

ENROLLMENT(S)

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(5)

AN ACT

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a Crime Victims Compensation Program in the District of Columbia and to designate the administration of the program to the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Victims of Violent Crime Compensation Act of 1996".

Sec. 2. Definitions.

**New Section
3-421**

For the purposes of this act the term:

- (1) "Board" means the Crime Victims Compensation Appeals Board.
- (2) "Claimant" means a person who makes a claim for compensation under this act and who is a:
 - (A) Victim;
 - (B) Secondary victim; or
 - (C) Person acting on behalf of a victim or a secondary victim, but not including a provider of services.
- (3) "Collateral source" means a source of benefits or compensation available to a claimant for economic loss resulting from a crime of violence. This term includes payments or benefits from:
 - (A) The offender;
 - (B) The United States, District of Columbia, a state or territory of the United States or its political subdivisions, or an agency of the foregoing, including Social Security, Medicare, Medicaid, Workers' Compensation, and Public Employees' Disability Compensation;
 - (C) A wage continuation program of an employer;
 - (D) A contract of life, health, disability, liability, or fire and casualty insurance, or a contract providing prepaid hospital or health care benefits;
 - (E) Proceeds of a lawsuit brought as a result of the crime; or

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(F) Life insurance proceeds of more than \$50,000.

(4) "Commission" means the Crime Victims Compensation Advisory Commission.

(5) "Court" means the Superior Court of the District of Columbia.

(6) "Crime of violence" or "crime" means the offense of, or the attempt to commit the offense of, arson, assault, negligent homicide, sexual abuse, kidnapping, maliciously disfiguring another, manslaughter, murder, mayhem, riot, robbery, carjacking, cruelty to children, unlawful use of an explosive, including these offenses when motivated by bias as provided by the Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Code § 22-4001 *et seq.*), or any violation of sections 9 or 10 of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1123; D.C. Code §§ 40-712 and 40-716), notwithstanding that the offender lacked the capacity to commit the offense by reason of infancy, insanity, intoxication, or otherwise. These terms include an offense where the perpetrator and victim are members of the same family or household, an offense whether prosecuted under the District of Columbia Code or the United States Code, and a terrorist act or act of mass violence as defined in 18 U.S.C. 2331, committed in the District of Columbia against any person or outside of the United States against a resident of the District of Columbia. A crime occurs whether or not any person is identified, arrested, prosecuted, or convicted. Unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or hearing has been ordered, the conviction of a person whose acts gave rise to the claim is conclusive evidence that a crime was committed.

(7) "Economic loss" means, except for pain and suffering:

(A) Reasonable medical expenses incurred, whether provided in the District of Columbia or elsewhere;

(B) Funeral and burial expenses, including the reasonable cost of cremation or other chosen method of interment, not exceeding \$3,000 per death;

(C) In the case of battered partners or children, the cost of temporary emergency housing not exceeding 90 days;

(D) Loss of income or support incurred as a direct or indirect result of an injury or death;

(E) Loss of a victim's services by a secondary victim, including housekeeping and child care services;

(F) In the case of secondary victims, reasonable psychiatric, psychological, or mental health counseling expenses incurred as a direct result of the crime;

(G) Reasonable expenses incurred by the victim for physical or occupational therapy and rehabilitation;

(H) The cost of cleaning the crime scene, not exceeding \$1,000; and

(I) Unless the victim is deceased, the replacement value of the victim's clothing that is held for evidentiary purposes.

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(8) "Fund" means the Crime Victims Compensation Fund.

(9) "Medical expenses" include:

(A) Ambulance, hospital, surgical, medical, nursing, dental, optometric, ophthalmologic, chiropractic, podiatric, in-patient mental health, and pregnancy-related care;

(B) Medical, dental, hearing, and surgical supplies;

(C) Crutches and prosthetic devices taken, lost, or destroyed during the commission of the crime, as well as new prosthetic devices which became necessary as a direct result of the crime and training in their use; and

(D) Out-patient mental health counseling expenses which became necessary as a direct result of the crime and which are provided by a:

(i) Licensed psychiatrist or psychologist;

(ii) Licensed social worker; or

(iii) Licensed marriage, family, or child counselor practicing

within the scope of licensure.

(10) "Personal injury" means physical injury, emotional trauma, or both.

(11) "Program" means the Crime Victims Compensation Program.

(12) "Provider of services" means a person or entity providing services pursuant to paragraphs (7) and (9) of this subsection.

(13) "Secondary victim" means a:

(A) Victim's spouse, children, including natural born, step, and adopted, grandchildren, parents, stepparents, siblings, half siblings, or spouse's parents;

(B) Person who resides in the victim's household at the time of the crime or at the time of the discovery of the crime;

(C) Person who is a survivor of a victim and who was wholly or partially dependent upon the victim for care and support at the time of the commission of the crime upon which the claim is based, including a child of the victim born after the victim's death; or

(D) Person who legally assumes the obligation, or who voluntarily pays the medical expenses, or in the event of death caused by the crime, funeral and burial expenses, incurred as a direct result thereof.

(14) "Victim" means a person who suffers personal injury or death in the District of Columbia, a person who is a resident of the District of Columbia and suffers personal injury or death as a result of a terrorist act or act of mass violence committed outside of the United States, or a person who is a resident of the District of Columbia and who suffers personal injury or death outside the District of Columbia in a state that does not have a crime victims compensation program that is eligible for funding under the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. § 10601 *et seq.*), as a direct result of:

(A) A crime;

(B) Assisting lawfully to apprehend a person reasonably suspected of committing or attempting to commit a crime;

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- (C) Assisting a person against whom a crime has been committed or attempted, if the assistance was rendered in a reasonable manner;
- (D) Attempting to prevent the commission of a crime; or
- (E) A violation of section 9 or 10 of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1123; D.C. Code §§ 40-712 and 40-716), or a comparable state law regarding driving infractions.

Sec. 3. Establishment of a Crime Victims Compensation Program.

**New Section
3-422**

There is established a Crime Victims Compensation Program ("Program") that shall administer all funds from all sources for the purpose of investigating and, where appropriate, compensating the claims of victims of violent crime in the District of Columbia.

