

CRIME VICTIM REIMBURSEMENTS

331.11 **611A.51 TITLE.**

331.14 Sec. 2. Minnesota Statutes 2020, section 611A.52, subdivision 3, is amended to read:

331.17 Sec. 3. Minnesota Statutes 2020, section 611A.52, subdivision 4, is amended to read:

331.20 Sec. 4. Minnesota Statutes 2020, section 611A.52, subdivision 5, is amended to read:

331.24 (1) the offender;

331.29 (3) Social Security, Medicare, and Medicaid;

332.1 (4) state required temporary nonoccupational disability insurance;

332.2 (5) workers' compensation;

332.3 (6) wage continuation programs of any employer;

332.6 (8) a contract providing prepaid hospital and other health care services, or benefits for
332.7 disability;

332.8 (9) any private source as a voluntary donation or gift; or

332.9 (10) proceeds of a lawsuit brought as a result of the crime.

332.10 The term does not include a life insurance contract.

332.11 Sec. 5. Minnesota Statutes 2020, section 611A.53, is amended to read:

332.12 **611A.53 REPARATIONS REIMBURSEMENT AWARDS PROHIBITED.**

332.13 Subdivision 1. **Generally.** Except as provided in subdivisions 1a and 2, the following
332.14 persons shall be entitled to ~~reparations~~ reparations reimbursement upon a showing by a preponderance
332.15 of the evidence that the requirements for ~~reparations~~ reparations reimbursement have been met:

332.16 (1) a victim who has incurred economic loss;

332.17 (2) a dependent who has incurred economic loss;

332.18 (3) the estate of a deceased victim if the estate has incurred economic loss;

332.19 (4) any other person who has incurred economic loss by purchasing any of the products,
332.20 services, and accommodations described in section 611A.52, subdivision 8, for a victim;

332.21 (5) the guardian, guardian ad litem, conservator or authorized agent of any of these
332.22 persons.

332.23 Subd. 1a. **Providers; limitations.** No hospital, medical organization, health care provider,
332.24 or other entity that is not an individual may qualify for reparations under subdivision 1,
332.25 clause (4). If a hospital, medical organization, health care provider, or other entity that is
332.26 not an individual qualifies for ~~reparations~~ reparations reimbursement under subdivision 1, clause (5),
332.27 because it is a guardian, guardian ad litem, conservator, or authorized agent, any ~~reparations~~
332.28 reimbursement to which it is entitled must be made payable solely or jointly to the victim,
332.29 if alive, or to the victim's estate or successors, if the victim is deceased.

333.1 Subd. 1b. **Minnesota residents injured elsewhere.** (a) A Minnesota resident who is
333.2 the victim of a crime committed outside the geographical boundaries of this state but who
333.3 otherwise meets the requirements of this section shall have the same rights under this chapter
333.4 as if the crime had occurred within this state upon a showing that the state, territory, United
333.5 States possession, country, or political subdivision of a country in which the crime occurred
333.6 does not have a crime victim ~~reparations~~ reparations reimbursement law covering the resident's injury
333.7 or death.

333.8 (b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime
333.9 involving international terrorism who otherwise meets the requirements of this section has
333.10 the same rights under this chapter as if the crime had occurred within this state regardless
333.11 of where the crime occurred or whether the jurisdiction has a crime victims ~~reparations~~
333.12 reimbursement law.

