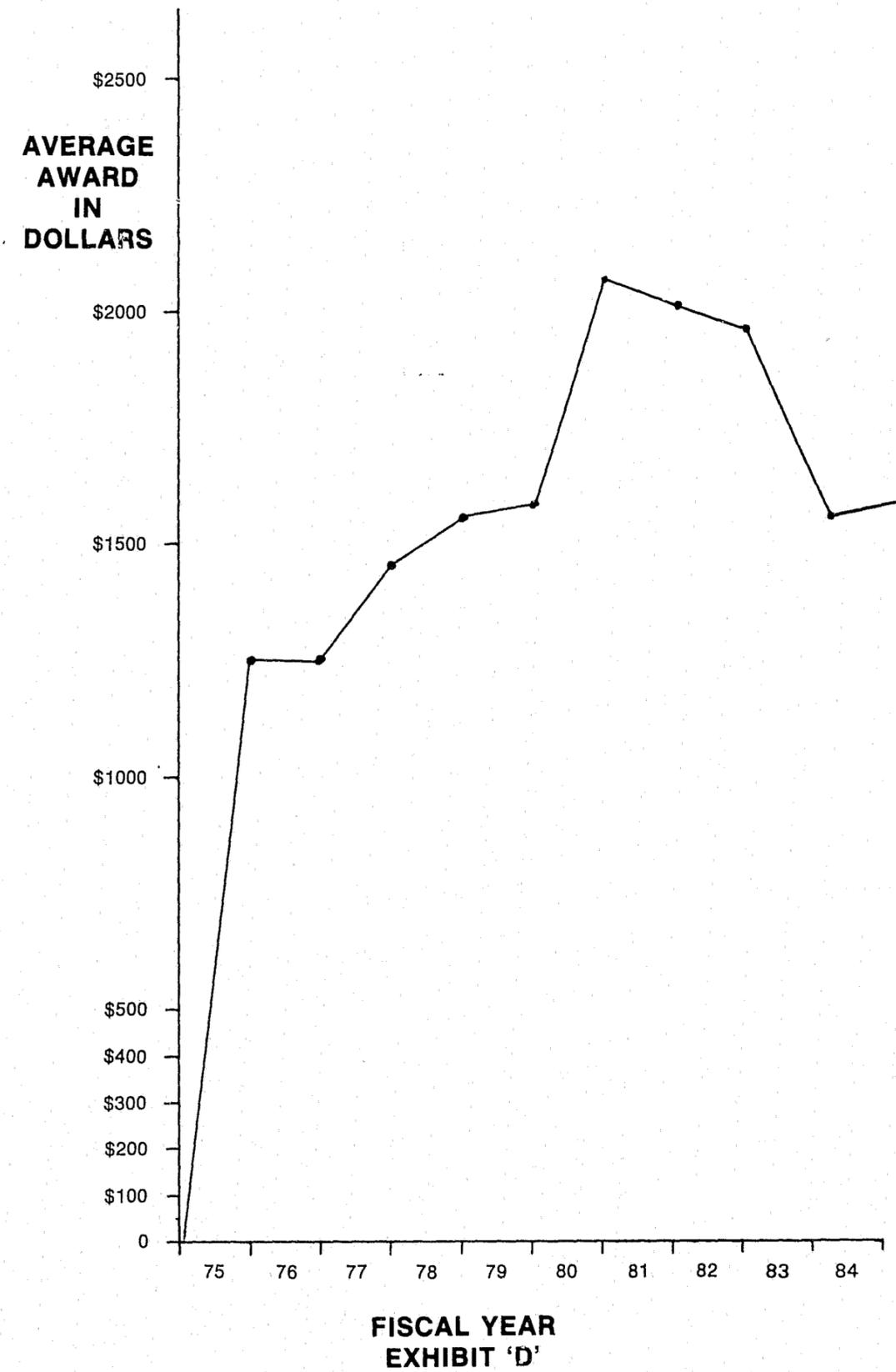
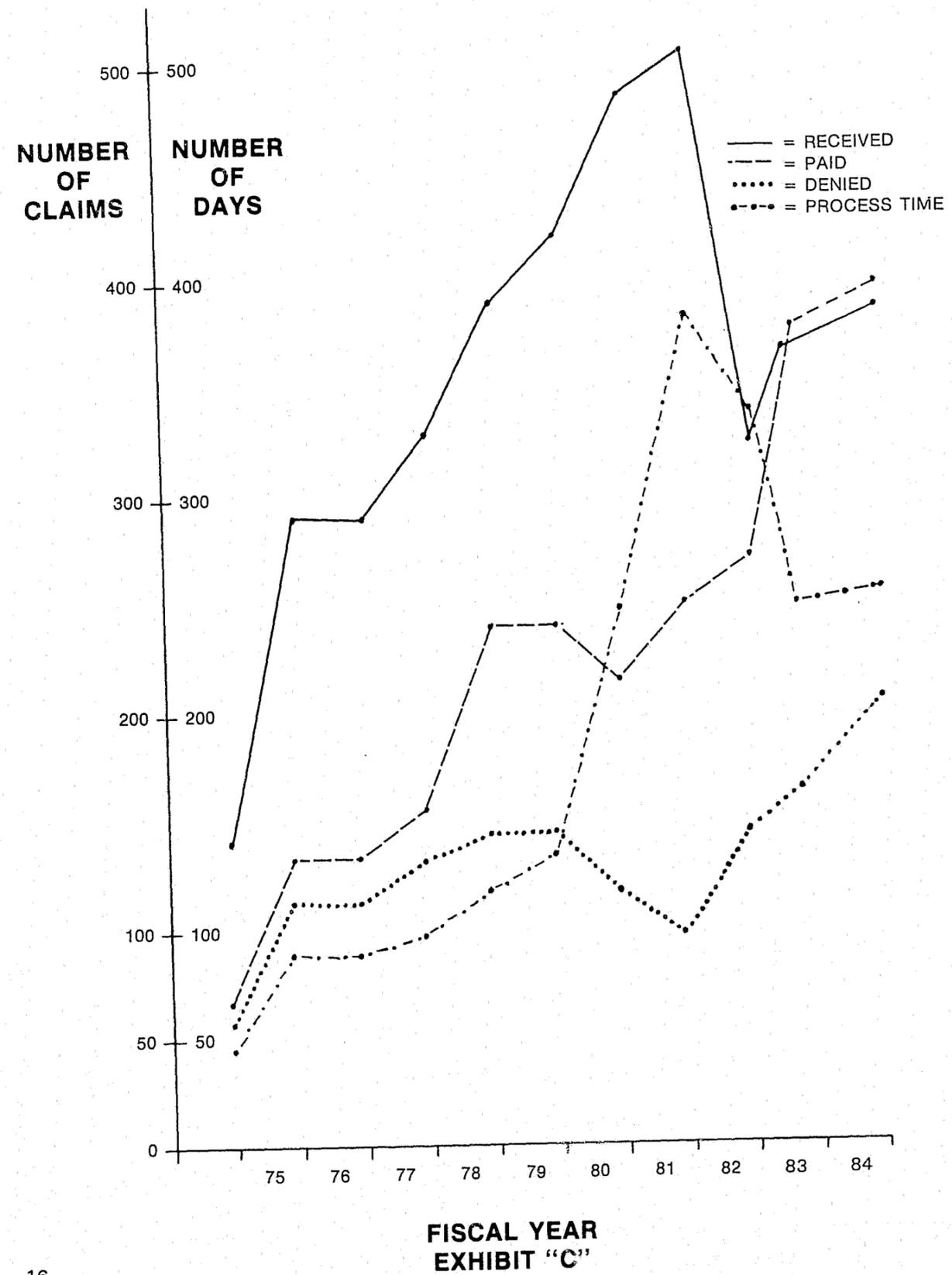
When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$20 nor more than \$40. If the sentence includes payment of a fine, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, waive payment or authorize payment of the assessment or surcharge in installments.

