

NEBRASKA CRIME VICTIM'S REPARATIONS (CVR) PROGRAM

FY 21/22, FY 22/23, FY 23/24

July 1, 2021 – June 30, 2022

July 1, 2022 – June 30, 2023

July 1, 2023 – June 30, 2024

NEBRASKA

Good Life. Great Service.

**COMMISSION ON LAW ENFORCEMENT
AND CRIMINAL JUSTICE**

Governing Laws that shape the CVR program can be found in the Nebraska Revised Statutes 81-1801 to 81-1842.

CVR has its own Rules and Regulations, The Nebraska Administrative Code, Title 80, Chapters 1-7.

The Nebraska Administrative Code, Title 80, Chapters 1-3 have been updated and went into effect on November 10, 2024.

The Statutes and updated Nebraska Administrative Code can be found starting on page 16 of this report.



Nebraska's Report on the Crime Victim's Reparations (CVR) Program

Issued by:

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INTRODUCTION

Crime victim compensation programs exist in all 50 states, as well as in the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. The first compensation programs were established in New Zealand and Great Britain, and several European countries, Canada, Australia, New Zealand, and Japan also have similar programs. The Office for Victims of Crime has identified numerous countries with crime victim compensation programs, including Australia, Austria, Belgium, Canada, Colombia, and many others.

The Nebraska Crime Victim's Reparations (CVR) Act was created through Legislative Bill 910 and was passed by the Nebraska Legislature in 1978. It became effective on January 1, 1979. The CVR program is governed by Nebraska Revised Statutes 81-1801 through 81-1842 and Nebraska Administrative Code, Title 80, Chapters 1-7.

The purpose of the CVR program is to provide aid to eligible crime victims in Nebraska. This assistance includes coverage for medical expenses, mental health counseling, loss of wages, funeral expenses in cases of homicide, residential crime scene clean-up, loss of earning power, loss of support for minor children, and prescription expenses related to the crime. The program also extends its coverage to Nebraska residents who are victims of terrorism in foreign countries.

The CVR program does not cover loss of property, pain and suffering, relocation expenses, or expenses unrelated to the crime. The maximum award per claimant is \$25,000.00.

FUNDING AND PROGRAMATIC EFFORTS

The CVR program has been in operation since 1979, but it faced funding challenges during certain fiscal years due to budget shortfalls. In fiscal year 02/03, the general fund appropriation was significantly reduced. Currently, the program receives \$19,200.00 annually, distributed as \$4,800.00 per quarter. Victim Compensation Funding varies across states, with some relying on offender fees for funding, while others depend on legislative appropriations. The Nebraska CVR program is funded through various sources, including federal compensation funds, inmates' wages, court fees, and the Department of Correctional Services work release program. Recent legislation has led to increased funds being deposited in the CVR cash fund.

Efforts are actively underway to optimize the efficiency and effectiveness of the Crime Victim's Reparations (CVR) Program by maximizing the use of available state funding under LB 605. This initiative involves revising existing rules and regulations to reduce unnecessary restrictions, thereby enhancing the program's capacity to provide comprehensive support to victims. Notably, The CVR Committee has raised the benefit caps for funeral and burial expenses, mental health services, and crime scene cleanup, ensuring that the program meets the evolving needs of those affected by crime.

In a continued commitment to professional development, the CVR staff has implemented a robust training program designed to equip victim advocates throughout Nebraska with the knowledge and tools necessary to navigate the program effectively. As part of this initiative, the CVR Certificate of Training is offered through both online and in-person sessions, fostering a well-trained network of advocates committed to victim support.

Furthermore, the CVR Program actively recruited an additional staff to bolster the Direct Medical Provider Claim program and the efficiency of the CVR Program. This expansion is part of a broader strategy to increase the capacity of the CVR team, ultimately ensuring that victims statewide receive the timely and comprehensive assistance they deserve.

Victims of Crime Act (VOCA) Funding

VOCA allocates an annual grant to each state, amounting to 75% of the state's own expenditure of state funds. This grant is calculated based on the state's payout in the fiscal year two years prior to the grant year. Consequently, the federal contribution to compensation programs is limited to an average of 42.8%, while the state's share accounts for 57.25%. Additionally, since the states are responsible for covering all administrative costs, their portion of the total cost of crime victim compensation is closer to two-thirds.

The provided chart illustrates the varying proportions of state and federal funding, assuming the state utilizes its entire federal grant within a year and payouts gradually increase over time.

EXAMPLE	FY 2021	FY 2022	FY 2023	FY 2024
Awards to victims from state dollars	\$1.0 million	\$1.0 million	\$1.1 million	\$1.2 million
Awards to victims from federal grant	\$600,000	\$750,000	\$750,000	\$750,000
Total awarded to victims	\$1.6 million	\$1.75 million	1.85 million	\$1.95 million

The federal grant in FY 2023 is based on the state payout of \$1 million in FY 2021; the grant in FY 2024 is based on the \$1.0 million in state funds spent in FY 2022.

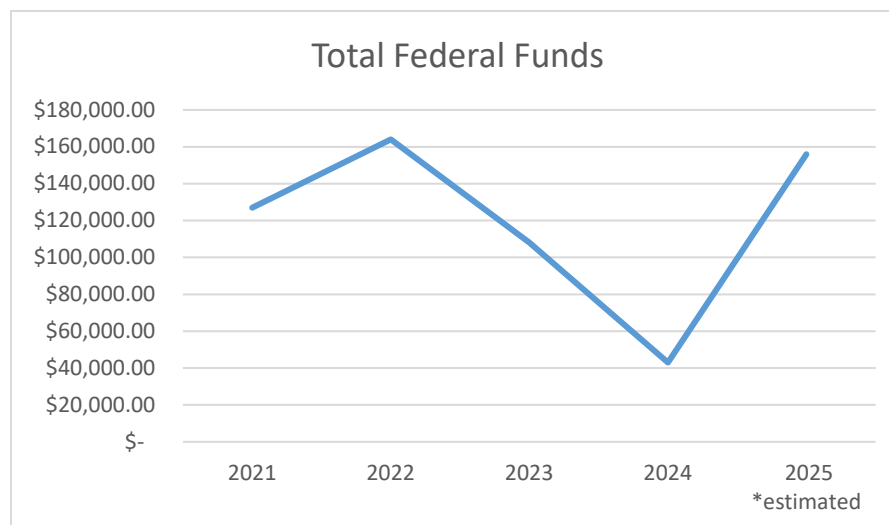
2021 CVR Federal funding: \$127,000.00

2022 CVR Federal funding: \$164,000.00

2023 CVR Federal funding: \$108,000.00

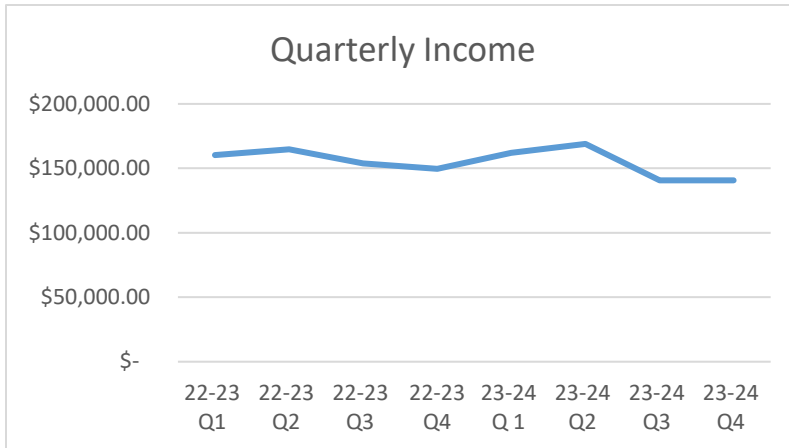
2024 CVR Federal funding: \$43,000.00

Estimated 2025 CVR Federal funding: \$155,928.02



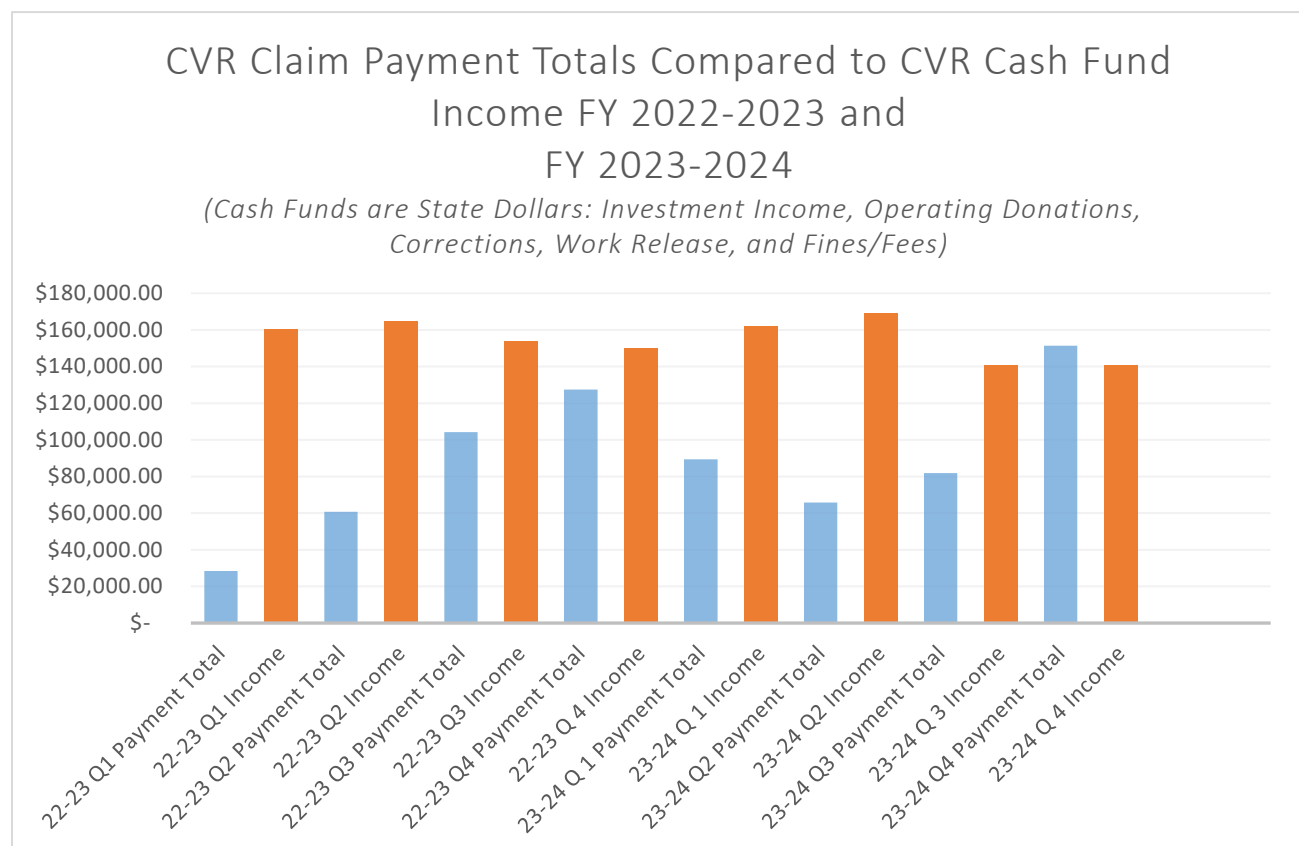
While State Funds being spent can vary from year to year, there was a dramatic decrease for 2024 Federal Funding due CVR Staff being unstaffed for a good portion of 2021; lower numbers of applications in 2021; and limited state dollars being spent in FY 2021-2022.

The CVR program receives **Cash** funding from investment income, operating donations, Corrections, Work Release and Fines/Fees. CVR receives yearly State of Nebraska appropriations of \$19,200.00, which the program uses for administrative expenses and the remainder on CVR claims.



Income varies from month to month depending on the ordered court fees (\$1.00 per court case) and the Corrections/Work Release payments. **Cash funds pay for the CVR Specialist salary and for CVR Claims.**

The amount of State Funds The CVR Program spends on claims determines the amount of Federal Funds awarded each year.



CVR is an essential member of the Crime Commission Victim Support and Programs Coordinating Team.

Support ♦ *Safety* ♦ *Prevention*

The Commission Victim Support and Programs Coordinating Team, created in April 2023, provides a coordinating team to develop, enhance, manage, and direct the Commission's victims' services programs that cover the core mission functions of support, safety, and prevention. This team functions as a coordinating council, developing strategic plans for the various elements, establishing, and monitoring metrics and key performance indicators, engaging in process improvement, and leveraging synergies across their different operational spheres. This focused oversight of victim programs provides subject-matter expertise and focused management needed for the maintenance of service delivery expectations as well as success of special projects.

The programs within the Victim Support and Programs Coordinating Team are Crime Victim's Reparations, the Nebraska Victim Advocacy Program, Nebraska Victims of Crime Alert Portal, and the Office of Violence Prevention.

STAFF RESPONSIBILITIES

The CVR Administrator is vested with the responsibility of providing Direct Services to individuals impacted by violent crime, ensuring that support is readily accessible through multiple channels, including telephone, email, and mail. In carrying out this duty, the Administrator prioritizes the immediate and long-term needs of victims, delivering services in a manner that is consistently trauma informed. The CVR Specialist, under the Administrator's direction, plays a critical role in facilitating connections between victims and qualified advocates, while also ensuring that victims are linked to the appropriate local resources necessary for their recovery and well-being.

- The CVR Administrator is responsible for the thorough review and processing of incoming claims, ensuring that all claims are assessed for eligibility in accordance with established guidelines and procedures.
- An acknowledgment letter is issued to the claimant by the CVR Specialist, formally requesting any supplementary information deemed necessary to complete the claims process.
- The CVR Specialist holds the responsibility for submitting formal requests for medical, mental health, funeral and burial, crime scene cleanup billing records, as well as law enforcement reports. Additionally, the Specialist issues verification forms to providers and Human Resources departments, which must be signed in order to prevent fraudulent claims. The CVR Staff is unable to process any payouts without a thorough investigation into the legitimacy of the expenses. This process can be significantly prolonged, depending on the age of the application and the level of cooperation from billing agencies, service providers, and Human Resources departments.
- It is of paramount importance for the CVR Specialist to establish and maintain effective relationships with the aforementioned entities.

- The CVR Specialist is responsible for verifying the legitimacy of expenses, ensuring their direct relevance to injuries—both mental and physical—sustained as a result of criminal incidents.
- To complete the Claim Summary, the CVR staff is responsible for collecting any additional information deemed necessary and relevant to the matter at hand.
- The Hearing Officer mandates that the CVR staff submit a comprehensive summary of the claim for review and consideration.
- The duty of the CVR staff includes the preparation and issuance of a formal letter to the claimant, informing them of the status of their claim, specifically whether it has been approved or denied.
- The CVR staff is entrusted with the responsibility of managing the payment processing for claims, which encompasses the administration of the address book within the E1 system, the initiation of payment requests, and the subsequent disbursement of payments. Furthermore, the staff is tasked with the handling of supplemental claims, and requests for emergency consideration due to economic hardship, should they be submitted.

In instances where a claim is denied, the CVR Administrator is responsible for offering direct assistance to claimants, providing comprehensive and trauma-informed support throughout the entire appeals process.

HEARING OFFICER RESPONSIBILITIES

The Hearing Officer is responsible for reviewing and rendering a decision regarding the approval or denial of each individual claim. The Hearing Officer retains the authority to request additional information at any stage of the process, which will be investigated and provided by the CVR staff. The Hearing Officer's decision may be appealed to the CVR Committee, which will then determine whether to uphold or overturn the Hearing Officer's decision. Should the claimant be dissatisfied with the CVR Committee's decision, the claimant may seek judicial review by appealing the decision to the appropriate court.

DENIALS

The denial of the claim is based on the following reasons: (1) the incident was not reported to law enforcement within the statutorily required five-day period; (2) no good cause was demonstrated for the late application; (3) the victim failed to cooperate with the criminal justice process in any manner; (4) the claim was administratively closed due to the claimant's lack of communication or engagement with the program; and (5) the claimant's actions were deemed to constitute contributory and felonious misconduct.

