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8th ANNUAL REPORT OF THE CRIME VICTIMS REPARATIONS BOARD OF MINNESOTA



98331

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July 1, 1982, to June 30, 1983
Administered by the
Minnesota Crime Victims Reparations Board
Department of Public Safety

CRIME VICTIMS REPARATIONS BOARD
702 AMERICAN CENTER BUILDING
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ST. PAUL, MINN. 55101
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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, 1982 through June 30, 1983.

Respectfully submitted,

Johanna Miller, M.D.
Chairwoman

St. Paul
Dated: July 1, 1983

AN EQUAL OPPORTUNITY EMPLOYER

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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.

EIGHTH 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 states 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 \$1,541.00. 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, 1984. 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 states; 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 1983, the legislature appropriated \$600,000 out of the General Revenue Fund for the administration of the Minnesota Crime Victims Reparations Board. That appropriation was expended by April 1, 1983, three months before the end of the fiscal year. 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 1983, from 7-01-82 to 6-30-83, 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 81	FY 82	FY 83	Changes
Arson	0	0	0	0
Assault	319	194	222	28
Homicide	65	48	52	4
Mugging	59	33	50	17
Personal Property	4	2	2	0
Sexual Assault	57	37	40	3
Totals	504	314	364	50 (-15.9%)

C. Average Process Time (in months)

Average Length of Time Required to Finalize a Claim

	FY 81	FY 82	FY 83	Changes
Arson	0	0	0	0
Assault	18.0	15.0	13.25	-1.75
Homicide	7.5	6.0	4.25	-1.75
Mugging	13.0	12.0	8.50	-3.50
Sexual Assault	12.0	10.0	6.50	-3.50
Average	12.62	10.75	8.125	-2.62 (-24%)

D. Denied Claims

	FY 81	FY 82	FY 83
1. Below \$100 deductible (1)	24	24	21
2. Automobile case	6	6	5
3. Abandoned (3)	49	20	79
4. Not filed within 1 year	3	12	7
5. Lack of cooperation with police	5	7	10
6. Withdrew claim	2	28	6
7. No crime reported	2	1	0
8. Not an innocent victim	6	20	16
9. No crime committed	2	7	6
10. Occurred out of state	1	0	0
11. Not reported within 5 days	1	3	0
12. Personal property	0	2	2
13. Household or relative exclusion	0	14	10
14. Not dependent	0	1	0
15. Failed burden of proof	0	5	0
TOTALS	101	150	162 (-8.3%)

E. Fiscal Data (2)

1. Original appropriation — Plus restitution and refunds (estimated)	\$626,077
Subtotal	\$676,077
2. Less operating expenses	\$95,001
Balance	\$581,076
3. Less claims payments	\$581,076
Total	\$-0-
4. Average claim payment — \$581,076 ÷ 377	\$1,541
5. Cost of Administration — \$95,001 ÷ \$676,077	\$14.05%

F. Appropriations History

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

G. Claims History

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	8
81	504	253	101	31
82	314	276	150	45
83	364	377	162	184
TOTALS	3,383	2,034	1,189	268

H. Detail of FY 1983 Claims (4)

Filed	Paid	Denied	Handled	Previous Years	FY 82	Total
364	377	162	1,018	19	132	151

I. Victim Statistics

1. Age to Sex to Crime:

Crime:	Sex	Age Ranges					Totals	
		0-10	11-15	16-25	26-40	41-60		61+
Homicide:	Male:	1	2	8	8	8	2	29
	Female:	1	0	7	10	2	3	23
Sexual Assault:	Male:	5	5	0	0	0	0	10
	Female:	1	6	11	10	2	0	30
Assault:	Male:	1	0	79	62	12	7	161
	Female:	0	2	26	17	5	11	61
Arson:	Male:	0	0	0	0	0	0	0
	Female:	0	0	0	0	0	0	0
Mugging:	Male:	0	0	3	6	6	7	22
	Female:	0	0	3	3	5	17	28
Totals:		9	15	137	116	40	47	364

2. Weapon Used:

	Sexual					Totals
	Homicide	Assault	Assault	Mugging	Arson	
Gun:	22	1	18	5	0	46
Knife:	13	4	46	3	0	66
Hands/Feet:	5	11	108	30	0	154
Other Instrument:	12	24	50	12	0	98
Totals:	52	40	222	50	0	364

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) 364 new claims were filed in FY 83, 377 final awards were made, some of which were claims made in preceding years. In addition, 211 supplementary awards were made, making a total of 588 awards. Total awards (588) plus denials (162) plus pending claims (268) = 1,018 claims handled, or an increase of 65 claims, or less than 7% over the 953 claims handled in FY 82.

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.

Every year since 1974 the number of claims filed has increased. Every year since 1974, the total dollars expended has increased. Every year since 1974 the staff complement of two has remained unchanged.

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 will 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. It is projected that in FY 84 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. The freeze expired 6-30-83. This 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, and 14 for fiscal year 1983. 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. As of 7-01-83, \$96,000 in claims were carried over from 6-30-83.

Due to the general state of the economy, it does not appear that Federal financial aid will be available.

The Board is faced with a limited staff complement, a continuing increase in relevant crime statistics, and increasing victim applications, and Budget and staff cutbacks. 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 current 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, James Alfveby of 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, 1982, through June 30, 1983, 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, 1983

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.071	Consideration of decisions by full board.
299B.08	Reparations; how paid.
299B.09	Subrogation.
299B.10	Medical privilege.
299B.11	Enforcement of board's orders.
299B.12	Department of corrections; restitution.
299B.13	Use of record of claim; evidence.
299B.14	Law enforcement agencies; duty to inform victims of right to file claim.
299B.15	Fraudulent claims; penalty.
299B.16	Limiting commercial exploitation of crimes; payment of victims.
299B.17	

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.