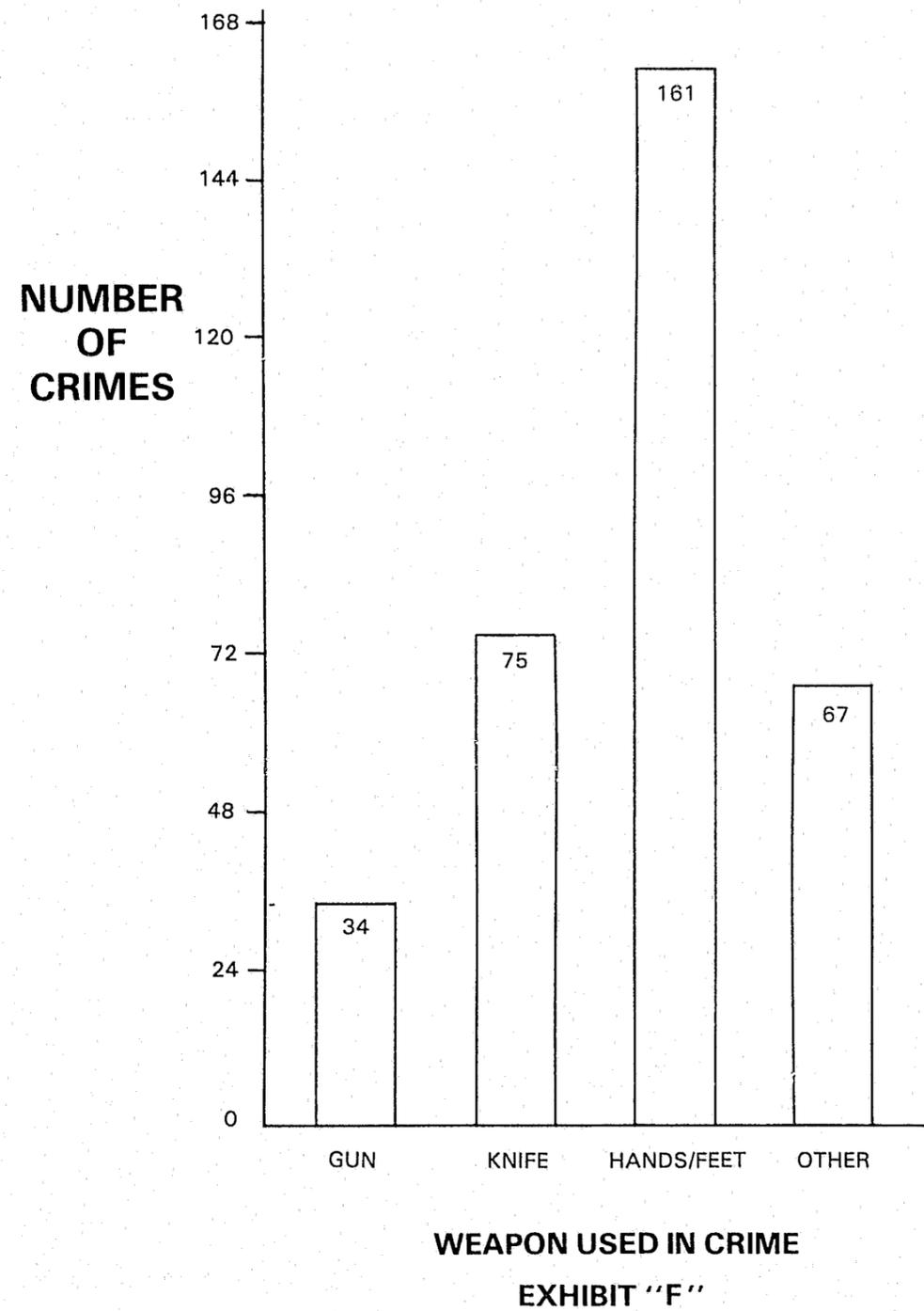
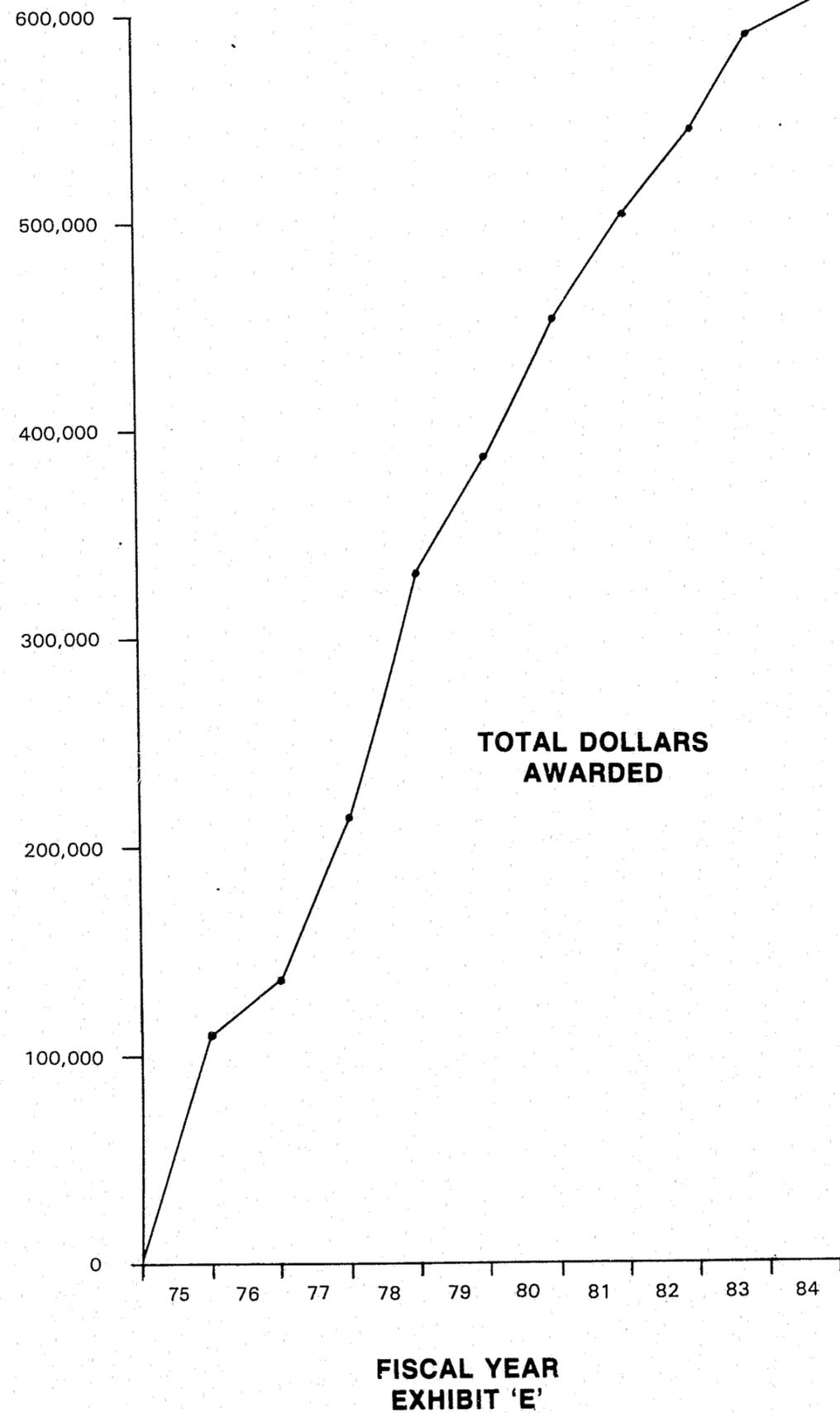
The court shall collect and forward the amount of the assessment or surcharge to the state treasurer to be deposited in the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through programs established under sections 241.51 to 241.66, under chapter 256D, and chapter 299B. If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the state treasurer. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