333.13 Subd. 2. **Limitations on awards.** No ~~reparations~~ reparations reimbursement shall be awarded to a
333.14 claimant otherwise eligible if:

333.15 (1) the crime was not reported to the police within 30 days of its occurrence or, if it
333.16 could not reasonably have been reported within that period, within 30 days of the time when

333.17 a report could reasonably have been made. A victim of criminal sexual conduct in the first,
333.18 second, third, or fourth degree who does not report the crime within 30 days of its occurrence
333.19 is deemed to have been unable to have reported it within that period;

333.20 (2) the victim or claimant failed or refused to cooperate fully with the police and other
333.21 law enforcement officials, based on a review of information available from law enforcement,
333.22 prosecutors, and other professionals familiar with the case;

333.23 (3) the victim or claimant was the offender or an accomplice of the offender or an award
333.24 to the claimant would unjustly benefit the offender or an accomplice;

333.25 (4) the victim or claimant was in the act of committing a crime at the time the injury
333.26 occurred;

333.27 (5) no claim was filed with the board within three years of victim's injury or death; except
333.28 that (i) if the claimant was unable to file a claim within that period, then the claim can be
333.29 made within three years of the time when a claim could have been filed; and (ii) if the
333.30 victim's injury or death was not reasonably discoverable within three years of the injury or
333.31 death, then the claim can be made within three years of the time when the injury or death
333.32 is reasonably discoverable. The following circumstances do not render a claimant unable
333.33 to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the
333.34 Minnesota Crime Victims ~~Reparations~~ Reimbursement Act, (B) the failure of a law
334.1 enforcement agency to provide information or assistance to a potential claimant under
334.2 section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being
334.3 managed during that period by a guardian, guardian ad litem, conservator, authorized agent,
334.4 or parent, or (D) the fact that the claimant is not of the age of majority; or

334.5 (6) the claim is less than \$50.

334.6 The limitations contained in clauses (1) and (6) do not apply to victims of child abuse.
334.7 In those cases the three-year limitation period commences running with the report of the
334.8 crime to the police.

334.9 Sec. 6. Minnesota Statutes 2020, section 611A.54, is amended to read:

334.10 **611A.54 AMOUNT OF ~~REPARATIONS~~ REIMBURSEMENT.**

334.11 ~~Reparations~~ Reimbursement shall equal economic loss except that:

334.12 (1) ~~reparations~~ reimbursement shall be reduced to the extent that economic loss is
334.13 recouped from a collateral source or collateral sources. Where compensation is readily
334.14 available to a claimant from a collateral source, the claimant must take reasonable steps to
334.15 recoup from the collateral source before claiming ~~reparations~~ reimbursement;

334.16 (2) ~~reparations~~ reimbursement shall be denied or reduced to the extent, if any, that the
334.17 board deems reasonable because of the contributory misconduct of the claimant or of a
334.18 victim through whom the claimant claims. Contributory misconduct may not be based on
334.19 current or past affiliation with any particular group; and

334.20 (3) ~~reparations~~ reimbursement paid to all claimants suffering economic loss as the result
334.21 of the injury or death of any one victim shall not exceed \$50,000.

334.22 No employer may deny an employee an award of benefits based on the employee's
334.23 eligibility or potential eligibility for ~~reparations~~ reimbursement.

334.24 Sec. 7. Minnesota Statutes 2020, section 611A.55, is amended to read:

334.25 **611A.55 CRIME VICTIMS ~~REPARATIONS~~ REIMBURSEMENT BOARD.**

334.26 Subdivision 1. **Creation of board.** There is created in the Department of Public Safety,
334.27 for budgetary and administrative purposes, the Crime Victims ~~Reparations~~ Reimbursement
334.28 Board, which shall consist of five members appointed by the commissioner of public safety.
334.29 One of the members shall be designated as chair by the commissioner of public safety and
334.30 serve as such at the commissioner's pleasure. At least one member shall be a medical or
335.1 osteopathic physician licensed to practice in this state, and at least one member shall be a
335.2 victim, as defined in section 611A.01.

335.3 Subd. 2. **Membership, terms and compensation.** The membership terms, compensation,
335.4 removal of members, and filling of vacancies on the board shall be as provided in section
335.5 15.0575.

