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## Part 1

# The Crime Victims Compensation Act of Montana

**53-9-101. Short title.** This part may be cited as "The Crime Victims Compensation Act of Montana".

**53-9-102. Legislative purpose and intent.** It is the intent of the legislature to provide a method of compensating those persons within the state who are innocent victims of criminal acts, including acts of international terrorism, as defined in 18 U.S.C. 2331, that are committed outside of the United States against a resident of this state, and who suffer bodily injury or death and those innocent citizens of this state who are injured or killed in a state that does not have a crime victims compensation program that covers out-of-state residents injured or killed in that state. To this end, it is the legislature's intention to provide compensation for injuries suffered as a direct result of the criminal acts of other persons and to coordinate victims assistance programs.

**53-9-103. Definitions.** As used in this part, the following definitions apply:

(1) "Claimant" means any of the following claiming compensation under this part:

- (a) a victim;
- (b) a dependent of a deceased victim; or
- (c) an authorized person acting on behalf of any of them.

(2) "Collateral source" means a source of benefits, other than welfare benefits, or advantages for economic loss otherwise compensable under this part that the claimant has received or that is readily available to the claimant from:

- (a) the offender;
- (b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this part;
- (c) social security, medicare, and medicaid;
- (d) workers' compensation;
- (e) wage continuation programs of any employer;
- (f) proceeds of a contract of insurance payable to the claimant for loss that was sustained because of the criminally injurious conduct;
- (g) a contract, including an insurance contract, providing hospital and other health care services or benefits for disability. A contract in this state may not provide that benefits under this part are a substitute for benefits under the contract or that the contract is a secondary source of benefits and benefits under this part are a primary source.
- (h) a crime victims compensation program operated by the state in which the victim was injured or killed that compensates residents of this state injured or killed in that state; or
- (i) any other third party.

(3) "Criminally injurious conduct" means conduct that:

- (a) occurs or is attempted in this state or an act of international terrorism, as defined in 18 U.S.C. 2331, committed outside of the United States against a resident of this state;
- (b) results in bodily injury or death or involves domestic violence in a home where minor children were present; and
- (c) is punishable by fine, imprisonment, or death or would be so punishable except that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; however, criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the bodily injury or death occurred during the commission of an offense defined in Title 45 that requires the mental state of purposely as an element of the offense or the injury or death was inflicted by the driver of a motor vehicle who is found by the office, by a preponderance of the evidence, to have been operating the motor vehicle while under the influence, as that term is defined in 61-1-101; or

(d) is committed in a state without a crime victims compensation program that covers a resident of this state if the conduct meets the requirements in subsections (3)(b) and (3)(c).

(4) "Dependent" means a natural person who is recognized under the law of this state to be wholly or partially dependent upon the victim for care or support and includes a child of the victim conceived before the victim's death but born after the victim's death, including a child that is conceived as a result of the criminally injurious conduct.

(5) "Office" means the office of victims services established in 2-15-2016.

(6) "Victim" means:

(a) a person who suffers bodily injury or death as a result of:

(i) criminally injurious conduct;

(ii) the person's good faith effort to prevent criminally injurious conduct; or

(iii) the person's good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct; or

(b) a minor child present in a home where domestic violence occurred.

**53-9-104. (Temporary) Powers and duties of office.** (1) The office shall:

(a) adopt rules to implement this part;

(b) prescribe forms for applications for compensation;

(c) determine all matters relating to claims for compensation; and

(d) require any person contracting directly or indirectly with an individual convicted of a qualifying crime for any book, photograph, movie, television production, or play prepared for a commercial purpose that is based directly upon the crime or for the sale of an item owned or obtained by an individual convicted of a qualifying crime or obtained, produced, or gained directly through unique knowledge about the crime or preparation for the crime to deposit any proceeds paid or owed to the individual under the terms of the contract into an escrow fund for the benefit of any victims of the qualifying crime and any dependents of a deceased victim, to be held for a period of time that the office may determine is reasonably necessary to perfect the claims of the victims or dependents. Deposited proceeds may also be used to reimburse the office of state public defender, provided for in 2-15-1029, for costs associated with providing assigned counsel for the charged person. Each victim and dependent of a deceased victim is entitled to actual and unreimbursed damages of all kinds or \$5,000, whichever is greater. Proceeds remaining after payments to victims, dependents of deceased victims, and the state for any public defender or any attorney assigned for the charged person must be paid to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in 53-9-113.