Sec. 4. Administration of Program.

**New Section
3-423**

(a) The administration of the Program is hereby designated to the Superior Court of the District of Columbia ("Court"), which shall issue rules and regulations as are necessary to carry out the provisions and purposes of this act.

(b) All records and computer software relating to the functions of the Program as originally established by the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), are hereby transferred to the Court for the exclusive purpose of operating the Program.

(c) The Court shall:

- (1) Investigate claims filed pursuant to this act;
- (2) Obtain from an agency or department of the District of Columbia government or the United States government information, data, and assistance that will enable the Court to determine if a crime was committed or attempted and whether the claimant is eligible for compensation under this act;
- (3) Process and maintain claims in the order they are filed, including claims previously filed pursuant to the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*);
- (4) Determine each claim filed pursuant to this act and reinvestigate or reopen cases when necessary;
- (5) Require and direct medical examination of victims or secondary victims when necessary;
- (6) Publicize the existence of the Program and the procedure for obtaining compensation under the Program through the Court and the Crime Victims Compensation Appeals Board ("Board"), the District of Columbia Metropolitan Police Department, the U.S. Attorney's Office, the Corporation Counsel of the District of Columbia, and other public or private agencies, organizations, and service providers; and

(7) Provide printed informational materials, including brochures and posters, in both English and Spanish.

Sec. 5. Crime Victims Compensation Advisory Commission; establishment; membership; duties.

New Section
3-424

(a) A Crime Victims Compensation Advisory Commission ("Commission") is established and shall consist of 15 members appointed by the Chief Judge of the Court. The Chief Judge shall designate one of the members as the Commission's Chairperson. The Chief Judge may make an appointment to fill an unexpired term.

(b) The Commission's members shall serve for a term of 3 years and shall be eligible for reappointment. The members shall serve without compensation. The members shall elect any additional officers necessary for the efficient discharge of their duties.

(c) The Commission shall be composed of:

(1) The Chairperson of the Committee on the Judiciary of the Council of the District of Columbia or that person's designee;

(2) One representative from the Office of the Corporation Counsel;

(3) One representative from the Victim Witness Assistance Unit of the U.S. Attorney's Office;

(4) One person engaged full-time in law enforcement;

(5) One member of the Public Defender Service for the District of Columbia;

(6) One hospital staff person involved with emergency services;

(7) One representative of the District of Columbia Department of Corrections;

(8) One person licensed to provide mental health counseling;

(9) One crime victim or survivor;

(10) One member of the public who has demonstrated a knowledge of, and sensitivity to, victim issues; and

(11) Five victim service providers representing victims of homicide, sexual assault, domestic violence, child abuse, and drunk driving.

(d) The Commission shall:

(1) Provide information, training, and technical assistance to the Court and be available to consult with and advise the Court on rules and regulations for the administration of the Program;

(2) Develop ongoing public awareness efforts and assist the Court in publicizing the Program; and

(3) Review the annual report submitted by the Court to the Council of the District of Columbia, advise the Council of deficiencies in the Program, and suggest necessary changes.

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Sec. 6. Crime Victims Compensation Appeals Board; establishment; membership; duties.

New Section
3-425

(a) A Crime Victims Compensation Appeals Board ("Board") is established in the Court. The Chief Judge shall appoint 5 members to the Board from among the membership of the Commission. Board members shall serve at the Chief Judge's pleasure, reflect a variety of disciplines, and include at least 1 attorney. The Chief Judge shall designate 1 member to serve as the Board's Chairperson, and may appoint qualified members of the Commission to serve as alternates on the Board when Board members are not available.

(b) Board members shall serve without compensation but may receive reimbursement for expenses in a manner and amount to be determined by the Court.

(c) The Board shall meet at least quarterly to hear appeals in contested cases as provided in section 13(d).

Sec. 7. Eligibility for compensation.

New Section
3-426

(a) A victim or secondary victim is eligible to receive compensation under this act if he or she:

(1) Suffered personal injury as a result of a crime;

(2) Filed a claim under this act within 1 year after the crime occurred or 1 year after learning of the Program with an adequate showing that the delay in learning of the Program was reasonable; and

(3) Reported the crime to a law enforcement office within 7 days of its occurrence. If the crime cannot be reasonably reported within that time period, the crime must be reported within 7 days from the time a report can reasonably be made.

(b) The offender shall not be unjustly enriched by an award of compensation to the claimant, except that this requirement may be waived in cases involving extraordinary circumstances where the interests of justice so require.

(c) Notwithstanding subsection (a)(3) of this section, a victim who has been sexually abused or subjected to unlawful sexual conduct or domestic abuse and who does not report the crime to the local police department. may:

(1) In the case of domestic abuse victims, satisfy the reporting requirement by seeking a civil protection order from the Corporation Counsel of the District of Columbia; and

(2) In the case of sexual assault victims, satisfy the reporting requirement by seeking a sexual assault examination from a medical treatment facility.

(d) The time limit requirements of this section may be waived for good cause shown, including compelling health or safety concerns.

Sec. 8. Awards of compensation.

New Section
3-427

(a) The Court shall award compensation in an amount equal to the claimant's economic loss, decreased by the amount available to the claimant from collateral sources.

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(b) The Court shall not award compensation in an amount exceeding \$25,000.

(c) The Court shall calculate awards in a fair and equitable manner.

(d) The payment of compensation may provide for apportionment, the holding of the compensation or any part thereof in trust, payment in a lump sum or periodic installments, or payment directly to the provider of medical services or economic loss expenses.

(e) An award is not subject to enforcement, attachment, or garnishment, except that an award may be subject to a claim of a creditor if the cost of products, services, or accommodations included in the award were covered by the creditor.

(f) If a claimant is awarded compensation prior to the sentencing of an offender convicted of the crime which was the subject of the claim, the Court shall notify the sentencing judge of the amount of the award, notwithstanding that the files and records of the claim remain otherwise confidential as provided in section 12. Restitution ordered for an offense that was the basis for an award under this act, up to the amount of the award, shall be payable directly to the Fund as provided in section 10.

