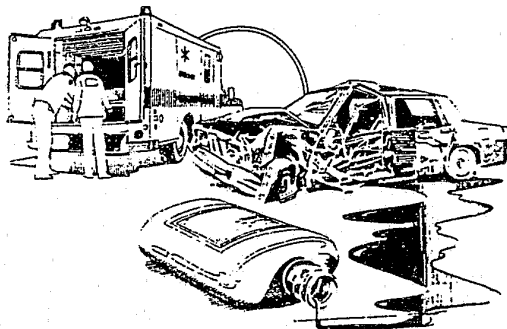


HELPING THE CRIME VICTIM
APPLY FOR CRIME VICTIM COMPENSATION



WYOMING CRIME VICTIMS COMPENSATION PROGRAM



150261

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Wyoming Crime Compensation
Board

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Table of Contents

ACQUISITIONS

| | |
|---|----|
| 1. Introduction..... | 2 |
| 2. Advising the Victim..... | 3 |
| 3. Eligibility Requirements..... | 4 |
| 4. Who Is Not Eligible..... | 6 |
| 5. Possible Problems With Eligibility..... | 7 |
| 6. What Can Crime Victims Compensation Pay?..... | 9 |
| 7. The Claim Process | 11 |
| 8. Appeal of Decision..... | 14 |
| 9. Recovery From The Offender | 14 |
| 10. Emergency Awards | 15 |
| 11. Guide to Completing The Application | 15 |
| a. Filing Status..... | 16 |
| b. Victim Information | 16 |
| c. Claimant Information..... | 16 |
| d. Federal Statistical Information | 17 |
| e. Victim's Assistant Information..... | 17 |
| f. Referral Source Information..... | 17 |
| g. Crime Information..... | 17 |
| h. Crime Related Bills and Expenses..... | 18 |
| i. Other Sources of Payment..... | 20 |
| j. Loss of Earnings and Loss of Support..... | 21 |
| k. Other Economic Losses..... | 22 |
| 12. Statement of Understanding, Assignment of Benefits, Agreement of Victim/Claimant and Authorization | 23 |
| 13. Exceptions and Commission Discretion..... | 24 |
| 14. Things to Remember..... | 25 |
| 15. Appendix..... | |
| Compensation Statutes | |
| Cover Letter for Application | |
| Law Enforcement Verification Form | |
| Evaluation Form | |
| Organizational Chart | |
| Vendor Forms | |

Acknowledgments

The Commission extends its appreciation to Scott Sargent, Legal Intern, during the summer of 1993, for incorporating ideas from various sources with our program statutes and policies to develop the first manuscript of this handbook. Special thanks to the Wisconsin Department of Justice Compensation Handbook which served as the model for this project.

Our thanks are also extended to the Commission staff and their legal advisor for review of many drafts of this handbook. We acknowledge the input and support provided by Mary Beth Wolff, Assistant Attorney General; Sylvia Bagdonas, Charles Skinner, Catherine Gonzales, Vicki Powell, and Cheryl Hudson-Jolley.

1. INTRODUCTION

In 1985, the Wyoming Legislature enacted the Crime Victims Compensation Act, Wyoming statute 1-40-101 through 119. This statute created the Crime Victims Compensation Commission and authorized financial compensation for certain unreimbursed economic losses incurred by innocent victims of violent crime.

The Commission consists of three members. The Governor appoints the Commission with the advice and consent of the senate. The Commissioners serve six-year terms. By statute, the Commission operates out of the office of the Wyoming Attorney General. The Commission is responsible for hearing and determining all matters relating to claims for compensation. The Wyoming Crime Victims Compensation Commission executive office processes all claims for compensation. The Commission only considers a claim for compensation after it has been processed.

The Commission is statutorily responsible for the administration and control of the crime victims compensation account. All compensation awards are paid out of this account. The moneys in the account come mainly from surcharges assessed against persons convicted of crimes in the District, County, Justice of Peace, and Municipal Courts. By statute, payment of an award cannot be made on any claim for compensation if there are no moneys in this account.

The intent of the state's compensation law is not to compensate all victims of crime, but only to compensate those who have actually incurred specific financial losses. The fund is intended to be the source of last resort for victims of crime, and every other collateral or alternative source of compensation must be exhausted before a victim of crime can be said to suffer an out-of-pocket loss. In other words the Compensation Fund operates as a kind of safety net for victims of crime who suffer losses for which there is no other public or private source of compensation.

The Commission manages a small fund and must insure that these dollars are disbursed as equitably and fairly as possible. Since the program's inception the Commission has enhanced the surcharge collection process several times through amendments to the original Act. These changes have increased collections and enabled the program to remain "out of the red." Each year an increase in the number of applications

has occurred challenging the Commission's ability to compensate all eligible requests. The impact of increased caseloads creates a backlog for the staff. This handbook is designed to help crime victim service personnel to assist the compensation staff in expediting the compensation claim verification process.

Crime victims cannot apply for compensation if they do not know about the program. Or, if they do not understand what information is required, the claim process can be delayed. Law enforcement agencies are statutorily obligated to exercise reasonable care in insuring that all crime victims are informed of the program and the procedure for applying for compensation. The Crime Victims Compensation Commission is responsible to actively publicize the program and promote its use. In order to further ensure that victims find out about the compensation program, the Legislature passed the Crime Victims Bill of Rights in 1991, and granted to victims the right to be informed of financial assistance, including information on how to apply for compensation. Victim assistance and victim witness programs which receive VOCA grants from the Commission for the purpose of providing direct services to victims and witnesses of crime are required to provide information about victim compensation to all potential applicants. This booklet is designed for professionals and other interested persons who deal with victims of crime on a first hand basis to aid victims in understanding the program and in applying for compensation.

2. ADVISING THE VICTIM OF CRIME

Tell every victim (dependent and family member in the case of death or incapacity of victim) who may be eligible about crime victims compensation. Do not assume that they already know about it or that someone else has told them. Even if they are already aware of the program, they may be unsure of whether they qualify or how to apply. All potential applicants should be given an application and information about the program.

In assisting victims with crime victims compensation claims, do not try to make eligibility decisions. This is the function of the Commission. You should advise the victim of any potential problems with their claim such as victim contribution, other sources of payment, lack of cooperation on their part, and the fact that they may not be the victim of an eligible crime. You should advise victims who are obviously ineligible about their ineligibility, but if they insist on making an application, allow them to do so. **DO NOT**

make any promises to the victim about any potential awards. The determination of an award is under the sole control of the Commission.

You can serve victims best by advising them of the program and assisting them in completing the application.

3. ELIGIBILITY REQUIREMENTS

Any victim of a crime defined by the laws of the State of Wyoming which results in physical injury or death to the victim, including acts of domestic violence and drunk driving, is eligible for compensation unless the injury or death is attributable to his/her own wrongful conduct. In order to determine if a victim may be eligible for an award, consider these eligibility criteria.

1. The crime must have been reported to the appropriate authorities as soon as practical under the circumstances.
2. The victim/claimant must cooperate in the investigation and prosecution of the crime.
3. The victim must have incurred out of pocket expenses as a result of a crime involving personal bodily injury, (i.e. the victim must have had to spend his/her own money to pay for bills that he/she would not have had if the crime had not caused the injury or death)
4. The application for compensation must be made within one (1) year of the date of death or injury. The Commission may, upon demonstration of good cause, extend the one year filing period in the "interest of justice." In cases involving children the application must be filed within one (1) year of the date on which the crime is reported.
5. A person injured or killed as a result of the operation of a boat, automobile, or aircraft, is not eligible for compensation unless the injury or death was recklessly or intentionally inflicted through the use of a boat, automobile, or aircraft. The incident must be criminally charged pursuant to Wyoming law. Accidents and traffic violations are not compensable. In cases where it is difficult to ascertain whether the incident is an accident or a crime, it is advisable for the victim and or family to submit the application for consideration. The Commission will decide, based on the available facts, whether the vehicle operation was

reckless. Persons injured or killed as a result of a person operating a vehicle in violation of the DUI laws are eligible. Other crimes involving an automobile which are usually eligible include hit and run and vehicular homicide.

6. Only victims of crimes that occur within the State of Wyoming or Wyoming residents who are victims of crime in other states are eligible. For a Wyoming resident who is a victim of crime in another state to be eligible, he/she must first apply to that state's victims compensation program and be denied payment. Once that state denies his/her claim an application may be considered in Wyoming. A person who becomes a victim of crime in Wyoming does not need to be a resident of Wyoming in order to apply for compensation in this state.

7. In addition to the direct victim of a crime, a relative of a victim who pays reasonable medical and/or funeral expenses, or a relative who is a dependent of a deceased victim, may be eligible for compensation. 1) **Funeral Costs Reimbursement:** For example, in case of a homicide, a brother or sister of the deceased may travel to Wyoming to make funeral arrangements, handle the estate, and assist with the investigation of the crime. The Commission may consider reimbursement of any medical bills prior to death, the funeral costs up to \$3000.00, and reimbursement of air fare or mileage which were paid by the brother or sister.

2) **Future Loss of Support to Dependent Children:** Another example might involve a homicide/suicide whereby the husband murders his wife and then commits suicide leaving two minor children to be cared for by relatives. If the deceased mother was employed and contributing to the children's welfare, the Commission may consider up to \$500.00 per month or \$6,000.00 for one year of future loss of support. In addition, assuming the mother's minor child of a previous marriage lives in another area and was receiving child support of \$25.00 per month, the Commission can also consider compensation to this child. However, all three children's loss of support must be considered within the \$6,000.00 maximum allowed for this category of compensation. Pursuant to statute relatives include: spouse, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother or sister.

4. WHO IS NOT ELIGIBLE

In order to determine whether or not a victim is eligible for crime victim compensation, use the following checklist.

A victim is not eligible if:

1. No personal bodily injuries were suffered.
2. Only property damage or theft occurred.
3. The crime was not reported to a law enforcement agency, or an agency authorized by law to investigate criminal acts.
4. The incident is not a crime under Wyoming statutes (i.e. traffic violations and accidents).
5. No claim for compensation was filed by an adult victim within one year of the date of the crime (unless a petition for an extension is granted by the Commission).
6. No claim for compensation was filed on behalf of a child within one year of the date of the crime or when it was reported. Note: Extensions may be granted for children.
7. The victim was committing a crime at the time of his/her injuries.
8. The victim did not incur any compensable expenses. The "economic losses" incurred by a crime victim must be for a personal injury suffered as a direct result of a crime.
9. The victim's expenses were paid in full by another source.
10. There is no provision to make awards for "pain and suffering."
11. Suicides are considered 100 percent contribution and are not compensable.

5. POSSIBLE PROBLEMS WITH ELIGIBILITY

Several factors may have an effect on a person's eligibility for compensation. Some of these factors are set out by statute, others are by way of Commission policy. As stated earlier, a person must be a victim of crime as set out in the statutes, must have sustained personal injury as a result of crime, and must have incurred out-of-pocket expenses as a result of a crime. Once these three elements are satisfied, several other factors will be considered.

The presence of any of these factors may result in the denial or reduction of an award:

1. The Commission will consider whether the injury or death was attributable to the victim's own wrongful conduct. The Commission will deny compensation if it determines that the victim's injury is attributable to his/her own wrongful conduct, such as committing a crime.
2. The crime must be reported to the appropriate authorities as soon as practicable under the circumstances and the victim must cooperate fully in the investigation and prosecution of the crime. If the Commission determines that the victim failed to report the crime and/or failed to cooperate with reasonable requests of authorities, they will deny compensation. The term appropriate authorities is purposefully broad to encompass all entities appropriate to receive reports of crimes such as DFS, the courts and law enforcement agencies.
3. The applicant must file his/her claim for compensation within one year of the date of the death or injury. If the applicant does not file within the one year following the death or injury, then he/she may petition the Commission for an extension. The applicant must show good cause as to why he/she did not file within the one year time frame. If the applicant does not show good cause, the Commission will deny compensation. Not knowing about the Crime Victims Compensation program is not good cause for an extension.
4. The Commission will not deny compensation solely because the victim was living with the offender or was a relative of the offender at the time of the crime. However,

the Commission cannot make an award to a victim if they reasonably determine that the offender will receive economic benefit or unjust enrichment from the award.