(2) The office may:

(a) request and obtain from prosecuting attorneys and law enforcement officers investigations and data to enable the office to determine whether and the extent to which a claimant qualifies for compensation. A statute providing confidentiality for a claimant's juvenile court records does not apply to proceedings under this part.

(b) request and obtain from a health care provider medical reports that are relevant to the physical condition of a claimant or from an insurance carrier, agent, or claims adjuster insurance payment information that is relevant to expenses claimed by a claimant if the office has made reasonable efforts to obtain from the claimant a release of the records or information. No civil or criminal liability arises from the release of information requested under this subsection (2)(b).

(c) subpoena witnesses and other prospective evidence, administer oaths or affirmations, conduct hearings, and receive relevant, nonprivileged evidence;

(d) take notice of judicially cognizable facts and general, technical, and scientific facts within its specialized knowledge;

(e) require that law enforcement agencies and officials take reasonable care that victims be informed about the existence of this part and the procedure for applying for compensation under this part; and

(f) establish a victims assistance coordinating and planning program. (*Terminates June 30, 2027—secs. 1, 2, 3, Ch. 139, L. 2021.*)

**53-9-104. (Effective July 1, 2027) Powers and duties of office.** (1) The office shall:

(a) adopt rules to implement this part;

(b) prescribe forms for applications for compensation;

(c) determine all matters relating to claims for compensation; and

(d) require any person contracting directly or indirectly with an individual convicted of a qualifying crime for any book, photograph, movie, television production, or play prepared for a commercial purpose that is based directly upon the crime or for the sale of an item owned or obtained by an individual convicted of a qualifying crime or obtained, produced, or gained directly through unique knowledge about the crime or preparation for the crime to deposit any proceeds paid or owed to the individual under the terms of the contract into an escrow fund for the benefit of any victims of the qualifying crime and any dependents of a deceased victim, to be held for a period of time that the office may determine is reasonably necessary to perfect the claims of the victims or dependents. Deposited proceeds may also be used to reimburse the office of state public defender, provided for in 2-15-1029, for costs associated with providing assigned counsel for the charged person. Each victim and dependent of a deceased victim is entitled to actual and unreimbursed damages of all kinds or \$5,000, whichever is greater. Proceeds remaining after payments to victims, dependents of deceased victims, and the state for any public defender or any attorney assigned for the charged person must be deposited in the state general fund.

(2) The office may:

(a) request and obtain from prosecuting attorneys and law enforcement officers investigations and data to enable the office to determine whether and the extent to which a claimant qualifies for compensation. A statute providing confidentiality for a claimant's juvenile court records does not apply to proceedings under this part.

(b) request and obtain from a health care provider medical reports that are relevant to the physical condition of a claimant or from an insurance carrier, agent, or claims adjuster insurance payment information that is relevant to expenses claimed by a claimant if the office has made reasonable efforts to obtain from the claimant a release of the records or information. No civil or criminal liability arises from the release of information requested under this subsection (2)(b).

(c) subpoena witnesses and other prospective evidence, administer oaths or affirmations, conduct hearings, and receive relevant, nonprivileged evidence;

(d) take notice of judicially cognizable facts and general, technical, and scientific facts within its specialized knowledge;

(e) require that law enforcement agencies and officials take reasonable care that victims be informed about the existence of this part and the procedure for applying for compensation under this part; and

(f) establish a victims assistance coordinating and planning program.

**53-9-105. Rehabilitation of victims.** The office shall refer to the department of public health and human services victims who have been permanently disabled through criminally injurious conduct, who are receiving benefits under this part, and who in the opinion of the office may be vocationally rehabilitated. The department of public health and human services shall provide for the vocational rehabilitation of the victims under its rehabilitation programs to the extent funds are available under the programs.

**53-9-106. Attorney fees.** (1) The office may grant attorney fees to attorneys for representing claimants before the office. Any attorney fee granted by the office is in addition to compensation awarded the claimant under this part.