335.6 Subd. 3. **Part-time service.** Members of the board shall serve part time.

335.7 Sec. 8. Minnesota Statutes 2020, section 611A.56, is amended to read:

335.8 **611A.56 POWERS AND DUTIES OF BOARD.**

335.9 Subdivision 1. **Duties.** In addition to carrying out any duties specified elsewhere in
335.10 sections 611A.51 to 611A.68 or in other law, the board shall:

335.11 (1) provide all claimants with an opportunity for hearing pursuant to chapter 14;

335.12 (2) adopt rules to implement and administer sections 611A.51 to 611A.68, including
335.13 rules governing the method of practice and procedure before the board, prescribing the
335.14 manner in which applications for ~~reparations~~ reimbursement shall be made, and providing
335.15 for discovery proceedings;

335.16 (3) publicize widely the availability of ~~reparations~~ reimbursement and the method of
335.17 making claims; and

335.18 (4) prepare and transmit annually to the governor and the commissioner of public safety
335.19 a report of its activities including the number of claims awarded, a brief description of the
335.20 facts in each case, the amount of ~~reparation~~ reimbursement awarded, and a statistical
335.21 summary of claims and awards made and denied.

335.22 Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections
335.23 611A.51 to 611A.68 or other law, the board upon its own motion or the motion of a claimant
335.24 or the attorney general may:

335.25 (1) issue subpoenas for the appearance of witnesses and the production of books, records,
335.26 and other documents;

335.27 (2) administer oaths and affirmations and cause to be taken affidavits and depositions
335.28 within and without this state;

335.29 (3) take notice of judicially cognizable facts and general, technical, and scientific facts
335.30 within their specialized knowledge;

336.1 (4) order a mental or physical examination of a victim or an autopsy of a deceased victim
336.2 provided that notice is given to the person to be examined and that the claimant and the
336.3 attorney general receive copies of any resulting report;

336.4 (5) suspend or postpone the proceedings on a claim if a criminal prosecution arising out
336.5 of the incident which is the basis of the claim has been commenced or is imminent;

336.6 (6) request from prosecuting attorneys and law enforcement officers investigations and
336.7 data to enable the board to perform its duties under sections 611A.51 to 611A.68;

336.8 (7) grant emergency ~~reparations~~ reimbursement pending the final determination of a
336.9 claim if it is one with respect to which an award will probably be made and undue hardship
336.10 will result to the claimant if immediate payment is not made; and

336.11 (8) reconsider any decision granting or denying ~~reparations~~ reimbursement or determining
336.12 their amount.

336.13 Sec. 9. Minnesota Statutes 2020, section 611A.57, subdivision 5, is amended to read:

336.14 Subd. 5. **Reconsideration.** The claimant may, within 30 days after receiving the decision
336.15 of the board, apply for reconsideration before the entire board. Upon request for
336.16 reconsideration, the board shall reexamine all information filed by the claimant, including
336.17 any new information the claimant provides, and all information obtained by investigation.
336.18 The board may also conduct additional examination into the validity of the claim. Upon
336.19 reconsideration, the board may affirm, modify, or reverse the prior ruling. A claimant denied
336.20 ~~reparations~~ reimbursement upon reconsideration is entitled to a contested case hearing within
336.21 the meaning of chapter 14.

336.22 Sec. 10. Minnesota Statutes 2020, section 611A.57, subdivision 6, is amended to read:

336.23 Subd. 6. **Data.** Claims for ~~reparations~~ reimbursement and supporting documents and
336.24 reports are investigative data and subject to the provisions of section 13.39 until the claim
336.25 is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or
336.26 abandonment of a claim, the claim and supporting documents and reports are private data
336.27 on individuals as defined in section 13.02, subdivision 12; provided that the board may
336.28 forward any ~~reparations~~ reimbursement claim forms, supporting documents, and reports to
336.29 local law enforcement authorities for purposes of implementing section 611A.67.