5. By law, W.S. 1-40-106 (c), any person who perpetrates any criminal act on the person of another or who is convicted of a felony after applying to the Commission for compensation is not eligible or entitled to receive compensation.

6. A person who fails to provide needed information either in the application or at the request of the Commission, will be denied an award.

7. The Commission will consider all circumstances surrounding the victim's conduct, determined to be relevant, that directly contributed to the victim's injury or death. The Commission has formulated the seven factors below that they look for when considering contribution. The presence of one or more of these factors may result in the denial of an award or the reduction from an award by fourteen percent (14 percent) for each factor present.

1. use of obscene/fighting words or threatening gestures.
2. poor judgment because the victim consumed alcohol or other drugs .
3. victim failed to retreat or withdraw from a situation where an option to do so was readily available.
4. victim was assisting, attempting to commit, or committing a criminal act at the time of the injury.
5. the defendant was provoked by the victim in a manner where. bodily harm appeared likely.
6. the victim knowingly and willingly entered a vehicle operated by a person under the influence of alcohol or a controlled substance .
7. the victim challenges or is challenged to a fight and accepts the challenge; a mutual combat situation.

8. The Commission automatically deducts fourteen percent (14 percent) for minors consuming alcohol, which is a violation of state law.

9. By law, the Commission must consider the availability of other sources of payment. These may include insurance policies, auto insurance, Social Security, Title XIX/Medicaid, Workers Compensation, etc. The Commission is the payer of last resort.

Because other resources seldom pay all losses incurred by the victim, even with the availability of other sources, the Commission frequently compensates for deductibles, costs after insurance's caps or limits are reached, exceptions not covered by other sources, etc.

6. WHAT CAN CRIME VICTIMS COMPENSATION PAY?

The maximum award is set by statute at \$10,000.00. In addition other categories of loss such as earnings loss and funeral costs have a cap on the amount of award. This cap is also set by statute. All charges must be crime related and incurred by the crime victim whose application is filed with the Commission. Family members, friends, and associates who pay for economic losses on behalf of a victim, such as funeral costs, can include their reimbursement requests with the victim's application.

MEDICAL - Reasonable out-of-pocket costs for services rendered in accordance with any method of healing recognized by Wyoming law including, but not limited to,

- hospital expenses
- surgical fees
- physician fees (including emergency room)
- lab and diagnostic fees
- anesthesiologist
- dental or orthodontic fees
- medicines (prescription drugs)
- chiropractic
- medical, dental or surgical supplies
- certain mental health services
- prosthetic devices, artificial limbs
- ambulance
- eye glasses, etc.

All charges must be crime related

FUNERAL EXPENSES - Losses are considered up to a cap of \$3,000.00. These expenses may include, but are not limited to, any charges billed by a mortuary, cost for a burial plot, transportation of the body, and costs of religious and/or traditional services, urn for cremated remains, and flowers.

LOSS OF EARNINGS, LOSS OF FUTURE EARNINGS, and LOSS OF SUPPORT relates to loss of earnings because the victim lost time at work due to the crime. Compensation is paid at a rate of \$500.00 per month (\$23.80 per work day) or at the actual rate of the victim's pay, whichever is less. This loss is calculated by averaging the previous 6 months earnings. The victim must be working at the time of the crime to be eligible for earnings loss. Loss of support can be considered because the victim is deceased or because the defendant was a primary source of support for the family and is no longer in the home.

HOMEMAKER SERVICES - includes expenses incurred when a victim has to bring in homemaking help because his/her crime related injuries preclude him/her from performing customary and necessary homemaking duties. Verification of payment for services is required (i.e. receipts). If family members provide services without reimbursement, these services are considered a donation.

OTHER LOSSES - reasonable out-of-pocket expenses may be considered for compensation on a case by case basis. These may include mileage for medical care, meals and lodging, relocation costs in emergency cases, personal items taken as evidence, shelter costs when a victim must leave their home, and transportation/motel for claimants for funeral. The expenses must be crime related.

SUPPLEMENTAL - usually includes bills for ongoing medical treatment provided within the one year time period after the crime date. In cases with minors when the Commission extends the compensable time period to two years, counseling and other medical costs are usually paid on a quarterly basis. The second most common type of supplemental is loss of future earnings. Due to paper work requirements and the time required to process supplementals, the bills are not paid as they come into the office but rather at periodic time intervals. Sometimes the victim discovers that some bills were inadvertently left out at the time of the hearing. If the year deadline is not over, simply send the bills to the office with a letter explaining the reason for the delay. If the claim payment after the hearing was not over \$10,000.00, or a category cap is not depleted, the claims worker can send the supplemental request to the Commission with a memo and usually it is an expeditious procedure.

Expenses to cover damaged and lost property cannot be claimed except for property taken as evidence by investigating authorities. This category has a cap of \$100.00.

7. THE CLAIM PROCESS

The first step in the claim process is the filing of an application. Time is of the essence in filing the application, not only because the claim must be filed within one year of the death or injury, but also because claims are paid in the order in which they are received. This can become important if the Crime Victims Compensation Fund becomes low. Because claims are paid in the order that they are received, a claim filed first might be paid; the payment of the claim might deplete the fund; and subsequent claims will not be paid until the fund is replenished. A claim is considered filed when the application for compensation is received at the Crime Victims Compensation Commission Office in Cheyenne.

Once the Commission receives an application, a claims worker reviews it for completeness. If the application is not complete, the Commission will contact the applicant and request additional information necessary to complete the application. The applicant has thirty days from the date of the request to provide the requested information. This time period is set by statute. No further processing of the application will take place until the information is received. For this reason; it is of the utmost importance that applications are complete before sending them to Cheyenne. Please assist the applicant in filling out the application. If you need further assistance, call our office collect.

Once the application is complete, a claims worker processes it. The claims worker verifies all information on the claim. The verification includes contacting law enforcement authorities to verify that a compensable crime occurred and that the applicant cooperated in the investigation of the crime. The Commission asks law enforcement to provide information regarding the victim's contribution to her/her own injuries. If a defendant has been apprehended and the case has been sent to the County Attorney's Office, the Commission asks the prosecuting attorney handling the case the same questions that they ask law enforcement. Verification also includes contacting victim advocates and other victim service providers, witnesses to the crime, and anyone else who might have information relevant to the facts preceding, during, and immediately after the crime event.

The claims worker will contact all medical service providers and verify all bills submitted for treatment and whether other sources have paid the costs. The claims worker checks medical bills to make certain that they are for crime related services. The Commission requires mental health service providers to submit a resume and a treatment

plan. The Commission will not compensate for mental health services that are unreasonable when compared to the crime committed. The claims worker contacts all insurance carriers and asks them to verify available benefits.

In the case of a claim for lost earnings, loss of future earnings, and loss of support the claims worker contacts all employers and asks them to verify wages and time missed from work.

In the case of death of the victim, the claims worker contacts all funeral service providers and verifies costs of services rendered. Death benefits such as social security, insurance, employer pensions, and public assistance and tribal burial funds will be verified as well.

In the case of discrepancies, the claims worker will contact the applicant and ask him/her to provide additional information. If the applicant refuses to comply with the request he/she may become ineligible for compensation.

It is to the victim's advantage to submit receipts for all crime related out-of-pocket expenses with the application. This speeds up the processing of the claim. Photocopies of original receipts are acceptable.

Once the claims worker verifies the amounts claimed, the claim is ready for submission to the Program Manager for review. If the Program Manager approves the claims worker's verification summary and recommendations, a claim summary letter is mailed to the victim/claimant for final review. This is the victim/claimant's last opportunity to review the summary of information that will be considered by the Commission. If victim/claimant's records do not coincide with the information summarized by the claims worker, it is crucial to inform the Commission office at once. The claim is now ready for submittal to the Commission. This can happen in one of three ways.

First, If there are no eligibility problems, the Program Manager makes an in-house determination of eligibility. If the claim is eligible, a compensation order is prepared for the signature of the Commission Chair. Once the Chair signs the order it goes to the Wyoming State Auditor for payment.

Second, If there are potential eligibility problems, the claim is submitted directly to the three Commissioners for consideration. Completed claims are mailed to the Commission every 2-3 weeks. The three Commissioners independently review the claims. They have two weeks to consider the expedited claims and to submit their decision to the Commission office. If all three Commissioners are in agreement then an order is prepared outlining an award, any reduction in the award and the reasons for the reduction, or the reason for the claim being denied. If the claim results in an award, the Chair signs the order and the claim goes to the Auditor for payment. If the Commissioners are not in agreement, a conference call is initiated and the Commissioners will debate the claim. Additional information may be requested prior to a final decision.

Third, the claim may be submitted to the Commission for hearing at one of their quarterly hearings. The claim will be heard and debated in an open hearing, or at the request of the claimant, in a closed hearing. The victim/claimant can attend these hearings. They are held at various locations around the state. Any completed claim can be submitted at the quarterly hearing. This is at the option of the victim/claimant. Once the Commission makes a decision, the claims are fiscally processed in the same way as claims decided by the other methods.

Award checks for personal out-of-pocket reimbursement are mailed directly to the victim/claimant, or others who have made payments on the victim's bills. Amounts still owed to service providers are paid directly to the service provider and the victim/claimant receives a statement of the amount paid. In the event that an award is reduced, all checks issued will be reduced by the reduction amount. If the claim exceeds \$10,000 00 then all amounts paid will be pro-rated by the same percentage. **The victim/claimant will be responsible for the remaining balance owed.**

The complete claims process normally requires a **minimum** of three months depending on the complexity of the claim. Every effort is made to expedite the claims process. Please advise claimants that the process can sometimes take longer. Do not promise them that they will receive compensation in a set period of time. The claimant remains responsible for any and all bills until an award is made.

8. APPEAL OF DECISION

In the event the Commission reduces or denies a claim, the victim/claimant may request the Commission to reopen the case. By statute, W.S. 1-40-104 (c), the conduct of the Commission's hearings and its final decisions are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including the provisions for judicial review under W. S. 16-3-114 and 16-3-115. However, the Commission will reconsider a claim when the information seems to warrant the request. In order for the reconsideration to be successful, the victim/claimant must be able to submit new information or material, or additional information not originally presented to the Commission. In order to begin the appeal process, the victim/claimant must submit a letter to the Commission within 30 days upon receipt of the final determination letters. The letter must request the Commission to reopen the claim and to explain the reason for the request. Attach the new or additional information to the letter.

9. RECOVERY FROM THE OFFENDER

Once an order for compensation is made and an award is paid out, the state shall be subrogated (substituted) to any right of action the victim, or someone acting on behalf of the victim, has against the person or persons responsible for the crime. This means that if the victim sues the offender and receives an award or settlement, he/she will have to repay the Crime Victims Compensation Fund in the amount of any award of compensation that he/she received. State law requires the victim/claimant to notify the Commission of the initiation of any civil action against the offender. In addition, any court ordered restitution must be paid directly to the Commission to cover any award paid out. In practice this means that restitution payments submitted to the clerk of court by the defendant are forwarded to the Commission's fund for reimbursement. After the Commission determines a compensation award, a defendant reimbursement letter is mailed to the clerk of court, probation and parole, or where ever the defendant is located, to notify the defendant's supervisor that an award has been made to his/her victim and the Commission expects reimbursement from the defendant. However, it is important to know that the Commission can only seek restitution reimbursement if restitution is ordered in the Judgment and Sentence. It is crucial that restitution be made a part of the sentence.

