

A.C.A. § 16-21-106

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- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 2. Courts and Court Officers](#)
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16-21-106. Assistance to **victims** and witnesses of **crimes** — **Victim of crimes** case coordinator. [Effective until January 1, 2024.]

(a)

(1) The prosecuting attorneys shall, upon request, provide to a victim and the immediate family members of all homicide victims, whether or not they are witnesses in criminal proceedings, notice of critical events in the criminal justice process, which shall include, but not be limited to:

(A) Notice of motions or hearings to establish or reduce bail or authorize other pretrial release from custody;

(B) Notice of proceedings in which any plea agreement may be submitted;

(C) Notice of trial;

(D) Notice of any motion that may substantially delay the prosecution;

(E) Notice that a court proceeding for which the victim has been subpoenaed will not transpire as scheduled;

(F) Notice of the date, time, and place of the defendant's appearance before a judicial officer;

(G) The function of a presentence report, the name, street address, and telephone number of the agency preparing the report, and the defendant's right of access to the report;

(H) Notice of the victim's right under this act to present a victim impact statement and the defendant's right to be present at the sentencing proceeding;

(I) Notice of the date, time, and place of any sentencing proceeding;

(J) Notice of the date, time, and place of any hearing for reconsideration of a sentence imposed;

(K) Notice of any sentence imposed and any modification of that sentence; and

(L) Notice of the right to receive information from the Department of Corrections, Arkansas State Hospital, and any other facility to which the defendant is committed by the court.

(2) After a prosecution is commenced, the prosecuting attorney shall promptly inform a victim of:

(A) Relevant criminal justice procedures;

(B) The crime with which the defendant has been charged, including an explanation of the elements of the crime, if necessary to an understanding of the nature of the crime; and

(C) The file number of the case and the prosecuting attorney's name, office address, and telephone number.

(3)

(A) The notice may be accomplished by providing the victim or immediate family member with a telephone number to a computer notification program.

(B) Prosecutors remain responsible for providing the notice in instances where no computer notification program exists.

(4) When an immediate family member has been charged with the homicide, that person shall not be notified in accordance with this section.

(b)

(1) Prosecuting attorneys shall confer with the victim before amending or dismissing a charge or agreeing to a negotiated plea or pretrial diversion.

(2) Failure of the prosecuting attorney to confer with the victim does not affect the validity of an agreement between the prosecuting attorney and the defendant or of an amendment, dismissal, plea, pretrial diversion, or other disposition.

(c)

(1) The prosecuting attorney of the county from which the inmate was committed shall notify the Parole Board at the time of commitment of the desire of the victim or member of the victim's family to be notified of any future parole or clemency hearings, and to forward to the board the last known address and telephone number of the victim or member of the victim's family.

(2) It shall be the responsibility of the victim or the victim's next of kin to notify the board after the date of commitment of any change in regard to the desire to be notified of any future parole or clemency hearings.

(d) The prosecuting attorneys and deputy prosecuting attorneys shall provide the following services to victims of crimes and witnesses of crimes and the family members of all homicide victims, whether or not they are witnesses in criminal proceedings:

(1) Assisting the persons in obtaining protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(2) Assisting the persons in applying for financial assistance and other social services available as a result of being a witness or victim of a crime;

(3) Assisting the persons in applying for any witness fees to which they are entitled;

(4) Providing, when possible, a secure waiting area during court proceedings that does not require the persons to be in close proximity to the defendants and families and friends of the defendants and otherwise make a reasonable effort to minimize unwanted contact between the victim, members of the victim's family, or prosecution witnesses and the defendant, members of the defendant's family, or defense witnesses before, during, and immediately after a judicial proceeding; and

(5) Interceding with the persons' employers to assure that the employers cooperate with the criminal justice process in order to minimize loss of pay and other benefits resulting from court appearances.

