

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 4-100

"Victims of Violent Crime Compensation Act  
of 1981".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-361 on first and second readings, January 26, 1982 and February 9, 1982, respectively. Following the signature of the Mayor on February 22, 1982, this legislation was assigned Act No. 4-158, published in the March 5, 1982 edition of the D.C. Register, (Vol. 29 page 969) and transmitted to Congress on February 23, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-100, effective April 6, 1982.

  
ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

February	23, 24, 25, 26
March	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
April	1, 2, 5

D.C. LAW 4-100  
EFFECTIVE DATE APR 06 1982

Enrolled Original

AN ACT  
D.C. ACT 4-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEB 22 1982

To provide compensation to innocent victims of violent crime who have no other source of compensation, to establish a fund for the payment of such compensation, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Victims of Violent Crime Compensation Act of 1981".

Sec. 2. Definitions.

For the purposes of this act the term:

(1) "Claimant" means any person who claims for compensation under this act and who is:

(A) a victim;  
(B) a surviving dependent of a deceased victim; or

(C) a person who is responsible for the maintenance and support of a victim and who incurs expenses on behalf of the victim for economic loss incurred as a result of the injury or death of the victim. The term "claimant" shall not include a collateral source.

(2) "Collateral source" means a source of

CODIFICATION  
D.C. Code,  
title 3,  
new chapter 4  
(1981 ed.)

D.C. Code,  
sec. 3-401  
(1981 ed.)

benefits or compensation received by or available to a claimant on account of economic loss which results directly or indirectly from a crime of violence and which is otherwise compensable under this act.

Collateral source includes, but is not limited to, payment or benefits from:

(A) the offender;

(B) the United States, the District of Columbia, a state or territory of the United States or any of its political subdivisions, or any agency of the foregoing, including, but not limited to, social security, Medicare, Medicaid, workers' compensation, and public employees' disability compensation;

(C) wage continuation programs of any employer; or

(D) any contract of life, health, disability, liability, or fire and casualty insurance, and any contract providing prepaid health benefits.

(3) "Crime of violence" or "crime" means any of the following or an attempt to commit any of the following offenses: arson, assault, forcible sodomy, kidnapping, maliciously disfiguring another, manslaughter, murder, mayhem, rape, riot, robbery, sodomy of a child less than sixteen (16) years of age, and unlawful use of explosives. The term "crime of violence" or "crime" shall include any of the preceding list of offenses notwithstanding that the offender

lacked capacity to commit the crime by reason of infancy, insanity, intoxication, or otherwise. The term "crime of violence" or "crime" shall not include the operation of an automobile, boat, aircraft, or other vehicle that results in injury or death unless the injury or death was intentionally inflicted through use of such automobile, boat, aircraft, or vehicle.

(4) "Dependent" means any person who is a survivor of a victim and who depended upon the victim for more than one-half ( $\frac{1}{2}$ ) of his or her support at the time of the commission of the crime upon which the claim is based.

(5) "Economic loss" means:

(A) for a victim or person responsible for the maintenance of a victim as described in section 2(1)(C):

(i) all actual and reasonable expenses fairly incurred for ambulance, hospital, surgical, nursing, dental, prosthetic, and other medical and related professional services and devices relating to physical or psychiatric care, including non-medical care and treatment rendered in accordance with a method of healing recognized by District of Columbia law;

(ii) all actual and reasonable expenses fairly incurred for physical and occupational therapy and rehabilitation; and

(iii) loss of net income; and

(B) for a dependent or person responsible for the maintenance of a victim as described in section 2(1)(C) of this act:

(i) actual expenses of the victim's funeral and burial but not to the extent that the expenses exceed two thousand dollars (\$2,000);

(ii) loss of the victim's support;

(iii) loss of the victim's services, including housekeeping and child care services; and

(iv) all actual and reasonable expenses incurred for medical treatment (including ambulance, hospital, surgical, nursing, and other medical and professional services and devices) of the victim prior to his or her death which results from a crime of violence.

The term "economic loss" shall not include pain and suffering.

(6) "Mayor" means the Mayor of the District of Columbia or the Mayor's designated agent.