Pursuant to the relevant provisions under Nebraska law, minors, as well as victims of sexual assault and domestic violence, are afforded additional exceptions for reporting and additional avenues through which to apply for compensation under the Crime Victim's Reparations (CVR) program. These provisions ensure that these vulnerable individuals, who may face unique challenges in navigating the claims process, are afforded the opportunity to seek reparations and support with more flexibility. The statutory framework provides flexibility in the application process.

PROGRAM ADMINISTRATION

The Nebraska Crime Commission is entrusted with the overarching responsibility of overseeing the administration and implementation of Nebraska's Crime Victim's Reparations (CVR) program. In this capacity, the CVR Administrator serves as the primary grant manager for both federal and state victim compensation funds, ensuring their efficient and equitable distribution.

The CVR Administrator is further tasked with the operational management of the program, including the processing of claims, the development and implementation of internal policies, the preparation of reports and hearings for CVR Committee meetings, Federal Reporting, Grant Applications, and the dissemination of program-related information across the state.

The Crime Commission's budget and accounting team plays a critical role by submitting Federal Financial Reports (FFRs) for the program and providing essential support in the pre-auditing of CVR check requests. Additionally, the CVR Administrator holds the responsibility for the recruitment, management, and oversight of staff, ensuring that the program operates with the highest standards of efficiency, transparency, and accountability.

- The CVR Administrator holds a pivotal role in overseeing the CVR budget, meticulously monitoring program data, and preparing comprehensive reports that reflect the program's financial and operational integrity. They are also entrusted with the timely submission of Performance Measurement Tool (PMT) reports, ensuring that all regulatory requirements are met without delay. In addition, the CVR Administrator is responsible for the accurate completion of the Victim Compensation Certification Form and for spearheading the application process for the compensation grant, safeguarding that all necessary documentation is submitted with precision and in accordance with applicable standards.
- The CVR Administrator holds a dual capacity, serving as both the public relations specialist and the training expert for the CVR program. In this role, they lead dynamic in-person and virtual training sessions, ensuring that all stakeholders are equipped with the knowledge and skills necessary to navigate the program effectively. They are also the driving force behind the creation of a monthly newsletter, informative brochures, and compelling flyers, while continuously updating the program's website to reflect the latest developments. Additionally, the CVR Administrator handles press inquiries with poise, gathering pertinent information and crafting responses that uphold the integrity of the program. Through these efforts, they ensure that advocates remain well-informed of any program updates, fostering a well-connected and educated community of supporters.
- The CVR Administrator is entrusted with the critical responsibility of overseeing the entire claims process, ensuring that each claim is handled with the utmost precision and care. In addition, they manage CVR-related communications, including phone calls and emails, providing prompt and professional responses to inquiries. Their expertise ensures the seamless and efficient operation of the program on a daily basis, maintaining the highest standards of service and ensuring that the program runs smoothly and effectively in support of its mission.
- The CVR Administrator, along with the Nebraska Crime Commission, maintains active affiliations with a variety of national and international organizations, including but not limited to the National and International Association of Crime Victim Compensation Boards (NACVCB), the National Organization for Victim Assistance (NOVA), and the National Association of VOCA Assistance Administrators. In this capacity, the CVR Administrator is deeply engaged in national conferences and continuing education opportunities organized by NACVCB and the Office for Victims of Crime (OVC) / Victims of Crime Act (VOCA) Center. This ongoing participation is essential to ensuring the integration of victim-centered approaches and trauma-informed practices within the program, thereby upholding the Commission's commitment to delivering exceptional services to crime victims across the state.

CVR PROGRAM VISIBILITY

Public awareness of the CVR Program is strategically cultivated through a comprehensive outreach strategy that includes the distribution of informational brochures, targeted educational initiatives for law enforcement personnel and county attorneys, and active participation in public speaking engagements. Additionally, the program's visibility is bolstered through the efforts of victim/witness assistance units and specialized domestic violence and sexual assault programs. Notably, programs funded through the Victims of Crime Act (VOCA) are mandated to familiarize themselves with and actively promote the CVR Program.

The CVR Administrator plays a pivotal role in shaping the advocate's educational landscape, serving annually as faculty at the prestigious Nebraska Victim Assistance Academy. Further underscoring their commitment to professional development, the CVR Administrator has conducted specialized training sessions for the Volunteers Lawyers Project, County Attorneys, Nebraska Legal Aid, and various groups of hospital social workers. In addition to these efforts, the CVR Administrator has been honored to serve as a panel member at the Office for Victims of Crime (OVC)/VOCA Joint National Conference, contributing to national discourse on victim support and reparations.

NEVAA Faculty
Gretchen Mills
Nebraska Crime Commission




What are you most looking forward to sharing with NEVAA participants?

"The Crime Victim's Reparations (CVR) claims process can be triggering for people affected by crime. By connecting with advocates in the field and providing technical assistance on the application process, I'm most excited to build a sense of community that enables advocates and CVR staff to partner together to best support those going through a really tough time in their lives. People affected by crime can in turn feel empowered throughout the application process knowing we have a CVR claimant/advocate/CVR staff partnership and they don't have to go through the application process alone. I'm also very excited to talk a little bit about the new Commission Victim Support and Programs Coordinating Team!"

CVR CONNECTIONS

February 2023

CRIME SCENE CLEAN UP

As you work with people affected by homicide, please keep in mind that in addition to having up to \$5,000.00 considered for funeral/burial expenses, CVR also can consider up to \$1,000.00 for crime scene clean up. Often, the burden of clean up is placed on the family and this CVR benefit can help offset that cost.

¿TIENE FOLLETOS CVR EN ESPAÑOL?

CVR brochures in Spanish are just around the corner! A free resource was utilized through a graduate program in New York. We will keep you updated once these become available.

VICARIOUS TRAUMA INFORMED WORKPLACE

Victim services organizations are paying more attention to how doing this work can impact their staff. There are a number of resources available through OVC Training and Technical Assistance Center, including webinars, training and videos. OVC TTAC also provides customized TTA to help organizations implement the *Vicarious Trauma Toolkit*, an online resource from OVC that includes an assessment tool to guide organizations and a step-by-step Blueprint guide to become vicarious trauma-informed. If you would like more information about that TTA, contact Victoria Shelton (vshelton@ovcttac.org) to talk about the availability of no-cost TTA options.

TYPES OF SELF-CARE



Q: Is Misdemeanor Assault an eligible crime type?
A: Yes, as of January 1, 2022, misdemeanor assaults resulting pecuniary losses are eligible.

NOTE: The assault must have occurred on or after January 1, 2022. Misdemeanor assaults prior to January 1, 2022, will be denied due to it being an ineligible crime type.

CVR STAFF IS ONLY A PHONE CALL/ EMAIL AWAY
gretchen.mills@nebraska.gov; ncc.cvr@nebraska.gov; 402-471-2828

Need an idea for an all staff training? - Contact us to arrange a CVR presentation. The application can be confusing and triggering.

Gretchen, Nebraska's CVR Specialist, is here to help you navigate the grey areas - as you in turn assist those affected by crime submit their claim.

In **2022**, the CVR Program launched **CVR CONNECTIONS**, a highly effective newsletter designed to engage and inform victim advocates statewide. With an impressive reach of over 100 recipients across Nebraska, the newsletter has become an essential resource for professionals in the field. Each edition delivers timely legislative updates, key news about the CVR Program, insightful Q&A segments, and direct access to invaluable resources from the Office for Victims of Crime (OVC) and Victims of Crime Act (VOCA). Through this strategic communication channel, **CVR CONNECTIONS** strengthens the connection between the CVR Program and its statewide network, fostering greater collaboration and ensuring that victim advocates remain informed and empowered in their vital work.

CLAIMANT/PROVIDER VOICES

The devastating impact of crime reverberates through families and communities. Tragically, the voices of victims and their families, who rely on the CVR program for lessening their financial burden due to crime, often remain unheard.

To amplify these critical voices and underscore the profound human impact of this vital program, several CVR claimants, and a provider, were invited to share their deeply personal experiences.

Their testimonies serve as a powerful reminder of the real people served by the CVR program across Nebraska and beyond.

"I am writing on behalf of my family. I would like to express our heartfelt gratitude for the exceptional kindness, knowledge and true concern shown by the Crime Victims Reparation Program, specifically Gretchen Mills. Being a victim of a brutal crime is not something you can prepare for, nor something you expect to ever happen in your family. Gretchen was dedicated to helping us navigate this process with dignity and respect. Her commitment to supporting victims is truly commendable and we are deeply thankful for the outstanding service we received. This program has an impact on families navigating through crises." **A CVR Claimant**

"A year ago on Valentine's Day, an assailant entered my home and brutally assaulted me, leaving me for dead. If it wasn't for the CVR program, I would be on the streets due to the high volume of medical bills accruing as a result of the assault and strangulation. I have ongoing medical treatment, tests, therapies, and procedures STILL from the injuries I sustained, and it's been reassuring to me that this program is available to help me cover my bills. Because of CVR, I have been able to focus on my medical needs and the healing process. Due to the severity of my injuries, I haven't been able to return to work. Having no income and not knowing how I am going to continue to pay my medical bills has been extremely stressful on me and my family."

Gretchen Mills and her team at CVR have been great at explaining the claim process as well as keeping me informed of where they are at in the claim process. The girls are also very responsive to emails and phone calls which has helped make this a seamless experience so far. I am so grateful that this program is available to victims of crimes because it has been life changing for me so far. **A CVR Claimant**

"My name is Dawn Stimple, and I am the Family Service Director at Lincoln Family Funeral Care. Working with Gretchen has been an incredible experience. Her program provides invaluable support to families experiencing profound grief. Losing a loved one is heart-wrenching, and when that loss is due to someone else's actions, it adds an overwhelming layer of pain. Many families struggle with the unexpected financial burden of funeral expenses during such difficult times. That's where Gretchen's program makes a significant difference. I've turned to her numerous times for help, and she has always been a compassionate listener. I've witnessed the relief in families when I introduce this program as a resource. It offers them not only financial assistance but also the emotional support they desperately need. This program has truly become one of the most meaningful resources I can provide to those navigating the depths of loss."

PUBLIC SERVICE REACH

The CVR Program is implemented statewide throughout Nebraska, serving applicants from all counties. As of 2024, the program has been reorganized into six (6) CVR Service Regions, aligned with the state's Public Health Regions model. This shift represents a departure from prior reporting by individual county, offering a clearer and more comprehensive view of the regions served and the volume of claims received from each region.

The establishment of six (6) CVR Service Regions enhances the effectiveness of data tracking and reporting, while also preserving the confidentiality of individuals residing in rural areas.

The program is committed to safeguarding the identities of claimants, ensuring that no specific personal data is disclosed. Public records are carefully anonymized to protect the privacy of those affected by crime who are seeking assistance through the CVR Program. The data presented in reports serves to provide a broad overview of the program's scope and the demographics of its applicants. Future reports will incorporate regional data, the first full calendar year of data is available on page 15 of this report.

The CVR Program offers support not only to Nebraska residents but also to individuals from other states who have been impacted by eligible crime types within Nebraska. The program serves a wide demographic, from newborns to senior citizens. To ensure comprehensive assistance, CVR staff works in close collaboration with a range of partners, including law enforcement agencies, county attorneys, funeral directors, victim advocates, and medical, dental, and mental health professionals, all of whom contribute to the program's mission of providing the highest standard of support to crime victims.

The CVR Program is committed to connecting each claimant with local resources tailored to their specific needs. In instances where local resources are unavailable, claimants are referred to the Nebraska Victim Advocacy Program (NVAP), which is also administered by the Nebraska Crime Commission. The NVAP plays a critical role in assisting individuals in identifying and accessing the necessary resources, particularly for needs beyond the scope of the CVR Program. These services include, but are not limited to, transportation to and from court, temporary emergency housing for victims of domestic violence, criminal justice advocacy, and repairs to doors, windows, and locks. In contrast to the CVR Program, NVAP is not confined to specific crime types, thereby offering support to a broader spectrum of crime victims. Throughout the year, the CVR Program and NVAP collaborate closely to ensure comprehensive support for Nebraskans impacted by crime.

In a significant policy development beginning in January 2022, the CVR Committee approved the inclusion of misdemeanor assault as a compensable crime type. The CVR Program now covers a wide range of eligible crime types, including arson, child abuse, sexual assault, domestic violence, driving under the influence (DUI), assault, homicide, kidnapping, robbery, sexual trafficking, and sex trafficking. Other crimes can be looked at on a case-by-case basis at the discretion of the CVR Committee.

It is important to acknowledge that for several months during FY 2021-2022, the CVR Program was unstaffed, which resulted in a temporary suspension of outreach efforts and claims processing. However, in FY 2022-2023, the program saw a notable resurgence, with medical providers beginning to submit claims, and the impact of the program's services is further detailed on the next page.

A CVR SUBPROGRAM: THE DIRECT MEDICAL PROVIDER PROGRAM

In 2021, an amendment to Nebraska Revised Statute 81-1807 authorized medical providers to submit applications to the CVR Program on behalf of victims of domestic violence, child abuse, and sexual assault. While Sexual Assault Nurse Examiner (SANE) exams, which are typically associated with rape cases, are covered by the Nebraska Sexual Assault Payment Program, victims often encounter additional hospital expenses following forensic examinations.

Under the provisions of the Direct Medical Provider Program, medical providers are restricted to reimbursement rates set by the CVR Committee, with a maximum allowable payment of \$5,000.00. The program reimburses up to 80% of the billed amount submitted for medical expenses. By accepting payment from the CVR, medical providers acknowledge this payment as full settlement of the claim, thereby precluding any subsequent legal action against the victim for the recovery of the outstanding balance.

Medical providers are obligated to inform victims and/or claimants of the CVR Program's services and provide them with relevant contact information. Providers must also make claimants aware that the CVR Program extends its coverage to other costs directly associated with the incident, such as loss of wages, dental expenses, prescription costs, additional medical treatments, and mental health services.

In Fiscal Year 2022-2023, the CVR Program **processed thirty-six (36)** Direct Medical Provider Claims. Of these claims, nine (9) were subsequently withdrawn by the respective hospitals. Notably, no Direct Medical Provider Claims have been withdrawn since July 2022. One claim was deemed ineligible as the alleged crime occurred outside the jurisdiction of Nebraska.

During the same fiscal year, medical providers received a total payout of **\$17,524.77** directly from the CVR Program, with this figure demonstrating a steady year-over-year increase.

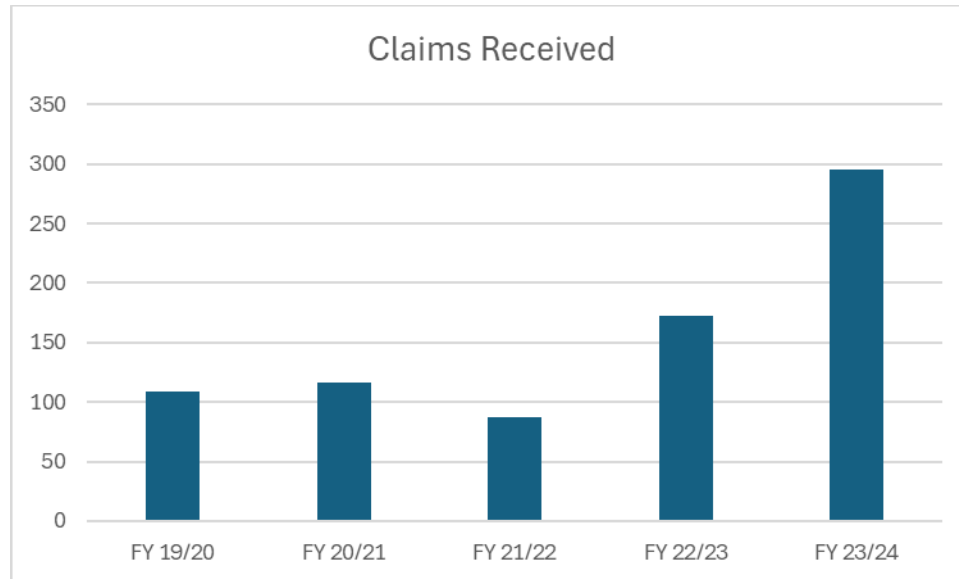
- To further enhance the program's effectiveness, an internal procedure has been instituted to contact victims and/or claimants, informing them of their eligibility to apply for additional expenses or losses arising from the crime.

