

CRIME VICTIMS COMPENSATION BOARD (EXCERPT)
Act 223 of 1976

18.361 Amount of award; reduction or denial of award; "misconduct" defined; reimbursement.

Sec. 11.

(1) Except for a claim under section 5a, an award made under this act must be an amount not more than an out-of-pocket loss, including indebtedness reasonably incurred for medical or other services necessary as a result of the personal injury upon which the claim is based, together with loss of earnings or support resulting from the crime. The aggregate award under this act must not exceed \$45,000.00 per claimant.

(2) Unless reduced under this act, an award made for an out-of-pocket loss must be in an amount equal to unreimbursed and unreimbursable expenses or indebtedness related to the crime and reasonably incurred for any of the following:

(a) Medical care for the victim or intervenor.

(b) Subject to subsection (6), psychological or grief counseling for an individual listed in section 4(1)(a), (b), (c), (e), (f), or (g).

(c) Reasonable expenses for temporary or permanent relocation for an individual listed in section 4(1)(a) or (e), or if the victim is deceased, for an individual listed in section 4(1)(b), (e), or (f). An award for expenses under this subdivision may be made only if the claimant is relocating to protect the claimant's physical safety or emotional or financial well-being as a result of the crime and, unless good cause is shown, is relocating within 1 year of the date the crime occurred, or of the date the claimant is threatened by a change in circumstance or by an indicator of danger. An award for expenses under this subdivision may not exceed \$3,800.00 per claimant. Eligible relocation expenses under this subdivision include, but are not limited to, all of the following expenses:

(i) The first month of rent, a security deposit, and the costs to start utilities in the dwelling unit to which the claimant relocates. The commission may require the claimant to provide a signed rental agreement to verify these expenses.

(ii) Moving expenses, including, but not limited to, costs to rent a truck, travel, and for moving services.

(iii) Costs for temporary lodging for not more than 30 days.

(d) Replacement services for homemaking tasks, child care, and other services previously performed by an individual listed in section 4(1)(a), (b), (e), or (f), that, because of the victim's injury, or the claimant's attendance at a victim services organization to receive services related to the crime, must temporarily or permanently be performed by another person.

(e) Transportation expenses for the purpose of an individual listed in section 4(1)(a), or if the victim or intervenor is deceased, for a person listed in section 4(1)(b), (e), or (f), to access services from a victim services organization, medical care, or mental health care, or to attend the funeral of a victim or intervenor. An award for expenses under this subdivision must not exceed the following aggregate amounts per claimant:

(i) If the expense is for travel of a distance of not more than 50 miles each way from the claimant's residence, \$1,000.00.

(ii) If the expense is for travel that meets 1 or more of the following, \$5,000.00:

(A) If the travel is a distance of not less than 50 miles from the claimant's residence each way and is to and from a health care provider, mental health professional as that term is defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b, or health facility or agency that renders a specific treatment or care that is not available within 50 miles of the claimant's residence.

(B) If the travel is a distance of not less than 50 miles from the claimant's residence each way and is to and from a funeral for a deceased victim or intervenor.

(f) Reasonable costs of not more than \$1,000.00 per residence for installing, increasing, or replacing residential security, which may include installing a home security device or system; replacing or repairing windows or locks; or increasing the number of locks, at either of the following residences:

(i) The residence of an individual listed in section 4(1)(a).

(ii) If the crime scene is located at the residence of an individual listed in section 4(1)(b), (e), or (f), at that residence.

(g) Accessibility or rehabilitative equipment or devices for either of the following:

(i) Equipment or devices that a victim or intervenor needs because of an injury of the victim or intervenor caused by the crime, including, but not limited to, modifications necessary to make a residence or vehicle accessible for a victim or intervenor.

(ii) Replacement equipment or devices that a victim or intervenor needs because the equipment or device of the victim or intervenor was damaged in the course of a crime.

(h) Nonmedical remedial treatment rendered to the victim or intervenor in accordance with a recognized religious method of healing.

(i) If the crime scene is located at the residence of, or a motor vehicle owned or leased by, an individual listed in section 4(1)(a), (b), (e), or (f), the crime scene cleanup services resulting from a crime for that residence or vehicle after crime scene cleanup is permitted by the investigating law enforcement agency, in an amount not to exceed \$5,000.00 per crime scene.

(j) Replacement costs of not more than \$250.00 for clothing or bedding of an individual listed in section 4(1)(a), (b), (e), or (f), that is held as evidence of a crime.

(k) Subject to subsection (5), funeral expenses.

(l) Other services necessary for the victim or intervenor.

(3) Unless reduced under this act, an award made for loss of support must be in an amount equal to the actual loss sustained. An award must not exceed \$1,000.00 for each week of lost support.