337.1 Sec. 11. Minnesota Statutes 2020, section 611A.60, is amended to read:

337.2 **611A.60 REPARATIONS REIMBURSEMENT; HOW PAID.**

337.3 ~~Reparations~~ Reimbursement may be awarded in a lump sum or in installments in the
337.4 discretion of the board. The amount of any emergency award shall be deducted from the
337.5 final award, if a lump sum, or prorated over a period of time if the final award is made in
337.6 installments. ~~Reparations are~~ Reimbursement is exempt from execution or attachment except
337.7 by persons who have supplied services, products or accommodations to the victim as a result
337.8 of the injury or death which is the basis of the claim. The board, in its discretion may order
337.9 that all or part of the ~~reparations~~ reimbursement awarded be paid directly to these suppliers.

337.10 Sec. 12. Minnesota Statutes 2020, section 611A.61, is amended to read:

337.11 **611A.61 SUBROGATION.**

337.12 Subdivision 1. **Subrogation rights of state.** The state shall be subrogated, to the extent
337.13 of ~~reparations~~ reimbursement awarded, to all the claimant's rights to recover benefits or
337.14 advantages for economic loss from a source which is or, if readily available to the victim
337.15 or claimant would be, a collateral source. Nothing in this section shall limit the claimant's
337.16 right to bring a cause of action to recover for other damages.

337.17 Subd. 2. **Duty of claimant to assist.** A claimant who receives ~~reparations~~ reimbursement
337.18 must agree to assist the state in pursuing any subrogation rights arising out of the claim.
337.19 The board may require a claimant to agree to represent the state's subrogation interests if
337.20 the claimant brings a cause of action for damages arising out of the crime or occurrence for
337.21 which the board has awarded ~~reparations~~ reimbursement. An attorney who represents the
337.22 state's subrogation interests pursuant to the client's agreement with the board is entitled to
337.23 reasonable attorney's fees not to exceed one-third of the amount recovered on behalf of the
337.24 state.

337.25 Sec. 13. Minnesota Statutes 2020, section 611A.612, is amended to read:

337.26 **611A.612 CRIME VICTIMS ACCOUNT.**

337.27 A crime victim account is established as a special account in the state treasury. Amounts
337.28 collected by the state under section 611A.61, paid to the Crime Victims ~~Reparations~~
337.29 Reimbursement Board under section 611A.04, subdivision 1a, or amounts deposited by the
337.30 court under section 611A.04, subdivision 5, shall be credited to this account. Money credited
337.31 to this account is annually appropriated to the Department of Public Safety for use for crime
337.32 victim ~~reparations~~ reimbursement under sections 611A.51 to 611A.67.

338.1 Sec. 14. Minnesota Statutes 2020, section 611A.66, is amended to read:

338.2 **611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS**
338.3 **OF RIGHT TO FILE CLAIM.**

338.4 All law enforcement agencies investigating crimes shall provide victims with notice of
338.5 their right to apply for ~~reparations~~ reparations reimbursement with the telephone number ~~to call to~~
338.6 ~~request~~ and website information to obtain an application form.

338.7 Law enforcement agencies shall assist the board in performing its duties under sections
338.8 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request
338.9 from the board shall supply the board with requested reports, notwithstanding any provisions
338.10 to the contrary in chapter 13, and including reports otherwise maintained as confidential or
338.11 not open to inspection under section 260B.171 or 260C.171. All data released to the board
338.12 retains the data classification that it had in the possession of the law enforcement agency.

338.13 Sec. 15. Minnesota Statutes 2020, section 611A.68, subdivision 2a, is amended to read:

338.14 Subd. 2a. **Notice and payment of proceeds to board required.** A person that enters
338.15 into a contract with an offender convicted in this state, and a person that enters into a contract
338.16 in this state with an offender convicted in this state or elsewhere within the United States,
338.17 must comply with this section if the person enters into the contract during the ten years after
338.18 the offender is convicted of a crime or found not guilty by reason of insanity. If an offender
338.19 is imprisoned or committed to an institution following the conviction or finding of not guilty
338.20 by reason of insanity, the ten-year period begins on the date of the offender's release. A
338.21 person subject to this section must notify the Crime Victims ~~Reparations~~ Reparations Reimbursement
338.22 Board of the existence of the contract immediately upon its formation, and pay over to the
338.23 board money owed to the offender or the offender's representatives by virtue of the contract
338.24 according to the following proportions:

338.25 (1) if the crime occurred in this state, the person shall pay to the board 100 percent of
338.26 the money owed under the contract;

338.27 (2) if the crime occurred in another jurisdiction having a law applicable to the contract
338.28 which is substantially similar to this section, this section does not apply, and the person
338.29 must not pay to the board any of the money owed under the contract; and

338.30 (3) in all other cases, the person shall pay to the board that percentage of money owed
338.31 under the contract which can fairly be attributed to commerce in this state with respect to
338.32 the subject matter of the contract.

339.1 Sec. 16. Minnesota Statutes 2020, section 611A.68, subdivision 4, is amended to read:

339.2 Subd. 4. **Deductions.** When the board has made ~~reparations~~ reparations reimbursement payments
339.3 to or on behalf of a victim of the offender's crime pursuant to sections 611A.51 to 611A.68,
339.4 it shall deduct the amount of the ~~reparations~~ reparations reimbursement award from any payment
339.5 received under this section by virtue of the offender's contract unless the board has already
339.6 been reimbursed for the ~~reparations~~ award from another collateral source.

339.7 Sec. 17. Minnesota Statutes 2020, section 611A.68, subdivision 4b, is amended to read:

339.8 Subd. 4b. **Claims by victims of offender's crime.** A victim of a crime committed by
339.9 the offender and the estate of a deceased victim of a crime committed by the offender may
339.10 submit the following claims for ~~reparations~~ reimbursement and damages to the board to be
339.11 paid from money received by virtue of the offender's contract:

339.12 (1) claims for ~~reparations~~ reimbursement to which the victim is entitled under sections
339.13 611A.51 to 611A.68 and for which the victim has not yet received an award from the board;

339.14 (2) claims for ~~reparations~~ reimbursement to which the victim would have been entitled
339.15 under sections 611A.51 to 611A.68, but for the \$50,000 maximum limit contained in section
339.16 611A.54, clause (3); and

339.17 (3) claims for other uncompensated damages suffered by the victim as a result of the
339.18 offender's crime including, but not limited to, damages for pain and suffering.

339.19 The victim must file the claim within five years of the date on which the board received
339.20 payment under this section. The board shall determine the victim's claim in accordance with
339.21 the procedures contained in sections 611A.57 to 611A.63. An award made by the board
339.22 under this subdivision must be paid from the money received by virtue of the offender's
339.23 contract that remains after a deduction or allocation, if any, has been made under subdivision
339.24 4 or 4a.

339.25 Sec. 18. Minnesota Statutes 2020, section 611A.68, subdivision 4c, is amended to read:

339.26 Subd. 4c. **Claims by other crime victims.** The board may use money received by virtue
339.27 of an offender's contract for the purpose of paying ~~reparations~~ reimbursement awarded to
339.28 victims of other crimes pursuant to sections 611A.51 to 611A.68 under the following
339.29 circumstances:

339.30 (1) money remain after deductions and allocations have been made under subdivisions
339.31 4 and 4a, and claims have been paid under subdivision 4b; or

340.1 (2) no claim is filed under subdivision 4b within five years of the date on which the
340.2 board received payment under this section.

340.3 None of this money may be used for purposes other than ~~the payment of reparations~~,
340.4 reimbursement.

340.5 Sec. 19. REVISOR INSTRUCTION.

340.6 In Minnesota Statutes, the revisor of statutes shall change "reparations," "reparable," or
340.7 the same or similar terms to "reimbursement," "reimbursable," or the same or similar terms
340.8 consistent with this article. The revisor shall also make other technical changes resulting
340.9 from the change of term to the statutory language, sentence structure, or both, if necessary
340.10 to preserve the meaning of the text.