

**49.370 Award requirements -- Expenses allowed -- Amounts.**

- (1) No award shall be made unless the Crime Victims Compensation Board or board member, as the case may be, finds that:
  - (a) Criminally injurious conduct occurred; and
  - (b) The criminally injurious conduct resulted in personal physical or psychological injury to, or death of, the victim.
- (2) (a) Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including loss of earnings or support resulting from the injury on which the claim is based and indebtedness reasonably incurred for medical or other services, including:
  1. For the victim and for any child who is the victim's dependent, when the crime was committed at the primary residence of the victim:
    - a. Relocation if the victim is moving from one (1) primary residence to another due to concern for the safety of themselves or other persons at the residence as a result of a crime within six (6) months of the crime, not to exceed two thousand dollars (\$2,000). The board may, in its discretion, allow relocation expenses incurred after six (6) months; and
    - b. Temporary housing costs incurred within thirty (30) days of the crime, when the victim is unable to stay in the primary residence due to the crime, not to exceed two thousand dollars (\$2,000);
  2. Tattoo removal for victims of human trafficking, not to exceed four thousand dollars (\$4,000);
  3. Crime scene cleanup within thirty (30) days of the crime when the crime was committed at the primary residence or business of the victim, not to exceed two thousand dollars (\$2,000);
  4. Reimbursement for the replacement of items owned by the victim and for any child who is the victim's dependent that were seized by law enforcement as evidence of the commission of the crime, not to exceed five hundred dollars (\$500) per item;
  5. Replacement or repair of windows and locks at the primary residence or business of the victim which were damaged by the commission of the crime, not to exceed one thousand five hundred dollars (\$1,500);
  6. Rehabilitative or wellness practices recommended by a healthcare provider, engaged in by the victim and any juveniles dependent upon the victim due to the crime, not to exceed one thousand dollars (\$1,000) per year per person, for a maximum of two (2) years;
  7. Expenses related to court proceedings related to the crime for a victim or for a victim's caregiver;
  8. Mental health counseling, necessary as a result of the injury upon which the claim is based. Mental health counseling:
    - a. Shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the board stating what

- treatment is planned and for what period of time; and
- b. Need not be for a consecutive period and may be paused and resumed at a later time; and
9. Replacement of eyeglasses and other corrective lenses stolen, destroyed, or damaged during the crime.
    - (b) The board may promulgate administrative regulations to establish additional guidelines for awards pursuant to this section.
- (3) 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 award under this subsection shall exceed five hundred dollars (\$500) 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 board after information is provided by the claimant or victim. Should the claimant or victim fail to supply the board 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 board among the claimants.
  - (4) The board 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 ten thousand dollars (\$10,000).
  - (5) Any award made under KRS 49.270 to 49.490 shall not exceed fifty thousand dollars (\$50,000) in total compensation to be received by or paid on behalf of a claimant from the fund.
  - (6) An award shall not be made for any type of property loss or damage, except as otherwise permitted in KRS 49.270 to 49.490.
  - (7) An award may be made for a claim filed more than ten (10) years after the criminally injurious conduct, due to a delay in the testing of or DNA profile matching from a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, in which case the victim may collect a lump sum in the amount of five thousand dollars (\$5,000) to cover the victim's out-of-pocket expenses incurred due to the crime which may not be provable due to the delay.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 67, sec. 8, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 173, sec. 2, effective April 4, 2023. -- Amended 2021 Ky. Acts ch. 185, sec. 44, effective June 29, 2021. -- 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.

**Legislative Research Commission Note** (7/15/2024). When this statute was amended in 2024 Ky. Acts ch. 67, sec. 8, the internal numbering and lettering did not conform to the format used in the Kentucky Revised Statutes. Under the authority of KRS 7.136, the reviser of statutes has modified the numbering and lettering. No words were changed in the process.

**Formerly codified as KRS 346.130.**