Direct Medical Provider Claims are primarily submitted by providers in Nebraska's large metropolitan areas. However, in an effort to foster stronger connections within the medical community and raise awareness about the CVR Program, the hiring of additional CVR staff was prioritized. Up to 50% of their responsibilities will be dedicated to managing Direct Medical Provider Claims, with a particular emphasis on hospitals and emergency clinics in rural areas throughout Nebraska.

In Fiscal Year 2023-2024, CVR **processed seventy-three (73)** Direct Medical Provider Claims, a 102.8% increase in submitted applications.

The payout to the medical providers totaled **\$45,005.53**, a **\$156.8% increase in spending**.

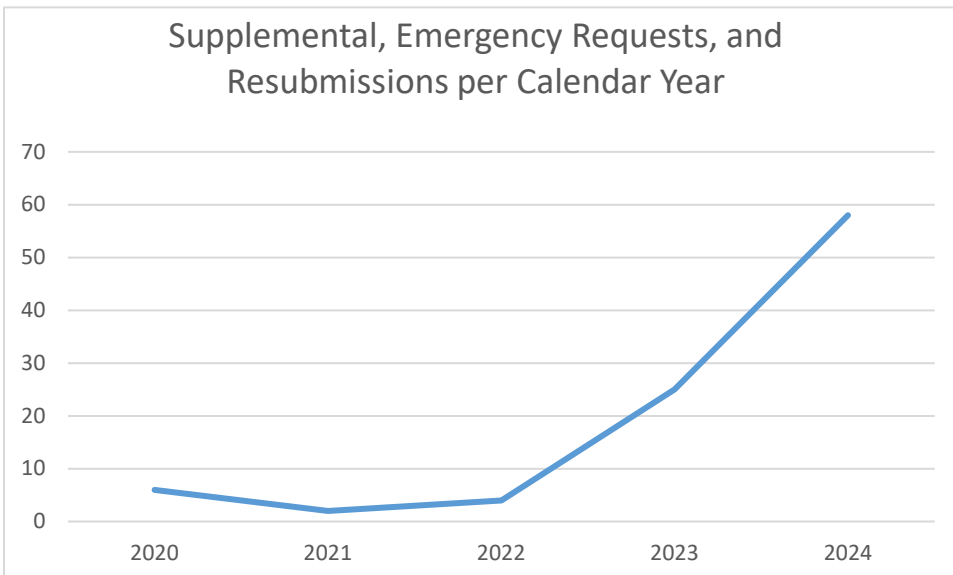
CLAIM OVERVIEWS



FY 19/20 – 109 claims, FY 20/21 – 116 claims, FY 21/22 – 87 claims, FY 22/23 – 173 claims, FY 23/24 – 295 claims.

Current reporting: “Claims Received” include new original claims, subprogram claims, supplemental claims, emergency request due to economic hardship claims, appeals, and resubmissions. \$25,000.00 is the maximum amount that CVR can payout to a claimant per victim, per crime. Mental Health expenses are capped at \$5,000.00; Funeral/Burial is capped at \$10,000.00; Loss of Support on behalf of a minor child is capped at \$10,000.00; Crime Scene Clean-up is capped at \$5000.00; Direct Medical Provider Claims (CVR Subprogram) are capped at \$5,000.00. Prior reporting captured only new claims, not the entire landscape of claims processing.

Supplemental, Emergency Requests, and Resubmissions per Calendar Year



NOTABLE TREND

The CVR program has seen a steep increase in the number of supplemental claims due to the CVR Direct Medical Provider Subprogram (victims are eligible for more expenses (mental health, etc.) than just having their ER visit considered by CVR for sexual assault, domestic violence, and child abuse). Additionally, new rules and regulations relaxed the supplemental guidelines, allowing for more submissions to be considered.

In 2022, CVR staff began disseminating to the public and stakeholders on the availability of Emergency Requests that can be submitted due to economic hardship. These types of requests are processed the same as an original request. Emergency Requests and Supplementals must be processed as soon as possible, then approved or denied by the Hearing Officer.

During the fiscal years **2021-2022** and **2022-2023**, a total of **243** claims were adjudicated, including supplemental and appealed claims. Of these, **102** claims were **denied (42% of claims)**. For federal reporting purposes, denials encompass administrative closures, claims with no eligible expenses, ineligible crime types, withdrawn claims, late-submitted claims, and claims filed from out-of-state.

- *It is important to note that, prior to September 2023, CVR did not have a provision for considering claims submitted beyond the 2-year submission deadline. However, recent statutory changes now allow for a new internal CVR policy that permits the consideration of claims submitted outside of this deadline under certain circumstances.*
- *Additionally, these statutory changes have extended the police reporting window from 3 days to 5 days and provide for further consideration in cases involving domestic violence, sexual assault, child sexual assault, child abuse, and sex trafficking. Misdemeanor assaults have also been classified as an eligible crime type for claims submitted on or after January 1, 2022.*

A key development in 2023 was the introduction of a new internal CVR policy which stipulates that claims will no longer be permanently denied due to the claimant's failure to maintain contact with the program or provide required documentation. Such claims will now be administratively closed, with the opportunity for reopening upon re-establishment of contact or the provision of necessary documentation. The figures on the next page reflect denials made prior to this policy change and denials made after the policy shift. Rules and Regulations were also revised and eliminated a restrictive policy that only allowed a certain number of days for claimants to submit their documentation. The number of denials dramatically decreased after the restrictive policy was removed.

Reasons for Denial (including administratively closed claims, ineligible expenses, ineligible crime types, withdrawn claims, and late-submitted claims):

- 23: No Eligible Expenses (Expenses covered by insurance, restitution, workers' compensation, or expenses deemed ineligible by CVR such as relocation)
- 21: Requested Information Not Submitted (Per the 2023 internal policy change, these are now classified as "Administratively Closed")
- 18: Not Eligible Crime Type
- 13: Withdrawn by Claimant (Including 9 withdrawn by Direct Medical Provider under the Direct Medical Provider Payment Program)
- 9: Contributory Misconduct (Decisions made by the Hearing Officer)
- 7: CVR Committee Appeals (Upheld the decision of the Hearing Officer)
- 5: Outside of the Two-Year Application Deadline
- 3: Outside of the Three-Day Police Reporting Deadline
- 3: Crime Occurred Outside of Nebraska (Referred to Other State Compensation Programs)

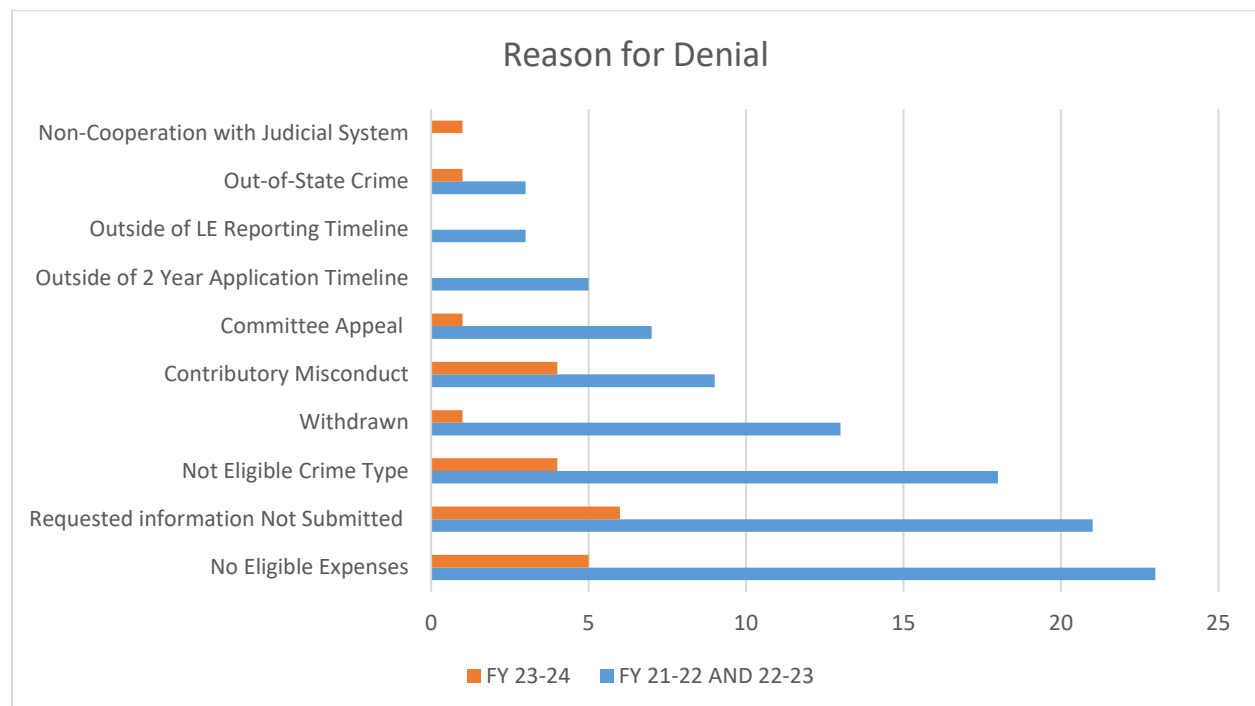
During the fiscal years **2023-2024** a total of **187** claims were adjudicated, including supplemental and appealed claims. Of these, **18** claims were **denied (10% of claims)**.

This is a 76% decrease in CVR claim denials from the previous two fiscal years.

For federal reporting purposes, denials encompass administrative closures, claims with no eligible expenses, ineligible crime types, withdrawn claims, late-submitted claims, and claims filed from out-of-state.

Reasons for Denial (including administratively closed claims, ineligible expenses, ineligible crime types, withdrawn claims, and late-submitted claims):

- 6: Administratively closed due to no contact with the claimant
 - **There is a stringent and lengthy process in trying to contact claimants. If a claim is administratively closed and a claimant contacts the program, the claim can be reopened on their behalf.**
- 5: Administratively closed due to no expenses
- 4: Ineligible crime type
- 1: Crime happened in different state
- 4: Contributory misconduct with criminal activity
- 1: Noncooperation
- 1: Good cause for late application was not found and mutual assault
- 1: Committee did not approve additional expenses for claimant
- 1: Withdrawn
- 1: Good cause for late application was not found



COMPENSATING VICTIMS OF CRIME

"Other" Expenses may include assistive medical devices, glasses/contact lenses and medical supplies.

Fiscal Year 2021-2022

(Includes claims submitted prior to FY but decided in FY)

Types of Expenses	Program Expenditures	Percent of Total Expenditures (Approximate)
Medical (Hospital and medical provider expenses)	\$74,432.11	39%
Dental	\$6,176.00	3%
Prescriptions	\$349.91	0.2%
Mental health	\$7,653.56	4%
Lost Wages	\$30,257.22	16%
Loss of Support	-	0%
Funeral	\$70,304.28	37%
Crime Scene Clean Up	-	0%
Other	-	0%
Total	\$189,173.08	100%

Fiscal Year 2022-2023

(Includes claims submitted prior to FY but decided in FY)

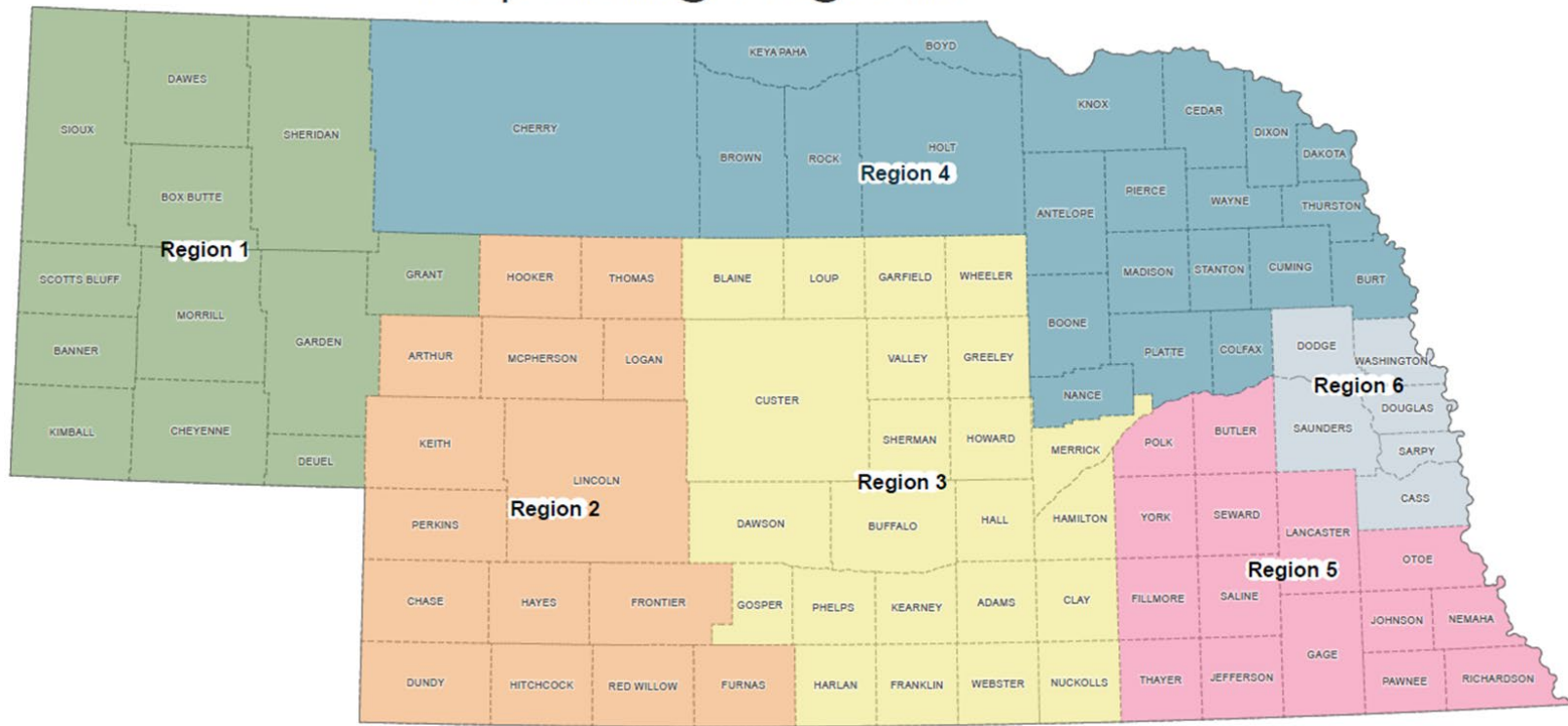
Types of Expenses	Program Expenditures	Percent of Total Expenditures (Approximate)
Medical (Hospital and doctor's expenses)	\$130,012.83	40%
Dental	\$5,929.00	2%
Prescriptions	\$80.95	0.025%
Mental health	\$6,587.35	2%
Lost Wages	\$38,935.84	11.98%
Loss of Support	\$ 40,000.00	12.31%
Funeral	\$99,491.54	31%
Crime Scene Clean Up	\$4,000.00	1%
Other	-	0%
Total	\$325,037.51	100%

Fiscal Year 2023-2024

(Includes claims submitted prior to FY but decided in FY)

Types of Expenses	Program Expenditures	Percent of Total Expenditures (Approximate)
Medical (Hospital and doctor's expenses)	\$164,320.92	42%
Dental	\$134.68	0.04%
Prescriptions	\$562.48	0.15%
Mental health	\$11,147.28	2%
Lost Wages	\$59,424.09	15%
Loss of Support	\$ 30,000.00	8%
Funeral	\$120,758.61	31%
Crime Scene Clean Up	\$1,000.00	0.25%
Other	\$921.71	0.23%
Total	\$387,769.77	100%

Crime Victim's Reparations Reporting Regions



UPDATED March 2024

Calendar Year 2024 was the first complete year of regional data collection with 237 (original/new) claims within the calendar year.