299.06 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 15.

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.

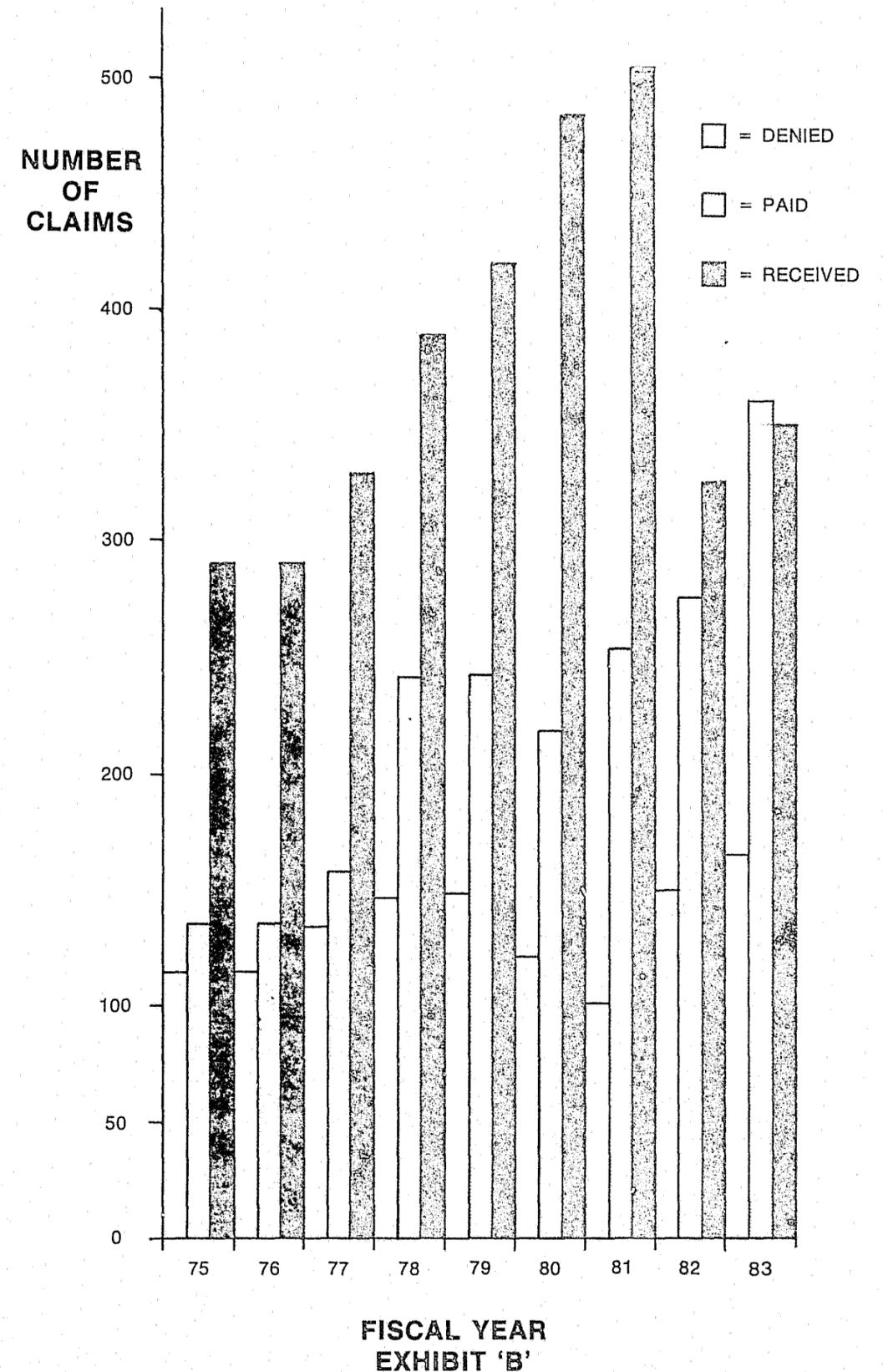
609.101. SURCHARGE ON FINES, ASSESSMENTS.