(2) The office may regulate the amount of the attorney fee in any claim under this part when an attorney is representing a claimant.

(3) In cases under this part that go before a district court, the judge may grant, in addition to compensation benefits granted, attorney fees to attorneys for representing claimants before the court.

(4) Attorney fees in excess of 5% of the amount paid to a claimant or on a claimant's behalf may not be paid directly or indirectly to a claimant's attorney.

**53-9-107. Public inspection and disclosure of office's records.** (1) Except as provided in subsections (2) and (3), the records the office maintains in its possession in the administration of this part are open to public inspection and disclosure.

(2) Confidential criminal justice information obtained by the office is subject to the confidentiality provisions of the Montana Criminal Justice Information Act of 1979, Title 44, chapter 5.

(3) In assuring that the right of individual privacy so essential to the well-being of a free society may not be infringed without the showing of a compelling state interest, the following public records of the office are exempt from disclosure:

(a) information of a personal nature, such as personal, medical, or similar information, if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure has the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

(b) any public records or information, the disclosure of which is prohibited by federal law or regulations.

(4) If any public record of the office contains material that is not exempt under subsection (3), as well as material that is exempt from disclosure, the office shall separate the exempt and nonexempt and make the nonexempt material available for examination.

**53-9-108. Limitation of benefit entitlements to proportionate share of available funds.** Claimants receiving benefits under this part are not granted an absolute entitlement to benefits. Benefits must be paid in accordance with the amount of the legislative appropriation. If the office determines at any time that the appropriated funds for a fiscal year will not be an amount that will fully pay all claims, the office may make appropriate proportionate reductions in benefits to all claimants. The reductions do not entitle claimants to future retroactive reimbursements in future fiscal years unless the legislature makes appropriations for retroactive benefits.

**53-9-109. Repealed.** Sec. 10, Ch. 118, L. 2001.

**53-9-110. Receipt of federal funds.** The office may adopt appropriate rules in order to receive federal funds under federal criminal reparation and compensation acts.

**53-9-111. Penalty for fraudulently obtaining benefits.** Any person who knowingly makes a false claim or a false statement or uses any other fraudulent device in connection with any claim is guilty of theft as provided in 45-6-301 and upon conviction shall, in addition to being punished as provided by that section, forfeit and repay any compensation paid under this part.

**53-9-112. Sale of confidential criminal justice information prohibited — penalty.** (1) An individual convicted of a qualifying crime may not sell or exchange confidential criminal justice information, as defined in 44-5-103.

(2) The office shall require that any funds obtained in violation of subsection (1) be deposited into the escrow fund, provided for in 53-9-104, for the benefit of a victim of a qualifying crime, to be held as provided in 53-9-104.

**53-9-113. (Temporary) Crime victims compensation account.** There is an account in the state special revenue fund for crime victims compensation. The money in the account is statutorily appropriated, as provided in 17-7-502, to the department of justice for the purposes provided in this part. *(Terminates June 30, 2027—secs. 1, 2, 3, Ch. 139, L. 2021.)*

**53-9-114 through 53-9-120 reserved.**

**53-9-121. Application for compensation.** An applicant for an award of compensation may apply in writing in a form that conforms substantially to that prescribed by the office.

**53-9-122. Informal hearings.** The office may hold informal hearings in order to make determinations regarding the compensability of a claim. At the hearings, the office may subpoena witnesses and documents as set forth in 2-4-104. Hearings held under this section are not considered contested case hearings under the Montana Administrative Procedure Act. However, the office shall adopt rules regarding its informal hearing procedures.

**53-9-123. Evidence of condition.** (1) The office may require the claimant to supplement the application with any reasonably available medical or counseling reports relating to the injury for which compensation is claimed.

(2) If the physical condition of a victim or claimant is material to a claim, the office may order the victim or claimant to submit from time to time to a physical examination by a physician or may order an autopsy of a deceased victim. The office shall pay for the examination or autopsy. The order must specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made and must require the person to file with the office a detailed written report of the examination or autopsy. The report must set out physician's findings, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions. On request of the person examined, the office shall furnish the person a copy of the report. If the victim is deceased, the office, on request, shall furnish the claimant a copy of the report.