(4) Unless reduced under this act, an award made for loss of earnings must be in an amount equal to the actual loss sustained. An award must not exceed \$1,000.00 for each week of lost earnings. A claimant may be awarded for loss of earnings under this subsection for lost wages as a result of the crime, including, but not limited to, in the following circumstances:

(a) A victim or intervenor, the parent, guardian, or primary caregiver of a victim or intervenor, or if the victim or intervenor is deceased, a claimant who is listed in section 4(1)(b) or (e), for not attending work due to any of the following:

(i) Seeking medical attention for or recovery from an injury caused by the crime.

(ii) Obtaining psychological counseling or obtaining services from a victim services organization.

(iii) Providing care or assistance to a victim or claimant in recovering from injuries caused by the crime or in obtaining psychological counseling or services from a victim services organization.

(b) If the victim or intervenor is deceased and a claimant is listed in section 4(1)(b), (e), or (f), wage loss for bereavement leave to attend the funeral or alternative to a funeral of the deceased victim or intervenor, to make arrangements necessitated by the death of the deceased victim or intervenor, or for a period of grieving the death of the deceased victim or intervenor, not to exceed the following amounts:

(i) If the claimant is listed in section 4(1)(b) or (e), \$2,000.00.

(ii) If the claimant is listed in section 4(1)(f), \$1,000.00.

(5) Unless reduced under this act, an award made for funeral expenses must be in an amount equal to unreimbursed and unreimbursable expenses or indebtedness incurred for burial expenses, transporting the victim's body, and other costs for the funeral service or alternative to funeral service, and must not exceed \$8,000.00 for each victim. An award under this subsection must not exceed an additional \$500.00 for a grave marker for each victim.

(6) An award for psychological or grief counseling must not exceed 35 hourly sessions per individual listed in section 4(1)(a), (b), (c), (e), (f), or (g) who requires psychological counseling as a result of the crime or grief counseling in connection with the death of the victim or intervenor. The award may include not more than 20 family sessions that include an individual who is not criminally responsible for or an accomplice to the crime, and who is related to the victim or intervenor by blood or affinity to the second degree, the guardian or primary caregiver of a minor victim, or an individual listed in section 4(1)(e). The maximum hourly reimbursement rate must not exceed \$80.00 per hourly session for a therapist or counselor licensed or registered to practice in this state, except that the maximum hourly reimbursement rate must not exceed \$125.00 per hourly session for a psychologist or physician licensed to practice in this state.

(7) An award must be reduced by the amount of 1 or more of the following payments received or to be received as a result of the injury:

(a) From or on behalf of the person who committed the crime.

(b) From insurance, but not including disability or death benefits paid or to be paid to a peace officer or a corrections officer on account of injuries sustained in the course of employment.

(c) From public funds, but not including disability or death benefits paid or to be paid to a peace officer or a corrections officer on account of injuries sustained in the course of employment.

(d) From an emergency award under section 9.

(8) In making a determination on a claim filed by an individual listed in section 4(1)(a), (b), (c), (e), (f), or (g), the commission shall determine whether the victim's misconduct contributed to his or her injury and shall reduce the amount of the award or reject the claim altogether, in accordance with the determination. The commission may disregard for this purpose the victim's responsibility for his or her own injury if the record shows that the injury was attributable to the victim's efforts to prevent a crime or an attempted crime from occurring in his or her presence or to apprehend a person who had committed a crime in his or her presence. As used in this subsection, "misconduct" includes but is not limited to provocation of or participation in a crime contemporaneous with or immediately preceding the injury.

(9) If the commission determines that the payment of an award will cause substantial unjust enrichment and economic benefit to a person criminally responsible for the crime, the commission shall deny the payment.

(10) If a claimant receives a payment described under subsection (7)(a) to (c) for an expense for which the claimant received an award under this section, the claimant shall reimburse the commission to the extent the total

amount the claimant received exceeds the actual loss the claimant experienced for that expense.

History: 1976, Act 223, Eff. Mar. 31, 1977 ;-- Am. 1985, Act 157, Imd. Eff. Nov. 15, 1985 ;-- Am. 1989, Act 247, Imd. Eff. Dec. 21, 1989 ;-- Am. 1990, Act 316, Imd. Eff. Dec. 20, 1990 ;-- Am. 1996, Act 519, Imd. Eff. Jan. 13, 1997 ;-- Am. 2008, Act 390, Imd. Eff. Dec. 29, 2008 ;-- Am. 2010, Act 282, Imd. Eff. Dec. 16, 2010 ;-- Am. 2022, Act 77, Eff. Aug. 12, 2023