10. EMERGENCY AWARDS

The Commission may grant an emergency award of up to \$1,000.00 prior to a claim being considered in its entirety. The Commission will make an emergency award after determining an applicant's eligibility. The applicant must show that undue hardship will result if he/she does not receive immediate payment. The amount of an emergency award will depend on the applicant's immediate and verifiable needs as a result of loss of income or support. Emergency awards can be considered for funeral or burial expenses, emergency medical treatment, or to pay rent, food and other basic survival needs. The claimant must pursue all other resources of emergency assistance first.

Generally, the victim must have been working at the time of the incident to qualify for an emergency award. Any emergency award will be deducted from earnings loss reimbursement in the final award. Thus, if an applicant receives an emergency award of \$1,000.00 and a final award of \$10,000.00, the final payment will be \$9,000.00.

An applicant must notify the Commission Office in Cheyenne for emergency consideration. In addition to the regular compensation application, the emergency application must be completed and submitted with proof of loss (such as rent receipts) and the emergency situation explained.

The claims worker verifies all information and forwards the request to the Commission who will render a decision as soon as possible. If an award is approved, a check is issued. This process can take anywhere from a few hours to weeks depending on the complexity of the claim, availability of records and/or information, and whether questions about the victim's conduct and contribution exist.

11. GUIDE TO COMPLETING THE APPLICATION

The completed application is the first point of contact between the applicant and the Commission. Most of the information asked for in the application is mandated by statute. An incomplete application will not be processed until all required information is provided. Upon notice of a need for more information, the applicant has thirty days to provide the requested information. If thirty (30) days is not sufficient time to gather the additional information requested, it is crucial to inform the claims worker of the delay. It is of the

utmost importance that this is explained to the applicant. It may be necessary to assist the applicant in completing the application. The application is designed for ease in completion and is self explanatory. Some applicants will still need help in completing the application. Please help them in any way you can.

The following is a section by section guide to completing the application. Please have the applicants use black or blue ink and be as neat as possible. If there are any questions regarding the application, do not hesitate to contact the Commission by calling collect.

Filing Status

Section I asks why the applicant is filing an application. To file an application, the applicant must be the victim of a crime, a person injured assisting a crime victim, or police officer injured while trying to prevent a crime or apprehend a criminal, the parent or guardian of a person age 18 or under, the guardian of a victim who is incompetent, the dependent of a crime victim, or the person administrating the victim's estate. The applicant checks the appropriate box.

Victim Information

Section 11 asks the victim's name, Social Security number, date of birth, address, age, sex and phone number. The address must be a complete address where the applicant receives his mail. A zip code is required. Please include both a home phone number and work phone number if available. If the address changes, the applicant is responsible to notify the Commission of this. If the victim/claimant has a mobile life style, such as a migrant worker, homeless person, or construction and oil rig worker, it is important to provide a contact number and address where the claims worker can reach them. Inform the victim that they should call the Commission office collect on a monthly basis to check on the progress of their claim and any questions regarding the application. If you, the victim's assistant in the claim process, are to be the contact person, write a note on the application indicating this fact to the claims specialist.

Claimant Information

Section 111 asks for claimant information. This section only needs to be completed if the person filing the application is someone other than the victim. It is important to indicate what the relationship is between victim and claimant. The Commission is concerned whether the claimant can legally apply on behalf of the victim. The Commission

does not accept applications filed directly by institutions, agencies, or service providers seeking payment of bills. The Commission reimburses out-of-pocket losses incurred by the victim. The application must be completed and signed by the crime victim or a claimant who can legally act on behalf of the victim.

Federal Statistical Information

Section IV asks for information about the victim; this is used for statistical purposes. Federal Law requires the Commission to ask for this information. Completing this section entails checking the appropriate items.

Victim's Assistant Information

Section V asks for information about the person who assisted in the completion of the application if other than the victim or claimant. It is not unusual that the victim needs assistance in completing the application form. If you are assisting the victim to complete the application, complete this section so that the claims specialist can contact you for additional information.

Referral Source Information

Section VI asks where the applicant learned about crime victims compensation. Completing this section entails checking the appropriate item. Please check only one box. If several agencies told the victim about compensation, use your discretion and choose only one box.

Crime Information

Section VII asks for specific information about the crime. This section must be complete. Especially important are the questions about location of the crime and to whom the crime was reported (either by the victim or someone else). Complete and accurate information on these questions will assist the Commission in verifying the crime.

Indicate the status of the defendant. Clarify whether a defendant was arrested and charges filed in court. If you know that a plea bargain is in process, a deferred sentence is likely, or that the trial date is soon, please relay this information. The claims specialist may ask the prosecuting agency to request restitution so that the Commission can seek reimbursement from the defendant. If the restitution is not included in the Judgment and Sentence, it is almost impossible for the Commission to seek recovery later.

Also, as a victim's advocate or assistant, it is important to inform victims of the right to be provided information on the status of the case, plea bargaining, and the possibility to seek restitution. Receipts documenting the amount of loss are required before the judge can order restitution. When you learn that a plea bargain is in process, a deferred sentence is likely, or that sentencing is about to take place, inquire whether the prosecuting attorney has all the receipts necessary for requesting restitution.

Be specific when describing the relationship of the victim to the offender and whether they were living in the same residence at the time of the crime. Although victims' applications are processed the same irregardless of whether they live in the same residence or not, this information establishes whether a legal relationship exists whereby the defendant is required to pay the victim's bills by filing insurance on bills, etc.

Note: A brief description of the crime is required before the Commission will consider the application for an award. If the application is being filled out by someone other than the victim, the description of the crime should be in the victim's own words. Do not fill in this section with "See police report." If a copy of the police report is available, it should be included with the application. In addition, however, the claims specialist must have a description of the crime from the victim's perspective.

When a copy of the police report is available to be sent with the application, include statements made by the victim, any witnesses, and law enforcement officers in addition to the complaint form. Inclusion of these reports will accelerate processing of the claim.

Crime Related Bills and Expenses

Section VIII asks for particulars of bills related to medical, funeral, and homemaker replacement costs. The applicant needs to provide full names and addresses of providers. For example, there are several Memorial Hospitals, but only one Memorial Hospital of Sweetwater County located in Rock Springs, Wyoming. **PLEASE INCLUDE COPIES OF ALL BILLS RECEIPTS, STATEMENTS.** It is the victim's responsibility to send this information as it becomes available.

Attach itemized copies of all medical bills. Do not submit only a summary bill with a total amount owing. Be sure that the providers telephone number and federal tax I.D. number appear on the bill.

Be sure to let the claims specialist know whether or not more bills are expected. This helps the claims specialists in processing the application. When medical treatment is ongoing, the victim/claimant must decide whether to have the claim considered with only the initial bills available (with future supplementals) or to wait until all the medical procedures are completed. When the total amount of services is expected to exceed the \$10,000 cap, it may be worthwhile to wait until all medical bills are in so that the award can be pro-rated equally among all providers.

If the bills have been sent to collection, it is the victim's responsibility to notify the collection agency that an application has been filed with the Commission. Also, with respect to hospital bills you should find out from the business office if an indigent fund application is available.

Clarify with the victim that medical treatment provided and listed on the application relates only to the injuries sustained as a direct result of the crime. Treatment for pre-existing condition will not be covered by the Commission. For example, if the victim requests reimbursement of counseling costs related to a kidnapping and sexual assault, but the therapist indicates a goal of the therapy is to overcome issues related to childhood sexual abuse and alcoholism, there will be a problem with reimbursement. The Commission will consider only the percentage of costs related to treatment for the kidnapping and sexual assault.

If the victim is a homemaker at the time of the crime and suffers an economic loss as a result of being unable to perform those duties and responsibilities, the section, J. Homemaker Replacement, must be filled out by applicants seeking reimbursement of this cost. The name and address of the provider and amounts paid for services need to be provided. RECEIPTS OR PROOF OF PAYMENT ARE REQUIRED. The Commission will determine if the costs of the service are reasonable and necessary. Awards will not be made to relatives or close friends of the applicant based on what the assumed cost of service would be.

Compensation for funeral costs cannot exceed \$3,000.00. The Commission adds together all expenses related to the funeral, cremation or burial of a deceased victim. Expenses may include, but is not limited to, the burial plot, grave marker, flowers, traditional exchange, urn for cremated remains, and transportation of the casket. If the total cost exceeds \$3000 the compensation award is pro-rated an equal percentage to all service

providers or payees. When many family members or relatives have paid on the funeral bill, each person will be reimbursed directly for the approved compensation amount. The claims specialist must have a vendor form for each person with their name, address, and social security number.

The vendor form is a document which is required by the State Auditor's Office before a check is issued to any person or entity. The vendor form, which is included with the application, must be completed by the victim/applicant, or relatives seeking reimbursement, before a compensation payment can be issued. Service providers must complete a different type of vendor form. Examples of both vendor forms are provided in the appendix.

A death certificate must be enclosed with the application along with itemized bills. If the victim was indigent at the time of death and the county has already paid the cost of the funeral and burial, the Commission will not reimburse the county or government agency. **Note:** A local community fund-raiser, to help the family of a deceased victim, might consider designating the proceeds for living expenses of the family. Any funds raised specifically for funeral costs must be considered as a collateral source.

A funeral home is not eligible to apply for an award. The Commission may only make an award to an applicant who is the person responsible for the expenses of the deceased. If the applicant has already paid the funeral bill, proof of payment (canceled check or receipt) is required. When a victim's body is located with no witnesses available to report on the facts of the death, the Commission must determine that the victim died as a result of a compensable crime. Autopsy reports and other documentation may be necessary.

Make sure to ask the applicant if the victim incurred any medical expenses before the victim died. All expenses should be considered in one application. The medical expenses are not considered a part of the \$3000.00 cap on funeral.

Other Sources of Payment

Section IX asks for information regarding insurance benefits or payment from other sources. The applicant must check all that apply and provide a name and address of a contact person. Again, clear information in this section will help in the verification process. If the victim has received letters or information from other agencies documenting

the approval or denial of assistance, attach this documentation to the application. This information is necessary since the crime victim compensation award must be reduced by any money received or to be received from any other source. The claims specialists will verify that the victim has no "collateral" source to pay the bills by reviewing the application, interviewing the victim, speaking with the billing office of service providers, analyzing the employer's reports, and checking with public-funded programs to determine if the victim has received benefits. **Note:** If the victim has insurance the bills must be submitted to the insurance company before the Commission can consider reimbursement.

Loss of Earnings and Loss of Support

Section XI asks for employment information. This section does not need to be completed unless the applicant is claiming earnings loss or loss of support. The section requires a complete address of the employer, dates missed from work, and wage and salary information. In addition, the applicant must provide information regarding payment received from such sources as Workers Compensation unemployment, vacation pay, sick leave, and other payments for lost wages. This section relates to loss of support if the victim provided income to the household and is temporarily out of work due to the crime, is deceased, or the defendant was a primary source of support for the family and is no longer in the home.

If the victim is deceased and as a primary source of support left dependents without financial resources, it is crucial to list the dependents in this section. Send documentation that the victim was working and providing financial support to the dependents.

When the victim is self-employed include documentation of income in the form of a Federal Income Tax Return, wage stubs or copies of checks, receipts verifying sales of art work, crops, or other products. When the victim's employment requires constant travel, such as a carnival worker, seasonal construction, or oil rig work, it is crucial that a main personnel office and contact person be included on the application. It can take months otherwise to locate the supervisor who can document lost time on the job.

