

# Crime Victims' Bill of Rights

## Know Your Rights To:

- ✓ Be protected from the accused offender.
- ✓ Have court proceedings explained.
- ✓ Be notified of and present at all public proceedings, unless otherwise ordered by the judge.
- ✓ Provide written input on sentencing, bail or bond hearings and parole hearings.
- ✓ Restitution from the offender, unless reasons are stated for denying restitution.
- ✓ Be notified of the offender's release from custody.
- ✓ Request testing for certain infectious diseases.

## If you are a victim of a violent crime or DUI:

- ✓ You are entitled to be protected by all of the provisions of the 1991 South Dakota Victims' Rights Act and to be notified of your rights by the prosecutor.
- ✓ You must inform your prosecutor if you want to exercise your rights.

## For More Information on the Bill of Rights:

Office of the Attorney General  
500 East Capitol Ave.  
Pierre, SD 57501

## Contact Us

### Address:

Department of Social Services  
700 Governors Drive  
Pierre, SD 57501

### Phone:

605.773.6317  
or  
1.800.696.9476  
(in-state only)

### Fax:

605.773.2955

### Email:

VictimsServices@state.sd.us

### Web:

[dss.sd.gov/keyresources/victimservices/](http://dss.sd.gov/keyresources/victimservices/)

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# Crime Victims' Compensation Program

A program provided by the South Dakota Department of Social Services, providing monetary assistance to victims of violent crimes.

**DSS**   
Strong Families - South Dakota's Foundation and Our Future

# Crime Victims' Compensation

The South Dakota Crime Victims' Compensation Program provides monetary assistance to victims of violent crimes and is administered by the Department of Social Services (DSS).

The program may compensate crime victims with a maximum of \$15,000 for certain expenses incurred as a direct result of personal injury or death. However, not all crimes or expenses are covered.

You may be eligible for compensation if you or a family member has suffered personal injury as a result of:

- ✓ a violent crime
- ✓ trying to stop a person committing a crime
- ✓ trying to help a law enforcement officer
- ✓ trying to help a victim of a crime or
- ✓ witnessing a violent crime

## Types of Assistance

Compensation may be available for expenses resulting from a criminal act such as:

- ✓ medical expenses
- ✓ mental health counseling expenses
- ✓ mileage
- ✓ funeral and burial expenses
- ✓ loss of earnings or support
- ✓ dental and prosthetic devices
- ✓ eyeglasses or corrective lenses
- ✓ homicide scene cleanup expenses
- ✓ replacement costs for personal property used as evidence, and other similar expenses



Compensation cannot be paid for other property losses, attorney's fees or pain and suffering. In addition, the program is a last resort for payment. In most cases, payments can only be made if there is no other source of payment including private health insurance, Indian Health Services or other public assistance programs such as Medicare or Medicaid.

## Eligibility Requirements

- ✓ The crime must have occurred on or after July 1, 1992.
- ✓ The crime must be reported to law enforcement within five days of its occurrence or when a report could reasonably have been made.
- ✓ The claim for compensation must be filed within one year of the crime unless good cause is shown.
- ✓ The victim and claimant must reasonably cooperate in the investigation and prosecution of the incident.
- ✓ Compensation cannot be awarded to a claimant if it would unjustly benefit the offender or an accomplice.
- ✓ Crime victims are eligible to apply for compensation whether or not the crime is a tribal, state or federal crime.

## Who Can Apply

- ✓ An innocent victim who has suffered harm.
- ✓ A family member of a deceased victim.
- ✓ A person authorized to act on behalf of a victim or dependent.
- ✓ Family members of victims under limited circumstances.

## Applying for Compensation

To apply, you must fill out an application form. These forms are available from any local law enforcement agency, any DSS office, online at [www.dss.sd.gov/victimservices/cvc/eligibility.asp](http://www.dss.sd.gov/victimservices/cvc/eligibility.asp), or the Office of the Attorney General.

DSS staff review all claims, decide whether a victim is eligible and determine the amount of compensation. Upon receipt of the application, staff will contact law enforcement, physicians, service providers, and others if necessary to verify all information received in the application. The processing time for an application is dependent upon the time it takes to receive verification from these sources.

Not all victims qualify for assistance. The victim and providers will be notified in writing of any amounts awarded. If the victim disagrees with the Department's decision, they have the right to appeal that decision to the Crime Victims' Compensation Commission. Payments are made directly to the providers except for out-of-pocket expenses paid by the victim. The victim is responsible for any outstanding balance owed to the provider after payments made by DSS.