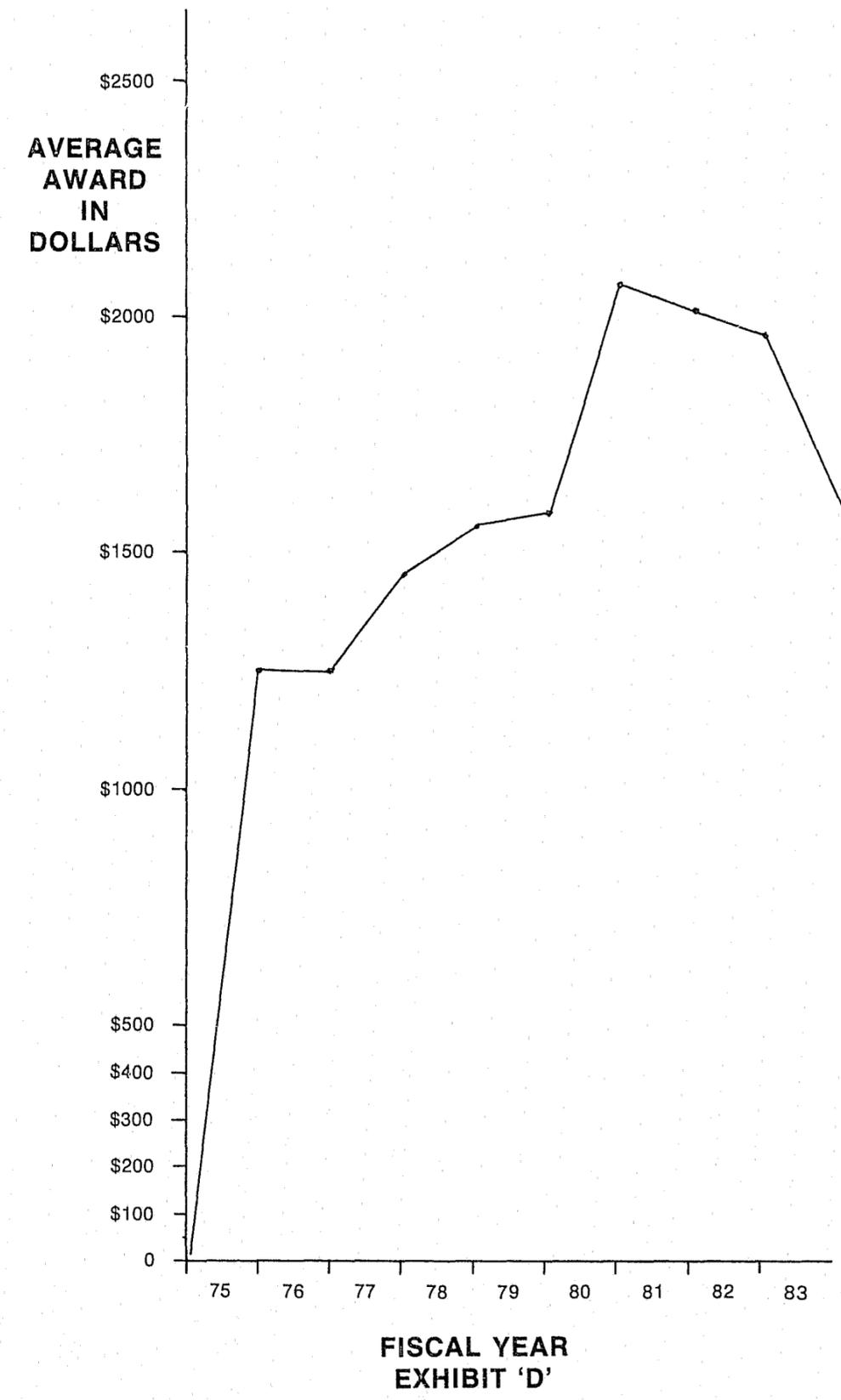
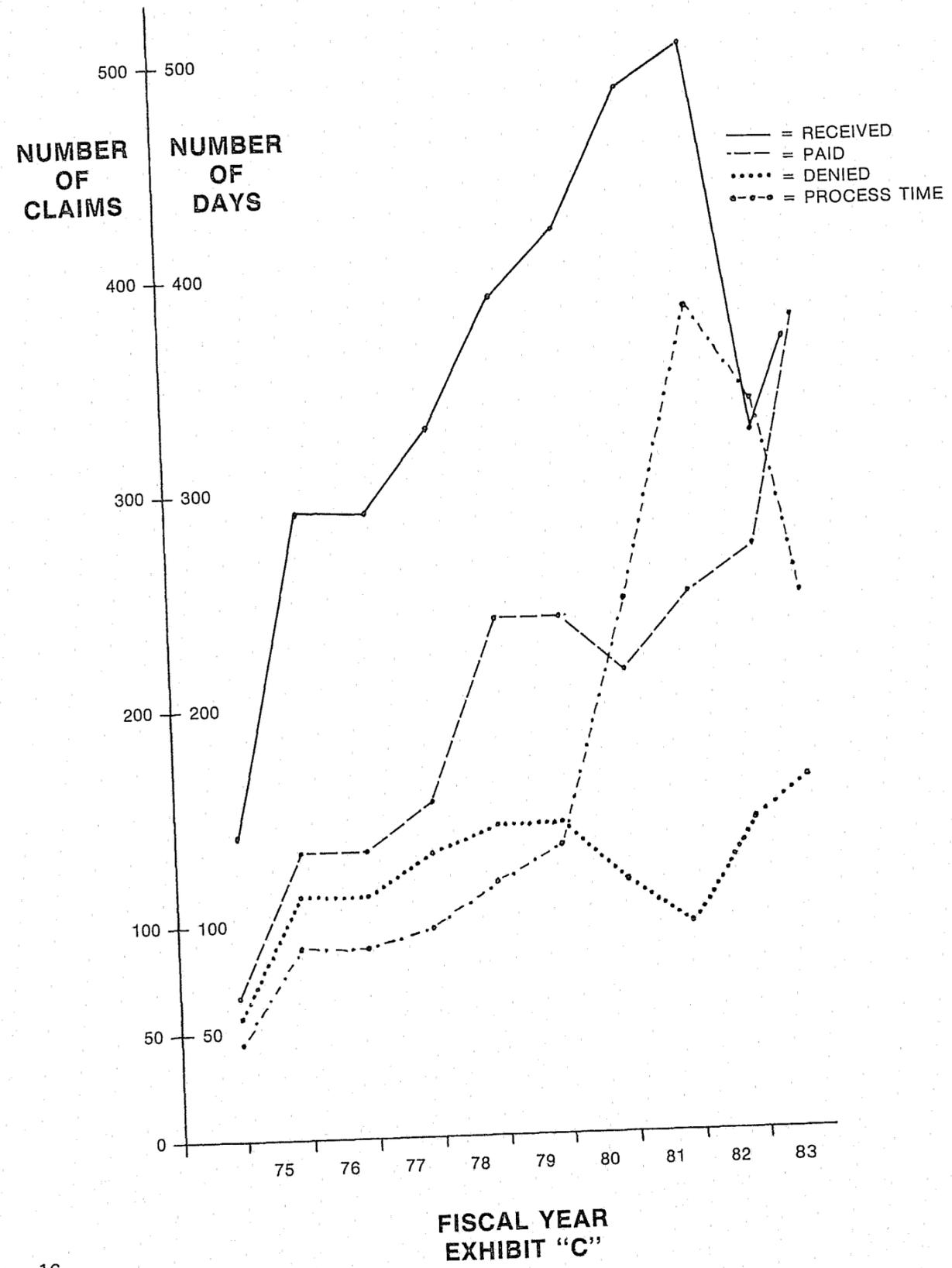
When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$20 nor more than \$40. If the sentence includes payment 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.