The victim must be employed at the time of the crime in order for the Commission to consider earnings loss. The Commission will calculate earnings loss by considering any wages earned for the six months prior to the crime. Also, the work loss must be incurred as a direct result of the injury upon which the claim is based. If the employer states that the victim was fired due to personnel issues or other non-crime related matters, earnings loss

cannot be considered by the Commission. If the employer is the defendant, try to be creative in locating a method of documenting wages. The claims specialists will confirm earnings loss by submitting an Employer's Verification Form to the employer. Loss of earnings and loss of support, are computed on actual wages if less than \$500.00 per month, or \$23.80 per work day if earnings are over \$500.00 per month. The maximum allowed is \$500.00 per month.

If the victim is so seriously injured that he/she will be out of work for an extended period of time the Commission can consider future economic loss. Payments can be considered up to one year with a Physicians Verification Form documenting the extent of the victim's injuries and the expected date of return to work. Payments may be made in supplemental installments if the Commission finds that a substantial change in circumstances may occur such as a return to work earlier than anticipated.

Other Economic Losses

Section XI is the place to list all other economic losses of a victim or dependent that do not fit in any of the other categories. Based on the circumstances of the claim, the Commission may consider reimbursement of other costs which are documented.

- a. The Commission allows up to \$100 for reimbursement of personal items taken as evidence such as clothing and bedding. It is assumed that the items taken are held for evidentiary purposes and rendered unusable as a result of crime laboratory testing. The victim must verify that the property is not covered by home owner's insurance.
- b. If the victim must move into emergency shelter due to the crime, the Commission will consider reimbursement of the costs. For example: in an aggravated robbery and arson the house burns down and the family must move into a motel for the night.
- c. Emergency transportation costs may be reimbursed such as mileage for medical treatment or reimbursement of transportation costs when a family member must go to the location of a deceased family member to arrange the funeral and participate in the crime investigation.
- d. Emergency relocation costs may be considered for compensation when law enforcement verifies that a victim should leave the area for safety reasons.

e. Emergency room and board is considered when immediate family members are called by the physician to the bedside of a victim in critical condition.

12. STATEMENT OF UNDERSTANDING, ASSIGNMENT OF BENEFITS, AGREEMENT OF VICTIM, CLAIMANT AND AUTHORIZATION

The Statement of Understanding confirms that the victim/applicant is aware of the extensive verification process required by the Commission. This process requires that the claims specialist investigate all facts of the claim by seeking records from other agencies such as law enforcement, medical providers, and employers. In addition, the Commission will exchange records and information from other agencies in order to get paid back with defendant restitution. If the victim/claimant hires an attorney to initiate a civil suite, the Commission should receive notification of the attorneys name and address. Finally, the victim is required to seek all other sources of payment for their losses. The Commission is payer of last resort. Although the application should be filed as soon as possible after the crime, the Commission will not consider the claim until all other sources have been contacted.

Assignment of Benefits means that the victim/claimant gives permission to the Commission to pay compensation awards directly to providers.

Agreement of the Victim/Claimant clarifies that the victim/claimant is legally required to reimburse the Commission for the amount of the award if he/she recovers any amount from any entity who is paying on behalf of the offender for the damages sustained by the victim/claimant.

Authorization gives permission for all entities involved to release all records, to answer any questions, and to provide any information that will help the Commission to process a claim. The authorization is valid for two years and a photo copy is as effective and valid as the original.

13. EXCEPTIONS AND COMMISSION DISCRETION

A. Extension to file - W.S. 1-40-106 (v) allows the Commission to consider an extension of time to file if good cause is shown as to why the victim was not able to file the application within one (1) year after the date of the crime.

B. Criminal Act - W.S. 1-40-110 (c) allows the Commission to make a determination of eligibility for compensation irregardless of whether the alleged assailant has been apprehended, prosecuted or convicted, or the result of any criminal proceedings against him/her. i.e. if an incident is not criminally charged by authorities, the Commission can review the facts of the event and determine that a criminal act was committed.

C. Report Crime within a Reasonable Period of Time - W.S. 1-40-106 (iv) allows the Commission to consider flexibility in the reporting time period based on the factors in the incident.

D. Subpoena Powers - W.S. 1-40-104(b) (v) provides the Commission with authority to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths, conduct hearings and receive relevant evidence in order to make a determination of eligibility for compensation.

E. Direct Medical Examinations - W. S. 1-40-104 (b) (viii) provides the Commission with authority to direct medical examinations of victims as the Commission determines necessary to verify claims of economic loss due to injury.

F. Other Losses - W.S. 1-40-110 (a) (iv) allows the Commission to order payment of compensation for any other losses resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

14. THINGS TO REMEMBER

There are some things that you should always keep in mind when assisting a crime victim with the application process. Remembering these things will help the Commission do their job better and will make for a smoother processing of an applicants claim.

- Do not make promises the Commission cannot keep.
- Do not guarantee to an applicant that their claim will be paid in full.
- Do not promise service providers that a claim will be paid.
- Do not refer service providers to Crime Victims Compensation for payment.
- Do not refer victims to service providers under the assumption that Crime Victims Compensation will pay for the services.
- The Commission makes the final determination on awards.
- Crime Victims Compensation is not an entitlement program.
- Crime Victims Compensation is a payer of last resort.
- All claims will be verified.
- Applications must be complete and submitted in a timely manner.
- The claims process can be slow at times.
- Until an award is made, the applicant remains responsible for his/her bills.
- The applicant is responsible for submitting all necessary information, bills, and records to the claims specialist.
- The applicant is responsible to notify the Commission office when there is a:
 1. Change in address and;
 2. phone number;
 3. Change in eligibility for assistance from other sources of payment such as insurance, social security, etc.;
 4. The filing of a civil suit;
 5. Receipt of restitution from the defendant;
 6. Knowledge that the case is going to trial - this gives our office the opportunity to request that restitution be ordered.

A separate application must be filed for each victim for each crime event.

Make sure the authorization page is signed!!!

CHAPTER 40

Crime Victims Compensation

Sec.

1-40-102. Definitions.

1-40-106. Eligibility for compensation.

1-40-108. Hearing; findings; order.

Sec.

1-40-118. Distribution of monies to crime victim assistance programs.

Am. Jur. 2d, ALR and C.J.S. references. order parent of juvenile to make restitution for
— Jurisdiction or power of juvenile court to juvenile's offense, 66 ALR4th 985.

§ 1-40-102. Definitions.

(a) As used in this act [§§ 1-40-101 through 1-40-119]:

(i) "Account" means the crime victims' compensation account established by W.S. 1-40-114;

(ii) "Commission" means the Wyoming crime victims compensation commission created by W.S. 1-40-103;

(iii) "Criminal act" means an act committed or attempted in this state which constitutes a crime as defined by the laws of this state and which results in physical injury or death to the victim, including acts resulting from domestic violence. No act involving the operation of a motor vehicle, boat or aircraft which results in injury or death constitutes a crime for the purpose of this act unless the injury or death was recklessly or intentionally inflicted through the use of the vehicle, boat or aircraft, or unless the act constitutes a violation of W.S. 31-5-233;

(iv) "Dependent" means any relative of the victim who was wholly or partially dependent upon the victim's income at the time of his injury or death and includes the child of the victim born after his death;

(v) "Economic loss" means and includes medical and hospital expenses, loss of earnings, loss of future earnings resulting from the injury,

funeral and burial expenses and loss of support to the dependents of the victim to include home maintenance and child care;

(vi) "Medical expense" includes the cost of all medical and dental services, mental health counseling and care, dental and prosthetic devices, eyeglasses or other corrective lenses, and services rendered in accordance with any method of healing recognized by the law of this state;

(vii) "Personal injury" means actual bodily harm;

(viii) "Relative of the victim" means his spouse, parent, grandparent, stepparent, child including natural born child, stepchild or adopted child, grandchild, brother or sister;

(ix) "Victim" means:

(A) A person who suffers personal injury or is killed in this state as a direct result of:

(I) A criminal act of another person;

(II) The person's good faith and reasonable effort in attempting to prevent the commission of a criminal act, or to apprehend a person engaging in a criminal act or assisting a law enforcement officer to do so;

(III) Assisting or attempting to assist a person against whom a crime is being perpetrated or attempted;

(IV) A federal crime occurring in Wyoming.

(B) A resident who is a victim of a crime occurring outside this state if:

(I) The crime would be compensable had it occurred inside this state; and

(II) The crime occurred in a state which does not have a crime victim compensation program, for which the victim is eligible as eligibility is set forth in W.S. 1-40-101 through 1-40-119. (Laws 1985, ch. 213, § 1; 1987, ch. 119, § 1; 1989, ch. 233, § 1.)

The 1989 amendment, effective June 8, 1989, in subsection (a)(iii), added all of the language of the first sentence following "victim" and added "or unless the act constitutes a violation of W.S. 31-5-233" at the end of the second sentence; inserted "eyeglasses or other corrective lenses" in subsection (a)(vi); restructured the former introductory language of

subsection (a)(ix) so as to constitute the present introductory language and subparagraph (A); redesignated former subsections (a)(ix)(A) through (a)(ix)(C) as present subsections (a)(ix)(A)(I) through (a)(ix)(A)(III); and added subsections (a)(ix)(A)(IV) and (a)(ix)(B).

Editor's notes. — There is no subsection (b) in this section as it appears in the printed acts.

§ 1-40-103. Commission created; appointment of members; terms; vacancies; expenses; commission officers; quorum; meetings; removal.

(a) There is created in the office of the attorney general the Wyoming victims of crime compensation commission, which shall consist of three (3) members appointed by the governor with the advice and consent of the senate. Not more than two (2) members shall be from the same political party. The governor may remove any member as provided in W.S. 9-1-202.

(b) Members shall be appointed to a term of six (6) years, except that for initial appointments, one (1) member shall be appointed to a two (2) year term, one (1) member to a four (4) year term and one (1) member to a six (6) year term. All appointments shall be made and vacancies filled in accordance with W.S. 28-12-101 through 28-12-103.

(c) Commission members shall receive mileage and per diem at the same rate as state employees for each day actually engaged in commission business.

(d) The commission shall select from its members a chairman, vice-chairman and secretary-treasurer. Two (2) members constitute a quorum for the transaction of commission business. The commission shall meet as necessary to carry out its functions under this act [§§ 1-40-101 through 1-40-119]. Meetings and hearings shall be held at the direction of the chairman or upon the request of a majority of commission members. (Laws 1985, ch. 213, § 1; 1987, ch. 175, § 1.)

The 1987 amendment added the last sentence of subsection (a).

Laws 1987, ch. 175, § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 9, 1987.

Law reviews. — For comment, "Victim Compensation and Restitution: Legislative Alternatives," see XX Land & Water L. Rev. 681 (1985).

§ 1-40-104. Commission powers and duties.

- (a) The commission shall:
- (i) Hear and determine all matters relating to claims for compensation, and may reinvestigate or reopen claims without regard to statutes of limitation;
 - (ii) Publish annually a report showing its fiscal transactions for the preceding year, the amount of its accumulated cash and securities and a balance sheet showing its financial condition by means of an actuarial evaluation of commission assets and liabilities;
 - (iii) Keep a true and accurate record of all its proceedings, which record is open to public inspection at all reasonable hours;
 - (iv) Promulgate reasonable rules and regulations necessary to carry out the purpose of this act [§§ 1-40-101 through 1-40-119];
 - (v) Perform any other functions necessary to carry out the purpose of this act.
- (b) In addition to any other powers specified by law, the commission is empowered to:
- (i) Request access to any reports of investigations, medical records or other data necessary to assist the commission in making a determination of eligibility for compensation under this act. Upon authorization of the attorney general, law enforcement officials, state agencies and local government units shall provide assistance or information requested by the commission;
 - (ii) Publicize the availability of compensation and information regarding the filing of claims;
 - (iii) Investigate claims;
 - (iv) Employ the administrative and other specialized personnel necessary to carry out its functions under this act;
 - (v) Subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence;
 - (vi) Apply for and accept and administer monies from the federal government, its agencies and all other sources, public and private, for carrying out any of its functions;
 - (vii) Collect, develop, analyze and maintain statistical information, records and reports as the commission determines relevant or necessary to carry out its powers and duties pursuant to this act;
 - (viii) Direct medical examinations of victims as the commission determines necessary to verify claims of economic loss due to injury;
 - (ix) Collect all monies authorized by this act to be collected by the commission; and
 - (x) Pay all compensation or other benefits that are determined to be due under this act and under commission rules and regulations.
- (c) The promulgation of all rules by the commission and the conduct of its hearings are exempt from the provisions of the Wyoming Administrative Procedure Act [§§ 16-3-101 through 16-3-115]. The commission rules and regulations shall be filed in the office of the secretary of state. (Laws 1985, ch. 213, § 1; 1987, ch. 119, § 1.)