**Law 1981, C357 states in part:**

\$600,000 the first year and \$650,000 the second year is for the Crime Victims Reparations Board. If any funds are generated by a penalty assessment and dedicated for use in paying crime victims, the unexpended funds in this activity intended for payments to crime victims shall cancel. Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.







## EXHIBIT "G"

### REPRESENTATION OF CLAIMS PAID AND DENIED

#### MUGGING CASES

1. On July 28, 1983, this 34-year-old female claimant was arriving home when an ex-boyfriend appeared who had been waiting for her. When she refused to talk to him or give him any money, he grabbed her hand, fracturing her finger; he then grabbed her purse and ran off with it. The claim was made for medical expenses and lost wages after insurance payments, and less the \$100.00 deductible.  
Paid: \$1,088.74
2. On July 22, 1983, this 53-year-old female claimant was a victim of a purse snatching. She was knocked to the ground, suffering a fractured rib and other injuries. The claim is for medical expenses only, after the \$100.00 deductible.  
Paid: \$354.61
3. On March 3, 1983, this 89-year-old female claimant was a victim of a purse snatching. She was knocked to the ground, suffering a fractured shoulder and has required institutionalization. The claim is for medical expenses and nursing home care after insurance payments and less the \$100.00 deductible.  
Paid: \$2,985.80
4. On October 28, 1983, this 58-year-old female claimant was a victim of a purse snatching. She suffered a fractured cheekbone, facial lacerations and broken glasses. The claim is for medical expenses plus one week of unemployment compensation, less the \$100 deductible.  
Paid: \$610.36
5. On October 31, 1983, this 70-year-old female claimant was a victim of a purse snatching. She was knocked down the steps of her home, suffering a fractured elbow and severe facial lacerations. The claim is for medical expenses and lost wages after insurance payments and less the \$100.00 deductible.  
Paid: \$747.20
6. On September 14, 1983, this 47-year-old female claimant was assaulted by four men attempting to rob her. She suffered minor injuries only and

broken glasses. The claim is for medical and optical expenses and lost wages, less the \$100.00 deductible.  
Paid: \$239.40

#### ASSAULT CASES

1. On July 17, 1983, this 28-year-old male claimant was standing outside his house with a woman friend when her ex-boyfriend appeared and shot him twice in the back. The claim was for medical expenses only, less the \$100.00 deductible.  
Paid: \$7,873.38
2. On August 19, 1983, this 28-year-old female claimant was riding on a city bus when a rock was through through the window by a juvenile boy. The rock struck the claimant in the temple, causing a skull fracture. The claim was for medical expenses and wage losses after insurance payments and less the \$100.00 deductible.  
Paid: \$1,030.05
3. On July 3, 1983, this 26-year-old male claimant was lying on his couch in his apartment that he shared with two other men when a stranger burst in armed with a baseball bat and beat the claimant and one roommate in an apparent attempt to frighten the third roommate who was not there. The claimant suffered a fractured arm and a fractured skull. The claim was for medical expenses and lost wages after insurance payments and less the \$100.00 deductible.  
Paid: \$2,299.00
4. On May 10, 1984, this 38-year-old male claimant was walking to his car when a young stranger came up to him and for no apparent reason, began to stab him several times. The claim was for medical expenses only after the \$100.00 deductible.  
Paid: \$4,706.23
5. On April 15, 1984, this 24-year-old male claimant was attempting to break up a fight between several juveniles when one of them stabbed the

claimant. The claim is for medical expenses and wages lost after insurance payments and less the \$100.00 deductible.  
Paid: \$4,007.74

6. On April 20, 1983, this 22-year-old male claimant was assaulted in a bowling alley as he went to pick up his girlfriend after she got off work. The claimant suffered a dislocated shoulder. The claim is for medical expenses, and wage losses after insurance payments and less the \$100.00 deductible.  
Paid: \$3,947.59
7. On January 29, 1984, this 9-year-old female was sexually assaulted, beaten, and stabbed several times, and her 10-year-old step-brother was murdered at the same time. The claim is for medical expenses only less the \$100.00 deductible.  
Paid: \$10,469.10
8. On February 27, 1984, this 26-year-old male claimant let the defendant into his apartment building, and in the hallway, the defendant attacked the claimant with a knife for no apparent reason. The claim was for medical expenses and wage losses less the \$100.00 deductible.  
Paid: \$1,622.65
9. On October 24, 1983, this 19-year-old female claimant was moving out of a house she had been sharing with her ex-boyfriend. He didn't want her to move out, so he assaulted her. He was an ex-professional fighter. She suffered a fractured jaw and dental damage. The claim is for medical expenses only less the \$100.00 deductible.  
Paid: \$6,293.21
10. On March 1, 1984, this 20-year-old female claimant was assaulted by three other females for no apparent reason. The claimant suffered minor injuries only. The claim was for medical expenses only less the \$100.00 deductible.  
Paid: \$90.20
11. On November 19, 1983, this 36-year-old male claimant stopped to help a stalled motorist and was assaulted. Three men stripped him naked and made him ride on the hood of their car until he fell off. They threatened to rob him, beat him, and to rape him. He was later found unconscious. The claim was for medical expenses and