Sec. 9. Disqualifications and reductions.

**New Section
3-428**

(a) The Court shall not award compensation if the:

(1) Claimant knowingly or willingly participated in the commission of the crime which forms the basis for the claim; or

(2) Injury or death for which compensation is sought was caused by the victim's consent, substantial provocation, or substantial incitement.

(b) An application for assistance may be denied, in whole or in part, if the Court finds:

(1) Denial is appropriate due to the nature of the victim's or secondary victim's involvement in the events leading to the relevant crime; or

(2) The claimant failed to provide information to a requesting law enforcement agency or did not reasonably cooperate with law enforcement officials in apprehending the offender. Refusal of a victim or claimant to testify against the offender may be excused if testifying would subject the victim or claimant to a substantial risk of serious physical or emotional injury.

(c) Notwithstanding subsections (a) and (b) of this section, if the victim is found to have willingly or knowingly participated, consented, provoked, or incited the crime, a secondary victim is not automatically precluded from compensation.

(d) Gang membership or co-habitation with the offender is not considered a disqualifying factor under subsections (a) or (b) of this section, unless the claimant will be substantially and unjustly enriched by the award.

Sec. 10. Preservation of civil actions; subrogation.

**New Section
3-429**

(a) A claimant or the claimant's successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.

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(b) To the extent that the Court has made payment to or on behalf of the victim, restitution, if imposed by the Court, shall be paid to the Fund.

(c) The District of Columbia is subrogated to the claimant's right against the offender or third parties to the extent of any compensation awarded under this act. The District of Columbia may initiate a lawsuit against the offender for damages or restitution or against third parties for damages.

(d) The claimant shall notify the Corporation Counsel of the District of Columbia if a lawsuit for restitution or damages is instituted. The District of Columbia may intervene in the lawsuit and is privy to a lien on recovery made from the lawsuit. If the funds are retrieved through subrogation, they shall be credited to the Fund.

(e) Application forms for compensation by the Program shall include a repayment subrogation agreement.

Sec. 11. Emergency awards.

**New Section
3-430**

(a) If it appears likely that a final award will be made and that the claimant will suffer undue financial or emotional hardship if immediate financial assistance is not granted, an emergency award not exceeding \$1,000 may be made prior to the final determination.

(b) If compensation is awarded, the Court shall deduct the amount of the emergency award from the final award.

(c) If the emergency award is greater than the final award, the claimant shall repay the difference.

(d) If compensation is not awarded, the claimant shall repay the emergency award to the Fund.

(e) The District of Columbia may recover or institute a lien on outstanding funds. Any funds recovered shall be credited to the Fund.

Sec. 12. Confidentiality.

**New Section
3-431**

(a) Information, records, and transcripts of hearings contained in the claims files under the provisions of this act are confidential and not open to public inspection, except that:

(1) A claimant or the representative of a claimant, whether an individual or an organization, may review that person's claim or receive specific information therefrom. Information shall be released to a claimant's representative only upon presentation of the signed authorization of the claimant.

(2) Physicians treating or examining claimants seeking benefits under this act or physicians giving medical advice to the Court regarding any claim, may, at the discretion of the Court, inspect the claims files and records of the claimant. Other persons may inspect a claimant's files and records only when rendering assistance to the Court on a matter pertaining to the administration of this act.

ENROLLED ORIGINAL

(b) The Court shall not include the name of any claimant in the annual report to the Council of the District of Columbia, unless authorized by the claimant.

(c) Each record or report obtained by the Court, the confidentiality of which is protected by any other law or regulation, remains confidential subject to that law or regulation.

Sec. 13. Procedures for filing claims.

**New Section
3-432**

(a) A claim shall be initiated when the claimant timely submits a completed application to the Court. Claims may be filed in person or by mail. A claim may be filed by a person eligible for compensation as provided in section 7, or if that person is a minor or legally incompetent, by the claimant's parent, guardian, or personal representative.

(b) Upon receipt of a completed application, the Court shall examine written information submitted by the claimant and other documentary evidence. The Court may require additional information from the claimant and conduct investigations as necessary to determine whether the claimant is eligible for compensation and the amount, if any, of compensation to be awarded. The Court shall send a notice of the determination, and the reasons therefor, to the claimant by first class mail, along with instructions for requesting reconsideration or an appeal before the Board.

(c) The claimant may, within 30 days after receiving the notice of determination, request reconsideration based on new or previously unavailable information. The Court must render a decision based on the additional information within 30 days after receiving the information. The Court may affirm, modify, or reverse its initial decision. The Court shall send a notice of the decision on reconsideration, and the reasons therefor, to the claimant by first class mail, along with instructions for filing an appeal.

(d) The claimant may, within 30 days after receipt of the initial determination, or within 30 days after receipt of the decision on reconsideration, appeal the decision to the Board. The Board shall consider the appeal on the record at its next scheduled meeting if the Board has received the appeal and the record at least 5 days before the meeting. Within 20 days after the meeting, the Board shall render its decision in the case or give notice to the claimant that it will hold a hearing. The hearing shall occur within 30 days after the issuance of the notice. The Board shall render its decision in the case within 20 days after the hearing. The Court shall provide the claimant with written notice of the final determination of the claim. If the final determination was made pursuant to a hearing, the notice shall include findings of fact and conclusions of law.

(e) The claimant may agree in writing to a final determination at any time.

(f) The Court may reopen a claim at any time if new evidence reveals that the claimant was not eligible, was guilty of contributory misconduct, knowingly provided false information, or suppressed relevant information concerning a claim.

(g) The claimant may have an attorney or other representative present at any appeals proceeding. In addition to the amount of compensation awarded to a successful claimant, a

ENROLLED ORIGINAL

reasonable fee may be awarded to the claimant's attorney for services rendered in connection with an appeals proceeding under this act. The fee may not exceed 10% of the claimant's award or \$500, whichever is less. Except for necessary costs, an attorney shall not charge, demand, receive, or collect a fee for services rendered in connection with a claim under this act in an amount larger than permitted by this section. The court shall notify the claimant of the availability of *pro bono* representation by clinical programs at area law schools.