The 1987 amendment, effective May 22, 1987, added the second sentence of subsection (b)(i).

Law reviews. — For comment, "Victim

Compensation and Restitution: Legislative Alternatives," see XX Land & Water L. Rev. 681 (1985).

§ 1-40-105. Commission to receive legal advice from attorney general.

The attorney general shall serve as legal advisor to the commission. Upon written request by the commission, the attorney general shall represent the commission in all litigation to which the commission is a party or in which the commission has an interest. (Laws 1985, ch. 213, § 1.)

§ 1-40-106. Eligibility for compensation.

(a) The victim or his dependent is entitled to compensation under this act [§§ 1-40-101 through 1-40-119] if:

- (i) The victim suffered personal injury as a result of a criminal act;
- (ii) Repealed by Laws 1989, ch. 233, § 2.
- (iii) The injury to or death of the victim was not attributable to his own wrongful act;

(iv) The appropriate law enforcement authorities were notified of the criminal act allegedly causing the injury to or death of the victim as soon as practical under the circumstance after perpetration of the offense and the claimant cooperates with appropriate law enforcement authorities with respect to the crime for which compensation is sought; and

(v) The application for compensation is filed with the commission within one (1) year after the date of the injury to or death of the victim, or within any extension of time the commission allows for good cause shown.

(b) No victim or dependent shall be denied compensation solely because:

- (i) He is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the commission may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the commission can reasonably determine the offender will receive no economic benefit or unjust enrichment from the compensation;
- (ii) He is not a resident of the state.

(c) Any person who perpetrates any criminal act on the person of another or who is convicted of a felony after applying to the commission for compensation is not eligible or entitled to receive compensation under this act. (Laws 1985, ch. 213, § 1; 1989, ch. 233, §§ 1, 2.)

The 1989 amendment, effective June 8, 1989, repealed former subsection (a)(ii), which read "The victim or dependent sustained economic loss in the amount of one hundred

dollars (\$100.00) or more because of injury or death," and inserted "or unjust enrichment" in the second sentence of subsection (b)(i).

Law reviews. — For comment, "Victim Compensation and Restitution: Legislative Alternatives," see XX Land & Water L. Rev. 681 (1985).

§ 1-40-107. Application for compensation; required information.

(a) The application for compensation shall be on a form furnished by the commission, setting forth:

- (i) The victim's name and address;
- (ii) If the victim is deceased, the claimant's name and address and his relationship to the victim, the names and addresses of the victim's dependents and the extent to which each is dependent;
- (iii) The date and nature of the criminal act on which claim for compensation is based;
- (iv) The date and place where and the law enforcement officials to whom notification of the criminal act was given;

(v) The nature and extent of the injuries the victim sustained and the names and addresses of those giving medical and hospitalization treatment to the victim;

(vi) The economic loss to the applicant and to all other persons as specified under paragraph (a)(ii) of this section resulting from the injury or death;

(vii) The amount and source of benefits, payments or awards, if any, payable to the applicant and dependents;

(viii) Releases authorizing the surrender to the commission of all reports, medical records and other information relating to the claim and crime; and

(ix) Any other information the commission reasonably requires.

(b) The commission may require that materials substantiating the facts stated in the application be submitted with the application. If the commission

finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the applicant in writing of the specific additional items or information or materials required and that the applicant has thirty (30) days from the date of the notice in which to furnish those items to the commission. The commission shall reject the application of an applicant who although notified fails to file the requested information or substantiating materials within the time specified unless he requests, and the commission grants, an extension of time in which to furnish that information.

(c) An applicant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the commission disposes of the original application. In either case, the filing of additional information or of an amended application shall be considered to have been filed at the same time as the original application. (Laws 1985, ch. 213, § 1.)

§ 1-40-108. Hearing; findings; order.

(a) Hearings shall be held on the application and are open to the public unless the commission determines that a closed hearing is necessary because:

(i) The alleged assailant or offender has not been brought to trial and a public hearing would adversely affect either his apprehension or his trial;

(ii) The victim or alleged assailant is a minor;

(iii) An open hearing would cause trauma for the victim;

(iv) A public hearing would frustrate rather than further the interest of justice.

(b) A transcript shall be kept of the proceedings of hearings held before the commission and shall include the commission's findings of fact and conclusions of the amount of compensation, if any, to which the applicant and persons dependent on a deceased victim are entitled. No part of the transcript of any hearing before the commission may be used for any purpose in a criminal proceeding except in the prosecution of a person alleged to have perjured himself in his testimony before the commission.

(c) At the conclusion of the hearing, the commission shall enter an order stating:

(i) Its findings of fact;

- (ii) Its decision as to whether or not compensation is due under this act (§§ 1-40-101 through 1-40-119) and the amount of compensation due, if any;
 - (iii) Whether disbursement of the compensation awarded is to be made in a lump sum or in periodic payments; and
 - (iv) The person or persons to whom the compensation should be paid.
- (d) If the commission finds, in the case of an application made by a person dependent for his support on a deceased victim, that persons other than the applicant were also dependent on that victim for their support, it shall also:
- (i) Name those persons in its order;
 - (ii) State the percentage share of the total compensation award and the dollar amount to which each is entitled; and

(iii) Order that those amounts be paid to those persons directly or, in the case of a minor or incompetent, to his guardian or conservator, as the case may be.

(e) Notwithstanding subsection (a) of this section, the commission may promulgate rules providing for an expedited claims process for applications in which eligibility is clear and all information has been verified. The commission shall review each application and confer, either in person or by telephone, prior to awarding compensation pursuant to the expedited process. (Laws 1985, ch. 213, § 1; 1989, ch. 233, § 1.)

The 1989 amendment, effective June 8, 1989, added subsection (e).

§ 1-40-109. Standards for compensation.

(a) For the purpose of determining the amount of compensation payable pursuant to this act (§§ 1-40-101 through 1-40-119), the commission, insofar as practicable, shall formulate standards for uniform application of this act and shall 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 under this act. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average monthly earnings for the six (6) months immediately preceding the date of the injury, or five hundred dollars (\$500.00) per month, whichever is less.

(b) The compensation paid to any victim or dependent shall not exceed ten thousand dollars (\$10,000.00). (Laws 1985, ch. 213, § 1.)

Law reviews. — For comment, "Victim alternatives," see XX Land & Water L. Rev. 681 Compensation and Restitution: Legislative Al- (1985).

§ 1-40-110. Compensation award.

(a) If a person is injured or killed by a criminal act, the commission may order the payment of compensation in accordance with this act (§§ 1-40-101 through 1-40-119) for:

(i) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, by the victim, his dependent, or any person responsible for the victim's maintenance;

(ii) Loss of earning power as a result of the victim's total or partial incapacity;

(iii) Economic loss to the deceased victim's dependents; and

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

(b) In determining whether to award compensation under this act, the commission shall consider:

- (i) All circumstances surrounding the victim's conduct determined to be relevant which directly contributed to the victim's injury or death;
 - (ii) Need for financial aid; and
 - (iii) Any other relevant matters.
- (c) The commission shall not consider whether the alleged assailant has been apprehended, prosecuted or convicted, nor the result of any criminal proceedings against him.
- (d) In determining the amount of compensation to be allowed by order, the commission shall consider amounts received or receivable from any other source or sources by the victim or his dependents as a result of the incident or offense giving rise to the application. The commission shall not deny compensation solely because the applicant is entitled to income from a collateral source. (Laws 1985, ch. 213, § 1.)

Law reviews. — For comment, "Victim alternatives," see XX Land & Water L. Rev. 681 Compensation and Restitution: Legislative Al- (1985).

§ 1-40-111. Emergency awards; limitation.

- (a) The commission may grant an emergency award prior to the holding of a hearing, if upon application of a person eligible for compensation, the commission determines undue hardship will result to the applicant if immediate payment is not made.
- (b) The amount of the emergency award shall be dependent on the applicant's immediate and verifiable needs as a result of loss of income or support, for emergency medical treatment, or for funeral and burial expenses. The amount of an emergency award to an applicant shall not exceed one thousand dollars (\$1,000.00).
- (c) Any emergency award granted under this section shall be deducted from the final compensation award made to the applicant. The excess of the amount of any emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made shall be repaid to the commission by the applicant. (Laws 1985, ch. 213, § 1.)

Law reviews. — For comment, "Victim alternatives," see XX Land & Water L. Rev. 681 Compensation and Restitution: Legislative Al- (1985).

§ 1-40-112. Recovery from offender; restitution.

- (a) If an order for the payment of compensation for personal injury or death is made under this act [§§ 1-40-101 through 1-40-119], the state, upon payment of the amount of the order, shall be subrogated to any right of action the victim or dependent of the victim has against the person or persons responsible for the injury or death, and the state may bring an action against the responsible person for the amount of the damages the applicant sustained.
- (b) The applicant or other recipient shall give written notice to the commission of the making of a claim or demand or the filing of a suit for the damages specified in subsection (a) of this section.
- (c) Restitution by an offender under W.S. 7-9-101 through 7-9-111 shall:
- (i) To the extent compensation is paid under this act, be paid to the commission, deposited in the account and be set off against a judgment in favor of the state in a civil action arising out of the same facts or event;
 - (ii) Reduce by like amount any compensation subsequently paid under this act arising out of the same facts or event.

(d) Any person contracting with any person or the representative or assignee of any person convicted of a crime in this state, with respect to the reenactment of that crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind or from the expression of the convicted person's thoughts, feeling, opinions or emotions regarding the crime, shall pay over to the commission any monies which would otherwise, by terms of the contract, be owing to the person convicted or his representatives.

(e) The attorney general shall be authorized to initiate all litigation necessary to accomplish the forfeitures provided by subsection (d) of this section.

(f) Proceeds received by the commission under subsection (d) or (e) of this section shall be retained in escrow in the trust and agency account for five (5) years after the date of an order for the purpose of satisfying any civil judgment rendered in any court in favor of the victim. At the end of five (5) years after any judgment has been paid the remaining monies will go into the crime victim compensation account.

(g) Any payment of benefits to, or on behalf of, a victim or other claimant under this act creates a debt due and owing to the state by any person found, in a criminal court proceeding in which he is a party, to have committed the criminal act. Payment of the debt shall be a condition of probation or parole:

(i) In making payment of the debt a condition of probation or parole, the court or state board of parole shall set the schedule or amounts of payments, subject to modification based on change of circumstances;

(ii) If the court or board does not order payment of the debt, or orders only partial payment, it shall state on the record the reasons therefor.

(Laws 1985, ch. 213, § 1; 1987, ch. 119, § 1; ch. 157, § 2.)

The 1987 amendments. — The first 1987 amendment, by ch. 119, § 1, effective May 22, 1987, added subsection (g).

The second 1987 amendment, by ch. 157, § 2, effective May 22, 1987, substituted "7-9-101 through 7-9-111" for "7-13-307 through 7-13-315" in the introductory paragraph of subsection (c).

