TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 112 - VICTIM COMPENSATION AND ASSISTANCE

§ 10602. Crime victim compensation

(a) Authority of Director; grants

(1) Except as provided in paragraph (2), the Director shall make an annual grant from the Fund to an eligible crime victim compensation program of 40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years of the amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. Except as provided in paragraph (3), a grant under this section shall be used by such program only for awards of compensation.

(2) If the sums available in the Fund for grants under this section are insufficient to provide grants of 40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years as provided in paragraph (1), the Director shall make, from the sums available, a grant to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

(3) Not more than 5 percent of a grant made under this section may be used for training purposes and the administration of the State crime victim compensation program receiving the grant.

(b) Eligible crime victim compensation programs

A crime victim compensation program is an eligible crime victim compensation program for the purposes of this section if—

(1) such program is operated by a State and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence for—

(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

(C) funeral expenses attributable to a death resulting from a compensable crime;

(2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;

(3) such State certifies that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation;

(4) such program, as to compensable crimes occurring within the State, makes compensation awards to victims who are nonresidents of the State on the basis of the same criteria used to make awards to victims who are residents of such State;

(5) such program provides compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to victims of State crimes;

(6) such program provides compensation to residents of the State who are victims of crimes occurring outside the State if—

(A) the crimes would be compensable crimes had they occurred inside that State; and

(B) the places the crimes occurred in are States not having eligible crime victim compensation programs;

(7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim’s familial relationship to the offender, or because of the sharing of a residence by the victim and the offender;

(8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense; and
(9) such program provides such other information and assurances related to the purposes of this section as the Director may reasonably require.

(c) Exclusion from income, resources, and assets for purposes of means tests

Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.

(d) Definitions

As used in this section—

(1) the term “property damage” does not include damage to prosthetic devices, eyeglasses or other corrective lenses, or dental devices;

(2) the term “medical expenses” includes, to the extent provided under the eligible crime victim compensation program, expenses for eyeglasses or other corrective lenses, for dental services and devices and prosthetic devices, and for services rendered in accordance with a method of healing recognized by the law of the State;

(3) the term “compensable crime” means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program, and includes crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, driving while intoxicated, and domestic violence; and

(4) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other possession or territory of the United States.

(e) Relationship to certain Federal programs

Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, including the program established under title IV of Public Law 107–42, or a federally financed State or local program, would otherwise pay,—

(1) such crime victim compensation program shall not pay that compensation; and

(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.

Footnotes

1 So in original. The comma probably should not appear.

References in Text

Title IV of Public Law 107–42, referred to in subsecs. (c) and (e), is set out as a note under section 40101 of Title 49, Transportation.
Amendments

2006—Subsec. (a)(3). Pub. L. 109–162 inserted “training purposes and” after “may be used for”.

2001—Subsec. (a)(1), (2). Pub. L. 107–56, § 622(a), inserted “in fiscal year 2002 and of 60 percent in subsequent fiscal years” after “40 percent”.

Subsec. (b)(6)(B). Pub. L. 107–56, § 622(b), which directed striking out “are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or”, was executed by striking out “are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or” after “the places the crimes occurred in” to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 107–56, § 622(c), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Notwithstanding any other law, for the purpose of any maximum allowed income eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) that becomes necessary to an applicant for such assistance in full or in part because of the commission of a crime against the applicant, as determined by the Director, any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.”


1996—Subsec. (b)(6)(B). Pub. L. 104–132, § 233(b), inserted “are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or” before “are States not having”.

Subsec. (b)(8), (9). Pub. L. 104–132, § 234(a)(1), added par. (8) and redesignated former par. (8) as (9).


Subsec. (d)(3). Pub. L. 104–155 inserted “crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18,” after “includes”.

Pub. L. 104–132, § 233(a), substituted “crimes involving terrorism, driving while intoxicated,” for “driving while intoxicated”.

1994—Subsec. (a)(1). Pub. L. 103–322, § 230203(a), substituted “Except as provided in paragraph (3), a grant” for “A grant” in last sentence.

Subsec. (b)(3). Pub. L. 103–322, § 230203(b), added par. (3).

Subsec. (b)(1). Pub. L. 103–322, § 330025(b), inserted before semicolon at end “for—” and subpars. (A) to (C).


1988—Subsec. (a). Pub. L. 100–690, §§ 7123(b)(1), (2), 7125 (b), substituted “Director” for “Attorney General” and “40 percent” for “35 percent” in pars. (1) and (2).

Subsec. (b)(1). Pub. L. 100–690, § 7125(c)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “such program is operated by a State and offers compensation to victims of crime and survivors of victims of crime for—

“(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

“(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

“(C) funeral expenses attributable to a death resulting from a compensable crime;”.

Subsec. (b)(5). Pub. L. 100–690, § 7125(d), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “such program provides compensation to victims of crimes occurring within such State that would be compensable crimes, but for the fact that such crimes are subject to Federal jurisdiction, on the same basis that such program provides compensation to victims of compensable crimes; and”.

Subsec. (b)(6), (7). Pub. L. 100–690, § 7125(a)(1), added pars. (6) and (7). Former par. (6) redesignated (8).

Subsec. (b)(8). Pub. L. 100–690, §§ 7123(b)(3), 7125 (a)(2), redesignated par. (6) as (8) and substituted “Director” for “Attorney General”.

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Subsec. (c). Pub. L. 100–690, § 7125(e), struck out subsec. (c) which read as follows: “A State crime victim compensation program in effect on the date grants may first be made under this section shall be deemed an eligible crime victim compensation program for the purposes of this section until the day after the close of the first regular session of the legislature of that State that begins after such date.”

Subsec. (d)(1). Pub. L. 100–690, § 7126(a), inserted reference to eyeglasses or other corrective lenses.

Subsec. (d)(2). Pub. L. 100–690, § 7126(b), inserted reference to eyeglasses or other corrective lenses and inserted comma after “prosthetic devices”.


Effective Date of 1996 Amendment

Section 233(d) of Pub. L. 104–132, as amended by Pub. L. 105–119, title I, § 120, Nov. 26, 1997, 111 Stat. 2468, provided that: “This section [amending this section] and the amendments made by this section shall take effect October 1, 1999.”

Effective Date of 1988 Amendment

Amendment by Pub. L. 100–690 not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100–690, as amended, set out as a note under section 10601 of this title.

Application of Amendment by Section 234(a)(1) of Pub. L. 104–132

Section 234(a)(2) of Pub. L. 104–132 provided that: “Section 1403(b)(8) of the Victims of Crime Act of 1984 [42 U.S.C. 10602 (b)(8)], as added by paragraph (1) of this section, shall not be applied to deny victims compensation to any person until the date on which the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer Federal victim compensation programs that are sufficient to ensure that victim compensation is not denied to any person except as authorized by law.”