wages losses after insurance payments and less the \$100.00 deductible.  
Paid: \$669.23

#### HOMICIDE CASES

1. On December 16, 1982, this claimant's 21-year-old sister was found by friends. She had been stabbed several times and died as a result. The claim was for funeral expenses only, less the \$100.00 deductible.  
Paid: \$1,850.00
2. On May 27, 1984, this claimant's 48-year-old mother was shot and killed by her estranged husband. They had been separated several years and a temporary restraining order was in effect against the husband. The claim was for funeral expenses only, less the \$100.00 deductible.  
Paid: \$1,850.00
3. On September 24, 1983, this claimant's 33-year-old son was shot and killed. He had had a verbal confrontation with the defendant the night before. This time the defendant walked up to him on the street and shot him without warning. The claim is for medical expenses and funeral expenses less the \$100.00 deductible.  
Paid: \$2,876.60
4. On August 14, 1983, this claimant's 24-year-old deceased was stabbed for no apparent reason. The claim was for medical and funeral expenses less the \$100.00 deductible.  
Paid: \$9,330.47
5. On February 16, 1983, this claimant's 76-year-old brother was found dead in his own home. He had been stabbed and beaten to death. The claim was for funeral expenses only, less the \$100.00 deductible.  
Paid: \$1,850.00
6. On April 2, 1983, this claimant's 18-year-old daughter was found murdered. She had been beaten and left to die by some railroad tracks. The claim was for funeral expenses only, less the \$100.00 deductible.  
Paid: \$1,850.00

7. On March 2, 1983, this claimant's 19-year-old daughter was abducted and murdered for no apparent reason. The claim was made for funeral expenses less the \$100.00 deductible.  
Paid: \$1,850.00
8. On August 1, 1982, this 46-year-old deceased was shot and killed by a 19-year-old male for no apparent reason. The claim was made by the funeral home for funeral expenses only, less the \$100.00 deductible.  
Paid: \$1,664.00
9. On October 24, 1982, this claimant's 44-year-old husband was on duty as a security guard at a hospital when he interrupted a robbery of the pharmacy being committed by three men. The victim was shot and died instantly. The claim was for funeral expenses and loss of support after collateral source payments and less the \$100.00 deductible.  
Paid: \$1,850.00
10. On August 28, 1982, this claimant's 67-year-old female deceased was murdered by her husband who then committed suicide. The claim is for funeral expenses only, less the \$100.00 deductible.  
Paid: \$1,850.00

## RAPE CASES

1. During a four month period from October of 1982 to February of 1983, this claimant's 7-year-old daughter was sexually abused by a 14-year-old boy. The child required psychotherapy as a result. The claim is for psychotherapy expenses, less the \$100.00 deductible.  
Paid: \$2,434.50
2. On May 21, 1983, this 30-year-old female claimant was kidnapped in one community, taken to another community where she was sexually assaulted, taken to Wisconsin where she was sexually assaulted again and left to die tied to a tree in a rural area. She suffered numerous injuries both physical and emotional. The claim is for medical expenses, child care expenses, and wage losses after insurance payments and less the \$100.00 deductible.  
Paid: \$2,981.51