While neither amendment gave effect to the other, both have been given effect in this section as it is set out in this supplement.

Law reviews. — For comment, "Victim Compensation and Restitution: Legislative Alternatives," see XX Land & Water L. Rev. 681 (1985).

§ 1-40-112. Recovery from offender; restitution.

Am. Jur. 2d, ALR and C.J.S. references.
— Validity, construction, and application of "Son of Sam" laws regulating or prohibiting

distribution of crime-related book, film or comparable revenues to criminals, 60 ALR4th 1210.

§ 1-40-113. Waivers and releases void; exemption from creditors' claims.

Any agreement by an individual to waive, release or commute his rights under this act [§§ 1-40-101 through 1-40-119] is void. Compensation due under this act may not be assigned, pledged, encumbered, released or commuted. Compensation under this act is exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt, except that compensation for an allowable expense is not exempt from a claim of a creditor to the extent that creditor provided products, services or accommodations, the costs of which are included in the compensation award. (Laws 1985, ch. 213, § 1.)

§ 1-40-114. Crime victims' compensation account.

(a) There is established within the earmarked revenue fund an account to be known as the crime victims' compensation account. The account is under the administration and control of the commission for purposes of providing compensation or other benefits to crime victims and for purposes of implementing this act (§§ 1-40-101 through 1-40-119). The account shall consist of all monies the commission receives or collects from any source and all such monies shall be paid to the state treasurer for deposit in the account. The commission may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically given to the commission for the benefit of victims of crime.

(b) The monies within the account may be withdrawn therefrom by vouchers signed by the chairman and the secretary-treasurer of the commission. The secretary-treasurer of the commission shall keep detailed permanent records of all monies credited to the account and all expenditures and disbursements from the account. (Laws 1985, ch. 213, § 1; 1987, ch. 119, § 1.)

The 1987 amendment, effective May 22, 1987, added the last sentence of subsection (a).

Appropriations. — Laws 1985, ch. 213, § 2, provides: "There is appropriated from the general fund to the account established by W.S. 1-40-114 the sum of seventy-five thousand dollars (\$75,000.00) to be used by the commission for the purposes specified in this act."

Laws 1986, ch. 103, § 015, appropriates \$152,270 from the general fund for the Crime Victim Compensation Act, and provides that as

other funds are received into the account created by this section, the general fund appropriation will be reduced by a corresponding amount.

Laws 1986, ch. 103, § 203, makes the act effective on July 1, 1986.

Law reviews. — For comment, "Victim Compensation and Restitution: Legislative Alternatives," see XX Land & Water L. Rev. 681 (1985).

§ 1-40-115. Informing victims of program and application procedure.

Each law enforcement agency shall exercise reasonable care to insure that victims of crimes are informed of the existence of the state program of compensation for injuries sustained by victims of crime and the procedure for applying for compensation under this act (§§ 1-40-101 through 1-40-119). (Laws 1985, ch. 213, § 1.)

§ 1-40-116. Fees not chargeable.

No fee shall be charged to the applicant in any proceeding under this act (§§ 1-40-101 through 1-40-119) except as provided by this act. If the applicant is represented by counsel in making application under this act or in any further proceedings provided for in this chapter, the counsel shall not receive payment for his services except an amount as the commission determines to be reasonable. (Laws 1985, ch. 213, § 1.)

§ 1-40-117. Falsifying, destroying, etc., commission records; furnishing false information or failing to disclose; other violations.

(a) Any member, agent or employee of the commission who knowingly makes a false entry or falsely alters any commission record, or who intentionally destroys, mutilates, conceals, removes or otherwise impairs the verity or availability of any commission record with the knowledge of a lack of authority to do so, or who possesses a commission record of and refuses to deliver up that record upon proper request of a person lawfully entitled to receive it is guilty of a misdemeanor.

(b) Any violation of this chapter for which a penalty is not otherwise provided is a misdemeanor. (Laws 1985, ch. 213, § 1.)

§ 1-40-118. Distribution of monies to crime victim assistance programs.

(a) In addition to any other powers specified in this act the commission shall oversee the distribution of monies, to eligible crime victim assistance programs, including funds received under the federal Victims of Crime Act of 1984.

(b) For purposes of this section "crime victim assistance program" means any program operated by a public agency or nonprofit organization or any combination thereof which provides comprehensive services to victims of crime, including but not limited to:

- (i) Crisis intervention services;
- (ii) Informing victims and witnesses of the case status and progress;
- (iii) Assistance in participating in criminal justice proceedings;
- (iv) Performing advocate duties for crime victims;
- (v) Assisting victims in recovering property damaged or stolen and in obtaining restitution or compensation for medical and other expenses incurred as a result of crime;
- (vi) Developing community resources to assist victims of crime;
- (vii) Assisting victims of crime in the preparation and presentation of claims to the Wyoming crime victims compensation commission.

(c) In distributing monies under this section the commission shall give priority to programs providing assistance to victims of sexual assault, spousal abuse and child abuse and to families of victims of unlawful homicide. In establishing priorities the commission shall consider the priorities established by the United States congress, the department of justice, or the office for victims of crime.

§ 1-40-119. Surcharge to be assessed in certain criminal cases; paid to account.

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, or is convicted of, the following criminal offenses shall be assessed a surcharge of not less than fifty dollars (\$50.00):

- (i) Any crime enumerated in W.S. 6-1-101 through 6-10-203;
- (ii) Any violation of W.S. 31-5-225, 31-5-229 or 31-5-233;
- (iii) Any violation of W.S. 35-7-1001 through 35-7-1057;
- (iv) Any violation of W.S. 14-3-104 or 14-3-105;

(v) Any violation of a municipal ordinance which has substantially similar elements to the criminal offenses specified in paragraphs (ii) through (iv) of this subsection or any other violation of a municipal ordinance which causes actual damage to persons or property.

(b) The surcharge enumerated in subsection (a) of this section shall be imposed upon any defendant for whom prosecution, trial or sentence is deferred under W.S. 7-13-301 and 7-13-302 or who participates in any other diversion agreement.

(c) Under no circumstances shall a court fail to impose the surcharge required by subsections (a) and (b) of this section if the court determines the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay.

(d) The surcharge shall be paid within ten (10) days of imposition. Failure to comply is punishable as contempt of court. Contempt proceedings or other proceedings to collect the surcharge may be initiated by the prosecuting attorney or by the court on its own motion.

(e) Monies paid to the court by a defendant shall be applied to the surcharge before being applied to any fine, penalty, cost or assessment imposed upon the defendant. The proceeds from the surcharge imposed by this section shall be remitted promptly by the clerk of the court to the commission for deposit in the account. (Laws 1985, ch. 213, § 1; 1987, ch. 154, § 1; 1991, ch. 155, § 1; ch. 159, § 1; ch. 167, § 2.)

The 1991 amendments. — The first 1991 amendment, by ch. 155, § 1, effective July 1, 1991, added "if the court determines the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay" at the end of subsection (c).

The second 1991 amendment, by ch. 159, § 1, inserted subsections (a)(iv) and (a)(v).

Laws 1991, ch. 159, § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 27, 1991.

The third 1991 amendment, by ch. 167, § 2, effective July 1, 1991, also added "if the court determines the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay" at the end of subsection (c).

While none of the amendments gave effect to any other, all have been given effect in this section as set out above.

Quoted in *Hyde v. State*, 769 P.2d 376 (Wyo. 1989).

WYOMING CRIME VICTIM COMPENSATION COMMISSION
1700 WESTLAND ROAD, CHEYENNE, WYOMING 82002
(307) 635-4050

LAW ENFORCEMENT CERTIFICATION

CVC FILE #. _____

We have received an application for compensation from/on behalf of:

Name: _____ Date of Birth: _____

It has been reported that the above person was (injured) (killed) on _____
as a result of a crime and that crime was reported to your agency on _____.

The applicant has provided us with an authorization to review any and all law enforcement information concerning her/him if it pertains to this crime. The following information which your agency provides will help us to determine this applicant's eligibility. Please complete this form based on law enforcement information.

W.S. 1-40-104(b)(i) - Commission Powers and Duties

"The Commission is empowered to request access to any reports of investigations, medical records or other data necessary to assist the Commission in making a determination of eligibility for compensation. Upon authorization of the attorney general, law enforcement officials, state agencies and local government units shall provide assistance or information requested by the commission."

Date/time of crime: _____ Date reported to your agency: _____

Location of crime: _____
address city state zip

Offense classification (aggravated assault, rape, robbery, etc.)

Cause of injury/death: _____

Your complaint # _____

Name of person reporting crime: _____

Has an arrest been made? ☐ yes ☐ no. Have charges been issued? ☐ yes ☐ no.
If yes, complete the following:

| Name | Charge Issued/Date Issued | City/Dist. Atty. |
|-------|---------------------------|------------------|
| _____ | _____ | _____ |

Is there a court disposition? ☐ yes ☐ no.

If yes, which court? ☐ District ☐ County
☐ Municipal ☐ Justice of the Peace ☐ Federal

What is disposition? (date, court, sentence, restitution ordered, etc.)

From your investigation of this crime:

1. Did the victim commit a crime which may have contributed or caused the victim's injury or death? ☐ yes ☐ no ☐ unknown. If yes, explain:

2. Did the victim's conduct contribute in any way to her/his injuries or death? (Please refer to information on Page 3.) ☐ yes ☐ no ☐ unknown.

If yes, explain:

3. Was victim cooperative with your agency in the investigation and prosecution of this crime? ☐ yes ☐ no ☐ unknown. If no, explain what was requested of victim:

4. Details of the crime: In order for the Commission to verify the facts of this incident, the Commission requests a copy of the investigation report and any other supplemental reports of this case.

Name of investigating officers and/or detectives:

5. Comments:

Please Print Name: _____

Signature: _____

Title: _____

Date: _____ Phone No. & Ext.: _____

Verification by certified peace officer required below:

Law Enforcement Confirmation Signature

Title: _____

Factors used in considering contribution of victim to crime:

According to 1-40-106(iii), in determining eligibility for compensation, the Commission must establish that "the injury to or death of the victim was not attributable to his/her own wrongful act." Your input is extremely valuable to the Commission when this finding is determined. In responding to the question on victim contribution, please let us know if the victim's action(s) at the time of or immediately preceeding the crime included:

1. use of obscene/fighting words or threatening gestures,
2. poor judgment because the victim consumed alcohol or other drugs,
3. victim failed to retreat or withdraw from a situation where an option to do so was readily available,
4. victim was assisting, attempting to commit, or committing a criminal act at the time of the injury,
5. the defendant was provoked by the victim in a manner where bodily harm appeared likely,
6. victim knowingly and willingly entered a vehicle operated by a person under the influence of alcohol or a controlled substance.
7. victim challenges or is challenged to fight and accepts the challenge - or; mutual combantant situation,

WYOMING CRIME VICTIMS COMPENSATION COMMISSION PERFORMANCE EVALUATION

Providing efficient victim compensation services is a priority of the Wyoming Crime Victims Compensation Commission. In order to maintain an effective program the Commission needs to hear from you about our service delivery. The Commission would appreciate your completing this form and telling us how you feel about our program.