(3) There is no privilege, except privileges arising from the attorney-client relationship, as to communications or records relevant to an issue of the physical condition of the claimant or victim in a proceeding under this part in which that condition is an element.

**53-9-124. Enforcement of office's orders — improper assertion of privilege.** If a person refuses to comply with an order of the office or asserts a privilege to withhold or suppress evidence relevant to a claim, except privileges arising from the attorney-client relationship, the office may make any just order, including denial of the claim.

**53-9-125. Limitations on awards.** (1) Except as otherwise provided in this section, compensation may not be awarded unless the claim is filed with the office within 1 year after the day the criminally injurious conduct occurred causing the injury or death upon which the claim is based. Compensation in cases involving sexual offenses against minors may not be awarded unless the claim is filed with the office within 1 year after the day the criminally injurious conduct was reported to a law enforcement agency or an agency of the state responsible for provision of child welfare services, or within 1 year after the day the victim reaches 18 years of age, whichever occurs last. The time for filing a claim may be extended by the office for good cause shown.

(2) Compensation may not be awarded to a claimant who is the offender or an accomplice of the offender or to any claimant if the award would unjustly benefit the offender or accomplice.

(3) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer. The report must be made within 72 hours after its occurrence, except in a case involving a sexual offense against a minor or when the office finds there was good cause for the failure to report within that time.

(4) In order to be entitled to benefits under this part, a claimant shall fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender causing the criminally injurious conduct. The office, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies or prosecuting attorneys, may deny or reconsider and reduce an award of compensation.

(5) Compensation otherwise payable to a claimant must be reduced or denied to the extent the compensation benefits payable are or can be recouped from collateral sources.

(6) Persons serving a sentence of imprisonment or residing in any other public institution which provides for the maintenance of the person are not entitled to the benefits of this part.

(7) Compensation may be denied or reduced if the victim contributed to the infliction of death or injury with respect to which the claim is made. Any reduction in benefits under this subsection must be in proportion to what the office finds to be the victim's contribution to the infliction of death or injury.

**53-9-126. Tentative award of compensation.** If the office determines that the claimant will suffer financial hardship unless a tentative award is made and it appears likely that a final award will be made, an amount may be paid to the claimant, to be deducted from the final award or repaid by and recoverable from the claimant to the extent that it exceeds the final award.

**53-9-127. Award of compensation.** (1) The office shall award compensation benefits under this part if satisfied by a preponderance of the evidence that the requirements for compensation have been met.

(2) An award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed unless an application for rehearing, an appeal of the conviction, or certiorari is pending or a rehearing or new trial has been ordered.

(3) The office may suspend the proceedings pending disposition of a criminal prosecution that has been commenced or is imminent and may make a tentative award under 53-9-126.

**53-9-128. Compensation benefits.** (1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks weekly benefits, the claimant, as a result of the injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is 66 2/3% of the wages received at the time of the criminally injurious conduct, subject to a maximum of one-half the state's average weekly wage as determined in 39-51-2201. Weekly compensation payments must be made at the end of each 2-week period. Weekly compensation payments may not be paid for the first week after the criminally injurious conduct occurred, but if total actual loss of wages continues for 1 week, weekly compensation payments must be paid from the date the wage loss began. Weekly compensation payments must continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market.

(2) The claimant is entitled to be reimbursed for reasonable services by a physician or surgeon, reasonable hospital services and medicines, and other treatment approved by the office for the injuries suffered due to criminally injurious conduct. Unless expressly requested by the claimant, benefits may not be paid under this subsection until the claimant has been fully compensated for total wage loss benefits as provided in subsection (1) or (7).

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive, in a gross single amount payable to all dependents, weekly benefits amounting to 66 2/3% of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of one-half the state's average weekly wage as determined in 39-51-2201. Weekly compensation payments must be made at the end of each 2-week period.

(b) Benefits under subsection (3)(a) must be paid to the spouse for the benefit of the spouse and other dependents unless the office determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under subsection (3)(a) must cease to be paid to the spouse but must continue to be paid to the other dependents as long as their dependent status continues.

