

#### **49.370 Awards, findings, and amounts.**

- (1) No award shall be made unless the commission or commission member, as the case may be, finds that:
  - (a) Criminally injurious conduct occurred;
  - (b) Such criminally injurious conduct resulted in personal physical or psychological injury to, or death of, the victim; and
  - (c) Police or court records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police or court records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless the commission, for good cause shown, finds the delay to have been justified.
- (2) Except for claims related to sexual assault, human trafficking, and domestic violence, the commission upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies shall deny, reconsider, or reduce an award.
- (3) Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services, including mental health counseling, necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury. Mental health counseling shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the commission stating what treatment is planned and for what period of time. The commission shall have the power to discontinue payment of mental health counseling at any time within the two (2) year period. Replacement of eyeglasses and other corrective lenses shall be included in an award, provided they were stolen, destroyed, or damaged during the crime.
- (4) Any award made for loss of earnings or financial support may be considered for a claimant who has loss of support or wages due to the crime for which the claim is filed. Unless reduced pursuant to other provisions of KRS 49.270 to 49.490, the award shall be equal to net earnings at the time of the criminally injurious conduct; however, no such award shall exceed one hundred fifty dollars (\$150) for each week of lost earnings or financial support. The wage earner or source of support must have been employed or paying support at the time the crime occurred. Said employment or support shall be verified by the staff of the commission after information is provided by the claimant or victim. Should the claimant or victim fail to supply the commission with the information requested, the portion of the claim for lost wages or support shall be denied. If there are two (2) or more persons entitled to an award as a result of the injury or death of a person which is the direct result of criminally injurious conduct, the award shall be apportioned by the commission among the claimants.
- (5) The commission is authorized to set a reasonable limit for the payment of funeral and burial expenses which shall include funeral costs, a monument, and grave plot. In no event shall an award for funeral expenses exceed five thousand dollars

(\$5,000).

- (6) Any award made under KRS 49.270 to 49.490 shall not exceed twenty-five thousand dollars (\$25,000) in total compensation to be received by or paid on behalf of a claimant from the fund.
- (7) No award shall be made for any type of property loss or damage, except as otherwise permitted in KRS 49.270 to 49.490.

**Effective:** July 15, 2020

**History:** Amended 2020 Ky. Acts ch. 75, sec. 2, effective July 15, 2020. -- Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 37, effective June 29, 2017. -- Amended 2013 Ky. Acts ch. 69, sec. 4, effective June 25, 2013. -- Amended 1998 Ky. Acts ch. 606, sec. 38, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 409, sec. 7, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 299, sec. 5, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 172, sec. 4, effective June 15, 1980. -- Amended 1978 Ky. Acts ch. 213, sec. 1, effective June 17, 1978. -- Created 1976 Ky. Acts. ch. 263, sec. 13.

**Formerly codified as** KRS 346.130.