- 7 claims were considered "99" which means the claimant does not live in Nebraska
- 9 claims were submitted from Region 1
- 12 claims were submitted from Region 2
- 1 claim from Region 2 and Region 5 (same crime)
- 20 claims were submitted from Region 3
- 17 claims were submitted from Region 4
- 30 claims were submitted from Region 5
- 133 claims were submitted from Region 6

TITLE 80 - CRIME VICTIM'S REPARATIONS COMMITTEE

CHAPTER 1 - DEFINITIONS

001 Purpose – To outline common terms used by the Crime Victim's Reparations program staff and Committee while conducting business.

002 Act – Act means the Nebraska Crime Victim's Reparation Act, Nebraska Revised Statutes §81-1801 to 81-1842.

003 Annual Rate Schedule – The Committee, during the first quarter committee meeting of each new calendar year, will set the rate schedule for the following items: Mental Health maximum benefits, Funeral and Burial maximum benefits, Crime Scene Clean-Up maximum benefits, and Direct Medical Provider Compensation maximum benefits.

004 Applicant – Applicant means any victim or other eligible party who has applied for compensation under the Act. An applicant may also be referred to as claimant.

005 Application – Application means a form provided by the Committee and filed with the Committee, containing a verified statement by the applicant setting forth facts justifying compensation, together with any other documentation required by the application form or the Committee.

006 Claimant – An individual who has filed a claim for compensation under the Act.

007 Commission – Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice.

008 Committee – Committee shall mean the duly appointed Crime Victim's Reparations (CVR) Committee.

009 Compensation – Compensation means any monetary award made by the Committee or Hearing Officer to an applicant or to any other person or entity on behalf of an applicant.

010 Dependent – Dependent means a relative of a deceased victim who was dependent upon the victim's income at the time of death, including a child of a victim born after a victim's death.

011 Eligible – Eligible, as used herein, means someone who is not prohibited from receiving compensation as outlined in the Act.

012 Good Cause – Good Cause means substantial ground(s) investigated by and agreed upon by the Committee to waive contacting the claimant's employer for loss of wage claims and for the Committee to allow a good cause

extension of the two-year established deadlines for CVR claim application.

013 Hearing Officer – Hearing Officer means the Executive Director of the Commission, or any person or persons licensed to practice law in Nebraska who are designated by the Committee and approved by the Commission to make claim decisions and conduct hearings on behalf of the Committee.

014 Licensed Provider – Licensed provider means facilities rendering medical, mental health counseling, and/or pharmaceutical services as authorized by law in relation to the criminal act for which the victim owes payment. For mental health counseling this includes counseling provided under the supervision of a licensed psychiatrist, psychologist, licensed professional counselor or licensed social worker.

015 Maintenance – Maintenance of the victim means the providing of care to the victim because the victim is not able to care for himself/herself. Requirement for such care must be prescribed by the licensed medical provider in writing.

016 Offender – Offender means a person who caused the personal injury or death to the victim as a result of the criminal act.

017 Out-of-Pocket Expenses – Expenses that are directly attributable to the crime and are eligible for reimbursement under the Act.

018 Personal Injury – Personal Injury means actual bodily harm.

019 Relative – Relative means spouse, parent, grandparent, step-parent, natural born child, step-child, adopted child, grandchild, step-grandchild, brother, sister, half- brother, half-sister or spouse's parents.

020 Victim – Victim means an individual, as identified in the Act, who suffers personal injury or death from a criminal act attempted or committed in Nebraska, a Nebraska resident or non-resident who suffers personal injury or death from a terroristic act attempted or committed in Nebraska, and Nebraska residents who suffer personal injury or death from a terroristic act attempted or committed in another state, nation, country or territory.

020.01 –A victim also includes an individual who suffers emotional trauma as a result of witnessing the actual attempted or committed criminal act in Nebraska.

020.02 – A secondary victim means a parent or child of a victim who suffers personal injury, emotional trauma, or death from a criminal act attempted or committed in Nebraska

TITLE 80 - CRIME VICTIM'S REPARATIONS COMMITTEE

CHAPTER 2 - APPLICATION

001 Purpose – To further define individual components of the Crime Victim's Reparations claim form and information necessary to complete the claim file.

002 Eligible Applicant – To be eligible for compensation, the claimant must have incurred actual financial losses as defined in Chapter 3 which are not covered by other sources for expenses directly related to the crime. The claimant will not be eligible for compensation if he/she was convicted of a federal crime or is delinquent in paying a court ordered fine, penalty, or restitution. The following are eligible to file an application:

002.01 – Any victim of a criminal act or one authorized by law to act on a victim's behalf;

002.02 – Any person responsible for the maintenance and support of the victim who has suffered pecuniary loss while providing maintenance and support to the victim or has incurred the victim's expenses as a result of the victim's injury or death;

002.03 – Each dependent of a deceased victim who has suffered a pecuniary loss (see Chapter 3, subsection 002.03 of Title 80);

002.04 – An eligible individual who incurred eligible expenses which are a direct result of the victim's injury or death.

003 Form – The application form, developed by the Committee must be fully completed and mailed with sufficient postage, submitted electronically, or delivered to the Crime Victim's Reparations program.

003.01 – Incident Information – The claimant is required to provide the following, if known: a brief description of the incident; the date, place, and time of the incident; the date the incident was reported to a law enforcement agency.

003.02 Signatures – The claimant is required to sign a statement authorizing the release of information relating to the incident and to information relating to services rendered to the victim. Information and records received relating to the victim, the criminal incident and treatment shall remain confidential except for that information considered public under Nebraska or U.S. laws. The claimant is required to submit a signed statement attesting to the validity of the facts included in the claim for compensation.

004 Documentation – The following **documentation** and information **may be considered in reviewing applications and can be included with the applications:**

004.01 Medical Mental Health, Dental, Prescription, Other – Billing statements, receipts, and/or Explanation of Benefits showing applicable provider contact information for medical, mental health, dental, prescriptions, or other health care services provided to the victim, which are directly related to the incident for which compensation is being requested. If requested by the program, all medical and/or mental health reports relating to the incident for which compensation is being requested must be submitted by the medical, dental, or mental health care provider.

004.02 Wages – Claimants applying for loss of wage shall provide the program with the employer's name, address, telephone number, and email if available. Self-employed claimants will be required to submit tax returns from the previous two years and other necessary documentation as requested by the program. If a claimant requests the CVR program to not contact their employer and it is documented that there is a good cause and reason, it will be taken into consideration by the Hearing Officer or the Committee. All claimants applying for loss of wage must provide a doctor's release back to work, or a comparable form of release back to work such as FMLA or short-term disability paperwork.

004.02A Loss of Earning Power – If the claim is for loss of earning power for the victim, the following information is required: earning information from the victim's employer and income tax returns for the previous two years; written relevant medical information from the medical providers regarding the diagnosis, prognosis, and degree of disability; the amount of time the victim will be unable to work; and any other information determined to be relevant by the Hearing Officer or Committee.

004.02B Loss of Earning Power Calculations – The Hearing office or Committee will consult Nebraska Workers' Compensation statutes in determining calculation for Loss of Earning Power, including, but not limited to §48-121 defining total, partial, and temporary disability; injury to specific parts of the body; amounts and duration of payments.

004.02C Maintenance of the Victim – If the claimant is requesting funds for the maintenance of the victim, the claimant must submit a copy of the doctor's written statement requiring such services; the reason(s) the victim requires such services; and the dates such services are required.

004.03 – Funeral and Burial – Claimants of funeral and burial expenses will submit itemized statements and/or funeral home and/or cemetery contracts related to the funeral and/or burial expenses.

005 Request for Information – The Committee or Hearing Officer may, at any time, request an applicant to furnish such required information as listed in this chapter or any additional information which they determine to be relevant.

006 Law Enforcement Reports – Any request of a law enforcement agency pursuant to Neb.Rev.Stat. §81-1810 (3) shall be made in writing and shall specify the information desired, the name of the victim, the approximate date and time of the occurrence, and any other information which may assist in identifying the incident. All law enforcement agencies receiving a request shall respond in writing within 20 working days.

007 Supplemental Claims – If additional expenses, as defined in Chapter 3, directly related to the crime are anticipated to be incurred by the applicant, **or an expense is accidentally overlooked by the claimant or the Committee, or a billing error has been made by the provider and/or insurance,** the Committee or Hearing Officer may allow the claim to remain open **until funds of the claim are exhausted. Additional expenses will be processed as supplemental claim(s).**

TITLE 80 - CRIME VICTIM'S REPARATIONS COMMITTEE

CHAPTER 3 - COMPENSATION

001 Purpose – To outline and define compensable expenses, limitations, reductions in award amount, payment parameters, and denial of award pertaining to the Crime Victim's Reparations program.

002 Compensable Damages – The Committee or Hearing Officer may order the payment of compensation for the following, as defined:

002.01 – “Expenses actually and reasonably incurred” means medical, mental health counselor, hospital, pharmaceutical, and funeral and burial expenses for the victim as limited in Chapter 3, subsection 003 of Title 80.

002.02 – “Loss of earning power” refers only to cases wherein total or partial disability of the victim is involved as limited in Chapter 3, subsection 003 of Title 80.

002.03 – “Pecuniary loss” means loss of support to a surviving dependent or dependents or expenses related to the crime actually and reasonably incurred by the victim or claimant for which the victim's dependents are legally responsible as limited in Chapter 3, subsection 003 of Title 80.

002.04 – “Any other loss” is restricted to residential crime scene cleanup and loss of wages by a surviving victim or claimant medically required to provide for the maintenance of the victim as limited in Chapter 3, subsection 003 of Title 80, or any other loss which the Committee or Hearing Officer determines to be reasonable. An actual loss of wages from gainful employment must occur to be eligible for loss of wages compensation as limited in Chapter 3, subsection 003 of Title 80.

003 Award of Compensation – Compensation, if allowed, will be awarded pursuant to the following limitations:

003.01 – Any award for medical, mental health counseling, hospital, **medical equipment**, or pharmaceutical expenses actually and reasonably incurred will be limited to actual costs for necessary services rendered by a licensed medical, mental health, hospital, pharmaceutical facility, or individual as related to the incident which caused the injury or death of the victim. No private room rates are allowed. Compensation for mental health counseling will not be awarded in excess of **the amount provided in the Annual Rate Schedule as set by the Committee**.

003.02 – Any awards for loss of earning power will be limited to cases where total or partial disability is proven and where proof of actual and reasonable rehabilitative services is presented.

003.03 – A pecuniary loss award to a surviving dependent shall be considered as one application and in no event shall any award exceed the

maximum stated in the Act and Title 80.

003.04 – Lost wages will be paid only to a victim, or to a claimant who is responsible for the maintenance of the victim, who is employed at the time of the incident. In addition, lost wages will only be paid for the period the victim or claimant is unable to work due to the victim's injuries as a direct result of the incident. Time unable to work due to the victim's injuries will be determined by a doctor's release as certified by a licensed medical provider. No such award shall exceed the average weekly wage for all persons covered by the Nebraska Workers' Compensation Act. Short- and Long-Term Disability payments, Paid FMLA, and/or unemployment payments will be subtracted from final calculations of lost wages, and the difference shall be considered.

003.05 – Any claim containing a combination of two or more compensable damages listed herein will not be awarded in excess of the limitation contained in Neb.Rev.Stat. §81-1823.

003.06 – In the case of death of the victim, funeral and burial expenses incurred by an eligible applicant will not be awarded in excess of the amount provided in the Annual Rate Schedule as set by the Committee. Alcohol expenses are not reimbursable.

003.07 – Compensation for mental health counseling will be considered on a case-by-case basis for minor children as secondary victims of compensable crimes. Claims for compensation for mental health counseling for the victim's minor children must be received by the Crime Victim's Reparations program in accordance with Nebraska Revised Statute §80-1821 regarding timelines for CVR application for minor individuals.

003.08 – Reasonable expenses incurred for the cleaning of a residential crime scene will not be awarded in excess of the amount provided in the Annual Rate Schedule as set by the Committee. .

003.09 – Direct Medical Provider Compensation will not be awarded in excess of the Annual Rate Schedule set by the Committee. Acceptance of payment for medical expenses from the Committee shall be considered acceptance of payment in full and bars any legal action against the victim for collection.

003.09A – Medical providers directly applying to CVR are required to inform victims that additional expenses directly related to the incident such as loss of wage, dental expenses, prescription expenses, mental health expenses, and any other additional medical expenses shall be considered by the CVR Program and medical providers are obligated to provide CVR contact information to the victim and/or claimant.

003.09B – The only compensable crimes to be eligible for direct medical reimbursement are sexual assault, domestic assault, sex trafficking, or child abuse per Nebraska Revised Statute §81-1807.

003.10 – If sufficient funds are not available, the Committee or Hearing Officer may order a partial payment on a claim. If funds do not become available within two years, the Committee or Hearing Officer may defer payment on the remainder of the claim and close the file without prejudice. The Committee or Hearing Officer, in determining the amount of compensation payable on an eligible claim, may consider the following factors in determining the amount and date of payment:

003.10A – Rate and amount of compensation payable for injuries and death under other laws of this state and of the United States;

003.10B – The availability of funds appropriated for the purpose of the Act.

004 Reduction of Award and Exceptions – Any award will be reduced by the amounts of any payments received or to be received from any contract of insurance or any other source of compensation except life insurance proceeds or social security payments. Compensation awards will not be used to pay for any service if the service is covered under any federal program or federally financed state or local program. The Crime Victim's Reparations program is the payor of last resort.

005 Payment of Compensation – All awards made pursuant to Chapter 3, subsection 003.01 of Title 80 will be to the provider who rendered services unless the Committee or Hearing Officer directs otherwise. All other awards, whether in lump sum or in installment, will be made to the order of the eligible applicant or the estate of a deceased victim.

006 Denial of Award – In addition to grounds for denial of an award contained in the Act, an award may be denied (1) when the eligible applicant has failed to cooperate with criminal justice agencies in the investigation and prosecution of the crime giving rise to the injuries of the victim; (2) when the eligible applicant has failed to cooperate with the Committee, Hearing Officer, or staff in its investigation of the claim filed for compensation; or (3) when the victim violated a criminal law of the state, which violation caused or contributed to his or her injuries or death. No compensation will be awarded if the claim is not submitted to the Committee within two years of the date of the incident or the incident is not reported to law enforcement within **five** days. No compensation will be awarded if the victim was a passenger in a motorized vehicle that knew or reasonably should have known that the driver was operating the vehicle while under the influence of alcohol or illegal drugs.

006.01— Exception to Application Submission Deadline Requirements – The Committee or Hearing Officer may consider applications submitted beyond the deadline established of two-years from date of or discovery of the incident if the Committee finds that good cause existed for missing such deadline. (Nebraska Revised Statute §81-1821)

006.02 – Exception for Minor Victims – For a victim who was under nineteen years of age at the time of death, application will be submitted within three

years after the date of death and for the victim who was under nineteen years of age at the time of the personal injury, on or before the victim's twenty-second birthday. (Nebraska Revised Statute §81-1821)

006.03 - Exceptions for Minor Victims, Reporting Guidelines - In cases when a minor child who was a victim of a physical or sexual assault and did not report such incident to an adult, at which time the minor child reports an incident or incidents to an adult, the reporting requirements become effective.

006.04 - Exceptions for Sexual Assault, Domestic Violence, Child Abuse, Sex Trafficking - Applications submitted by or for a victim of sexual assault, domestic violence, child abuse, or sex trafficking is not subject to the five-day reporting requirement if the claimant and/or victim has reported such crime to the police, obtained a protection order related to such incident or offence, or presented for a forensic medical exam. (Nebraska Revised Statute §81-1821)

007 - Claims in Excess of Limitation (Nebraska Revised Statutes §81-1813 and 81-1823) - No award based upon a claim filed by any one applicant arising out of any single incident can exceed the maximum amount set forth in the Act, unless expenses for job retraining or similar employment related rehabilitative services for the victim are deemed necessary by a certified physician. In cases of job retraining or similar related rehabilitative services for the victim, the award shall not exceed \$5,000.00 and shall be used only for such purposes.