(e) In order to enable the prosecuting attorney to perform the additional duties provided in this section:

(1) The prosecutor may request the county judge of the county to designate or provide an appropriate room or area in the county courthouse, reasonably close to the courtroom, to serve as a waiting area during court proceedings to accommodate the families and friends of the defendants, as provided in subsection (d) of this section; and

(2) The prosecutor may request the quorum court of the county to provide additional employees for his or her office to be known as victim of crimes case coordinators at such salary as may be determined by the quorum court, to be in addition to any other position available to the prosecutor's office.

History

Acts 1983, No. 526, §§ 1, 2; 1985, No. 450, §§ 1, 2; A.S.A. 1947, §§ 24-141, 24-142; Acts 1991, No. 904, §§ 14, 20; 1991, No. 1124, § 1; 1995, No. 1256, § 20; 1995 (1st Ex. Sess.), No. 13, § 4; 1997, No. 736, § 1; 1997, No. 1262, § 16; 1999, No. 1508, § 7; 2005, No. 1975, § 2; 2019, No. 910, § 853.

A.C.A. § 16-21-107

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16-21-107. Victim/Witness Coordinator.

(a) This section shall be known as the "Victim/Witness Coordinator Act".

(b) There is created a Victim/Witness Coordinator to provide technical assistance and support to all victims of crimes and their families and to witnesses to crimes who are involved in the criminal justice system, to establish programs intended to result in such support, and to provide a communication network for victim/witness programs.

(c) The Victim/Witness Coordinator shall be located in the Office of the Prosecutor Coordinator.

History

Acts 1985, No. 408, §§ 1-3; A.S.A. 1947, §§ 24-143 — 24-145.

A.C.A. § 16-90-701

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- [Chapter 90 Judgment and Sentence Generally](#)
- [Subchapter 7 — Arkansas Crime Victims Reparations Act](#)

16-90-701. Title.

This subchapter shall be known and may be cited as the "Arkansas Crime Victims Reparations Act".

History

Acts 1987, No. 817, § 2.

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A.C.A. § 16-90-702

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16-90-702. Legislative intent.

It is the intent of the General Assembly to provide a method of compensating and assisting those persons within the state who are victims of criminal acts and who suffer personal injury or death. To this end, it is the further intent of the General Assembly to provide reparations, in the amount of expenses actually incurred as a direct result of the criminal acts of other persons up to a maximum amount of ten thousand dollars (\$10,000). However, for those victims whose injuries are catastrophic and result in a total and permanent disability, the maximum amount shall not exceed twenty-five thousand dollars (\$25,000).

History

Acts 1987, No. 817, § 1; 1999, No. 1178, § 1.

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A.C.A. § 16-90-703

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16-90-703. Definitions.

As used in this subchapter:

(1)

(A) "Allowable expense" means charges incurred for needed products, services, and accommodations, including, but not limited to:

(i) Medical care;

(ii) Rehabilitation;

(iii) Rehabilitative occupational training;

(iv) Crime scene cleanup; and

(v) Other remedial treatment and care.

(B) "Allowable expense" also includes a reasonable and necessary amount for expenses related to funeral, cremation, or burial;

(2) "Board" means the Crime Victims Reparations Board created by § 16-90-705;

(3)

(A) "Claimant" means any of the following persons applying for reparations under this subchapter:

(i) A victim;

(ii) A dependent of a victim who has died because of criminally injurious conduct; or

(iii) A person authorized to act on behalf of any of the persons enumerated in this subdivision

(3)(A).

(B) "Claimant" shall not include a service provider;

(4) "Collateral source" means a source of benefits or advantages for economic loss which the claimant has received or which is readily available to the claimant from anyone (1) or more of the following:

(A) The offender;

(B) The United States Government or any agency thereof in the form of benefits, such as Social Security, Medicare, and Medicaid;

(C) A state or any of its political subdivisions;

(D) State-required temporary nonoccupational disability insurance;

(E) Workers' compensation;

(F) Wage continuation programs of any employer;

(G) Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct; or

(H) A contract providing prepaid hospital and other healthcare services or benefits for disability;

(5)

(A)

(i) "Criminally injurious conduct" means an act which occurs or is attempted in this state that results in personal injury or death to a victim, which act is punishable by fine, imprisonment, or death.