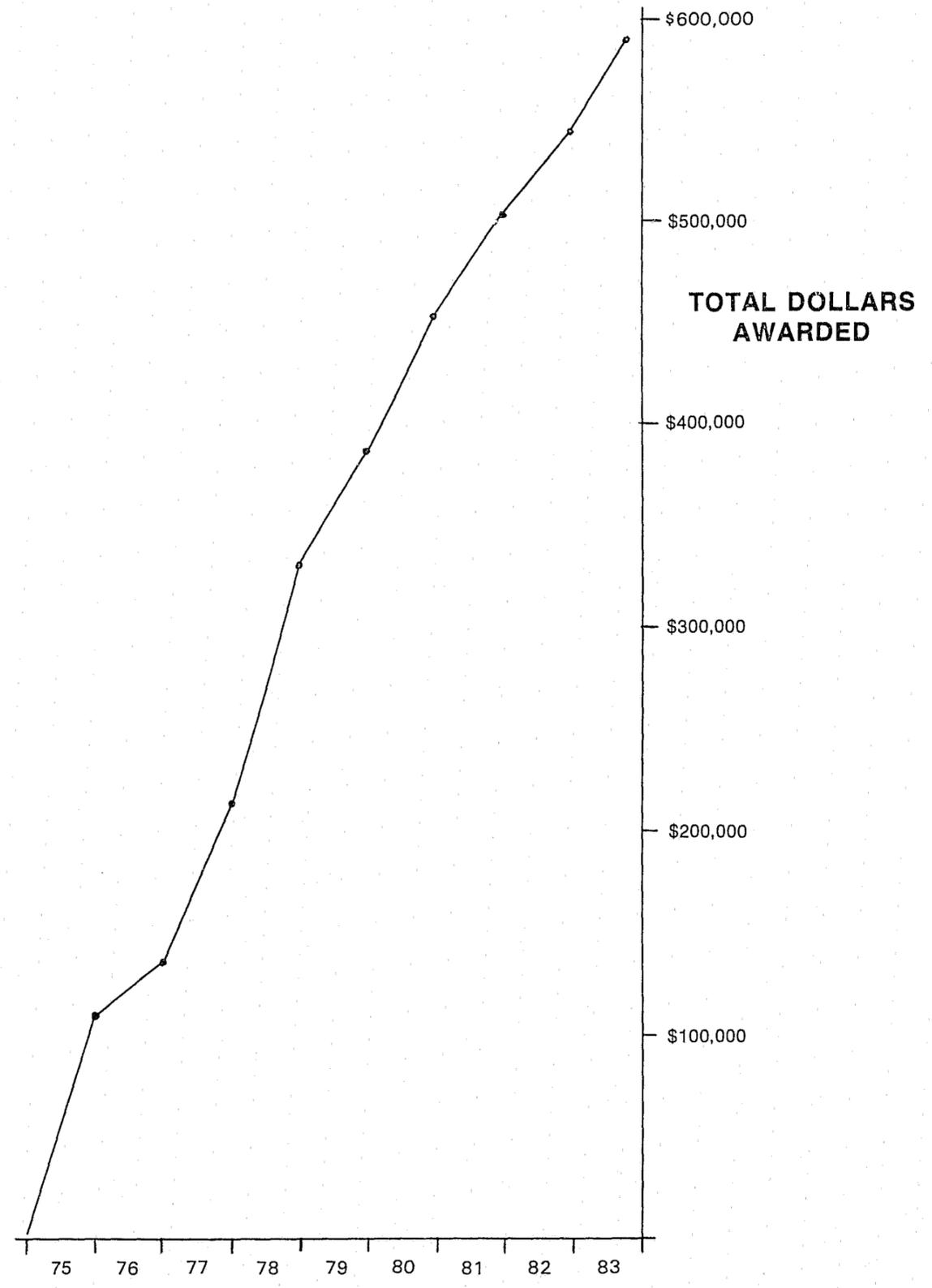
The court shall collect and forward the amount of the assessment or surcharge to the state treasurer to be deposited in the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through programs established under sections 241.51 to 241.66, 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:

