

## Title 13 : Crimes and Criminal Procedure

### Chapter 167 : Crime Victims

#### **Subchapter 001 : COMPENSATION TO VICTIMS OF CRIME**

**(Cite as: 13 V.S.A. § 5351)**

- **§ 5351. Definitions**

As used in this chapter:

(1) “Board” means the Victims Compensation Board established under this chapter.

(2) “Dependent” means the victim’s spouse, domestic partner, or a person who is legally dependent for support upon a victim. To qualify as a domestic partner, a couple shall share a residence for at least six months prior to applying, be 18 years of age or older, not be married to anyone, and not be related by blood closer than would bar marriage under State law.

(3) “Crime” includes delinquent acts and an act of terrorism, as defined in 18 U.S.C. § 2331, committed outside the United States against a resident of this State.

(4) “Injury” means actual bodily harm or pregnancy, or emotional harm resulting from the crime.

(5) “Pecuniary loss” means, in the case of a victim, the amount of medical or medically related expenses, loss of wages, and any other expenses that the Board feels became necessary as a direct result of the crime. Medical or medically related expenses may include, but are not limited to, the costs of individual or family psychological, psychiatric, or mental health counseling and the costs of replacing or repairing eyeglasses, hearing aids, dentures, or any prosthetic devices that were taken, lost, or destroyed during the commission of the crime. In the case of a dependent, “pecuniary loss” means the cost of psychological, psychiatric, or mental health counseling, funeral expenses for the victim, and, upon demonstration of financial hardship, temporary living expenses.

(6) “Unreimbursed pecuniary loss” means a pecuniary loss:

(A) that is not covered by medical, hospitalization, or disability insurance or workers’ compensation; and

(B) that has not been ordered by the court to be restored to the victim or dependent by the person who caused the loss; or

(C) that has been ordered by the court to be restored to the victim or dependent but has not been paid by the person who caused the loss.

(7) “Victim” means:

(A) a person who sustains injury or death as a direct result of the commission or attempted commission of a crime;

(B) an intervenor who is injured or killed in an attempt to assist the person described in subdivision (A) of this subdivision (7) or the police;

(C) a surviving immediate family member of a homicide victim, including a spouse, domestic partner, parent, sibling, child, grandparent, or other survivor who may suffer severe emotional harm as a result of the victim’s death as determined on a case-by-case basis in the discretion of the Board; or

(D) a resident of this State who is injured or killed as the result of a crime committed outside the United States.

(8) “Profits from crimes” means:

(A) any property obtained through or income generated from the commission of a crime in which the defendant was convicted;

(B) any property obtained by or income generated from the sale, conversion, or exchange of proceeds of a crime, including any gain realized by such sale, conversion, or exchange;

(C) any property that the defendant obtained or any income generated as a result of having committed the crime, including any assets obtained through the use of unique knowledge acquired during the commission of or in preparation for the commission of the crime, as well as any property obtained or income generated from the sale, conversion, or exchange of such property and any gain realized by such sale, conversion, or exchange; and

(D) any property defendant obtained or any income generated from the sale of tangible property the value of which is increased by the notoriety gained from the conviction of an offense by the person accused or convicted of the crime. (Added 1989, No. 214 (Adj. Sess.), § 1; amended 1991, No. 107, § 2; 1995, No. 22, § 1; 1997, No. 61, §§ 56a, 56b; 2003, No. 92 (Adj. Sess.), § 3, eff. April 13, 2004; 2007, No. 173 (Adj. Sess.), § 1; 2009, No. 55, § 1, eff. June 1, 2009; 2021, No. 122 (Adj. Sess.), § 1, eff. May 19, 2022.)