008 - When an eligible claim exceeds the maximum amount allowable under the Act and an award of the maximum amount allowable under the Act is ordered by the Committee or Hearing Officer, the Committee or Hearing Officer will give priority to lost wages and out-of-pocket expenses and will reduce all other compensable damages on a pro-rata basis.

TITLE 80 - CRIME VICTIM'S REPARATIONS COMMITTEE

CHAPTER 4 HEARING OFFICER AND COMMITTEE PROCEDURE

001 Purpose To outline procedures pertaining to the Hearing Officer and the Crime Victim's Reparations Committee and their respective decision making processes.

002 Hearing Officer All claims for compensation will be considered and ruled upon by the designated Hearing Officer as specified in Neb.Rev.Stat. §81-1806.

002.01 The claim file will be given to the Hearing Officer to review regarding the claim for compensation.

002.02 The Hearing Officer will consider the entire claim file when determining an award.

002.03 The Hearing Officer may award compensation when the claimant is determined to be eligible for compensation, subject to the availability of funds.

002.04 The Hearing Officer will forward to the claimant a written decision regarding the ruling on the claim for compensation.

003 Request for Hearing The claimant may accept the decision of the Hearing Officer or request a he claim was denied or substantially reduced without just cause.

003.01 The notice for request of a Hearing must be given within seven days of receipt of receipt of the Hearing Officer's decision letter

003.02 The written request for a Hearing must be received within 30 days of notice of request for Hearing.

004 Committee The Committee will conduct any Hearing requested by an applicant pursuant to Chapter 5.

005 Meeting Date The Committee will have no fixed meeting date but is subject to call by the Chairperson of the Committee, by a quorum, or by the Executive Director of the Commission.

006 Quorum A majority of the Committee will constitute a quorum for the transaction of business.

007 Meetings All meetings of the Committee will be conducted pursuant to the Act and the Open Meetings Act.

TITLE 80 - CRIME VICTIM'S REPARATIONS COMMITTEE

CHAPTER 5 - HEARINGS

001 Purpose To establish a formal Hearing process when a claimant has requested a Hearing before the Committee.

001.01 Crime Victim's Reparations program staff will establish the date, time and place of the Hearing after consultation with the members of the Crime Victim's Reparations Committee and notify, in writing, the Committee members and claimants requesting the Hearing of the date, time and place of the Hearing. Notification of Committee members and claimants must be made at least 20 working days prior to the Hearing.

001.02 If the claimant cannot attend the Hearing, Crime Victim's Reparations staff must be notified at least five working days prior to the Hearing. Claimant notification may be made by telephone, but is to be followed by written notification which is signed by the claimant.

001.03 Missed Scheduled Hearings The Committee may reschedule the Hearing for an appeal of a denied claim for compensation when the claimant fails to appear or notifies the Committee of an intended absence for a scheduled Hearing. If the claimant fails to appear at the second scheduled Hearing and has not notified the Committee prior to the Hearing, the Committee may deny the appeal and the decision of the Committee will be final.

001.04 Recording Minutes will be taken of all Committee meetings with a record of all votes maintained. The proceedings of all Hearings by the Committee will be recorded and will be transcribed only after the Committee receives notice of appeal in District Court.

001.05 All proceedings must be conducted in accordance with the Administrative Procedure Act, Neb.Rev.Stat. §84-901 et seq. and with Title 53 of the Nebraska Administrative Code, Chapter 4, as they relate to pleadings, notice, ex parte communications, prehearing conferences, discovery and the progression of the actual contested case at hearing.

002 Evidence The Committee or its Hearing Officer will not be bound by common law or statutory rules of evidence or by any technical or formal rules of procedure other than provided in these rules and regulations, unless the formal rules of evidence are requested by the claimant pursuant to the Administrative Procedure Act.

002.01 The Committee or will review the Hearing Officer's Findings and claimant's CVR file in making its determination.

002.02 The Committee may receive any statement, document, or information necessary to afford the parties a fair Hearing, including, but not limited to:

002.02A Hospital records or reports, physicians' reports, and mental health presence of the attending physicians or mental health counselors at the hearing;

002.02B Police Reports;

002.02C Records of medical payments by third parties or any other payments to or on behalf of the eligible applicant; and

002.02D Statements of witnesses.

003 Committee Decision The Committee The Committee will grant the claimant's request, in whole or in part, when the claimant has demonstrated by a preponderance of the evidence that the claimant or applicant is eligible to receive compensation as specified by Title 80 and the Act conditioned upon the availability of funds.

003.01 In order to grant the claimant's request, a majority of the Committee's quorum must vote in favor of the request.

003.02 The vote will be made based upon a motion made during the open hearing.

003.03 The Committee's decision will be made in writing and will indicate its findings and the bases that support it.

004 The claimant will be notified, in writing, of the decision of the Crime Victim's Reparations Committee within ten working days from the date of the Hearing. Such notification will be made via certified mail with a signed return receipt from the claimant being requested. Notification will include the decision of the Committee; if the claim is awarded, the amount of the award and the amount to each eligible service provider will be stated. If the Committee denies the request, the reason for the denial will be stated.

005 Appeals must be filed in accordance with the Administrative Procedure Act and Title 53 of the Nebraska Administrative Code, Chapter 4. A petition for appeal must be filed in the district court of the county where the action is taken within 30 days after receipt of the final decision by the Committee.

Crime Victims and Witnesses – Article 18

(a) CRIME VICTIM'S REPARATIONS

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81-1801.01	Legislative intent.
81-1801.02	Community Trust; authorized; powers and duties; board of directors; create separate funds; distribution committee.
81-1802	Crime Victim's Reparations Committee; created; members.
81-1803	Committee; members; terms.
81-1804	Committee; members; vacancy.
81-1805	Committee; members; expenses.
81-1806	Committee; hearing officers; appointment.
81-1807	Victim; compensation; health care provider; reimbursement; application.
81-1808	Victim; compensation; health care provider; reimbursement; submit medical reports; hearing officer; order.
81-1809	Application; hearing officer; decision; hearing; procedure; review.
81-1810	Committee or hearing officer; proceedings; powers; applicants; rights.
81-1811	Offense; proof of conviction; how treated.
81-1812	Hearing officer or committee; order; determine and allow attorney's fees.
81-1813	Committee; adopt rules and regulations; forms and materials; provide.
81-1814	Compensation; committee; formulate standards for uniform application.
81-1815	Compensation; to whom paid.
81-1816	Committee or hearing officer; order; considerations; suspend proceedings; when.
81-1817	Compensation awarded; collateral compensation; how treated.
81-1818	Personal injury or death; situations for which compensation is permitted.
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81-1820	Hearing officer; emergency award of compensation; when; conditions; review.
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81-1822	Compensation; situations when not awarded.
81-1823	Award; limitation; how paid.
81-1824	Excluded incidents.
81-1825	Committee; subrogation rights.
81-1826	Department of Correctional Services; confined persons; provide for employment.
81-1827	Business enterprise; employment of persons committed to the department.
81-1828	Repealed. Laws 1980, LB 319, § 12.
81-1829	Department of Correctional Services; establish and maintain farms.
81-1830	False claim; penalty.
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81-1833	Committee; report; powers and duties.
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81-1835	Victim's Compensation Fund; created; use; investment.
81-1836	Person convicted of crime; payments received; deposited in fund.
81-1837	Money in Victim's Compensation Fund; returned; when.
81-1838	Five-year period; when commenced.

81-1839 Committee; payments for legal representation; when.
81-1840 Action to defeat purpose of sections; null and void.
81-1840.01 State or political subdivision; failure to act; effect.
81-1841 Act, how cited.
81-1842 Sexual assault victim; records; confidential.

(b) CRIME VICTIMS AND WITNESSES ASSISTANCE

81-1843 Legislative findings.
81-1844 Crime Victim and Witness Assistance Fund; created; administration; use.
81-1844.01 Pamphlet on rights and procedures; distribution.
81-1845 Victim and witness assistance center; selection and establishment; Nebraska Commission on Law Enforcement and Criminal Justice; duties; funding.
81-1846 Victim and witness assistance centers; purposes.
81-1847 Victim and witness assistance centers; services provided.
81-1848 Victims and witnesses of crimes; rights; enumerated.
81-1848.01 Appeal; notification required.
81-1848.02 Escape; notification required.
81-1848.03 Victim's rights; waiver.
81-1849 Victim; duty.
81-1850 County attorney; Board of Parole; Department of Correctional Services; county corrections agency; Department of Health and Human Services; duties; notification of victim.
81-1851 Legislative intent.

(a) CRIME VICTIM'S REPARATIONS

81-1801. Terms, defined.

For purposes of the Nebraska Crime Victim's Reparations Act, unless the context otherwise requires:

- (1) Child abuse means an offense under section 28-707;
- (2) Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice;
- (3) Committee shall mean the Crime Victim's Reparations Committee;
- (4) Dependent shall mean a relative of a deceased victim who was dependent upon the victim's income at the time of death, including a child of a victim born after a victim's death;
- (5) Domestic assault means an offense under section 28-323;
- (6) Executive director shall mean the executive director of the commission;
- (7) Health care provider means any person licensed or certified by the State of Nebraska to deliver health care under the Uniform Credentialing Act and any health care facility licensed under the Health Care Facility Licensure Act. Health care provider includes any professional corporation or other professional entity comprised of such health care providers;
- (8) Personal injury shall mean actual bodily harm;
- (9) Relative shall mean spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's parent;
- (10) Sexual assault has the same meaning as in section 29-4309; and
- (11) Victim shall mean a person who is injured or killed as a result of conduct specified in section 81-1818.

Source Laws 1978, LB 910, § 1; Laws 1981, LB 328, § 4; Laws 1986, LB 540, § 2; Laws 1991, LB 186, § 1; Laws 2009, LB598, § 2; Laws 2011, LB390, § 21. Laws 2021, LB497, § 1.

81-1801.01. Legislative intent.

It is the intent of the Legislature that the Nebraska Crime Victim's Reparations Act be construed as enabling the rights set forth in Article I, section 28, of the Constitution of Nebraska.

Source Laws 2004, LB 270, § 5.

81-1801.02. Community Trust; authorized; powers and duties; board of directors; create separate funds; distribution committee.

- (1) A nonprofit organization, to be known as the Community Trust, may be created. After a tragedy, the Community Trust shall accept contributions from the public, manage such funds, and make distributions to help individuals, families, and communities in Nebraska that have suffered from a tragedy of violence or natural disaster. The committee shall oversee the Community Trust. The committee shall require at least annual reports from the Community Trust.
- (2) The Community Trust shall be a qualified organization under section 501(c)(3) of the Internal Revenue Code thereby enabling contributions to the Community Trust to be tax deductible for the donor if the donor itemizes deductions for income tax purposes and distributions to be tax-free to the extent allowed under applicable sections of the Internal Revenue Code.
- (3) The Community Trust shall be governed by a board of directors. A director may be represented by the Attorney General in the same manner as a state officer or employee under

sections 81-8,239.05 and 81-8,239.06 in any civil action that arises as a result of any alleged act or omission occurring in the course and scope of the director's duties. A director shall also be indemnified for liability in the same manner as a state officer or employee under section 81-8,239.05.

(4) The Community Trust shall create a separate fund for each tragedy and shall begin accepting contributions immediately after a tragedy. The Community Trust shall report the distributions made for each tragedy to the committee, and the Community Trust shall acknowledge all contributions as soon as reasonably possible after receipt.

(5) The Community Trust may use up to ten percent of the contributions received for administrative costs of the Community Trust.

(6) The board of directors of the Community Trust shall establish procedures for receiving contributions and making distributions from the Community Trust. The board of directors shall establish a distribution committee for the tragedy within one week after the tragedy, establish eligible recipient criteria and eligible uses of the fund, and complete all distributions as soon as reasonably possible after the tragedy.

(7) In the event that the Community Trust receives contributions for a tragedy and the volume and size of claims, along with the amount of contributions, make it impractical for the Community Trust to follow its normal procedures for the distribution of the funds, the board of directors, at its sole discretion, may elect to forward such funds, in their entirety, to another nonprofit organization that is also serving individuals who are affected by the tragedy. In such case, the Community Trust shall designate such contributions to be for the specific individuals who are affected by the tragedy.

Source Laws 2009, LB 598, § 1; Laws 2011, LB390, § 22.

81-1802. Crime Victim's Reparations Committee; created; members.

A Crime Victim's Reparations Committee is hereby created. The committee shall consist of five members of the commission and three public members to be appointed by the Governor subject to approval by the Legislature. One public member shall represent charitable organizations, one public member shall represent businesses, and one public member, who has training and relevant work experience with victims and survivors of crime, shall represent crime victims. The members of the committee shall select a chairperson who is a member of the commission.

Source Laws 1978, LB 910, § 2; Laws 1981, LB 328, § 5; Laws 1986, LB 540, § 3; Laws 2009, LB598, § 3; Laws 2015, LB605, § 88.

81-1803. Committee; members; terms.

Members of the committee shall serve for terms of four years.

Source Laws 1978, LB 910, § 3; Laws 1986, LB 540, § 4; Laws 2009, LB598, § 4; Laws 2015, LB605, § 89.

81-1804. Committee; members; vacancy.

When a vacancy occurs on the committee, appointment to fill the vacancy shall be made for the balance of the term. As the terms of the initial appointees to the committee expire, succeeding appointees shall be appointed to four-year terms. Members whose terms have expired shall continue to serve until their successors have been appointed.

Source Laws 1978, LB 910, § 4; Laws 1986, LB 540, § 5.

81-1805. Committee; members; expenses.

Members of the committee shall receive no reimbursement for the performance of their duties as members of the committee, except that such members shall receive reimbursement for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Source Laws 1978, LB 910, § 5; Laws 1981, LB 204, § 199; Laws 1986, LB 540, § 6; Laws 2009, LB598, § 5; Laws 2020, LB 381, § 126.

81-1806. Committee; hearing officers; appointment.

The executive director may serve as a hearing officer pursuant to this section and in addition the committee, with the approval of the commission, shall appoint one or more additional hearing officers, who shall be licensed to practice law in the state, to conduct hearings, take testimony in proceedings under the Nebraska Crime Victim's Reparations Act, and make determinations of any matter subject to such act.

Source Laws 1978, LB 910, § 6; Laws 1981, LB 328, § 6; Laws 1986, LB 540, § 7; Laws 1991, LB 186, § 2.

81-1807. Victim; compensation; health care provider; reimbursement; application.

(1) Any person who may be eligible for compensation under the Nebraska Crime Victim's Reparations Act may make application to the committee on forms provided by the committee. Such application need not be signed and acknowledged before a notary public. If the person entitled to make application is a minor or mentally incompetent, the application may be made on his or her behalf by his or her parent, guardian, or any other individual authorized to administer his or her estate. Residents and nonresidents of Nebraska who are victims of crimes committed in Nebraska shall be treated similarly in determining compensation awards under the act. A resident of Nebraska who is the victim of a crime committed in another state shall be eligible for compensation if (1) the crime would be compensable had it occurred in Nebraska and (2) the crime occurred in a state which does not have a crime victim compensation program for which the person is eligible.

(2)(a) Beginning on August 28, 2021, a health care provider may, with the permission of the victim, apply for reimbursement for health care costs incurred by the provider that are otherwise to be paid for by a victim of sexual assault, domestic assault, or child abuse and for which the provider will not otherwise receive reimbursement from private insurance, the medical assistance program established pursuant to the Medical Assistance Act, the Sexual Assault Payment Program, or any other entity, source, or fund, whether public or private.

(b) To be eligible for reimbursement under this section, such health care costs must have been incurred by the health care provider in treating or examining injuries of the victim arising out of the sexual assault, domestic assault, or child abuse. The provider shall apply to the committee on forms provided by the committee.

Source Laws 1978, LB 910, § 7; Laws 1986, LB 540, § 8; Laws 1990, LB 87, § 4; Laws 2021, LB 372, § 1; Laws 2021, LB497, § 2.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB372, section 1, with LB497, section 2, to reflect all amendments.