(h) A final determination by the Board under this act may be appealed to the Chief Judge of the Court. Decisions of the Chief Judge shall be final.

Sec. 14. False claims.

New Section
3-433

(a) It shall be a misdemeanor to knowingly submit false information or suppress relevant information concerning a claim under this act. Law enforcement authorities investigating possible false claims referred by the Court under this section have complete access to the claimant's files for the purpose of pursuing a false claim investigation.

(b) A person convicted of an offense under this section shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both. A person convicted of an offense under this section forfeits compensation under this act and shall repay to the District of Columbia all compensation received pursuant to this act. The United States Attorney's Office shall prosecute crimes under this section.

Sec. 15. Annual report.

New Section
3-434

The Chief Judge of the Court shall report annually to the Council of the District of Columbia on the status and activities of the Program. The report shall include, but not be limited to, the following information:

- (1) An explanation of the procedures for filing and processing claims;
- (2) A description of the programs and policies instituted to promote public awareness about crime victims compensation;
- (3) An analysis of future needs and suggested Program improvements;
- (4) A copy of the application forms utilized under this act; and
- (5) A complete statistical analysis of the cases handled, including the:
 - (A) Number of claims filed;
 - (B) Number of claims approved and the amount of each award;
 - (C) Number of claims denied and the reasons for rejection;
 - (D) Average length of time to process a claim;
 - (E) Number of contested cases reviewed by the Board and the disposition of those cases;
 - (F) Number of contested cases reviewed by the Chief Judge and the disposition of those cases;

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- (G) Number of cases in which a claimant was represented by an attorney or a law student;
- (H) Cumulative total of attorneys' fees paid;
- (I) Breakdown of claims by age, sex, and primary language of the victim, type of crime committed, and other relevant facts;
- (J) Individual amounts of revenues attributable to assessments on misdemeanor and traffic offenses;
- (K) Number of cases pending, and the future liability of the Fund; and
- (L) Total amount of program expenditures for benefit payments, personnel, and other administrative costs.

Sec. 16. Crime Victims Compensation Fund.

**New Section
3-435**

(a) A fund is established to be administered by the Court and to be known as the Crime Victims Compensation Fund ("Fund") for the purpose of accounting for the financial operations of this act. Monies in the Fund shall not be commingled with the General Fund, nor shall the operation of the Fund impose a burden or charge on the general fund.

(b) All unexpended balances of appropriations, allocations, and other funds available, or to be made available, relating to the functions of the Program as originally established by the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), are hereby transferred to the Fund for the exclusive purpose of operating the Program.

(c) Monies in the Fund shall consist of all funds transferred from the Department of Human Services on the effective date of this act, any appropriations to the Fund under section 19, assessments imposed under section 17, monies recovered through subrogation or repayment under sections 10, 11, and 14, costs assessed under the Victims of Violent Crime Compensation Act of 1981 that are collected after the effective date of this act, and monies received from the federal government or other public or private sources for the purpose of the Fund.

(d) The monies in the Fund are not part of, nor shall they lapse into, the General Fund of the District or any other fund of the District, except as provided in this act.

(e) All compensation and attorneys' fees awarded under this act and administrative costs necessary to carry out this act shall be paid from, and subject to, the availability of monies in the Fund.

(f) The Auditor of the District of Columbia shall perform an audit of the Crime Victims Compensation Program that operated pursuant to the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), within 30 days of the effective date of this act and the transfer of the Program to the Court. The audit shall include the number of claims satisfied in calendar years 1994, 1995, and 1996 and the respective amounts awarded; the number and status of all pending claims; the remaining unexpended balance in the Fund to be transferred to the Court for payment to victims and for

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the administrative costs of the Program; and the number of personnel positions and amount of personnel funding to be transferred to the Court.

Sec. 17. Assessments.

New Section
3-436

(a) In addition to and separate from punishment imposed, an assessment of \$100 for each violation of section 10 of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1123; D.C. Code § 40-716), an assessment of between \$50 and \$250 for other serious traffic or misdemeanor offenses, and an assessment of between \$100 and \$5,000 for each felony offense shall be imposed upon each person convicted of or pleading guilty or *nolo contendere* to the offense in the Superior Court of the District of Columbia or any other court in which the offense is charged. The decision of the sentencing court regarding assessments is final. If an offender is indigent at the time of sentencing and is later employed for salary, receives compensation while on probation or parole, or is incarcerated in a facility of the Department of Corrections or elsewhere and receives wages or compensation therein, the amount of assessments under this section shall be paid from such salary, wages, or other compensation.

(b) The probation office of the Court shall monitor collection of assessments levied against defendants released on probation. The Department of Corrections shall monitor collection of assessments levied against incarcerated defendants. The District of Columbia Board of Parole shall consider satisfaction of assessments under this section when determining release of inmates eligible for parole. If an inmate is released on parole prior to satisfaction of an assessment, the District of Columbia Board of Parole shall monitor collection of the balance due.

(c) Assessments under this act shall be collected as fines. Failure to pay assessments as ordered by the Court will subject a defendant so ordered to sanctions provided pursuant to § 16-706 of the D.C. Code.

Sec. 18. Duty of law enforcement agencies.

New Section
3-437

(a) All law enforcement agencies in the District of Columbia shall inform victims or secondary victims of the existence of the Program and provide application forms to victims and secondary victims.

(b) No law enforcement agency shall be civilly liable for a failure to comply with subsection (a) of this section.

(c) The Court shall provide application forms, other documents, and general information that law enforcement agencies may require to comply with this section.

Sec. 19. Appropriations.

Funds may be appropriated as necessary to carry out this act.

New Section
3-438

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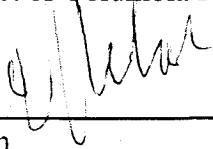
Sec. 20. Repeal of existing law.

The Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), is repealed.