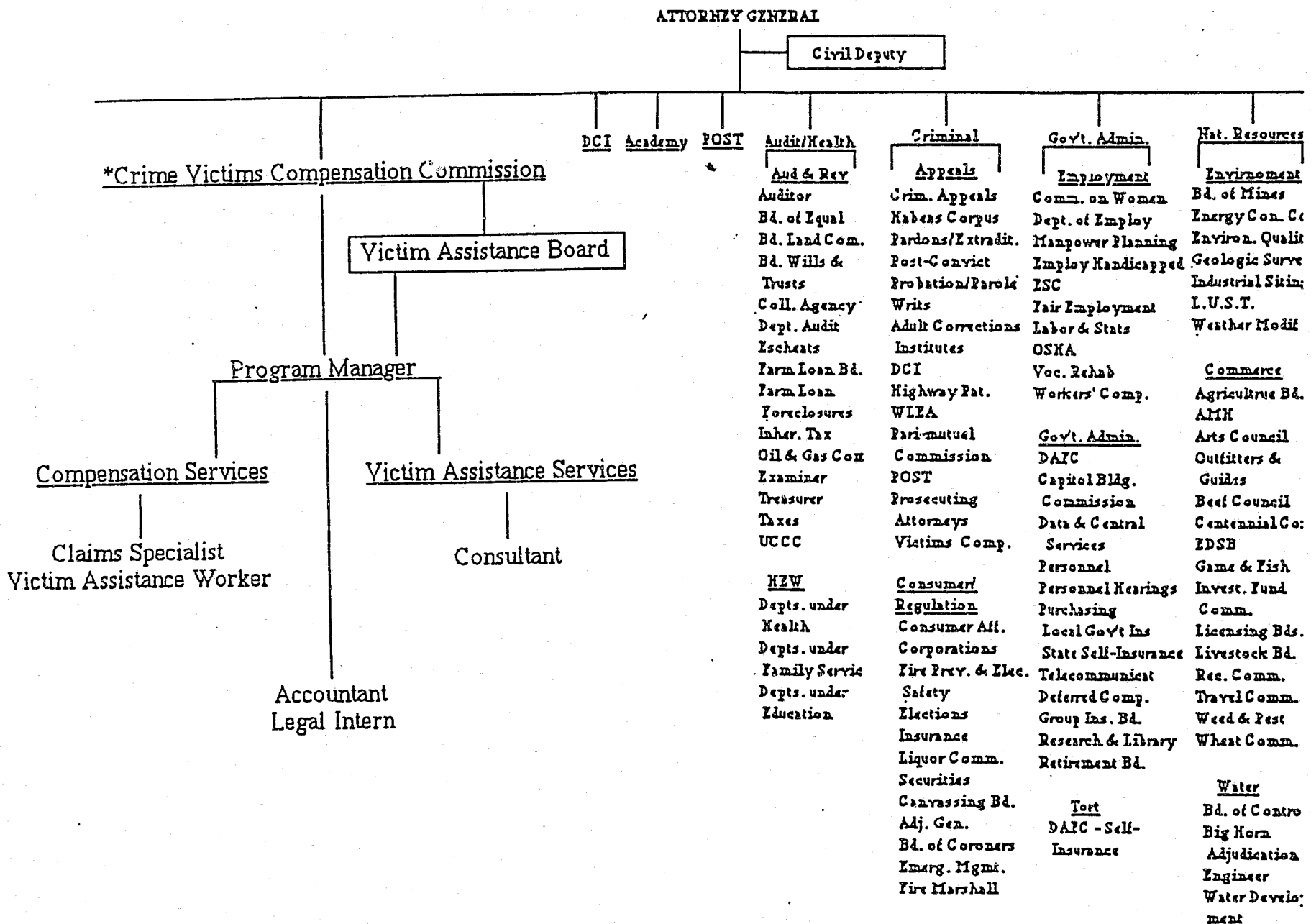
You may complete this form anonymously, make a phone call instead to the office or to a Commissioner or Board member, or sign the form and return it to our office address.

1. Please rate the compensation program on the following factors: (Evaluate each item on the scale of 1 to 5 with 1 being the lowest and 5 the highest).

| Category | Low | | High | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | 1 | 2 | 3 | 4 | 5 |
| a. Quality of services provided | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Response to requests for assistance | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Response time | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Availability of staff | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Staff attitude | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Effectiveness of outreach/public knowledge of agency's services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Notification of claim status | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If you gave a low rating to a category please explain here: | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| | |
|----|--|
| 2. | In your opinion, did our program provide the assistance that you needed? |
| | |
| 3. | How do you rate our services? |
| | |
| 4. | Please offer any additional comments, suggestions or changes you would like the Commission to consider to improve or enhance our services. |
| | |

* The Crime Victim Compensation Commission is a division of the Attorney General's Office



**OFFICE OF THE ATTORNEY GENERAL
WYOMING CRIME VICTIMS COMPENSATION
1700 Westland Road
Cheyenne, WY 82002**

*State Auditor's Office
Attention: Jeanne Norman
(in lieu of vendor
maintenance form)*

Applicant Name

Date

Street or Box Number

Social Security Number

City, State, Zip

Applicant Signature

RETURN TO:
STATE AUDITOR'S OFFICE
ROOM 116 CAPITOL BUILDING
CHEYENNE, WYOMING 82002
ATTENTION: PAYEE INFORMATION
307-777-7831
FAX 777-6983

WIN 109
Rev 11-1-91

CHECK APPLICABLE BOX:

STATE OF WYOMING
PAYEE INFORMATION FORM

| | |
|--|---------------------|
| | INITIAL APPLICATION |
| | REVISION |

SECTION 1: REQUIRED

ITEM 1: BUSINESS OR INDIVIDUAL NAME AND LOCATION

ADDRESS _____

ADDRESS _____

City _____ State _____ Zip _____

ITEM 2: BUSINESS TYPE CODE _____

OR DESCRIPTION (See instructions)

PHONE NUMBER () _____

FAX NUMBER () _____

ITEM 3: PAYERS REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION
SUBSTITUTE FORM W-9

OWNERSHIP CODES. Check only one code by the appropriate ownership type that applies to you or your business, and enter any required additional information for that type.

☐ Individual recipient (not owning a business)

SSN _____

☐ Board Member/Commissioner

SSN _____

☐ Sole ownership of business. If checked, enter the owner's name and social security number (SSN).

Owner's name _____

SSN _____

☐ Partnership

EIN _____

☐ Corporation (Prof. Corp, S-Corp, etc.)

EIN _____

☐ Governmental Entity

EIN _____

☐ Nonprofit Corporation

EIN _____

☐ Trust

EIN _____

CERTIFICATION. — Under penalty of perjury, I certify that:

- (1) The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because: (a) I am exempt from backup withholding or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

CERTIFICATION INSTRUCTIONS: You must cross out item (2) above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return.

Please Sign Here _____ Signature _____ Date _____

See Reverse Side for Optional Information

FOR AUDITOR'S USE ONLY

1099 Type _____ Discount _____

Schd pay date(s) _____ Multi-address _____

DBA's _____

Entered by _____ Date _____

SECTION 2: OPTIONAL

ITEM 4: ADDITIONAL BUSINESS NAMES/ADDRESSES

(UNDER SAME OWNERSHIP/USING SAME IDENTIFICATION NUMBER AS LISTED IN ITEM 3).

NAME _____

NAME _____

ADDRESS _____

ADDRESS _____

REMIT TO _____

REMIT TO _____

ADDRESS _____

ADDRESS _____

City

State

Zip

City

State

Zip

ITEM 5: AUTHORIZED SIGNATURES

Printed or typed name

Title

Signature

Printed or typed name

Title

Signature

Printed or typed name

Title

Signature

ITEM 6: DISCOUNT TERMS/PAYMENT TERMS

SALES/PURCHASING CONTACT NAME _____

ACCOUNTS RECEIVABLE CONTACT NAME _____

**STATE OF WYOMING
PAYEE INFORMATION RETURN INSTRUCTIONS**

IMPORTANT

1. If you or your business receive payments from any Wyoming State agency this form must be completed and signed before state warrants (checks) can be issued to you. Forms that are illegible or incomplete will not be processed.
2. Forms should be mailed to the address included on the upper left corner of the form or faxed to (307) 777-6983.
3. If you require assistance in completing the form, please call (307) 777-7831.
4. All state warrants, other than those of the University of Wyoming, are issued by the State Auditor's Office. Attached remittance advice show the individual agency name, vendor invoice number (if applicable) and customer account number, if available. Please ensure that whenever possible your billing system provides this information so that we can better identify payments to you on the remittance advice.

INSTRUCTIONS

Section 1 All items must be completed on an initial application (except fax number) for the form to be processed. To revise an address, please check the revision box (right hand corner), complete Item #1 and provide either the SSN or the EIN.

Item 1

- a) If individual or board member is checked under Item #3, please indicate your name and address. If any other block is checked, indicate the name and address of your business, as legally incorporated or registered with the IRS.
- b) If you have multiple business names or addresses utilizing the same SSN or EIN, please complete Section #2, Item #4. More than one page may be attached if necessary.

Item 2

- a) Please review the business codes listed on the reverse side of this form. Include the appropriate business type code under Item #2. If none apply, please give a brief description of what type of payment the State remits to you, i.e., JTPA participant, Social Service, etc.
- b) Whenever possible provide a phone number where you can be reached during business hours. If your form cannot be processed, an attempt will be made to reach your business by phone to expedite processing.

Item 3

- a) Complete one block only for you and your business. Sole proprietors must provide a social security number and owner's name even if they have been assigned an EIN by the IRS. This information is required to comply with IRS instructions and regulations.
- b) Sign and date the certification. Sole proprietors and individuals must sign for themselves. For other entities, an authorized person must sign the certification.

Section 2

Item 4

Complete this section if your business has multiple names or addresses.

Item 5

If your business does not provide invoices or statements for billing purposes but chooses to complete State of Wyoming WIN-102 for reimbursement purposes, this Item must be completed by those individuals who can certify that a payment is due to the business.

Item 6

If your company provides purchase discounts or has a set billing cycle please complete. The State of Wyoming will pay no later than 45 days after the later of delivery or invoicing of goods or services. The State's normal payment cycle is semi-monthly, which means you should normally receive payment between 15 and 30 days after invoicing.

Non-Classified

- 0001 Foster Parent
- 0002 Trade Association
- 0003 Government Agency
- 0004 Travel Agents
- 0005 Gas Tax Refund
- 0006 Tuition Assistance
- 0007 Rental of employee's personal/real property
- 0008 Claims against the state
- 0009 Charitable Organizations
- 0010 State Employees
- 0501 Non-Employee Travel Expense Reimbursement
- 0502 Landowner Coupons
- 0503 Jurist Duty
- 0504 Access/use of personal/real property
- 0505 Board Member Travel Reimbursement

Mining

- 1001 Metal, coal, oil, gas extraction
- 1002 Other mining

Manufacturing

- 2001 Food Products
- 2002 Apparel Products
- 2003 Lumber/Wood Products
- 2004 Chemical Products
- 2005 Rubber Products
- 2006 Leather Products
- 2007 Electrical Products
- 2008 Metal Products
- 2009 Other Mfg Products
- 2010 Distilleries/Liquor Importers
- 2011 Computer Equipment

Wholesale Trade

- 3001 Nondurable Goods
- 3002 Durable Goods

Utilities

- 4001 Elec., Gas, Water, Sewer
- 4002 Communication

Transportation

- 5001 Air Transportation
- 5002 Trucking
- 5003 Other Trans. Services
- 5004 Sanitation/Trash Collection
- 5005 Public Warehousing

Construction

- 6001 General building contractors
- 6002 Operative builders
- 6003 Highway/street construction
- 6004 Heavy construction, except highway
- 6005 Plumbing, heating, air conditioning
- 6006 Painting, paperhanging, decorating
- 6007 Electrical work
- 6008 Masonry, drywall, tile
- 6009 Carpentry and flooring
- 6010 Roofing, siding, sheet metal
- 6011 Concrete work
- 6012 Other building trade contractors
- 6013 Well drilling

Finance, Insurance, & Real Estate

- 7001 Banking
- 7002 Credit agencies other than banks
- 7003 Security/commodity brokers, dealers, exchanges, and services
- 7004 Insurance agents, brokers, and services
- 7005 Real estate operators (except developers) and lessors of buildings
- 7006 Lessors of real property other than building
- 7007 Real estate agents, brokers, managers
- 7008 Title abstract offices
- 7009 Subdividers and developers