(4) Reasonable funeral and burial expenses of the victim, not exceeding \$10,000, must be paid if all other collateral sources have properly paid expenses but have not covered all expenses.

(5) Compensation payable to a victim and all of the victim's dependents in cases of the victim's death because of injuries suffered due to an act of criminally injurious conduct may not exceed \$25,000 in the aggregate.

(6) Compensation benefits are not payable for pain and suffering, inconvenience, physical impairment, or nonbodily damage.

(7) (a) A person who has suffered injury as a result of criminally injurious conduct and as a result of the injury has no reasonable prospect of being regularly employed in the normal labor market and who was employable but was not employed at the time of the injury may in the discretion of the office be awarded weekly compensation benefits in an amount determined by the office not to exceed \$100 per week. Weekly compensation payments must continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market. The claimant must be awarded benefits as provided in subsection (2).

(b) The dependents of a victim who is killed as a result of criminally injurious conduct and who was employable but not employed at the time of death may in the discretion of the office be awarded, in a gross single amount payable to all dependents, a sum not to exceed \$100 per week, which is payable in the manner and for the period provided by subsection (3)(b) or for a shorter period as determined by the office. The claimant must be awarded benefits as provided in subsection (4).

(8) Except for benefits paid under subsections (3), (5), and (7)(b) or other benefits paid when the victim is killed as a result of criminally injurious conduct, amounts payable as weekly compensation may not be commuted to a lump sum and may not be paid less frequently than every 2 weeks.

(9) (a) Subject to the limitations in subsection (9)(e), the spouse, parent, child, brother, or sister of a victim who is killed as a result of criminally injurious conduct is entitled to reimbursement for mental health treatment received as a result of the victim's death.

(b) Subject to the limitations in subsection (9)(e), the parent, brother, or sister of a minor who is a victim of criminally injurious conduct involving a sexual offense and who is not entitled to receive services under Title 41, chapter 3, is entitled to reimbursement for mental health treatment received as a result of that criminally injurious conduct.

(c) Subject to the limitations in subsection (9)(e), the parent or guardian of a minor who is a victim of criminally injurious conduct involving a sexual offense and who is not entitled to receive services under Title 41, chapter 3, is entitled to:

- (i) claim benefits under subsection (1);
- (ii) mileage at the rate allowed by the internal revenue service for the current year; and
- (iii) if not receiving benefits under subsection (9)(c)(i), actual wage loss reimbursement for wage loss incurred taking the minor victim to mental health or medical treatment received as a result of that criminally injurious conduct.

(d) Subject to the limitations in subsection (9)(e), minor children who were present in a home where domestic violence occurred are entitled to reimbursement for mental health treatment received as a result of that criminally injurious conduct.

(e) Total payments made under subsections (9)(a) through (9)(d) may not exceed \$5,000 or 12 consecutive months of treatment for each person, whichever occurs first.

**53-9-129. Award not subject to execution, attachment, garnishment, or assignment —**

**exception.** (1) An award is not subject to execution, attachment, garnishment, or other process, except an execution, attachment, or garnishment of a right to compensation for work loss to secure payment of maintenance or child support.

(2) An assignment or agreement to assign a right to compensation in the future is unenforceable except:

(a) an assignment of a right to compensation for work loss to secure payment of maintenance or child support; or

(b) an assignment of a right to compensation to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

**53-9-130. Reconsideration and review of office's decisions.** (1) The office on its own motion or on request of the claimant may reconsider a decision making or denying an award or determining its amount. The office shall reconsider at least annually every award being paid in installments. An order on reconsideration of an award may not require refund of amounts previously paid unless the award was obtained by fraud.

(2) The right of reconsideration does not affect the finality of an office decision for the purpose of appeal.

**53-9-131. Appeals.** After the office has made final determination concerning any matter relating to a claim, if the claimant disputes the office's determination, the claimant may appeal to the district court for the county in which the claimant resides for review. Review on appeal must be in conformity with 2-4-701 through 2-4-704 of the Montana Administrative Procedure Act. The judge, after a hearing, shall make a final determination concerning the dispute and issue an appropriate order affirming, reversing, or modifying the office's determination.