Sections
3-401 - 3-415

Sec. 21. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-657

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 11-7-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 11, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 12-3-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT RAY

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 11, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE _____
RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT
D.C. ACT 11-503

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 24, 1996

To establish a Crime Victims Compensation Program in the District of Columbia and to designate the administration of the program to the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Victims of Violent Crime Compensation Act of 1996".

Sec. 2. Definitions.

*New Section
3-421*

For the purposes of this act the term:

(1) "Board" means the Crime Victims Compensation Appeals Board.
(2) "Claimant" means a person who makes a claim for compensation under this act and who is a:

- (A) Victim;
- (B) Secondary victim; or
- (C) Person acting on behalf of a victim or a secondary victim, but not including a provider of services.

(3) "Collateral source" means a source of benefits or compensation available to a claimant for economic loss resulting from a crime of violence. This term includes payments or benefits from:

- (A) The offender;
- (B) The United States, District of Columbia, a state or territory of the United States or its political subdivisions, or an agency of the foregoing, including Social Security, Medicare, Medicaid, Workers' Compensation, and Public Employees' Disability Compensation;

- (C) A wage continuation program of an employer;
- (D) A contract of life, health, disability, liability, or fire and casualty insurance, or a contract providing prepaid hospital or health care benefits;
- (E) Proceeds of a lawsuit brought as a result of the crime; or

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(F) Life insurance proceeds of more than \$50,000.

(4) "Commission" means the Crime Victims Compensation Advisory Commission.

(5) "Court" means the Superior Court of the District of Columbia.

(6) "Crime of violence" or "crime" means the offense of, or the attempt to commit the offense of, arson, assault, negligent homicide, sexual abuse, kidnapping, maliciously disfiguring another, manslaughter, murder, mayhem, riot, robbery, carjacking, cruelty to children, unlawful use of an explosive, including these offenses when motivated by bias as provided by the Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Code § 22-4001 *et seq.*), or any violation of sections 9 or 10 of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1123; D.C. Code §§ 40-712 and 40-716), notwithstanding that the offender lacked the capacity to commit the offense by reason of infancy, insanity, intoxication, or otherwise. These terms include an offense where the perpetrator and victim are members of the same family or household, an offense whether prosecuted under the District of Columbia Code or the United States Code, and a terrorist act or act of mass violence as defined in 18 U.S.C. 2331, committed in the District of Columbia against any person or outside of the United States against a resident of the District of Columbia. A crime occurs whether or not any person is identified, arrested, prosecuted, or convicted. Unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or hearing has been ordered, the conviction of a person whose acts gave rise to the claim is conclusive evidence that a crime was committed.

(7) "Economic loss" means, except for pain and suffering:

(A) Reasonable medical expenses incurred, whether provided in the District of Columbia or elsewhere;

(B) Funeral and burial expenses, including the reasonable cost of cremation or other chosen method of interment, not exceeding \$3,000 per death;

(C) In the case of battered partners or children, the cost of temporary emergency housing not exceeding 90 days;

(D) Loss of income or support incurred as a direct or indirect result of an injury or death;

(E) Loss of a victim's services by a secondary victim, including housekeeping and child care services;

(F) In the case of secondary victims, reasonable psychiatric, psychological, or mental health counseling expenses incurred as a direct result of the crime;

(G) Reasonable expenses incurred by the victim for physical or occupational therapy and rehabilitation;

(H) The cost of cleaning the crime scene, not exceeding \$1,000; and

(I) Unless the victim is deceased, the replacement value of the victim's clothing that is held for evidentiary purposes.

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(8) "Fund" means the Crime Victims Compensation Fund.

(9) "Medical expenses" include:

(A) Ambulance, hospital, surgical, medical, nursing, dental, optometric, ophthalmologic, chiropractic, podiatric, in-patient mental health, and pregnancy-related care;

(B) Medical, dental, hearing, and surgical supplies;

(C) Crutches and prosthetic devices taken, lost, or destroyed during the commission of the crime, as well as new prosthetic devices which became necessary as a direct result of the crime and training in their use; and

(D) Out-patient mental health counseling expenses which became necessary as a direct result of the crime and which are provided by a:

(i) Licensed psychiatrist or psychologist;

(ii) Licensed social worker; or

(iii) Licensed marriage, family, or child counselor practicing

within the scope of licensure.

(10) "Personal injury" means physical injury, emotional trauma, or both.

(11) "Program" means the Crime Victims Compensation Program.

(12) "Provider of services" means a person or entity providing services pursuant to paragraphs (7) and (9) of this subsection.

(13) "Secondary victim" means a:

(A) Victim's spouse, children, including natural born, step, and adopted, grandchildren, parents, stepparents, siblings, half siblings, or spouse's parents;

(B) Person who resides in the victim's household at the time of the crime or at the time of the discovery of the crime;

(C) Person who is a survivor of a victim and who was wholly or partially dependent upon the victim for care and support at the time of the commission of the crime upon which the claim is based, including a child of the victim born after the victim's death; or

(D) Person who legally assumes the obligation, or who voluntarily pays the medical expenses, or in the event of death caused by the crime, funeral and burial expenses, incurred as a direct result thereof.

(14) "Victim" means a person who suffers personal injury or death in the District of Columbia, a person who is a resident of the District of Columbia and suffers personal injury or death as a result of a terrorist act or act of mass violence committed outside of the United States, or a person who is a resident of the District of Columbia and who suffers personal injury or death outside the District of Columbia in a state that does not have a crime victims compensation program that is eligible for funding under the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. § 10601 *et seq.*), as a direct result of:

(A) A crime;

(B) Assisting lawfully to apprehend a person reasonably suspected of committing or attempting to commit a crime;

- (C) Assisting a person against whom a crime has been committed or attempted, if the assistance was rendered in a reasonable manner;
- (D) Attempting to prevent the commission of a crime; or
- (E) A violation of section 9 or 10 of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1123; D.C. Code §§ 40-712 and 40-716), or a comparable state law regarding driving infractions.

Sec. 3. Establishment of a Crime Victims Compensation Program.

New Section
3-422

There is established a Crime Victims Compensation Program ("Program") that shall administer all funds from all sources for the purpose of investigating and, where appropriate, compensating the claims of victims of violent crime in the District of Columbia.