RETAIL TRADE**Building Materials Dealers:**

- 8001 Lumber, building material dealers
- 8002 Paint, glass, wallpaper stores
- 8003 Hardware stores
- 8004 Retail nurseries/gardens
- 8005 Mobile home dealers

General Merchandise:

- 8101 Variety stores
- 8102 Other general merchandise stores

Food Stores:

- 8201 Grocery Stores
- 8202 Other food Stores

Vehicle Dealers/Service Stations:

- 8301 New car dealers (franchise)
- 8302 Used car dealers
- 8303 Auto/home supply stores
- 8304 Gasoline service stations
- 8305 Boat dealers
- 8306 Recreational vehicle dealers
- 8307 Motorcycle dealers
- 8308 Aircraft, automotive dealers
- 8309 Heavy Equipment dealers

Apparel and Accessory Stores:

- 8401 Family clothing stores
- 8402 Shoe stores
- 8404 Other apparel/accessory stores

Home Furnishings/Equipment Stores:

- 8501 Furniture stores
- 8502 Floor covering stores
- 8503 Drapery, upholstery
- 8504 Home furnishing stores
- 8505 Household appliance
- 8506 Radio and television
- 8507 Music stores
- 8508 Computer and software stores
- 8509 Fire & Safety Equipment

Eating and Drinking places:

- 8601 Eating places
- 8602 Drinking places

Miscellaneous Retail Stores

- 8701 Drug stores and proprietary stores
- 8702 Used merchandise/antique stores
- 8703 Sporting goods stores/bicycle shops
- 8704 Book stores/stationery stores
- 8705 Hobby, toy, game shops
- 8706 Camera/photographic
- 8708 Gift, novelty, souvenir shops
- 8709 Luggage and leather good stores
- 8710 Fabric stores
- 8711 Mail order houses
- 8712 Merchandising machine operator
- 8713 Direct selling
- 8714 Fuel dealers (except gasoline)
- 8715 Florist
- 8716 Other miscellaneous retail stores
- 8717 Publishers-includes printing
- 8718 Office equipment/supply stores

SERVICES**Hotels and Other Lodging Places:**

- 9001 Hotels
- 9002 Motels, motor hotels
- 9003 Rooming/boarding house
- 9004 Sporting/rec camps
- 9005 Trailer parks/camp sites

Personal Services:

- 9101 Coin-operated laundries/dry cleaning
- 9102 Other laundry, cleaning, and garment services
- 9103 Photographic/portrait studios
- 9104 Beauty shops
- 9105 Shoe repair/hat cleaning shops
- 9106 Funeral services/crematories
- 9107 Income tax preparation
- 9108 Miscellaneous personal services
- 9109 Contract labor

Business Services:

- 9201 Advertising
- 9202 Janitorial and window cleaning
- 9203 Equipment rental and leasing
- 9204 Computer and data processing
- 9205 Extermination/Pest Control
- 9206 Reproduction/Graphics services

Vehicle Repair and Services:

- 9301 Automotive rentals and leasing without drivers
- 9302 General vehicle repair shops
- 9303 Auto services, except repair
- 9304 Heavy Equipment Rentals and Leasing

Miscellaneous Repair Services:

- 9401 Radio and TV repair shops
- 9402 Electrical repair shops
- 9403 Reupholstery/furniture repair
- 9404 Other misc. repair shops

Motion Picture:

- 9502 Motion picture theaters
- 9503 Video tape rental stores

Amusement and recreation services:

- 9601 Producers, orchestras, and entertainers
- 9603 Professional sports clubs and promoters
- 9604 Racing, track operation
- 9605 Other amusement and recreation svcs.
- 9606 Physical fitness facilities

Medical and Health Services:

- 9701 Offices and clinics of medical doctors (Md's)
- 9702 Offices and clinics of dentists
- 9703 Offices of osteopathic physicians
- 9704 Other licensed health practitioners
- 9705 Registered and practical nurses
- 9706 Nursing/personal care facilities
- 9707 Hospitals
- 9708 Dental laboratories
- 9709 Other medical/health services
- 9710 Medical laboratories

Other Services:

- 9801 Legal services
- 9802 Educational services
- 9803 Child day care
- 9804 Certified public accountants
- 9805 Other accounting, auditing, and bookkeeping services
- 9806 Management, consulting, and public relations services
- 9807 Engineering/architectural
- 9808 Veterinary services
- 9809 Other animal services
- 9810 Landscaping services
- 9811 Agricultural/hunting services
- 9812 Non-Medical Laboratory Service
- 9813 Employment Agencies

THE STATE



OF WYOMING

Crime Victims Compensation Commission

MIKE SULLIVAN
GOVERNOR

JOSEPH B. MEYER
ATTORNEY GENERAL

COMMISSION:

T. DEB WOLFLEY, CHAIR
KATHLEEN I. MORIARTY
DONNA MATHEWS

Office of the Attorney General

1700 WESTLAND RD.
CHEYENNE, WYOMING 82002
(307) 635-4050
FAX (307) 638-7208

STAFF:

SYLVIA BAGDONAS
ADMINISTRATOR
VICKI POWELL
ADMINISTRATIVE ASSISTANT
VICTIM ASSISTANCE WORKERS
CHERYL HUDSON-JOLLEY
CHARLES SKINNER
CATHERINE GONZALES
ACCOUNTANT

TO: Victims of Crime Seeking Compensation
FROM: The Wyoming Crime Victims Compensation Commission

Attached to this letter is the application for compensation. At the beginning of the application are instructions for completing the form. **PLEASE READ THESE INSTRUCTIONS CAREFULLY AND FOLLOW THEM COMPLETELY.** Answer all questions as completely as you can. If you need assistance do not hesitate to call our office collect at 635-4050. Our staff can help you complete the application via the phone, refer you to someone in your community for assistance, or provide assistance in person in our Cheyenne office.

Please complete the Vendor Maintenance Form, which is in Section XII, upper portion of page 7. This form is required by the State before a check can be issued to you.

As you fill out the application, please remember these additional items:

Page 1 asks questions about the victim, or the claimant - which means the person filling out the application on behalf of the victim. It is your responsibility to keep us informed of any change in address or telephone number. You must maintain contact with us, or your application cannot be considered. Because our agency has only two staff people to handle all compensation requests, we encourage you to call our office periodically to ask about the status of your claim. If you have not heard from our office in 60 days after you mailed in your application, please call collect to ask about the status of your claim.

It usually requires a minimum of three months to process a claim. If injuries have caused you to miss work and you are having a difficult time buying food, paying rent, getting medical treatment, or paying for funeral arrangements, request more information from our office about our emergency award. Emergency awards up to \$1000 can be awarded within 10 days for basic survival needs.

Because the Commission is a federal and state program, Section III covers information requested by federal law for statistics.

Section VII. Crime In order to be eligible for compensation the crime must be reported to law enforcement within a reasonable period of time. In addition, the victim is required to cooperate with the reasonable requests of law enforcement agencies and prosecuting attorneys. The information you provide in this section will allow us to begin processing your claim. The staff will

verify the information with law enforcement. You do not need to wait for your case to go to trial or for a defendant to be caught. If you don't know what is happening with your case since you reported to law enforcement, you have the right, based on the Crime Victims Bill of Rights, to ask the police agency about the case status. In those sections where you don't know the answer, write unknown.

If your case is plea bargained, receives a deferred sentence, or is going to court, please ask the lawyer to order restitution. Only if restitution is ordered can you be reimbursed for out-of pocket expenses not covered under our program and this is the only way our program can receive a refund. If you are found to be eligible for compensation and receive an award before any restitution is ordered and/or paid to you, the defendant's restitution shall be paid to the Commission to repay the program. Any restitution paid to you prior to a compensation award will be deducted from the final payment.

Please write a short summary of the crime. The Commission wants to know your side of the story. In reviewing the application the Commission is required by law to determine whether or not the victim cooperated with the investigation and prosecution of the crime, or whether the victim contributed to the crime and their personal injuries by engaging in actions such as committing a criminal act, first attacking the defendant, using drugs, etc. If victim contribution is a factor in the case, the award can be reduced or denied.

Section VIII Medical Bills and Other Expenses. List all the crime related expenses you must pay due to the crime. Send us the original or copy of itemized statements or bills you have received to date. **NOTE: You do not need to wait until you receive all medical bills before you complete the application.** Your application can be returned immediately and must be filed within one year of the crime. If you missed the year deadline for filing, call our office for information. You may be able to request an extension to file from the Commission.

If you have ongoing medical treatment, send the bills as you receive them. Talk to your caseworker about the process for sending in additional information and how supplemental payments are made.

Homemaker/Childcare Replacement: If the victim is injured to the degree that someone must be hired to care for the children and family, compensation can be requested. Receipts for payment of wages must be submitted. Donated services by other family members cannot be reimbursed.

Funeral Costs. Send bills or receipts for all costs. List other sources of payment such as Social Security, life insurance, tribal fund, etc. Maximum allowed for expenses related to the funeral, cremation or burial is \$3,000.

Section IX Insurance or Benefits From Other Sources: All applicants seeking compensation for medical bills must list insurance and other sources available to pay medical bills. Because, by law, our program is the payor of last resort, you are required to seek assistance from other sources first. It is important that you keep us informed of any other sources of payment on your bills. You need not wait until another source pays your bills before sending in your application. We can start processing your claim and gather this information later.

Section X. Employment, Earnings Information, and Loss of Support. The victim must be employed at the time of the crime to be eligible for earnings loss. If you are applying for compensation for loss of earnings, you must provide employment information for the entire six-month period right before the date of the crime. In calculating lost wages the Commission considers the victim's average monthly wage for the six months immediately before the crime. Loss of earnings is compensated at \$500 per month, or actual loss for anyone earning less than \$500 per month.

Loss of Support is calculated using the same formula. If the family depended on the wages of the deceased victim, or the defendant no longer in the home, you can apply for loss of support.

If the victim contributed financial support to dependents, list them here. Loss of Support must be verified by child support payments, wages, etc.

Other Losses: The Commission awards \$100 for personal clothing replacement if the police took them for evidence. Also, \$100 is allowed for shelter costs if the victim had to flee for safety. Again verification is necessary to show that another agency did not cover these costs. Please list other losses on a separate sheet of paper. For example, other costs the Commission may consider are emergency relocation costs verified by law enforcement, transportation for medical treatment to a specialist in another area when referred by the primary physician, and phone calls related to arranging the funeral in a homicide case. Although the Commission does not cover property loss you may want to list any other out-of-pocket losses that you have to pay due to the crime which are related to medical care, basic survival, and funeral costs.

Generally, the Commission reviews completed claims mailed to them every two weeks. When your file is complete, you will receive a letter from our office listing all the bills and amounts that will be reviewed by the Commission. It is your responsibility to review this list and to tell your caseworker if there is an error before it is mailed to the Commission. Notice: Once every three months the Commission meets in-person at a quarterly hearing to determine claims. If you wish to discuss your claim personally with the Commission, let your caseworker know. Your claim can be scheduled for a quarterly hearing.

After all the information in your claim is verified with law enforcement, medical providers, employment records, etc. the Commission can decide to award compensation on those bills submitted to be paid at that time. Additional bills incurred due to the crime can be considered up to one year after the crime date. If you will be sending bills to the Commission for ongoing treatment, please let your worker know.

Before sending in your application, review this checklist:

1. Completed all sections of the application, or wrote N.A. for non-applicable, or unknown.
2. The Declaration and Authorization are signed and dated.
3. The Vendor Maintenance Form is completed.
4. Itemized statements or bills are enclosed.

If at any time you have questions, please call this office collect at 635-4050.