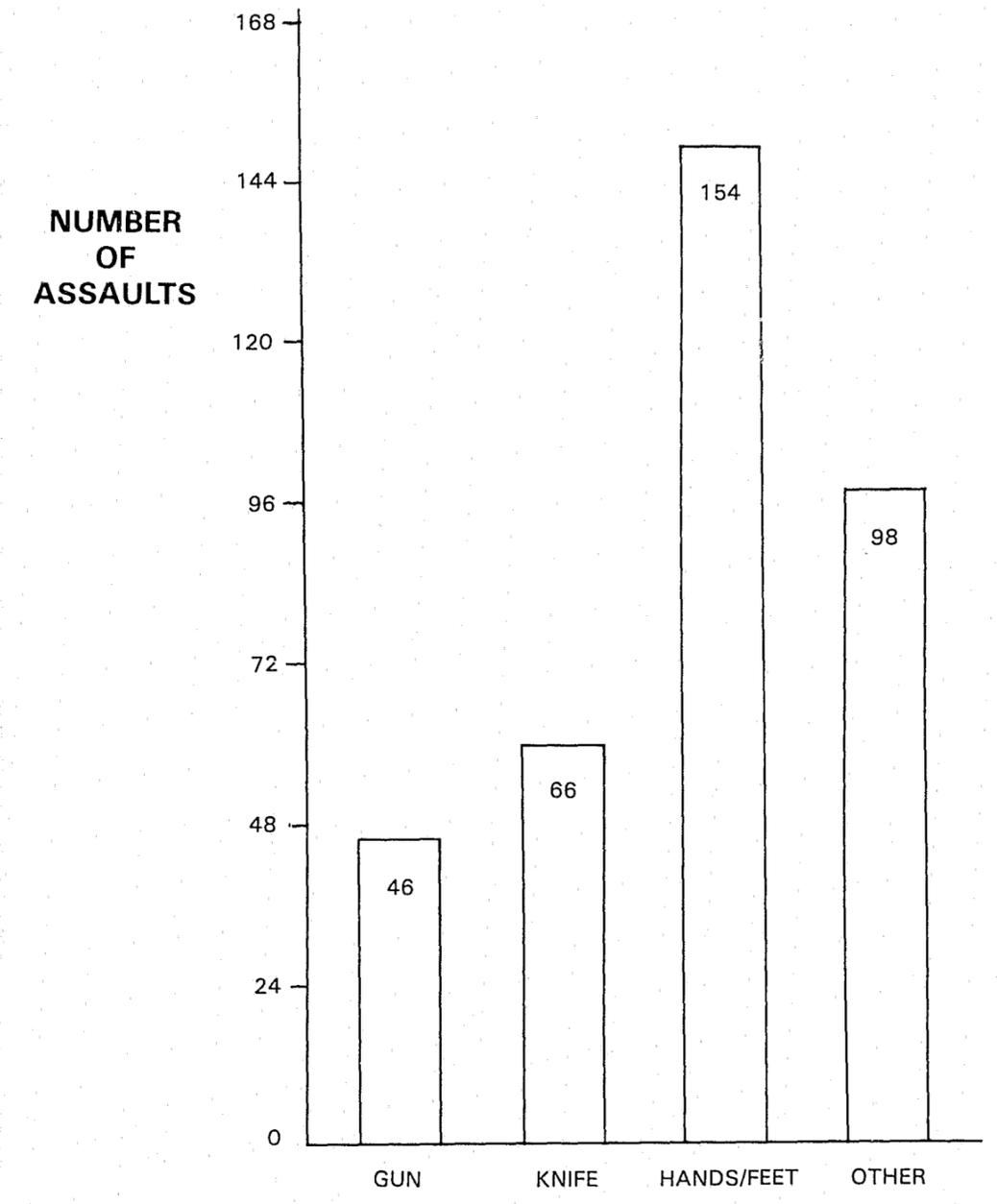
\$600,000 the first year and \$650,000 the second year is for the Crime Victims Reparations Board. If any funds are generated by a penalty assessment and dedicated for use in paying crime victims, the unexpended funds in this activity intended for payments to crime victims shall cancel. Any unencumbered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







FISCAL YEAR
EXHIBIT 'E'



WEAPON USED IN CRIME
EXHIBIT "F"

EXHIBIT "G"

REPRESENTATION OF CLAIMS PAID AND DENIED

ASSAULT CASES

Case No. 1848-AS-82

On 6-17-82, this 36-year-old male claimant was visiting friends when he saw a group of young people throwing beer cans away in a public park. When he told them not to do so and to put them in a trash can, they assaulted him. The claimant suffered injuries to his head and face. The claim was for medical expenses only. No defendants were found.

Claim: \$675.25
Paid: \$575.25

Case No. 1806-AS-82

On 5-30-82, this 22-year-old male claimant was standing on a corner with some friends when a sniper fired at them striking the claimant in the abdomen requiring a colostomy. The claim was made for medical expenses and wage losses. No defendants were found.

Claim: \$4,146.17
Paid: \$4,046.17

Case No. 1801-AS-82

On 6-06-82, this 70-year-old male claimant was in his hotel room when he was assaulted by three intruders. He suffered relatively minor injuries but required Nursing Home Convalescence for a short while. The claim is for nursing home fees, medical expenses and new glasses. No defendants were found.

Claim: \$7,155.65
Paid: \$7,055.65

Case No. 1834-AS-82

On 8-29-82, this 24-year-old male claimant had gone to an outdoor party or picnic where his friend was playing in a band. He brought an ear of sweet corn to eat from a vendor but when he stood too close to the cooker, the vendor became mad and struck the claimant several times. The claimant suffered a fractured nose and other injuries. The claim is made for medical expenses and lost wages. The defendant was charged with assault.

Claim: \$5,069.41
Paid: \$4,969.41

Case No. 1840-AS-82

On 5-30-82, this 30-year-old male claimant was driving his girlfriend home when he was assaulted by

her ex-boyfriend. The claimant suffered a fractured jaw and other injuries. The claim is made for medical expenses and wage losses less insurance company payments. The defendant was charged with assault.

Claim: \$7,228.65
Paid: \$1,710.73

Case No. 1858-AS-82

On 8-09-82, this claimant's 19-year-old son was assaulted by two other young men in a case of probable mistaken identity. The victim suffered damage to his eyes. The claim is for medical expenses only. One defendant was charged.

