

- 1 Crime Victims Reparations Board  
2 Adopted Permanent Rules Relating to Claims

3 3050.2900 CONTRIBUTORY MISCONDUCT.

4 The board shall deny or reduce, by a minimum of 25 percent,  
5 any claim submitted by or on behalf of a person who the board  
6 finds has engaged in any of the following acts or behavior that  
7 contributed to the injury for which the claim is filed:

8 A. used fighting words, obscene or threatening  
9 gestures, or other provocation, including use of gang or hate  
10 group hand signs, colors, symbols, or statements;

11 B. knowingly and willingly been in a vehicle operated  
12 by a person who is under the influence of alcohol or a  
13 controlled substance;

14 C. consumed alcohol or a controlled substance or  
15 other mood altering substances;

16 D. unlawfully possessed a controlled substance;

17 E. planned, conspired, or attempted to unlawfully  
18 use, procure, distribute, or sell a controlled substance;

19 F. was a confirmed member or associate of a gang or  
20 hate group; or

21 G. failed to retreat or withdraw from a situation  
22 where an option to do so was readily available.

23 Any of these provisions may be waived in cases of domestic  
24 abuse or sexual assault.

25 3050.3100 LOSS OF SUPPORT.

26 Subpart 1. Determination of amount. The surviving

1 dependents of a deceased victim are eligible for loss of support  
2 to be paid annually for three years. Within 30 days of the  
3 beginning of each fiscal year, the board shall determine the  
4 monthly rate of loss of support to be paid on all new claims  
5 paid during that fiscal year. The board shall consider the  
6 average child support payment and the availability of funds to  
7 the board when setting the amount it will pay.

8 Subp. 2. [See repealer.]

9 Subp. 3. [See repealer.]

10 Subp. 4. **Three-year-maximum Loss of support benefits.**

11 Loss of support benefits shall be paid for ~~a-maximum-time-period~~  
12 of three years or until the child reaches 18 years of age,  
13 whichever is shorter. If after three years the child is still  
14 younger than 18 years of age, the claim may be resubmitted to  
15 the board and the board staff shall reevaluate the claim giving  
16 consideration to the child's or spouse's financial need and  
17 availability of funds to the board. After benefits are  
18 discontinued, they cannot be resumed at a later time.

19 3050.3400 SECONDARY VICTIMS.

20 Subpart 1. **Victim, definition.** For the purposes of this  
21 chapter, the term "victim" includes, in addition to those  
22 meanings specifically provided in Minnesota Statutes, section  
23 611A.52, the following:

24 A. a parent, spouse, or minor child of a victim who  
25 died as the direct result of a crime;

26 B. a witness to a violent crime who suffered physical  
27 or emotional injury;

1 C. a grandparent, sibling, or adult child of a victim  
2 who died as the direct result of a crime, if the grandparent,  
3 sibling, or child has suffered emotional injury;

4 D. a person who discovered the body of a victim who  
5 died as the direct result of a crime, if the person has suffered  
6 emotional injury; and

7 E. a spouse, parent, child, grandparent, or sibling  
8 of a victim who was injured as a direct result of a crime.

9 Subp. 2. [See repealer.]

10 3050.3600 HOUSEHOLD SERVICES.

11 The board shall not award reparations for household  
12 services performed by a family or household member. Household  
13 services must be performed by a licensed professional.

14 3050.3700 COST CEILING ON HOSPITAL AND PHYSICIAN AND DENTAL AND  
15 MENTAL HEALTH EXPENSES.

16 Within 30 days of the beginning of each fiscal year, the  
17 board shall determine the percentage of hospital and physician  
18 and dental and mental health expenses to be paid on all claims  
19 paid during that fiscal year. The board shall consider the  
20 availability of funds to the board when setting the percentage  
21 it will pay. The board must not pay more than this percentage  
22 of a victim's total hospital and physician and dental and mental  
23 health expenses after payment by collateral sources and after  
24 any discounts made pursuant to agreements with insurers, health  
25 maintenance organizations, and federal, state, or local  
26 government agencies. Acceptance of payment for medical, dental,

1 and mental health services from the Minnesota Crime Victims  
2 Reparations Board shall be considered acceptance of payment in  
3 full and bars any legal action against the victim for  
4 collection. The board shall compensate the claimant in full if  
5 the claimant paid the hospital or physician or dental or mental  
6 health expenses.

7 3050.3750 FUNERAL RATE LIMITS.

8 Within 30 days of the beginning of each fiscal year, the  
9 board shall determine the maximum amount allowable for funeral,  
10 burial, or cremation. The claimant may use up to \$1,000 of the  
11 maximum funeral benefit to pay for airfare or other  
12 transportation or for lodging for family members to attend the  
13 funeral.

14 3050.3800 MENTAL HEALTH, MEDICAL, AND DENTAL TREATMENT RATE  
15 LIMITS.

16 Within 30 days of the beginning of each fiscal year, the  
17 board shall determine the maximum amounts allowable for the  
18 total accumulated expenses for a victim's outpatient counseling,  
19 medical care, and dental care.

20 **REPEALER.** Minnesota Rules, parts 3050.3100, subparts 2 and 3;  
21 and 3050.3400, subpart 2, are repealed.