Cross References

Medical Assistance Act, see section 68-901

81-1808. Victim; compensation; health care provider; reimbursement; submit medical reports; hearing officer; order.

In order to be eligible for compensation the applicant, including a health care provider as described in section 81-1807, shall, prior to any hearing on an application, submit available reports from any physician or surgeon who has treated or examined the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If, in the opinion of the hearing officer or the committee, reports on the previous medical history of the victim, a report on the examination of the injured victim, or a report on the cause of death of the victim by an impartial medical expert would be of material aid to its determination, the hearing officer or the committee shall order the reports and examination.

Source Laws 1978, LB 910, § 8; Laws 1986, LB 540, § 9; Laws 2021, LB 497, § 3.

81-1809. Application; hearing officer; decision; hearing; procedure; review.

(1) A hearing officer shall consider and rule upon any application made under the Nebraska Crime Victim's Reparations Act within one hundred eighty days after receipt of all required information related to the crime.

(2) If the hearing officer denies an award of compensation or awards an amount less than or equal to the amount requested by the applicant, the hearing officer shall furnish the applicant with a written statement of the reason for the ruling. The applicant may request a hearing on his or her application within thirty days after receipt of the statement. If the applicant requests a hearing, the hearing officer shall furnish the committee with his or her findings of fact and conclusions of law together with the reasons for the findings and conclusions. The committee shall specify a time and place for a hearing and shall give written notice to the applicant. The hearing shall be held within one hundred twenty days after receipt of the request for a hearing. If no request for a hearing is made within the specified time, the decision of the hearing officer shall be final.

(3) If the hearing officer awards an amount to the applicant greater than the amount requested by the applicant, the hearing officer shall furnish the committee with his or her findings of fact and conclusions of law together with the reasons for granting the applicant more than he or she requested. The committee shall review the decision of the hearing officer taking into consideration the availability of funds appropriated for the purposes of the act and other standards formulated pursuant to section 81-1814. The committee may approve the same amount awarded by the hearing officer, may increase or decrease the amount, or may deny an award of compensation.

Source Laws 1978, LB 910, § 9; Laws 1986, LB 540, § 10; Laws 1990, LB 87, § 5.

81-1810. Committee or hearing officer; proceedings; powers; applicants; rights.

(1) The committee or a hearing officer may hold hearings, sit and act at the times and places and take the testimony that the committee or the hearing officer considers advisable, and administer oaths or affirmations to witnesses. The hearing officer or the committee shall have full powers by subpoena to compel the appearance of witnesses and the production of any relevant evidence, but no subpoena shall be issued unless signed by a member of the committee. Application to a court for aid in enforcing the subpoena may be made in the name of the committee by any committee member.

(2) The applicant and any other person having a substantial interest in the proceeding may appear and be heard, produce evidence, and cross-examine witnesses in person or by an

attorney. The committee or a hearing officer may hear other persons who in its or his or her judgment may have relevant evidence to submit.

(3) The committee or a hearing officer shall have access to criminal history record information, as defined in section 29-3506, and investigative information of the law enforcement agency which handled the offense which is the basis for the victim's application for compensation.

Source Laws 1978, LB 910, § 10; Laws 1980, LB 319, § 1; Laws 1986, LB 540, § 11.

81-1811. Offense; proof of conviction; how treated.

If a person has been convicted of an offense on which a claim under the Nebraska Crime Victim's Reparations Act is based, proof of that conviction shall be taken as conclusive evidence that the offense occurred and that such person committed the offense, unless an appeal or a proceeding with regard to it is pending.

Source Laws 1978, LB 910, § 11; Laws 1986, LB 540, § 12.

81-1812. Hearing officer or committee; order; determine and allow attorney's fees.

The hearing officer or the committee may, as part of an order entered under the Nebraska Crime Victim's Reparations Act, determine and allow reasonable attorney's fees not to exceed five percent of any compensation awarded. If the decision of a hearing officer or the committee is appealed, the court shall determine reasonable attorney's fees.

Source Laws 1978, LB 910, § 12; Laws 1986, LB 540, § 13.

81-1813. Committee; adopt rules and regulations; forms and materials; provide.

The commission shall adopt and promulgate rules and regulations prescribing the procedures to be followed in the filing of applications and proceedings under the Nebraska Crime Victim's Reparations Act and any other matters the commission considers appropriate, including special circumstances, such as when expenses of job retraining or similar employment-related rehabilitative services are involved, under which an award from the Victim's Compensation Fund may exceed twenty-five thousand dollars. If the rules and regulations authorize awards in excess of twenty-five thousand dollars for special circumstances, the amount of an award in excess of twenty-five thousand dollars shall only be used for such special circumstances. The committee shall make available all forms and educational materials necessary to promote the existence of the programs to persons throughout the state.

Source Laws 1978, LB 910, § 13; Laws 1981, LB 328, § 7; Laws 1986, LB 540, § 14; Laws 2009, LB598, § 6; Laws 2015, LB605, § 90.

81-1814. Compensation; committee; formulate standards for uniform application.

For the purpose of determining the amount of compensation payable under the Nebraska Crime Victim's Reparations Act, the committee shall formulate standards for uniform application of the act and take into consideration rates and amounts of compensation payable for injuries and death under other laws of this state and of the United States and the availability of funds appropriated for the purposes of the act. Victims of crimes subject to federal jurisdiction shall be awarded compensation on the same basis as victims of all other compensable crimes.

Source Laws 1978, LB 910, § 14; Laws 1986, LB 540, § 15.

Annotations

Discretion of board to eliminate an award to dependent children of victim regarding the availability of funds appropriated must be supported by record. *Lambert v. Nebraska Cr. Vict. Rep. Bd.*, 214 Neb. 817, 336 N.W.2d 320 (1983).

81-1815. Compensation; to whom paid.

In a case in which a person is injured or killed as a result of conduct specified in the Nebraska Crime Victim's Reparations Act, or by any act of any other person which is within the description of offenses listed in such act, the committee or a hearing officer may order the payment of compensation:

- (1) To or for the benefit of the injured person;
- (2) In the case of personal injury or death of the victim, to a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury; or
- (3) In the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim; or
- (4) To a health care provider for costs incurred in treating or examining injuries of the victim arising out of the sexual assault, domestic assault, or child abuse as described in section 81-1807. Compensation paid to a victim shall not include such costs paid to health care provider.

Source Laws 1978, LB 910, § 15; Laws 1986, LB 540, § 16; Laws 2021, LB 497, § 4.

Annotations

Children who were supported by their mother were entitled to recover under Crime Victim's Reparations Act for pecuniary losses incurred due to crime, including financial support of their mother for the remainder of minority, up to the statutory limit. *Lambert v. Nebraska Cr. Vict. Rep. Bd.*, 214 Neb. 817, 336 N.W.2d 320 (1983).

81-1816. Committee or hearing officer; order; considerations; suspend proceedings; when.

- (1) In determining whether to make an order under the Nebraska Crime Victim's Reparations Act, the committee or hearing officer shall consider all circumstances determined to be relevant, including, but not limited to, provocation, consent, or any other behavior of the victim which directly or indirectly contributed to his or her injury or death.
- (2) An order may be made under the Nebraska Crime Victim's Reparations Act whether or not any person is prosecuted for or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the committee may suspend proceedings under the Nebraska Crime Victim's Reparations Act for such period as it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent.

Source Laws 1978, LB 910, § 16; Laws 1986, LB 540, § 17; Laws 1990, LB 87, § 6.

Annotations

Social Security payment to aid dependent children who lost support of their mother not treated as form of collateral compensation when the board considers all relevant circumstances. *Lambert v. Nebraska Cr. Vict. Rep. Bd.*, 214 Neb. 817, 336 N.W.2d 320 (1983).

81-1817. Compensation awarded; collateral compensation; how treated.

(1) The committee or a hearing officer may award compensation for losses and expenses allowable under the Nebraska Crime Victim's Reparations Act for which the applicant is not compensated by the offender or a person on behalf of the offender, by the United States, by a state or any of its subdivisions or agencies, or by a private source of emergency awards under section 81-1820, for injury or death compensable under such act. Life insurance proceeds and social security payments shall not be treated as forms of such collateral compensation.

(2) If compensation is awarded under the act and the person receiving it also receives a collateral sum under the act which has not been deducted from it, he or she shall refund to the committee either the amount of the collateral sum or the amount of compensation paid to him or her under the act, whichever is less.

Source Laws 1978, LB 910, § 17; Laws 1986, LB 540, § 18.

Annotations

Social Security payment to aid dependent children who lost support of their mother not treated as form of collateral compensation when the board considers all relevant circumstances.

Lambert v. Nebraska Cr. Vict. Rep. Bd., 214 Neb. 817, 336 N.W.2d 320 (1983).

81-1818. Personal injury or death; situations for which compensation is permitted.

The committee or hearing officer may order the payment of compensation from the Victim's Compensation Fund for personal injury or death which resulted from:

(1) An attempt on the part of the applicant to prevent the commission of crime, to apprehend a suspected criminal, to aid or attempt to aid a police officer in the performance of his or her duties, or to aid a victim of crime; or

(2) The commission or attempt on the part of one other than the applicant of an unlawful criminal act committed or attempted in the State of Nebraska.

Source Laws 1978, LB 910, § 18; Laws 1986, LB 540, § 19; Laws 2009, LB598, § 7; Laws 2011, LB390, § 23.

81-1819. Payment of compensation; order; losses covered.

The committee or hearing officer may order the payment of compensation to victims of crime and survivors of victims of crime for:

(1) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, including expenses for mental health counseling and care;

(2) Loss of wages and future earning capacity as a result of total or partial incapacity of the victim and reasonable expenses of job retraining or similar employment-oriented rehabilitative services for the victim;

(3) Pecuniary loss to the dependents of the deceased victim;

(4) Funeral and burial expenses actually and reasonably incurred as a result of the death of the victim; and

(5) Any other loss resulting from the personal injury or death of the victim which the committee determines to be reasonable.

Source Laws 1978, LB 910, § 19; Laws 1986, LB 540, § 20.

Annotations

Children of murdered woman were not entitled to recover for loss of mother's love and affection under Crime Victim's Reparations Act. *Lambert v. Nebraska Cr. Vict. Rep. Bd.*, 214 Neb. 817, 336 N.W.2d 320 (1983).

81-1820. Hearing officer; emergency award of compensation; when; conditions; review.

(1) Prior to the hearing officer taking action on an application for compensation from the Victim's Compensation Fund, the applicant may request that a hearing officer make an emergency award of compensation to the applicant. If it appears to the hearing officer that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made, the hearing officer may make an emergency award of compensation to the applicant pending a final decision in the case, except that:

(a) The amount of the emergency compensation shall not exceed five hundred dollars;

(b) The amount of the emergency compensation shall be deducted from the final compensation made to the applicant; and

(c) The excess amount of the emergency compensation over the final amount shall be repaid by the applicant to the committee.

(2) If the hearing officer refuses to make an emergency award of compensation to the applicant, the applicant may request an emergency hearing before the committee which may be conducted by means of teleconference. The committee shall forthwith specify a time and place for an emergency hearing and shall give written notice to the applicant. If it appears to the committee that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made, the committee may make an emergency award of compensation to the applicant pending a final decision in the case, subject to the conditions and limitations stated in subsection (1) of this section.

Source Laws 1978, LB 910, § 20; Laws 1986, LB 540, § 21; Laws 2009, LB598, § 8.

81-1821. Payment of compensation; application; requirements; deadlines; exceptions.

(1) Except as provided in subsections (3) and (4) of this section, no order for the payment of compensation shall be entered under the Nebraska Crime Victim's Reparations Act unless:

(a) The application has been submitted to the committee within the deadline provided in subsection (2) of this section; and

(b) The personal injury or death was the result of an incident or offense which had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made.

(2) An application shall be submitted to the committee:

(a) For a victim who was nineteen years of age or older at the time of the personal injury or death, within two years after the date of the personal injury or death;

(b) For a victim who was under nineteen years of age at the time of death, within three years after the date of death; and

(c) For a victim who was under nineteen years of age at the time of the personal injury, on or before the victim's twenty-second birthday.

(3) The committee may evaluate applications submitted beyond the deadline established in this section if the committee finds that good cause existed for missing such deadline.

(4) An application submitted by or for a victim of sexual assault, domestic assault, child abuse, or sex trafficking is not subject to the five-day reporting requirement in subsection (1) of this section if, prior to submitting the application the:

(a) Applicant or victim has reported such crime to the police;

(b) Applicant or victim has obtained a protection order related to such incident or offense; or

(c) Victim has presented for a forensic medical exam.

Source Laws 1978, LB 910, § 21; Laws 1986, LB 540, § 22; Laws 2021, LB 372, § 2, Laws 2023, LB157, § 15

81-1822. Compensation; situations when not awarded.

No compensation shall be awarded from the Victim's Compensation Fund:

(1) If the victim aided or abetted the offender in the commission of the unlawful act;

(2) If the offender will receive economic benefit or unjust enrichment from the compensation;

(3) If the victim violated a criminal law of the state, which violation caused or contributed to his or her injuries or death; or

(4) If the victim is injured as a result of the operation of a motor vehicle, boat, or airplane (a) unless the vehicle was used in a deliberate attempt to injure or kill the victim, (b) unless the operator is charged with a violation of section 60-6,196 or 60-6,197 or a city or village ordinance enacted in conformance with either of such sections, or (c) unless any chemical test of the operator's breath or blood indicates an alcohol concentration equal to or in excess of the limits prescribed in section 60-6,196.

Nothing in this section shall limit payments to a victim by an offender which are made as full or partial restitution of the victim's actual pecuniary loss.

Source Laws, 1978, LB 910, § 22; Laws 1982, LB 942, § 7; Laws 1986, LB 540, § 23; Laws 1990, LB 87, § 7; Laws 1993, LB 370, § 489; Laws 2001, LB 773, § 18; Laws 2009, LB598, § 9; Laws 2011, LB390, § 24; Laws 2013, LB99, § 6.

81-1823. Award; limitation; how paid.

Except as provided in section 81-1813, no compensation shall be awarded under the Nebraska Crime Victim's Reparations Act from the Victim's Compensation Fund in an amount in excess of twenty-five thousand dollars for each applicant per incident. Each award shall be paid in installments unless the hearing officer or committee decides otherwise.

Source Laws 1978, LB 910, § 23; Laws 1986, LB 540, § 24; Laws 2009, LB598, § 10; Laws 2015, LB605, § 91.

Annotations

Children who have lost the financial support of their mother for at least the remainder of their minority are limited to single award of \$10,000 each by act, even though lost support would total more than \$10,000. *Lambert v. Nebraska Cr. Vict. Rep. Bd.*, 214 Neb. 817, 336 N.W.2d 320 (1983).

81-1824. Excluded incidents.

No order for payment of compensation under the Nebraska Crime Victim's Reparations Act shall be made for injuries or death resulting from incidents or offenses occurring prior to January 1, 1979, or outside the state.

Source Laws 1978, LB 910, § 24; Laws 1986, LB 540, § 25.

81-1825. Committee; subrogation rights.

When an order for the payment of compensation for personal injury or death is made from the Victim's Compensation Fund, the committee shall be subrogated to the cause of action of the applicant against the person responsible for the injury or death and shall be entitled to bring an action against such person for the amount of the damages sustained by the applicant. If an amount greater than that paid under the order is recovered and collected in the action, the committee shall pay the balance to the applicant.

Source Laws 1978, LB 910, § 25; Laws 1986, LB 540, § 26; Laws 2009, LB598, § 11.

81-1826. Department of Correctional Services; confined persons; provide for employment.

The Department of Correctional Services shall, as far as possible, provide for the employment, eight hours per day, of confined persons by private businesses. The employment may be provided under section 81-1827, 83-183, or 83-184.

Source Laws 1978, LB 910, § 26; Laws 1980, LB 319, § 3; Laws 1994, LB 988, § 29.

81-1827. Business enterprise; employment of persons committed to the department.