Sec. 4. Administration of Program.

New Section
3-423

(a) The administration of the Program is hereby designated to the Superior Court of the District of Columbia ("Court"), which shall issue rules and regulations as are necessary to carry out the provisions and purposes of this act.

(b) All records and computer software relating to the functions of the Program as originally established by the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), are hereby transferred to the Court for the exclusive purpose of operating the Program.

(c) The Court shall:

- (1) Investigate claims filed pursuant to this act;
- (2) Obtain from an agency or department of the District of Columbia government or the United States government information, data, and assistance that will enable the Court to determine if a crime was committed or attempted and whether the claimant is eligible for compensation under this act;
- (3) Process and maintain claims in the order they are filed, including claims previously filed pursuant to the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*);
- (4) Determine each claim filed pursuant to this act and reinvestigate or reopen cases when necessary;
- (5) Require and direct medical examination of victims or secondary victims when necessary;
- (6) Publicize the existence of the Program and the procedure for obtaining compensation under the Program through the Court and the Crime Victims Compensation Appeals Board ("Board"), the District of Columbia Metropolitan Police Department, the U.S. Attorney's Office, the Corporation Counsel of the District of Columbia, and other public or private agencies, organizations, and service providers; and

(7) Provide printed informational materials, including brochures and posters, in both English and Spanish.

Sec. 5. Crime Victims Compensation Advisory Commission; establishment; membership; duties.

New Section
3-424

(a) A Crime Victims Compensation Advisory Commission ("Commission") is established and shall consist of 15 members appointed by the Chief Judge of the Court. The Chief Judge shall designate one of the members as the Commission's Chairperson. The Chief Judge may make an appointment to fill an unexpired term.

(b) The Commission's members shall serve for a term of 3 years and shall be eligible for reappointment. The members shall serve without compensation. The members shall elect any additional officers necessary for the efficient discharge of their duties.

(c) The Commission shall be composed of:

- (1) The Chairperson of the Committee on the Judiciary of the Council of the District of Columbia or that person's designee;
- (2) One representative from the Office of the Corporation Counsel;
- (3) One representative from the Victim Witness Assistance Unit of the U.S. Attorney's Office;
- (4) One person engaged full-time in law enforcement;
- (5) One member of the Public Defender Service for the District of Columbia;
- (6) One hospital staff person involved with emergency services;
- (7) One representative of the District of Columbia Department of Corrections;
- (8) One person licensed to provide mental health counseling;
- (9) One crime victim or survivor;
- (10) One member of the public who has demonstrated a knowledge of, and sensitivity to, victim issues; and
- (11) Five victim service providers representing victims of homicide, sexual assault, domestic violence, child abuse, and drunk driving.

(d) The Commission shall:

- (1) Provide information, training, and technical assistance to the Court and be available to consult with and advise the Court on rules and regulations for the administration of the Program;
- (2) Develop ongoing public awareness efforts and assist the Court in publicizing the Program; and
- (3) Review the annual report submitted by the Court to the Council of the District of Columbia, advise the Council of deficiencies in the Program, and suggest necessary changes.

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Sec. 6. Crime Victims Compensation Appeals Board; establishment; membership; duties.

New Section
3-425

(a) A Crime Victims Compensation Appeals Board ("Board") is established in the Court. The Chief Judge shall appoint 5 members to the Board from among the membership of the Commission. Board members shall serve at the Chief Judge's pleasure, reflect a variety of disciplines, and include at least 1 attorney. The Chief Judge shall designate 1 member to serve as the Board's Chairperson, and may appoint qualified members of the Commission to serve as alternates on the Board when Board members are not available.

(b) Board members shall serve without compensation but may receive reimbursement for expenses in a manner and amount to be determined by the Court.

(c) The Board shall meet at least quarterly to hear appeals in contested cases as provided in section 13(d).

Sec. 7. Eligibility for compensation.

New Section
3-426

(a) A victim or secondary victim is eligible to receive compensation under this act if he or she:

(1) Suffered personal injury as a result of a crime;

(2) Filed a claim under this act within 1 year after the crime occurred or 1 year after learning of the Program with an adequate showing that the delay in learning of the Program was reasonable; and

(3) Reported the crime to a law enforcement office within 7 days of its occurrence. If the crime cannot be reasonably reported within that time period, the crime must be reported within 7 days from the time a report can reasonably be made.

(b) The offender shall not be unjustly enriched by an award of compensation to the claimant, except that this requirement may be waived in cases involving extraordinary circumstances where the interests of justice so require.

(c) Notwithstanding subsection (a)(3) of this section, a victim who has been sexually abused or subjected to unlawful sexual conduct or domestic abuse and who does not report the crime to the local police department, may:

(1) In the case of domestic abuse victims, satisfy the reporting requirement by seeking a civil protection order from the Corporation Counsel of the District of Columbia; and

(2) In the case of sexual assault victims, satisfy the reporting requirement by seeking a sexual assault examination from a medical treatment facility.

(d) The time limit requirements of this section may be waived for good cause shown, including compelling health or safety concerns.

Sec. 8. Awards of compensation.

New Section
3-427

(a) The Court shall award compensation in an amount equal to the claimant's economic loss, decreased by the amount available to the claimant from collateral sources.

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- (b) The Court shall not award compensation in an amount exceeding \$25,000.
- (c) The Court shall calculate awards in a fair and equitable manner.
- (d) The payment of compensation may provide for apportionment, the holding of the compensation or any part thereof in trust, payment in a lump sum or periodic installments, or payment directly to the provider of medical services or economic loss expenses.
- (e) An award is not subject to enforcement, attachment, or garnishment, except that an award may be subject to a claim of a creditor if the cost of products, services, or accommodations included in the award were covered by the creditor.
- (f) If a claimant is awarded compensation prior to the sentencing of an offender convicted of the crime which was the subject of the claim, the Court shall notify the sentencing judge of the amount of the award, notwithstanding that the files and records of the claim remain otherwise confidential as provided in section 12. Restitution ordered for an offense that was the basis for an award under this act, up to the amount of the award, shall be payable directly to the Fund as provided in section 10.