3. On July 8, 1983, this claimant's 15-year-old daughter was sexually assaulted at a public swimming beach by a gang of boys who disrobed her and fondled her and otherwise terrorized her. She suffered no physical injuries, but suffered emotionally as a result. The claim is for psychotherapy expenses after insurance payments and less the \$100.00 deductible.  
Paid: \$2,179.68
4. On April 13, 1983, this 29-year-old female claimant was sexually assaulted by a police officer who was on duty at the time. He was known to her, and came to her house just as she was going to bed. The claim is for medical expenses and wage losses, less the \$100.00 deductible.  
Paid: \$442.45
5. On August 15, 1983, this 25-year-old female claimant was followed home by four men who forced their way into her home and sexually assaulted her. She suffered minor physical injuries and emotional harm. The claim is for medical expenses, psychological expenses and wage losses, less the \$100.00 deductible.  
Paid: \$1,820.38
6. On August 22, 1983, this claimant's 4-year-old son was sexually abused by his ex-wife and her new boyfriend, and on several occasions. The boy suffers emotional harm. The claim is for psychotherapy expenses, less the \$100.00 deductible.  
Paid: \$2,402.75
7. On November 30, 1983, this 52-year-old female claimant was physically and sexually assaulted by her estranged husband. She suffered a fractured finger and other minor injuries. The claim was for wage losses only as health insurance covered all medical expenses, plus home care services, less the \$100.00 deductible.  
Paid: \$54.51
8. On March 11, 1984, this 25-year-old female claimant was giving a friend a ride to his girlfriend's house when he beat her and sexually assaulted her. She suffered minor injuries only. The claim is for medical expenses and wage losses, less the \$100.00 deductible.  
Paid: \$558.08

9. On June 29, 1983, this 31-year-old female claimant was asleep in her house when she was awakened by a noise. She thought it was her husband, but it was an intruder who assaulted and raped her. The claim was for medical expenses only, less the \$100.00 deductible.  
Paid: \$161.85
10. On August 3, 1983, this 32-year-old female claimant was home alone when at 5:30 a.m., the defendant gained entry to the house, threatened the claimant with a knife, and sexually assaulted her. She suffered a fractured nose. The claim is for medical expenses and wage losses less the \$100.00 deductible.  
Paid: \$1,033.60

## DENIED CASES

1. On January 15, 1984, this 37-year-old female claimant was assaulted by her live-in boyfriend. The claim was denied because the claimant and defendant were residing in the same household.
2. On November 22, 1983, this 49-year-old male claimant was assaulted with a pool cue in a pool-room. The claim was not made until January 12, 1984, past the one year Statute of Limitations.
3. On October 28, 1983, this 26-year-old male claimant was driving when he stopped to challenge the other driver who promptly struck the claimant, knocking him unconscious. Claim was denied for contributory misconduct.
4. On August 24, 1983, this 19-year-old male claimant was with several friends drinking under a public bridge when a fight broke out. The claimant refused to cooperate with the police and evidence showed that the claimant provoked the fight. The claim was denied for failure to cooperate with the police and contributory misconduct.
5. On June 14, 1983, this 34-year-old male claimant tried to stop two youths from robbing a third youth and was assaulted. The claimant's losses were all covered by insurance. The claim was denied for less than the \$100.00 deductible.
6. On January 19, 1983, this 61-year-old female claimant claims to have been a victim of a purse snatching. She did not report the incident to the police. The claim was denied for failure to report the crime to the police department.
7. On October 12, 1982, this 44-year-old male claimant was intoxicated and assaulted several members of a family with whom he was living. He was shot while assaulting one of the family. The claim was denied for his failure to cooperate with the police, for his contributory misconduct, and because of the prohibition against payment where the claimant and the defendant reside in the same household.
8. On April 4, 1982, this claimant's 37-year-old husband was found dead of several gunshot wounds. It was later proved that she had hired someone to kill him. She was later convicted of the murder. The claim was denied because victim and the defendant were related and the victim and the defendant resided in the same household; an award would have benefited the defendant.
9. On February 7, 1982, this claimant's 44-year-old mother was shot and killed by her live-in boyfriend. The claim was denied because of the prohibition against payment where the claimant and the defendant reside in the same household.
10. On December 25, 1981, this claimant's 1 1/2-month-old baby died as a result of this claimant's child abuse. She was indicted. The claim was denied because of the prohibition against payment where the victim and the defendant reside in the same household, where they are related, and where payment would benefit the offender.
11. On January 10, 1982, this claimant's 70-year-old husband was murdered in Wisconsin. The claimant was eventually indicted and convicted of murder. Claim was denied because it occurred outside of Minnesota and because the claimant and victim were related, and because payment would have benefited the assailant.
12. On May 30, 1981, this claimant's 18-year-old son was killed by a drunken driver. The claim was denied because it arose out of the use of a motor vehicle incident and such cases are barred from coverage by statute.
13. On August 17, 1981, this claimant's 14-year-old daughter was killed in a motor vehicle accident. The claim was denied because of the prohibition against payment in motor vehicle cases.
14. On October 7, 1982, this 34-year-old male claimant reported to police that his home had

