

#### **49.280 Definitions for KRS 49.270 to 49.490.**

As used in KRS 49.270 to 49.490:

- (1) "Child" means any person less than eighteen (18) years of age;
- (2) "Claimant" means any of the following claiming compensation under KRS 49.270 to 49.490: a victim, a dependent of a deceased victim, a third person other than a collateral source, or an authorized person acting on behalf of any of them who is legally responsible for the expenses incurred by the victim as a result of the crime committed against the victim;
- (3) "Criminally injurious conduct" means conduct that occurs or is attempted in this jurisdiction, poses a substantial threat of personal physical or psychological injury or death, and is punishable by fine, imprisonment, or death. Criminally injurious conduct shall include an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside of the United States against a resident of Kentucky. Acts which, but for the insanity or mental irresponsibility or lack of capacity of the perpetrator, would constitute criminal conduct shall be deemed to be criminally injurious conduct. The operation of a motor vehicle, motorcycle, train, boat, aircraft, or other vehicle in violation of law does not constitute a criminally injurious conduct unless the injury or death was intentionally inflicted, involved a violation of KRS 189A.010, driving under the influence, involved the operator of a vehicle in an accident who did not stop and disclose his or her identity as required by KRS 189.580, or involved the operator of a vehicle in an accident who acted recklessly or with wantonness;
- (4) "Family," when used with reference to a person, means:
  - (a) The person's spouse;
  - (b) Any person related to the person within the second degree of consanguinity;
  - (c) Any person maintaining a sexual relationship with the person;
  - (d) Any person residing in the same household with the person; or
  - (e) Any stepchild, stepparent, stepbrother, or stepsister; and
- (5)
  - (a) "Victim" means a person who suffers personal physical or psychological injury or death from a criminal act in Kentucky as a result of:
    1. Criminally injurious conduct;
    2. A good-faith effort to prevent criminally injurious conduct; or
    3. A good-faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct.
  - (b) "Victim" shall also mean a resident who is a victim of a crime occurring outside this state if:
    1. The crime would be compensable had it occurred inside this state; and
    2. The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in KRS 49.310.
  - (c) "Victim" shall also mean a resident of this state who is injured or killed by an act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside the

United States.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 67, sec. 1, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 173, sec. 1, effective April 4, 2023. -- Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 28, effective June 29, 2017. -- Amended 1998 Ky. Acts ch. 368, sec. 1, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 409, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 299, sec. 2, effective July 15, 1986. - Amended 1984 Ky. Acts ch. 165, sec. 22, effective July 13, 1984; and ch. 382, sec. 17, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 172, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 213, sec. 2, effective June 17, 1978. -- Created 1976 Ky. Acts ch. 263, sec. 2.

**Formerly codified as** KRS 346.020.