

House Research Act Summary

CHAPTER: 136

SESSION: 1999 Regular Session

TOPIC: Restitution and crime victims reparations

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Analyst: Judith Zollar, 651-296-1554

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Overview

This act allows the court to deposit unclaimed restitution payments in the crime victims account, thereby allowing these funds to be used for crime victims reparations. The act also allows victims to request moving expenses from the reparations board in certain cases, extends the amount of time victims have to claim reparations, and creates an exception to these time limits for all child abuse cases.

Section

- 1 Unclaimed restitution payments.** Provides that restitution payments held by the court for a victim for more than three years shall be deposited in the crime victims account. The money in this account is appropriated annually to the department of public safety for use for crime victim reparations. Also requires the court, at the time the deposit is made, to record the victim's name and last known address and the amount being deposited and forward this information to the crime victims reparations board.
- 2 Economic loss.** Amends the definition of "economic loss" in the crime victims reparations law to include a claimant's moving expenses, storage fees, and telephone and utility installation fees, up to \$1,000 per claim. These expenses may be claimed if the move is necessary due to a reasonable fear of danger related to the crime for which the claim was filed.
- 3 Reparations; ineligibility.** Increases from two years to three years the amount of time a claimant has to file a claim for reparations. Current law provides that a claim must be

filed with the board within two years of a victim's injury or death, except that, if the claimant was unable to file the claim within this period, then the claim can be made within two years of when the claim could have been filed. Current law also provides that, if the victim's injury or death was not reasonably discoverable within two years of the injury or death, then the claim can be made within three years of the time when it was discovered.

Current law also specifies that the limitations periods do not apply to victims of *domestic child abuse* and provides that a *two-year* limitations period begins to run with the report of the crime to the police. This act provides that the limitations periods for filing a claim for crime victim reparations do not apply to victims of *child abuse* and that, in these cases, a *three-year* limitations period begins to run with the report of the crime to the police.

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Crime victim account. Makes a change, consistent with section 1, to allow deposit of unclaimed restitution amounts in the crime victims account created in section 611A.612.