**53-9-132. (Temporary) Subrogation.** (1) If a claimant seeks compensation under this part and compensation is awarded, the office is entitled to full subrogation against a judgment or recovery received by the claimant against the offender or a collateral source arising from the criminally injurious conduct committed by the offender for all compensation paid under this part. The office's right of subrogation is a first lien on the judgment or recovery. If the claimant does not institute the action against the offender or collateral source within 1 year from the date the criminally injurious conduct occurred, the office may institute the action in the name of the claimant or the claimant's personal representative. Funds recovered under this section must be paid to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in 53-9-113.

(2) If the claimant institutes the action, the office shall pay a proportional share of costs and attorney fees if it recovers under its subrogation interest.

(3) If the office institutes the action in the name of the claimant or the claimant's personal representative and the recovery is in excess of the amount of compensation paid to the claimant and costs incurred by the office in pursuit of the action, the excess must be paid to the claimant.

(4) If a judgment or recovery includes both damages for bodily injury or death for which the office has paid compensation under this part and damages for which the office has not paid compensation, then the office's subrogation interest applies only to that proportion of the judgment or recovery for which it has paid compensation. In a civil action in a court of this state arising out of criminally injurious conduct, the judge, on timely motion, shall direct the jury to return a special verdict indicating separately the amounts of the various items of damages awarded. A claimant may not make recoveries against the offender or collateral source in such a way as to avoid and preclude the office from receiving its proper subrogation share as provided in this section. The office shall release its lien provided for in subsection (1) upon receipt of its subrogation share. *(Terminates June 30, 2027—secs. 1, 2, 3, Ch. 139, L. 2021.)*

**53-9-132. (Effective July 1, 2027) Subrogation.** (1) If a claimant seeks compensation under this part and compensation is awarded, the office is entitled to full subrogation against a judgment or recovery received by the claimant against the offender or a collateral source arising from the criminally injurious conduct committed by the offender for all compensation paid under this part. The office's right of subrogation is a first lien on the judgment or recovery. If the claimant does not institute the action against the offender or collateral source within 1 year from the date the criminally injurious conduct occurred, the office may institute the action in the name of the claimant or the claimant's personal representative.

(2) If the claimant institutes the action, the office shall pay a proportional share of costs and attorney fees if it recovers under its subrogation interest.

(3) If the office institutes the action in the name of the claimant or the claimant's personal representative and the recovery is in excess of the amount of compensation paid to the claimant and costs incurred by the office in pursuit of the action, the excess must be paid to the claimant.

(4) If a judgment or recovery includes both damages for bodily injury or death for which the office has paid compensation under this part and damages for which the office has not paid compensation, then the office's subrogation interest applies only to that proportion of the judgment or recovery for which it has paid compensation. In a civil action in a court of this state arising out of criminally injurious conduct, the judge, on timely motion, shall direct the jury to return a special verdict indicating separately the amounts of the various items of damages awarded. A claimant may not make recoveries against the offender or collateral source in such a way as to avoid and preclude the office from receiving its proper subrogation share as provided in this section. The office shall release its lien provided for in subsection (1) upon receipt of its subrogation share.

**53-9-133. (Temporary) Effect of award on probation and parole of offender.** (1) When placing any convicted person on probation, the court may set as a condition of probation the payment to the state of an amount equal to any benefits paid by the office to a victim or a victim's dependents. The court may set a repayment schedule and modify it as circumstances change.

(2) Payment of the debt may be made a condition of parole subject to modification based on a change in circumstances.

(3) Funds received by the crime victims compensation and assistance program must be deposited in the account established in 53-9-113. *(Terminates June 30, 2027—secs. 1, 2, 3, Ch. 139, L. 2021.)*

**53-9-133. (Effective July 1, 2027) Effect of award on probation and parole of offender.** (1) When placing any convicted person on probation, the court may set as a condition of probation the payment to the state of an amount equal to any benefits paid by the office to a victim or a victim's dependents. The court may set a repayment schedule and modify it as circumstances change.

(2) Payment of the debt may be made a condition of parole subject to modification based on a change in circumstances.