Claim: \$446.39
Paid: \$346.39

Case No. 1882-AS-82

On 4-22-82, this 22-year-old female claimant was hitchhiking and was picked up by a 25-year-old male who subsequently assaulted her with a hammer. The claimant suffered minor head injuries before managing to escape. The claim is made for medical expenses only. The defendant was charged with assault.

Claim: \$320.06
Paid: \$220.06

Case No. 1888-AS-82

On 10-17-82, this 24-year-old female claimant was followed home from work by a man who came in her home and assaulted her with a knife. She suffered severe lacerations to her right hand in defending herself. The claim is for medical expenses and wage loss. The defendant was charged with assault.

Claim: \$721.29
Paid: \$621.29

Case No. 1900-AS-82

On 12-02-82, this 20-year-old female claimant was assaulted by a man with a gun and for no apparent reason. The claimant suffered a fractured jaw, fractured nose, and other injuries. The claim is made for medical and household expenses. No defendant was found.

Claim: \$332.30
Paid: \$232.30

Case No. 1991-AS-83

On 2-12-83, this claimant's 4-year-old son was a victim of an assault by a 14-year-old babysitter who threw him against the wall and beat him. The child suffered head and facial injuries. The claim was for medical expenses only. The juvenile defendant was found delinquent.

Claim: \$513.80
Paid: \$413.80

Case No. 1783-AS-82

On 3-14-82, this claimant's 2½-year-old son was beaten by a male acquaintance of the mother. The child suffered a fractured leg and other injuries. The claim was for medical expenses. The defendant was charged with assault.

Claim: \$6,273.70
Paid: \$6,173.70

Case No. 1780-AS-80 and 1781-AS-82

On 11-15-81, these two claimants, the 42-year-old husband and his 47-year-old wife, were assaulted in their own home by a youth attending a noisy party next door. The husband suffered a fractured jaw and other injuries; the wife suffered minor injuries only. The claim is for medical expenses and lost wages, less insurance payments.

Claim: \$2,704.32
Paid: \$1,659.32

Case No. 1771-AS-82

On 4-01-82, this 71-year-old female claimant was walking down the street when a man began assaulting her because he was "mad at the world". She suffered a fracture of the right wrist and other injuries. The claim is for medical expenses only. The defendant was charged with assault.

Claim: \$1,102.96
Paid: \$1,002.96

Case No. 1756-AS-82

On 3-09-82, this 23-year-old female claimant went to the aid of a girlfriend who was being assaulted by another female, who then assaulted the claimant. The claimant suffered a fractured nose. The claim is made for medical expenses only. The defendant was charged with assault.

Claim: \$124.05
Paid: \$24.05

Case No. 1714-AS-82

On 8-15-81, this 53-year-old male claimant was driving his car when he was bumped from behind by

another car. When he got out to look at the damage, the other driver, who was intoxicated, got out and assaulted the claimant. The claimant suffered a fractured arm. The defendant was not charged due to insufficient evidence.

Claim: \$338.60
Paid: \$238.60

Case No. 1701-AS-81

On 9-22-81, this 20-year-old male claimant was a patron in a fast food restaurant when he was assaulted by three men for no apparent reason. The claimant sustained a concussion and other minor injuries. The claim is made for medical expenses and wage losses. One defendant cannot be found, the other two were convicted of assault.

Claim: \$289.00
Paid: \$189.00

Case No. 1685-AS-81

On 10-29-81, this 31-year-old female claimant was in a bar talking with friends when her ex-roommate, another female, came up behind her and stabbed her several times. The reason was apparently for some real or imagined slight or insult from sometime before. The claimant required surgery. The claim is for medical expenses and wage losses. The defendant was charged with assault.

Claim: \$7,278.52
Paid: \$7,178.52

Case No. 1673-AS-81

On 7-12-81, this 22-year-old male claimant was assaulted by another male against whom this claimant had been a witness in a prior criminal action. The claimant suffered a fractured jaw and other injuries. The claim is for medical expenses and wage losses. The defendant was convicted of assault.

Claim: \$2,145.55
Paid: \$2,045.55

Case No. 1670-AS-81

On 1-25-81, this claimant's 14-year-old son was assaulted as he was roller skating on a public sidewalk, by a man who just didn't like people who roller skated. The claimant's son suffered dental damage and head injuries. The claim is for medical expenses only. The defendant was convicted of assault.

Claim: \$2,831.97
Paid: \$2,731.97

Case No. 1569-AS-81

On 2-11-81, this 20-year-old female claimant was

assaulted by an acquaintance. He came to her apartment and when she wouldn't let him in, he assaulted her. She suffered dental damage, a fractured nose, and other minor injuries. The claim is for medical expenses only. The defendant was charged with assault.

Claim: \$471.50
Paid: \$371.50

RAPE CASES

Case No. 370 and 308-R-83

For several years up to 3-02-83, these two minor sisters had been sexually abused by their step-father. The situation was exposed on 3-02-83, and the step-father was immediately arrested. The girls have suffered emotional harm and have incurred expenses for counseling for which this claim was made.

Claim: \$225.00
Paid: \$125.00

Case No. 299-R-82

During the Christmas holidays, the 11-year-old daughter of these claimants was sexually assaulted at least twice by a male family friend. As a result, the child required counseling sessions. This claim is made for the counseling expenses. The defendant was charged.

Claim: \$297.50
Paid: \$197.50

Case No. 281-R-82

On March 17, 1982, the 4-year-old son of these claimants was sexually assaulted by a 15-year-old male babysitter. The child suffered emotionally as a result and required therapy. This claim is made for the costs of the therapy after insurance and defender restitution payments. The defendant was charged in Juvenile Court.