(1) The Director of Correctional Services may enter into such contracts as may be necessary to fully implement the Nebraska Crime Victim's Reparations Act. Such contractual arrangements may include, but not be limited to, rental or lease agreements for such buildings or portions thereof on the grounds of any Department of Correctional Services facilities, together with the real estate needed for reasonable access to and egress from the leased buildings, with a private corporation for the purpose of establishing and operating a factory for the manufacture and processing of goods, wares, or merchandise or any other business or commercial enterprise deemed by the director to be consistent with the proper training and rehabilitation of persons committed to the department.

(2) Nothing in this section shall operate to limit the director's authority to enter into contractual arrangements as may be provided elsewhere in law.

(3) Any corporation operating a factory or other business or commercial enterprise under this section may employ offenders committed to the Department of Correctional Services and persons conditionally released subject to the provisions of section 83-184.

Source Laws 1978, LB 910, § 27; Laws 1980, LB 319, § 4; Laws 1986, LB 540, § 27.

81-1828. Repealed. Laws 1980, LB 319, § 12.

81-1829. Department of Correctional Services; establish and maintain farms.

The Department of Correctional Services may establish and maintain farms to provide food for the institutions under the jurisdiction of the department and also to provide opportunity for all inmates to work eight hours per day.

Source Laws 1978, LB 910, § 29; Laws 1980, LB 319, § 5.

81-1830. False claim; penalty.

Any person who knowingly makes a false claim under the Nebraska Crime Victim's Reparations Act shall be guilty of a Class I misdemeanor and shall forfeit any benefit received and shall repay the state for any payment of compensation made under the act.

Source Laws 1978, LB 910, § 30; Laws 1986, LB 540, § 28.

81-1831. Right of action; abate; exception.

The rights to compensation created under the Nebraska Crime Victim's Reparations Act are personal and shall not survive the death of a victim or dependent entitled to them, except that if the death occurs after an application for compensation has been filed with the committee the proceeding shall not abate, but may be continued by the legal representative of the decedent's estate.

Source Laws 1978, LB 910, § 31; Laws 1986, LB 540, § 29.

81-1832. Appeal; procedure.

All determinations, decisions, and awards made by the committee or any hearing officer may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Source Laws 1978, LB 910, § 32; Laws 1986, LB 540, § 30; Laws 1988, LB 352, § 180.

Cross References

Administrative Procedure Act, see section 84-920.

Annotations

This section covers appeal to district court by the children of a crime victim from a denial of their application to the Nebraska Crime Victim's Reparations Board. *Lambert v. Nebraska Cr. Vict. Rep. Bd.*, 214 Neb. 817, 336 N.W.2d 320 (1983).

81-1833. Committee; report; powers and duties.

(1) The committee shall prepare and submit to the commission a biennial report of its activities under the Nebraska Crime Victim's Reparations Act. Such report shall be submitted to the Governor and Clerk of the Legislature. The report submitted to the Clerk of the Legislature shall be submitted electronically.

(2) The committee shall act as the oversight committee for the Community Trust and shall annually report its activities and findings as the oversight committee to the commission, the Governor, and the Clerk of the Legislature. The report submitted to the Clerk of the Legislature shall be submitted electronically. If any questionable or improper actions or inactions on the part of the Community Trust are observed, the committee shall immediately notify the Attorney General who shall investigate the matter.

Source Laws 1978, LB 910, § 33; Laws 1979, LB 322, § 60; Laws 1980, LB 319, § 6; Laws 1981, LB 545, § 37; Laws 1981, LB 328, § 8; Laws 1986, LB 540, § 31; Laws 2009, LB598, § 12; Laws 2012, LB782, § 208; Laws 2013, LB99, § 7.

81-1834. Repealed. Laws 2013, LB 99, § 9.

81-1835. Victim's Compensation Fund; created; use; investment.

The Victim's Compensation Fund is created. The fund shall be used to pay awards or judgments under the Nebraska Crime Victim's Reparations Act other than distributions from the Community Trust. The fund shall include deposits pursuant to sections 29-2286, 33-157, 81-1836, 83-183.01, and 83-184 and donations or contributions from public or private sources and shall be in such amount as the Legislature shall determine to be reasonably sufficient to meet anticipated claims. When the amount of money in the fund is not sufficient to pay any awards or judgments under the act, the Director of Administrative Services shall immediately advise the Legislature and request an emergency appropriation to satisfy such awards and judgments. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. **Source** Laws 1978, LB 910, § 35; Laws 1986, LB 540, § 33; Laws 1987, LB 353, § 2; Laws 1995, LB 7, § 132; Laws 2009, LB598, § 14; Laws 2010, LB510, § 4.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1836. Person convicted of crime; payments received; deposited in fund.

Every person, firm, corporation, partnership, limited liability company, association, or other legal entity contracting with any person or the representative or assignee of any person accused of a crime in this state with respect to the reenactment of such crime, by way of a movie, book, magazine article, radio, or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions, or emotions regarding such crime, shall pay over to the committee any money which would otherwise, by terms of such contract, be owing to the person so convicted or his or her representatives. The committee shall deposit such money in the Victim's Compensation Fund.

Source Laws 1978, LB 910, § 36; Laws 1986, LB 540, § 34; Laws 1993, LB 121, § 544.

81-1837. Money in Victim's Compensation Fund; returned; when.

Upon disposition of charges favorable to any person accused of committing a crime or upon a showing by such person that five years have elapsed from the deposit of money into the Victim's Compensation Fund by the accused pursuant to section 81-1836 and further that no actions are pending against such person pursuant to the Nebraska Crime Victim's Reparations Act, the committee shall immediately pay the money deposited pursuant to such section by the accused to such person.

Source Laws 1978, LB 910, § 37; Laws 1986, LB 540, § 35; Laws 1990, LB 87, § 8.

81-1838. Five-year period; when commenced.

Notwithstanding any other provision of law with respect to the timely bringing of an action, the five-year period provided for in section 81-1837 shall not begin to run until the accused has deposited money into the Victim's Compensation Fund.

Source Laws 1978, LB 910, § 38.

81-1839. Committee; payments for legal representation; when.

Notwithstanding the provisions of sections 81-1836 to 81-1838, the committee shall make payments from the Victim's Compensation Fund to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such money shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

Source Laws 1978, LB 910, § 39; Laws 1986, LB 540, § 36; Laws 2009, LB598, § 15.

81-1840. Action to defeat purpose of sections; null and void.

Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of sections 81-1836 to 81-1839 shall be null and void as against the public policy of this state.

Source Laws 1978, LB 910, § 40; Laws 2009, LB598, § 16.

81-1840.01. State or political subdivision; failure to act; effect.

Nothing in the Nebraska Crime Victim's Reparations Act or sections 81-1843 to 81-1851 requiring an act by the state or a political subdivision is deemed to create any liability if the state or political subdivision fails to act as required under the Nebraska Crime Victim's Reparations Act or such sections. Such failure to act also shall not invalidate any legal process or proceeding.

Source Laws 2004, LB 270, § 7.

81-1841. Act, how cited.

Sections 81-1801 to 81-1842 shall be known and may be cited as the Nebraska Crime Victim's Reparations Act.

Source Laws 1978, LB 910, § 41; Laws 2004, LB 270, § 6; Laws 2009, LB598, § 17.

81-1842. Sexual assault victim; records; confidential.

The name of any victim of a sexual assault appearing in information or records of the Crime Victim's Reparations Committee when the victim is applying for compensation under the Nebraska Crime Victim's Reparations Act shall not be made public.

Source Laws 1980, LB 319, § 2; Laws 1986, LB 540, § 37.

(b) CRIME VICTIMS AND WITNESSES ASSISTANCE

81-1843. Legislative findings.

(1) The Legislature finds and declares:

(a) That there is a need to develop methods to reduce the trauma and discomfort that victims of a crime and witnesses to a crime may experience because often such victims or witnesses are further victimized by the criminal justice system;

(b) That when crime strikes, the chief concern of the criminal justice system is apprehending and dealing with the criminal and the victim's needs are frequently forgotten;

(c) That victims often become isolated and receive little practical advice or necessary care;

(d) That witnesses must make arrangements to appear in court regardless of their own schedules, child care responsibilities, or transportation problems;

(e) That witnesses often endure long waits before testifying, are subjected to confusing circumstances while testifying, and receive no information as to the ultimate disposition of the case;

(f) That a large number of victims and witnesses are unaware of both their rights and obligations;

(g) That unreported crimes occur at a rate that is more than twice the rate of reported crimes and that the reasons people give for not reporting crimes indicate that they are disenchanting with the criminal justice system;

(h) That the single most important factor determining whether or not a case will be solved is the information that the victim supplies to the responding police officer; and

(i) That although the State of Nebraska has the Crime Victim's Reparations Committee and compensation is available for medical expenses, lost earning power, and reasonable rehabilitation costs, the application process is difficult, complex, and time consuming and few victims are aware that the compensation provisions exist.

(2) It is therefore the intent of the Legislature to provide ways of improving the attitudes of victims and witnesses toward the criminal justice system and to provide for faster and more complete recovery by the victim from the effects of the crime through the establishment of pilot project centers for victim and witness assistance.

Source Laws 1981, LB 477, § 1; Laws 1986, LB 540, § 38.

81-1844. Crime Victim and Witness Assistance Fund; created; administration; use.

There is hereby created a fund to be known as the Crime Victim and Witness Assistance Fund. Such fund shall contain such amounts as may be appropriated by the Legislature and shall be used only for the purposes set forth in sections 81-1843 to 81-1851. Such fund shall be administered by the Nebraska Commission on Law Enforcement and Criminal Justice.

Source Laws 1981, LB 477, § 2; Laws 2004, LB 270, § 8.

81-1844.01. Pamphlet on rights and procedures; distribution.

(1) The Nebraska Commission on Law Enforcement and Criminal Justice shall create a pamphlet or document that contains the following information:

(a) A brief statement of the procedural steps of a criminal case;

(b) The rights and procedures under sections 81-1843 to 81-1851;

(c) Suggested procedures if the victim or the victim's immediate family is subjected to acts or threats of physical violence or intimidation by the defendant or at the direction of the defendant; and

(d) The availability of victim's compensation awards and the address of the Crime Victim's Reparations Committee.

(2) Not later than seventy-two hours after arraignment of the defendant for the crime, the county attorney shall distribute to the victim, as defined in section 29-119, the pamphlet or document of victim's rights created by the commission pursuant to this section.

Source Laws 2004, LB 270, § 9.

81-1845. Victim and witness assistance center; selection and establishment; Nebraska Commission on Law Enforcement and Criminal Justice; duties; funding.

(1) Any public or private nonprofit agency may apply to the Nebraska Commission on Law Enforcement and Criminal Justice for selection and funding as a victim and witness assistance center pursuant to sections 81-1843 to 81-1851.

(2) The commission shall consider the following factors, together with any other factors it deems appropriate, in selecting applicants to receive funds and be designated as a victim and witness assistance center:

(a) The number of volunteers that the proposed center will utilize;

(b) The stated goals of the applicant;

(c) The potential number of people that may be served by the proposed center and the needs of the community for such a center;

(d) Evidence of community support for the establishment of the proposed center; and

(e) The organizational structure of the agency which will operate the proposed center and provide services to victims and witnesses of crimes.

(3) Upon evaluation of all applicants, the Nebraska Commission on Law Enforcement and Criminal Justice shall select a number of public or private nonprofit agencies which the commission deems qualified for designation to receive funding for the establishment and operation of such centers.

(4) The commission shall, upon the establishment of such centers, conduct appraisals of their performance to determine which of the centers shall receive continuation grants.

Source Laws 1981, LB 477, § 3; Laws 2004, LB 270, § 10; Laws 2012, LB782, § 209; Laws 2013, LB222, § 38.

81-1846. Victim and witness assistance centers; purposes.

The centers shall be designed to:

(1) Assist criminal justice agencies in giving more consideration and personal attention to victims and witnesses through the delivery of services to victims and witnesses of crimes;

(2) Provide a model for other community-based efforts to aid victims and witnesses;

(3) Sensitize law enforcement officials, communications technicians, and supervisors to the needs of victims of crime and encourage a concerned approach to such victims;

(4) Attempt to decrease the incidence of unreported crimes; and

(5) Assure that victims and witnesses are informed of the progress of the case in which they are involved.

Source Laws 1981, LB 477, § 4.

81-1847. Victim and witness assistance centers; services provided.

Services provided by the centers shall include, but not be limited to:

(1) Providing assistance to victims in preparing claims for submission to the Crime Victim's Reparations Committee;

(2) Establishing a means for volunteers to work with criminal justice agencies to promote greater sensitivity to the needs of victims and witnesses;

(3) Providing followup support services to victims of violent crime and their families to insure that they receive necessary assistance through available community resources;

(4) Providing elderly victims of crime with services appropriate to their special needs;

(5) Providing liaison and referral systems to special counseling facilities and community service agencies for victims;

(6) Providing transportation and household assistance to those victims and witnesses participating in the criminal justice process;

(7) Notifying friends, relatives, and the employer of a victim, if requested;

(8) Arranging for verification of medical benefits and assistance when applying for compensation from the Crime Victim's Reparations Committee;

(9) Notifying witnesses prior to their being subpoenaed in criminal cases; and

(10) Notifying witnesses of changes in the court calendar to avoid unnecessary trips to the court or spending unnecessary time in court.

Source Laws 1981, LB 477, § 5; Laws 1986, LB 540, § 39.

81-1848. Victims and witnesses of crimes; rights; enumerated.

(1) Victims as defined in section 29-119 shall have the following rights:

(a) To examine information which is a matter of public record and collected by criminal justice

agencies on individuals consisting of identifiable descriptions and notations of issuance of arrest warrants, arrests, detentions, indictments, charges by information, and other formal criminal charges. Such information shall include any disposition arising from such arrests, charges, sentencing, correctional supervision, and release, but shall not include intelligence or investigative information;

(b) To receive from the county attorney advance reasonable notice of any scheduled court proceedings and notice of any changes in that schedule;

(c) To be present throughout the entire trial of the defendant, unless the victim is to be called as a witness or the court finds sequestration of the victim necessary for a fair trial. If the victim is to be called as a witness, the court may order the victim to be sequestered;

(d) To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the following:

(i) The crimes for which the defendant is charged, the defendant's bond, and the time and place of any scheduled court proceedings;

(ii) The final disposition of the case;

(iii) The crimes for which the defendant was convicted;

(iv) The victim's right to make a written or oral impact statement to be used in the probation officer's preparation of a presentence investigation report concerning the defendant;

(v) The address and telephone number of the probation office which is to prepare the presentence investigation report;

(vi) That a presentence investigation report and any statement by the victim included in such report will be made available to the defendant unless exempted from disclosure by order of the court; and

(vii) The victim's right to submit a written impact statement at the sentencing proceeding or to read his or her impact statement submitted pursuant to subdivision (1)(d)(iv) of this section at the sentencing proceeding;

(e) To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the time and place of any subsequent judicial proceedings if the defendant was acquitted on grounds of insanity;

(f) To be notified as provided in section 81-1850, to testify before the Board of Parole or submit a written statement for consideration by the board, and to be notified of the decision of and any action taken by the board;

(g) To submit a written statement for consideration at any conditional release proceedings, Board of Parole proceedings, pardon proceedings, or commutation proceedings. Conditional release proceeding means a proceeding convened pursuant to a Department of Correctional Services' decision to grant a furlough from incarceration for twenty-four hours or longer or a release into community-based programs, including educational release and work release; and

(h) To have any personal identifying information, other than the victim's name, not be disclosed on pleadings and documents filed in criminal actions that may be available to the public. The Supreme Court shall adopt and promulgate rules to implement this subdivision.

(2) Victims and witnesses of crimes shall have the following rights:

(a) To be informed on all writs of subpoena or notices to appear that they are entitled to apply for and may receive a witness fee;

(b) To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled in order to save the person an unnecessary trip to court;

(c) To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts and to be provided with information as to the level of

protection available;

(d) To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services;

(e) To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled;

(f) To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants;

(g) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, shall be returned to the person within ten days after being taken;

(h) To be provided with appropriate employer intercession services to insure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(i) To be entitled to a speedy disposition of the case in which they are involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter;

(j) To be informed by the county attorney of the final disposition of a felony case in which they were involved and to be notified pursuant to section 81-1850 whenever the defendant in such case is released from custody; and

(k) To have the family members of all homicide victims afforded all of the rights under this subsection and services analogous to those provided under section 81-1847.