Sec. 9. Disqualifications and reductions.

**New Section
3-428**

- (a) The Court shall not award compensation if the:
 - (1) Claimant knowingly or willingly participated in the commission of the crime which forms the basis for the claim; or
 - (2) Injury or death for which compensation is sought was caused by the victim's consent, substantial provocation, or substantial incitement.
- (b) An application for assistance may be denied, in whole or in part, if the Court finds:
 - (1) Denial is appropriate due to the nature of the victim's or secondary victim's involvement in the events leading to the relevant crime; or
 - (2) The claimant failed to provide information to a requesting law enforcement agency or did not reasonably cooperate with law enforcement officials in apprehending the offender. Refusal of a victim or claimant to testify against the offender may be excused if testifying would subject the victim or claimant to a substantial risk of serious physical or emotional injury.
- (c) Notwithstanding subsections (a) and (b) of this section, if the victim is found to have willingly or knowingly participated, consented, provoked, or incited the crime, a secondary victim is not automatically precluded from compensation.
- (d) Gang membership or co-habitation with the offender is not considered a disqualifying factor under subsections (a) or (b) of this section, unless the claimant will be substantially and unjustly enriched by the award.

Sec. 10. Preservation of civil actions; subrogation.

**New Section
3-429**

- (a) A claimant or the claimant's successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.

(b) To the extent that the Court has made payment to or on behalf of the victim, restitution, if imposed by the Court, shall be paid to the Fund.

(c) The District of Columbia is subrogated to the claimant's right against the offender or third parties to the extent of any compensation awarded under this act. The District of Columbia may initiate a lawsuit against the offender for damages or restitution or against third parties for damages.

(d) The claimant shall notify the Corporation Counsel of the District of Columbia if a lawsuit for restitution or damages is instituted. The District of Columbia may intervene in the lawsuit and is privy to a lien on recovery made from the lawsuit. If the funds are retrieved through subrogation, they shall be credited to the Fund.

(e) Application forms for compensation by the Program shall include a repayment subrogation agreement.

Sec. 11. Emergency awards.

New Section
3-430

(a) If it appears likely that a final award will be made and that the claimant will suffer undue financial or emotional hardship if immediate financial assistance is not granted, an emergency award not exceeding \$1,000 may be made prior to the final determination.

(b) If compensation is awarded, the Court shall deduct the amount of the emergency award from the final award.

(c) If the emergency award is greater than the final award, the claimant shall repay the difference.

(d) If compensation is not awarded, the claimant shall repay the emergency award to the Fund.

(e) The District of Columbia may recover or institute a lien on outstanding funds. Any funds recovered shall be credited to the Fund.

Sec. 12. Confidentiality.

New Section
3-431

(a) Information, records, and transcripts of hearings contained in the claims files under the provisions of this act are confidential and not open to public inspection, except that:

(1) A claimant or the representative of a claimant, whether an individual or an organization, may review that person's claim or receive specific information therefrom. Information shall be released to a claimant's representative only upon presentation of the signed authorization of the claimant.

(2) Physicians treating or examining claimants seeking benefits under this act or physicians giving medical advice to the Court regarding any claim, may, at the discretion of the Court, inspect the claims files and records of the claimant. Other persons may inspect a claimant's files and records only when rendering assistance to the Court on a matter pertaining to the administration of this act.

ENROLLED ORIGINAL

(b) The Court shall not include the name of any claimant in the annual report to the Council of the District of Columbia, unless authorized by the claimant.

(c) Each record or report obtained by the Court, the confidentiality of which is protected by any other law or regulation, remains confidential subject to that law or regulation.

Sec. 13. Procedures for filing claims.

New Section
3-432

(a) A claim shall be initiated when the claimant timely submits a completed application to the Court. Claims may be filed in person or by mail. A claim may be filed by a person eligible for compensation as provided in section 7, or if that person is a minor or legally incompetent, by the claimant's parent, guardian, or personal representative.

(b) Upon receipt of a completed application, the Court shall examine written information submitted by the claimant and other documentary evidence. The Court may require additional information from the claimant and conduct investigations as necessary to determine whether the claimant is eligible for compensation and the amount, if any, of compensation to be awarded. The Court shall send a notice of the determination, and the reasons therefor, to the claimant by first class mail, along with instructions for requesting reconsideration or an appeal before the Board.

(c) The claimant may, within 30 days after receiving the notice of determination, request reconsideration based on new or previously unavailable information. The Court must render a decision based on the additional information within 30 days after receiving the information. The Court may affirm, modify, or reverse its initial decision. The Court shall send a notice of the decision on reconsideration, and the reasons therefor, to the claimant by first class mail, along with instructions for filing an appeal.

(d) The claimant may, within 30 days after receipt of the initial determination, or within 30 days after receipt of the decision on reconsideration, appeal the decision to the Board. The Board shall consider the appeal on the record at its next scheduled meeting if the Board has received the appeal and the record at least 5 days before the meeting. Within 20 days after the meeting, the Board shall render its decision in the case or give notice to the claimant that it will hold a hearing. The hearing shall occur within 30 days after the issuance of the notice. The Board shall render its decision in the case within 20 days after the hearing. The Court shall provide the claimant with written notice of the final determination of the claim. If the final determination was made pursuant to a hearing, the notice shall include findings of fact and conclusions of law.

(e) The claimant may agree in writing to a final determination at any time.

(f) The Court may reopen a claim at any time if new evidence reveals that the claimant was not eligible, was guilty of contributory misconduct, knowingly provided false information, or suppressed relevant information concerning a claim.

(g) The claimant may have an attorney or other representative present at any appeals proceeding. In addition to the amount of compensation awarded to a successful claimant, a

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reasonable fee may be awarded to the claimant's attorney for services rendered in connection with an appeals proceeding under this act. The fee may not exceed 10% of the claimant's award or \$500, whichever is less. Except for necessary costs, an attorney shall not charge, demand, receive, or collect a fee for services rendered in connection with a claim under this act in an amount larger than permitted by this section. The court shall notify the claimant of the availability of *pro bono* representation by clinical programs at area law schools.