Claim: \$520.00
Paid: \$220.00

Case No. 277-R-82

Over a period of time ending in July, 1981, this claimant's 11-year-old daughter was being sexually molested by an elderly male neighbor. The child suffers emotional distress and has incurred therapy costs for which this claim is made. The defendant was convicted.

Claim: \$309.00
Paid: \$209.00

Case No. 272-R-82

On September 14, 1981, this 22-year-old female claimant was trying on a dress in a small Boutique when the store owner locked the doors and raped her. The claimant suffered emotional distress as a result. This claim is made for the costs of therapy. The defendant pled guilty and was sentenced to serve six months in the workhouse with work release privileges.

Claim: \$385.00
Paid: \$285.00

Case No. 261-R-81

On May 5, 1981, this claimant's 7-year-old son was a victim of a sexual assault by a teenage neighbor boy. The victim suffered no physical injuries but suffered emotional disorders. The claim is for the cost of therapy. The juvenile defendant was charged.

Claim: \$4,071.50
Paid: \$3,971.50

Case No. 258-R-81

From the summer of 1980 through February of 1981, this claimant's 14-year-old daughter was a victim of repeated sexual assaults by a gang of four men, two adults and two juveniles. In order to cope with this unavoidable situation, the girl turned to chemical dependency. The claim is for the costs associated with emotional therapy and chemical therapy. The four defendants were charged.

Claim: \$5,039.86
Paid: \$4,939.86

Case No. 178-R-80

On February 1, 1980, this 21-year-old female claimant was at home in bed when she heard a noise in another room. She called the police and then went to investigate. The defendant, a 24-year-old male, assaulted the claimant and was attempting to rape her when the police came in and arrested him. The defendant was charged. The claimant suffered minor injuries. This claim is made for those medical costs.

Claim: \$188.25
Paid: \$88.25

MUGGING CASES

Case No. 352-M-83

On February 11, 1983, this 60-year-old female claimant was a victim of a purse snatcher. She was knocked to the ground, suffering a fractured wrist, and required a bone graft. The claim is made for medical expenses and wage losses, after insurance pay-

ments. No defendant was caught.

Claim: \$8,878.24
Paid: \$8,778.24

Case No. 335-M-82

On October 7, 1982, this 24-year-old male claimant was on his way to his car in a downtown parking lot when two men assaulted and robbed him. The claim is for medical expenses only. No defendants were charged.

Claim: \$718.10
Paid: \$618.10

Case No. 316-M-82

On May 27, 1982, this 78-year-old female claimant was waiting for a bus when she was a victim of a purse snatching. She was knocked down, suffering a fractured hand. The claim was made for medical expenses and lost wages after insurance payments. The defendant was convicted.

Claim: \$156.15
Paid: \$56.15

Case No. 317-M-82

On January 2, 1982, this claimant's 81-year-old father was a victim of a robbery and assault. He was brutally beaten and required institutionalization. The claim is for medical expenses and nursing home charges. No defendants were charged.

Claim: \$4,119.50
Paid: \$4,019.50

Case No. 302-M-82

On February 25, 1982, this 53-year-old female claimant was a victim of a purse snatcher. She was knocked to the ground and assaulted, suffering a fractured pelvis, fractured leg, and a concussion. The claim is for medical expenses and wage losses after insurance payments. No defendants were charged.

Claim: \$1,881.39
Paid: \$1,781.39

Case No. 294-M-82

On April 22, 1982, this 64-year-old female claimant was just entering her apartment building when two men knocked her down and stole her purse. She received a severe head wound. The claim is for medical expenses and wage losses after insurance payments. No defendants were found.

Claim: \$333.07
Paid: \$233.07

Case No. 287-M-82

On March 22, 1982, this 28-year-old female claimant was a victim of a robbery and assault. She suffered minor injuries only. The claim is for wage losses only as all medical expenses were covered by insurance.

Claim: \$202.24
Paid: \$102.24

HOMICIDE CASES

Case No. 510-H-83

On March 10, 1982, this claimant's 20-year-old daughter was strangled by her boyfriend who also killed several other people at the same time. The claim is for funeral expenses only. The defendant was convicted.

Claim: \$878.03
Paid: \$778.03

Case No. 492-H-82

On June 6, 1982, this claimant's 18-year-old son heard noises outside of his house; he went outside to check on his motorcycle and found two prowlers, one of whom shot him in the head. The claim is made for medical expenses and funeral costs. No defendants were found.

Claim: \$7,024.56
Paid: \$4,765.06

Case No. 490-H-82

On September 21, 1982, this claimant's 45-year-old wife was murdered by a young man who was a rejected suitor of the victim's daughter. He broke into the house to kill the daughter who ran out of the house. He then killed the mother and committed suicide.

Claim: \$3,772.27
Paid: \$2,151.91

Case No. 461-H-82

On March 10, 1982, this claimant's 21-year-old daughter was strangled in a multiple murder situation, killed by an emotionally disturbed drug addict. The claim is for funeral expenses only.

Claim: \$2,000.00
Paid: \$1,900.00

Case No. 481-H-82

On February 7, 1982, this claimant's 29-year-old son was shot and killed. The defendant and the victim had been arguing over attorney fees that they both owed jointly arising out of a prior criminal defense case where the two were co-defendants. The claim

was for funeral expenses only and are reduced for contributory misconduct. The defendant was convicted.

Claim: \$3,083.35
Paid: \$1,850.00

Case No. 445-H-82

On September 22, 1981, this claimant's 28-year-old son was at his apartment that he shared with the defendant and several other men. They were all drinking and some drugs were found at the scene. The victim and the defendant began fighting and the defendant got out a shotgun and killed the victim. The claim was for medical expenses and funeral costs of \$150,000.00. After a reduction of 80 percent for contributory misconduct, the claim still exceeded the statutory maximum of \$25,000.00 and was further reduced. The defendant was convicted.