(7) "Victim" means any person, except a law enforcement or fire officer engaged in performance of his or her duties, who is killed or injured in the District of Columbia:

(A) as a result of a crime of violence;

(B) while assisting lawfully to apprehend a person reasonably suspected of having committed or attempted a crime of violence;

(C) while assisting a person against whom a crime of violence has been committed or attempted, provided that the assistance was rendered in a reasonable manner; or

(D) while attempting to prevent the commission of a crime of violence.

The term "victim" shall not include any person who committed or aided in the commission of the crime upon which a claim is based or who was injured or killed as an indirect result of his or her participation in an unlawful and criminal activity.

Sec. 3. Eligibility.

(a) Except as provided in subsection (b), a claimant is eligible for compensation under this act subject to the following conditions:

D.C. Code,  
sec. 3-4  
(1981 ed.)

(1) The crime of violence upon which the claim is based was reported to the Metropolitan Police Department not more than seven (7) days after it occurred, except that this requirement may be waived for good cause shown.

(2) The claimant files a claim on a form supplied by the Mayor and submits all information and documents as may be required, within one hundred eighty (180) days after the crime occurred, except that this time limit may be extended for good cause shown.

(3) The claimant was, at the time of the commission of the crime upon which the claim is based,

either:

(A) a resident of the District of Columbia; or

(B) a resident of a state or territory that provides compensation to residents of the District of Columbia who are killed or injured in that state or territory as a result of a crime of violence.

(4) The claimant has suffered economic loss in an amount exceeding one hundred dollars (\$100) as a result of the crime of violence upon which the claim is based.

(5) The offender will not be unjustly enriched by an award of compensation to the claimant, except that this requirement may be waived in cases involving extraordinary circumstances where the interests of justice so require.

(b) A claimant shall not be eligible for compensation under this act if the claimant committed or aided in the commission of the crime upon which the claim is based.

Sec. 4. Awards of Compensation.

(a) Limitation on award of compensation.

Claims shall be processed and maintained in the order of their filing, but no final award of compensation shall be made unless the Crime Victim's Compensation Fund contains sufficient monies to pay the award.

D.C. Code,  
sec. 3-403  
(1981 ed.)

(b) Amount of award.

Subject to the provisions of subsection (c), the amount of compensation awarded shall be equal to the amount of the claimant's economic loss, decreased by all amounts received by or available to the claimant from collateral sources. No compensation shall be awarded under this act in an amount exceeding twenty-five thousand dollars (\$25,000).

(c) Reduction or denial of award.

(1) An award of compensation shall be denied if it is determined that the claimant will not suffer undue financial hardship if not granted financial assistance pursuant to this act. A claimant suffers undue financial hardship if the claimant cannot maintain the customary level of health, safety, and education for himself or herself or his or her dependents. In determining whether the claimant will suffer undue financial hardship, all relevant factors shall be taken into consideration, including, but not limited to: (A) the number of the claimant's dependents; (B) the usual and ordinary living expenses of the claimant and the claimant's dependents; (C) any special needs of the claimant and the claimant's dependents; (D) the claimant's income and potential earning capacity; and (E) the claimant's resources. If the claimant is sixty-five (65) years of age or older, the value of the claimant's house and any savings up to



an amount of ten thousand dollars (\$10,000) shall not be taken into consideration in determining whether the claimant will suffer undue financial hardship.

(2) An award of compensation may be reduced, reconsidered, or denied because of misconduct of the victim or claimant that contributed to the crime or the amount of economic loss.

(3) An award of compensation may be reduced, reconsidered, or denied if the victim or claimant has not reasonably cooperated with law enforcement officials to apprehend and prosecute the offender, except that refusal of a victim or claimant to testify against the offender may be excused if testifying would subject the victim or claimant to a substantial risk of serious physical or emotional injury. It is not necessary that an offender either be apprehended or convicted in order for compensation to be awarded under this act.

(d) Manner of payment.

(1) Compensation awarded under this act may be paid in lump sum or in installments.

(2) Payments for allowable expenses may be paid directly to a service provider.

(3) If there are two (2) or more claimants entitled to an award of compensation as a result of the death or injury of a victim, the award shall be apportioned among the claimants.