(h) A final determination by the Board under this act may be appealed to the Chief Judge of the Court. Decisions of the Chief Judge shall be final.

Sec. 14. False claims.

**New Section
3-433**

(a) It shall be a misdemeanor to knowingly submit false information or suppress relevant information concerning a claim under this act. Law enforcement authorities investigating possible false claims referred by the Court under this section have complete access to the claimant's files for the purpose of pursuing a false claim investigation.

(b) A person convicted of an offense under this section shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both. A person convicted of an offense under this section forfeits compensation under this act and shall repay to the District of Columbia all compensation received pursuant to this act. The United States Attorney's Office shall prosecute crimes under this section.

Sec. 15. Annual report.

**New Section
3-434**

The Chief Judge of the Court shall report annually to the Council of the District of Columbia on the status and activities of the Program. The report shall include, but not be limited to, the following information:

- (1) An explanation of the procedures for filing and processing claims;
- (2) A description of the programs and policies instituted to promote public awareness about crime victims compensation;
- (3) An analysis of future needs and suggested Program improvements;
- (4) A copy of the application forms utilized under this act; and
- (5) A complete statistical analysis of the cases handled, including the:
 - (A) Number of claims filed;
 - (B) Number of claims approved and the amount of each award;
 - (C) Number of claims denied and the reasons for rejection;
 - (D) Average length of time to process a claim;
 - (E) Number of contested cases reviewed by the Board and the disposition of those cases;
 - (F) Number of contested cases reviewed by the Chief Judge and the disposition of those cases;

- (G) Number of cases in which a claimant was represented by an attorney or a law student;
- (H) Cumulative total of attorneys' fees paid;
- (I) Breakdown of claims by age, sex, and primary language of the victim, type of crime committed, and other relevant facts;
- (J) Individual amounts of revenues attributable to assessments on misdemeanor and traffic offenses;
- (K) Number of cases pending, and the future liability of the Fund; and
- (L) Total amount of program expenditures for benefit payments, personnel, and other administrative costs.

Sec. 16. Crime Victims Compensation Fund.

New Section
3-435

(a) A fund is established to be administered by the Court and to be known as the Crime Victims Compensation Fund ("Fund") for the purpose of accounting for the financial operations of this act. Monies in the Fund shall not be commingled with the General Fund, nor shall the operation of the Fund impose a burden or charge on the general fund.

(b) All unexpended balances of appropriations, allocations, and other funds available, or to be made available, relating to the functions of the Program as originally established by the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), are hereby transferred to the Fund for the exclusive purpose of operating the Program.

(c) Monies in the Fund shall consist of all funds transferred from the Department of Human Services on the effective date of this act, any appropriations to the Fund under section 19, assessments imposed under section 17, monies recovered through subrogation or repayment under sections 10, 11, and 14, costs assessed under the Victims of Violent Crime Compensation Act of 1981 that are collected after the effective date of this act, and monies received from the federal government or other public or private sources for the purpose of the Fund.

(d) The monies in the Fund are not part of, nor shall they lapse into, the General Fund of the District or any other fund of the District, except as provided in this act.

(e) All compensation and attorneys' fees awarded under this act and administrative costs necessary to carry out this act shall be paid from, and subject to, the availability of monies in the Fund.

(f) The Auditor of the District of Columbia shall perform an audit of the Crime Victims Compensation Program that operated pursuant to the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), within 30 days of the effective date of this act and the transfer of the Program to the Court. The audit shall include the number of claims satisfied in calendar years 1994, 1995, and 1996 and the respective amounts awarded; the number and status of all pending claims; the remaining unexpended balance in the Fund to be transferred to the Court for payment to victims and for

the administrative costs of the Program; and the number of personnel positions and amount of personnel funding to be transferred to the Court.

Sec. 17. Assessments.

New Section
3-436

(a) In addition to and separate from punishment imposed, an assessment of \$100 for each violation of section 10 of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1123; D.C. Code § 40-716), an assessment of between \$50 and \$250 for other serious traffic or misdemeanor offenses, and an assessment of between \$100 and \$5,000 for each felony offense shall be imposed upon each person convicted of or pleading guilty or *nolo contendere* to the offense in the Superior Court of the District of Columbia or any other court in which the offense is charged. The decision of the sentencing court regarding assessments is final. If an offender is indigent at the time of sentencing and is later employed for salary, receives compensation while on probation or parole, or is incarcerated in a facility of the Department of Corrections or elsewhere and receives wages or compensation therein, the amount of assessments under this section shall be paid from such salary, wages, or other compensation.

(b) The probation office of the Court shall monitor collection of assessments levied against defendants released on probation. The Department of Corrections shall monitor collection of assessments levied against incarcerated defendants. The District of Columbia Board of Parole shall consider satisfaction of assessments under this section when determining release of inmates eligible for parole. If an inmate is released on parole prior to satisfaction of an assessment, the District of Columbia Board of Parole shall monitor collection of the balance due.

(c) Assessments under this act shall be collected as fines. Failure to pay assessments as ordered by the Court will subject a defendant so ordered to sanctions provided pursuant to § 16-706 of the D.C. Code.

Sec. 18. Duty of law enforcement agencies.

New Section
3-437

(a) All law enforcement agencies in the District of Columbia shall inform victims or secondary victims of the existence of the Program and provide application forms to victims and secondary victims.

(b) No law enforcement agency shall be civilly liable for a failure to comply with subsection (a) of this section.

(c) The Court shall provide application forms, other documents, and general information that law enforcement agencies may require to comply with this section.

Sec. 19. Appropriations.

Funds may be appropriated as necessary to carry out this act.

New Section
3-438

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Sec. 20. Repeal of existing law.

The Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 *et seq.*), is repealed.

Sections
3-401 - 3-415

Sec. 21. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED: December 24, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-657

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 11-7-96

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

ABSENT THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 11, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 12-3-96

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

ABSENT RAY

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no AB-Absent NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 11, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE _____
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date