Claim: \$149,988.48
Paid: \$25,000.00

DENIED CASES

Case No. 1867-AS-82

On October 7, 1982, this 27-year-old male claimant was in a bar and became intoxicated and was ejected from the bar for fighting. After he was outside awhile, he attempted to re-enter and fight some more when apparently an unknown person hit him, knocking him out. On the fall the claimant suffered a head injury and made a claim for medical expenses and wage loss. No defendants were found.

Claim denied for:

1. Contributory misconduct.
2. No proof of a crime.

Case No. 1843-AS-82

On March 29, 1981, this 25-year-old male claimant was assaulted and suffered two head fractures. He did not file a claim until September 21, 1982, or 18 months later; thus exceeding the one year statute of limitation by six months.

Claim denied for:

1. Not filed within one year.

Case No. 1804-AS-82

On April 5, 1982, this 22-year-old male claimant was out drinking with a friend. They returned to the victim's house after the bars closed and practiced hand-to-hand martial arts on each other until the claimant was cut with a knife. The defendant was not charged.

Claim denied for:

1. No crime was committed.
2. If a crime did occur, the contributory misconduct of the claimant was a bar.

Case No. 1808-AS-82

On June 27, 1982, this 59-year-old female claimant was assaulted by a male who she let in her apartment. She filed an application on July 15, 1982, and has ever since refused to correspond with the Minnesota Crime Victims Reparations Board. The claim was eventually deemed abandoned and denied.

Claim denied for:

1. Failure to cooperate.

Case No. 1722-AS-82

On August 29, 1980, this 35-year-old male claimant woke up in Hennepin County Medical Center. He had been found unconscious on the street near several bars. He was brought in by ambulance, the police not having been called. The claimant alleges his car was stolen while he was at the State Fair, that he was assaulted at the Fair, although not in relation to the car theft. He did not know how he got to Minneapolis. The only crime that was reported to the police was the car theft and that was done from the Hennepin County Medical Center. The car was found parked in Minneapolis near the bars where the claimant was found.

Claim denied for:

1. No proof of a crime being committed.
2. No report of crime to the police within 5 days.
3. Failure to prove eligibility by a preponderance of the evidence.

Case No. 1369-AS-80

On August 6, 1980, this 24-year-old male claimant claims he was stabbed during an assault on his person and claims to have reported to the police while in the hospital. The Police and Sheriff's Departments have no such report and no information on any such crime being committed or reported.

Claim denied for:

1. Failure to report to police within 5 days.
2. Failure to prove eligibility by a preponderance of the evidence.

Case No. 1622-AS-81

On May 24, 1981, this 21-year-old male claimant was shot as he stood outside of a private residence wherein a birthday party was allegedly in progress. Police reports indicate that the house was a tipling house and the claimant was hired as a bouncer; that as bouncer he had refused entry to a person who ob-

tained a shotgun and shot the claimant. All of the claimant's medical bills were paid for by Welfare and Hill-Burton funds. The claimant made a claim for 16 months lost wages. During that 16 months, the claimant had collected 9 months wages wrongfully from his C.E.T.A. employer and was fired because of it. Also during his period of alleged disability, he was convicted of armed robbery. Also, his medical reports indicated that he could have returned to work four months after the shooting.

Claim denied for:

1. First 9 months wage loss claim was paid by his C.E.T.A. employer and thus not lost to him.
2. The last 7 months wage loss claim was not payable as he was no longer disabled from the shooting.

Case No. 1740-AS-82

On February 24, 1982, this 23-year-old male claimant became involved in a fight along with some of his friends. After the fight was over and the claimant was leaving, someone hit him again. The claim was for medical expenses only and after insurance payments were made, the balance was less than the statutory \$100.00 deductible.

Claim denied for:

1. Less than the \$100.00 deductible.

Case No. 1765-AS-82

On September 28, 1981, this 58-year-old female claimant was assaulted by a jealous boyfriend. The claimant refused to sign a complaint and prosecute the defendant, although she made a claim to the Minnesota Crime Victims Reparations Board to pay for her medical expenses and wage losses.

Claim denied for:

1. Failure to cooperate with law enforcement.

Case No. 1800-AS-82

On May 14, 1982, this claimant's 50-year-old retarded son, a ward of the State, was assaulted by another retarded ward of the State and suffered several minor injuries. A claim was made for the cost of the medical treatment. The State Welfare Department is a collateral source and responsible for the medical treatment of the victim.

Claim denied for:

1. Under the \$100.00 statutory deductible.

Case No. 1839-AS-82

On August 10, 1982, this 35-year-old male claimant claims to have been assaulted and cut with a knife by another man, a cousin to the claimant. The police

reports and witness statements indicate that the claimant first assaulted the defendant, and the defendant in disarming the claimant and taking the knife away from the claimant, did administer the cuts to the claimant. Neither combatant would sign a complaint nor prosecute the other even though both suffered several knife wounds.

Claim denied for:

1. The contributory misconduct of the claimant.
2. Failure to cooperate with law enforcement.
3. Failure to prove eligibility by a preponderance of the evidence.

Case No. 1965-AS-83

On March 10, 1983, this 22-year-old male claimant was assaulted by his brother. Both brothers are combative and have fought each other in the past, and have been subject to criminal prosecutions therefore.

Claim denied for:

1. Minn. Stat. § 299B.03, Subd. 2, (c), bars payment where the victim and the assailant are related.

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