been burglarized but reported no injuries, and claimed the incident happened two weeks earlier. He then made a claim for lost wages. The claim was denied because personal injury crime was not reported to the police; the burglary report to the police was beyond the required five days reporting period; and the claimant failed to pursue his claim when questioned about the inconsistencies.

15. On October 8, 1982, this 25-year-old female claimant was a victim of a purse snatching. She was not injured and claimed only the money lost. Since personal property is not covered, the claim was denied.
16. On September 30, 1982, this 61-year-old male claimant was working in a jewelry store when he was assaulted during a robbery. His claim was covered 100% by worker's compensation insurance. Claim was denied as below the \$100 deductible.
17. On August 14, 1982, this 44-year-old male claimant claims to have been kidnapped and robbed by his cousin. Police reports and witness statements indicate that this claimant actually stabbed his cousin and no one was robbed. The claimant made a wage claim that he could not verify. The claim was denied for failure to cooperate with the police and no evidence of a crime being committed against the claimant.
18. On June 14, 1982, this claimant and a friend were selling a controlled substance when they became involved in a voluntary fight with other men. The claim was denied because of the claimant's contributory misconduct.
19. During the summer of 1981, this claimant's 15-year-old daughter was a victim of incest by her father. He was convicted, received probation, and was back in the house with the wife and victim. Under these circumstances, the Board denied the claim for psychotherapy as it would have been payment benefiting the offender.
20. On July 15, 1983, this 22-year-old female claimant was a victim of a sexual assault. She was not injured and the claim was denied as below the \$100 deductible.
21. On August 5, 1983, this 41-year-old female claimant was a victim of a sexual assault. Her medical expenses were covered by insurance. Claim was denied as below the \$100 deductible.
22. On July 19, 1982, this 20-year-old female claimant was sexually assaulted. Her claim for counselling expenses was made on August 22, 1983, or one month past the one year Statute of Limitations. Claim was denied for failure to meet the Statute of Limitations.
23. On March 24, 1983, this 35-year-old female claimant alleged that her father kidnapped and raped her. The police investigation revealed that she had made several such complaints in the past against various people, all of which proved unfounded, and that the claimant had been in and out of mental institutions suffering from delusions. The Board denied the claim, as there was no proof of a crime.
24. On June 3, 1982, this 32-year-old male claimant was struck by a hit and run driver as he walked on the shoulder of the highway. The claim was denied as motor vehicle incidents are not covered.
25. On October 26, 1983, this 33-year-old male claimant returning home to find that burglars had stolen almost everything he owned totaling many thousands of dollars. The claim was denied, as personal property losses are not covered by the statute.
26. On January 28, 1983, this 28-year-old female claimant was a victim of a con man who said he was a professional football player and she loaned him over \$1,000.00. The claim was denied, as personal property is not covered by the statute.
27. On October 9, 1981, this claimant's 31-year-old brother was shot and killed. He was at a party and had two grenade type explosives which he was threatening to blow up, and kill everyone there. The claim was denied because of the victim's contributory misconduct.
28. On June 30, 1981, this claimant's decedent was killed in an auto accident where a single car went out of control on a gravel road. The claim was denied because of the prohibition against payment in motor vehicle cases.

**END**