Source Laws 1981, LB 477, § 6; Laws 1990, LB 87, § 9; Laws 1991, LB 186, § 3; Laws 2004, LB 270, § 11; Laws 2015, LB605, § 92.

Annotations

Although the victim's parents, and not the victim's sister, were statutorily defined "victims" under section 29-119, the court did not abuse its discretion in allowing the sister to read her impact statement at sentencing where the parents were elderly, lived out of state, and did not want to participate in the resentencing. *State v. Thieszen*, 300 Neb. 112, 912 N.W.2d 696 (2018).

81-1848.01. Appeal; notification required.

(1) Upon the filing of an appeal by the defendant, the county attorney upon whom notice of appeal was served shall notify the Attorney General in writing of the name and last-known address of any victim as defined in section 29-119.

(2) The Attorney General shall notify the victim of the following:

(a) That the defendant has filed an appeal of the conviction;

(b) A brief explanation of the appeal process, including possible dispositions;

(c) Whether the defendant has been released on bail or other recognizance pending the disposition of the appeal;

(d) The time and place of any appellate proceedings and any changes in the time or place of those proceedings;

(e) The result of the appeal; and

(f) The final disposition of the case within thirty days after the final disposition.

(3) In the event the defendant's conviction is reversed and the case is remanded to the trial

court for further proceedings, the victim has the same rights as he or she had during the previous proceedings which led to the appeal.

Source Laws 2004, LB 270, § 12.

81-1848.02. Escape; notification required.

(1) As provided in subsections (2) and (3) of this section, the victim, as defined in section 29-119, and the prosecuting attorney shall be immediately notified of an escape by a prisoner confined and accused of, convicted of, or sentenced for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice to the victim and the prosecuting attorney.

(2) If the escape occurs before the sentence is executed or before the prisoner is delivered to the custody of the Department of Correctional Services or the county corrections agency, the chief law enforcement officer of the agency in charge of the prisoner's detention shall notify the victim and the prosecuting attorney of the escape.

(3) If the prisoner is confined pursuant to a sentence, the chief administrator of the facility where the prisoner was confined shall notify the victim and the prosecuting attorney.

Source Laws 2004, LB 270, § 13.

81-1848.03. Victim's rights; waiver.

Victim's rights under sections 81-1843 to 81-1851 may be waived by the victim at any time by

(1) written consent, in person or by attorney, filed with the clerk of the court or (2) oral consent in open court entered on the journal.

Source Laws 2004, LB 270, § 14; Laws 2018, LB193, § 92.

81-1849. Victim; duty.

To receive the notices provided for in sections 81-1848 to 81-1848.02, a victim shall keep the county attorney informed of his or her current address and telephone number.

Source Laws 1990, LB 87, § 10; Laws 2002, LB 1105, § 510; Laws 2004, LB 270, § 15.

81-1850. County attorney; Board of Parole; Department of Correctional Services; county corrections agency; Department of Health and Human Services; duties; notification of victim.

(1) Upon request of the victim and at the time of conviction of the offender, the county attorney of the jurisdiction in which a person is convicted of a felony shall forward to the Board of Parole, the Department of Correctional Services, the county corrections agency, or the Department of Health and Human Services the name and address of any victim, as defined in section 29-119, of the convicted person. The board, the Department of Correctional Services, the county corrections agency, or the Department of Health and Human Services shall include the name in the file of the convicted person, but the name shall not be part of the public record of any parole hearings of the convicted person. Any victim, including a victim who has waived his or her right to notification at the time of conviction, may request the notification prescribed in this section, as applicable, by sending a written request to the board, the Department of Correctional Services, the county corrections agency, or the Department of Health and Human Services any time after the convicted person is incarcerated and until the convicted person is no longer under the jurisdiction of the board, the county corrections agency, or the Department of Correctional Services or, if the person is under the jurisdiction of the Department of Health and Human Services, within the three-year period after the convicted person is no longer under the

jurisdiction of the board, the county corrections agency, or the Department of Correctional Services.

(2) A victim whose name appears in the file of the convicted person shall be notified by the Board of Parole:

- (a) Within ninety days after conviction of an offender, of the tentative date of release and the earliest parole eligibility date of such offender;
- (b) Of any parole hearings or proceedings;
- (c) Of any decision of the Board of Parole;
- (d) When a convicted person who is on parole is returned to custody because of parole violations; and
- (e) If the convicted person has been adjudged a mentally disordered sex offender or is a convicted sex offender, when such person is released from custody or treatment.

Such notification shall be given in person, by telecommunication, or by mail.

(3) A victim whose name appears in the file of the convicted person shall be notified by the Department of Correctional Services or a county corrections agency:

- (a) When a convicted person is granted a furlough or release from incarceration for twenty-four hours or longer or any transfer of the convicted person to community status;
- (b) When a convicted person is released into community-based programs, including educational release and work release programs. Such notification shall occur at the beginning and termination of any such program;
- (c) When a convicted person escapes or does not return from a granted furlough or release and again when the convicted person is returned into custody;
- (d) When a convicted person is discharged from custody upon completion of his or her sentence. Such notice shall be given at least thirty days before discharge, when practicable;
- (e) Of the (i) department's calculation of the earliest parole eligibility date of the prisoner with all potential good time or disciplinary credits considered if the sentence exceeds ninety days or (ii) county corrections agency's calculation of the earliest release date of the prisoner. The victim may request one notice of the calculation described in this subdivision. Such information shall be mailed not later than thirty days after receipt of the request;
- (f) Of any reduction in the prisoner's minimum sentence; and
- (g) Of the victim's right to submit a statement as provided in section 81-1848.

(4) A victim whose name appears in the file of a convicted person shall be notified by the Department of Health and Human Services:

- (a) When a person convicted of an offense listed in subsection (5) of this section becomes the subject of a petition pursuant to the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act prior to his or her discharge from custody upon the completion of his or her sentence or within thirty days after such discharge. The county attorney who filed the petition shall notify the Department of Correctional Services of such petition. The Department of Correctional Services shall forward the names and addresses of victims appearing in the file of the convicted person to the Department of Health and Human Services;
- (b) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection escapes from an inpatient facility providing board-ordered treatment and again when the person is returned to an inpatient facility;
- (c) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection is discharged or has a change in disposition from inpatient board-ordered treatment;
- (d) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection is granted a furlough or release for twenty-four hours or longer; and

(e) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection is released into educational release programs or work release programs. Such notification shall occur at the beginning and termination of any such program.

(5) Subsection (4) of this section applies to persons convicted of at least one of the following offenses which is also alleged to be the recent act or threat underlying the commitment of such persons as mentally ill and dangerous or as dangerous sex offenders as defined in section 83-174.01:

(a) Murder in the first degree pursuant to section 28-303;

(b) Murder in the second degree pursuant to section 28-304;

(c) Kidnapping pursuant to section 28-313;

(d) Assault in the first degree pursuant to section 28-308;

(e) Assault in the second degree pursuant to section 28-309;

(f) Sexual assault in the first degree pursuant to section 28-319;

(g) Sexual assault in the second degree pursuant to section 28-320;

(h) Sexual assault of a child in the first degree pursuant to section 28-319.01;

(i) Sexual assault of a child in the second or third degree pursuant to section 28-320.01;

(j) Stalking pursuant to section 28-311.03; or

(k) An attempt, solicitation, or conspiracy to commit an offense listed in subdivisions (a) through (j) of this subsection.

(6) A victim whose name appears in the file of a convicted person shall be notified by the Board of Pardons:

(a) Of any pardon or commutation proceedings; and

(b) If a pardon or commutation has been granted.

(7) The Board of Parole, the Department of Correctional Services, the Department of Health and Human Services, and the Board of Pardons shall adopt and promulgate rules and regulations as needed to carry out this section.

(8) The victim's address and telephone number maintained by the Department of Correctional Services, the Department of Health and Human Services, the county corrections agency, or the Board of Parole pursuant to subsection (1) of this section shall be exempt from disclosure under public records laws and federal freedom of information laws, as such laws existed on January 1, 2004.

Source Laws 1991, LB 186, § 4; Laws 1992, LB 523, § 16; Laws 1997, LB 325, § 1; Laws 2004, LB 270, § 16; Laws 2004, LB 1083, § 127; Laws 2006, LB 1199, § 85.

Cross References

Nebraska Mental Health Commitment Act, see section 71-901.

Sex Offender Commitment Act, see section 71-1201.

81-1851. Legislative intent.

It is the intent of the Legislature that sections 81-1843 to 81-1851 shall be construed as enabling the rights set forth in Article I, section 28, of the Constitution of Nebraska.

Source Laws 2004, LB 270, § 17.

Consultants' Competitive Negotiation Act § 81-1721

81-1721. Existing contracts; validity; unaffected.

Nothing in sections 81-1701 to 81-1721 shall affect the validity of any contracts in existence on July 22, 1978.

Source Laws 1978, LB 715, § 21.

Restitution § 29-2286

29-2286. Restitution; enforcement; by whom.

An order of restitution may be enforced by a victim named in the order to receive the restitution or the personal representative of the victim's estate in the same manner as a judgment in a civil action. If the victim is deceased and no claim is filed by the personal representative of the estate or if the victim cannot be found, the Attorney General may enforce such order of restitution for the benefit of the Victim's Compensation Fund.

Source Laws 1986, LB 956, § 7.

Cross References

Reparations, Nebraska Crime Victim's Reparations Act, see section 81-1841.

Victim's Compensation Fund, see section 81-1835.

Conviction Fees § 33-157

33-157. Conviction for misdemeanor or felony; affirmation on appeal; additional assessment of cost; use; Nebraska Crime Victim Fund; created; use.

(1) In addition to all other costs assessed according to law, an assessment of one dollar shall be assessed for each conviction of a person for any misdemeanor or felony in county court or district court and each affirmation on appeal. No such assessment shall be collected in any juvenile court proceeding. No county shall be liable for the assessment imposed pursuant to this section. The assessments shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the end of the month.

(2) The Nebraska Crime Victim Fund is created. The fund shall contain the amounts remitted pursuant to subsection (1) of this section and section 83-184. The fund shall be administered by the Nebraska Commission on Law Enforcement and Criminal Justice. As soon as funds become available, the commission shall direct the State Treasurer to transfer money from the Nebraska Crime Victim Fund to the Department of Correctional Services Facility Cash Fund and the Supreme Court Automation Cash Fund to pay for the initial costs in implementing Laws 2010, LB510, in amounts to be determined by the Department of Correctional Services and the Supreme Court and certified to the commission. When such costs are fully reimbursed, the Nebraska Crime Victim Fund shall terminate and the State Treasurer shall distribute seventy-five percent of the funds remitted pursuant to subsection (1) of this section and section 83-184 to the Victim's Compensation Fund to be awarded as compensation for losses and expenses allowable under the Nebraska Crime Victim's Reparations Act and shall distribute twenty-five percent of such funds to the Reentry Cash Fund.

Source Laws 2010, LB 510, § 1

Cross References

Nebraska Crime Victim's Reparations Act, see section 81-1841.

Inmate Wages § 83-183.01

83-183.01. Persons committed; wages; disposition; director; adopt rules and regulations.

A person committed to the department, who is earning at least minimum wage and is employed pursuant to sections 81-1827 and 83-183, shall have his or her wages set aside by the chief

executive officer of the facility in a separate wage fund. The director shall adopt and promulgate rules and regulations which will protect the inmate's rights to due process, provide for hearing as necessary before the Crime Victim's Reparations Committee, and govern the disposition of a confined person's gross monthly wage minus required payroll deductions and payment of necessary work-related incidental expenses for the following purposes:

- (1) For the support of families and dependent relatives of the respective inmates;
- (2) For the discharge of any legal obligations, including judgments for restitution as provided in section 83-184.01;
- (3) To pay all or a part of the cost of their board, room, clothing, medical, dental, and other correctional services;
- (4) To provide for funds payable to the person committed to the department upon his or her release;
- (5) For the actual value of state property intentionally or willfully and wantonly destroyed by such person during his or her commitment;
- (6) For reasonable costs incurred in returning such person to the facility to which he or she is committed in the event of escape; and
- (7) For deposit in the Victim's Compensation Fund.

Source Laws 1980, LB 319, § 11; Laws 1986, LB 540, § 40; Laws 1987, LB 353, § 3; Laws 2015, LB 605, § 95.

Annotations

Section 83-183, when construed with this section, does not require that an inmate be provided with full-time employment as a prerequisite to the applicability of rules and regulations promulgated under the authority of this section. *Hurbenca v. Nebraska Dept. of Corr. Servs.*, 18 Neb. App. 31, 773 N.W.2d 402 (2009).

Inmate Wages § 83-184

83-184. Person committed; authorized employment and treatment activities; funds; disposal; withholding; use; violations; effect.

(1) When the conduct, behavior, mental attitude, and conditions indicate that a person committed to the department and the general society of the state will be benefited, and there is reason to believe that the best interests of the people of the state and the person committed to the department will be served thereby, in that order, and upon the recommendation of the board in the case of each committed offender, the director may authorize such person, under prescribed conditions, to:

(a) Visit a specifically designated place or places and return to the same or another facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services, the contacting of prospective employers, or for any other reason consistent with the public interest;

(b) Work at paid employment or participate in a training program in the community on a voluntary basis whenever:

(i) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(ii) The rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality in which the work is to be performed; or

(c) Leave the facility to participate in substance abuse evaluations or treatment, attend rehabilitative programming or treatment, seek residency or employment, or participate in structured programming as provided in section 83-182.01 and return to the same or another facility. The department shall collaborate with community-based providers to enhance the availability of community-based options for such participation that meet the department's requirements for rehabilitative programming or treatment or structured programming.

(2) The wages earned by a person authorized to work at paid employment in the community under this section shall be credited by the chief executive officer of the facility to such person's wage fund. The director shall authorize the chief executive officer to withhold up to five percent of such person's net wages. The funds withheld pursuant to this subsection shall be remitted to the State Treasurer for credit as provided in subsection (2) of section 33-157.

(3) A person authorized to work at paid employment in the community under this section may be required to pay, and the director is authorized to collect, such costs incident to the person's confinement as the director deems appropriate and reasonable. Collections shall be deposited in the state treasury as miscellaneous receipts.

(4) A person authorized to work at paid employment in the community under this section may be required to pay restitution. The director shall adopt and promulgate rules and regulations which will protect the committed offender's rights to due process and govern the collection of restitution as provided in section 83-184.01.

(5) The willful failure of a person to remain within the extended limits of his or her confinement or to return within the time prescribed to a facility designated by the director may be deemed an escape from custody punishable as provided in section 28-912.

(6) No person employed in the community under this section or otherwise released shall, while working in such employment in the community or going to or from such employment or during the time of such release, be deemed to be an agent, employee, or servant of the state.

Source Laws 1969, c. 817, § 15, p. 3081; Laws 1978, LB 748, § 46; Laws 1999, LB 106 § 1, Laws 2010, LB 510, § 5, Laws 2015, LB 605, § 96; Laws 2018 LB 841, § 20.

Annotations

The word willful herein means only intentional and not accidental or involuntary. *State v. Gascoigen*, 191 Neb. 15, 213 N.W.2d 452 (1973).

Failure to return to a hospital after a temporary leave constitutes an escape from custody. *State v. Mayes*, 190 Neb. 837, 212 N.W.2d 623 (1973).

Sentence of one year for willful failure to return to Nebraska Penal and Correctional Complex from twenty-seven-hour furlough was not excessive. *State v. Cox*, 189 Neb. 821, 205 N.W.2d 546 (1973).

The Director of Corrections may refuse to release a prisoner for work under this section notwithstanding a favorable recommendation by the Board of Parole. *Housand v. Sigler*, 186 Neb. 414, 183 N.W.2d 493 (1971).