(ii) "Criminally injurious conduct" shall include acts of terrorism committed outside of the United States as defined in 18 U.S.C. § 2331 against any Arkansas resident.

(iii) "Criminally injurious conduct" does not include acts arising out of the operation of motor vehicles, boats, or aircraft unless the acts were committed with the intent to inflict injury or death or unless the acts involve any of the following:

(a) Injury or death intentionally inflicted through the use of a motor vehicle, boat, or aircraft;

(b) A violation of the Omnibus DWI or BWI Act, § 5-65-101 et seq.; or

(c) A violation of § 27-53-101.

(B) For the purposes of this subchapter, a person shall be deemed to have committed criminally injurious conduct, notwithstanding that by reason of age, insanity, drunkenness, or other reason he or she was legally incapable of committing a crime;

(6) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct;

(7) "Economic loss" means monetary detriment consisting of allowable expense and work loss, but shall not include noneconomic detriment;

(8) "Immediate family" means a person's spouse, children, parents or guardian, siblings, and grandparents, whether related by blood, adoption, or marriage;

(9) "Noneconomic detriment" means:

(A) Pain;

(B) Suffering;

(C) Inconvenience;

(D) Physical impairment; and

(E) Nonpecuniary damage;

(10) "Personal injury" means actual bodily harm, including pregnancy or mental anguish which is the direct result of a violent criminal act;

(11)

(A) "Victim" means a person who suffers personal injury or death as a result of criminally injurious conduct committed either within the State of Arkansas or against any Arkansas resident who suffers personal injury as the result of criminally injurious conduct which occurs in states presently not having crime victims reparations programs for which the victim is eligible, and further includes any Arkansas resident who is injured or killed by an act of terrorism committed outside of the United States, as defined in 18 U.S.C. § 2331.

(B) "Victim" shall also include a person who:

(i) Is the child, whether by blood, adoption, or marriage, of a victim as defined in subdivision (11)(A) of this section;

(ii) Is an immediate family member of a deceased victim, a victim of sexual assault, or a child victim;

(iii) Is not an immediate family member, but who resided at the time of the crime in the same permanent household as a deceased victim; or

(iv) Discovered the body of a victim who died as the result of criminally injurious conduct; and

(12) "Work loss" means loss of income from work the victim or claimant would have performed if the victim had not been injured or died, reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work that he or she was capable of performing but unreasonably failed to undertake.

History

Acts 1987, No. 817, § 3; 1991, No. 396, §§ 2, 3; 1997, No. 818, §§ 1, 2; 1997, No. 887, § 1; 1999, No. 1502, §§ 1, 2; 1999, No. 1508, §§ 5, 6, 7; 2001, No. 548, § 1; 2015, No. 299, § 24.

A.C.A. § 16-90-704

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16-90-704. Penalty.

The filing of a false claim for reparations pursuant to this subchapter shall constitute a Class D felony.

History

Acts 1987, No. 817, § 19.

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A.C.A. § 16-90-705

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16-90-705. Crime Victims Reparations Board.

(a)

(1) There is created a Crime Victims Reparations Board consisting of five (5) members appointed by the Governor with the advice and consent of the Senate to serve four-year staggered terms and until a successor is appointed and qualified.

(2) At least two (2) members of the board shall be persons admitted to practice law in this state.

(3) At least one (1) member of the board shall be:

(A) A victim of criminally injurious conduct;

(B) The next of kin of a homicide victim; or

(C) An individual experienced in providing victim assistance services.

(4) A vacancy shall be filled in the same manner as a regular appointment.

(b) Each year the board shall elect the chair from its membership.

(c)

(1) Members of the board shall receive no pay for their services, but each member may receive expense reimbursement in accordance with § 25-16-901 et seq.

(2) All reasonable and necessary expenses of the board shall be paid from the Crime Victims Reparations Revolving Fund.

History

Acts 1987, No. 817, § 4; 1995, No. 773, § 1; 1997, No. 250, § 118.

A.C.A. § 16-90-706

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16-90-706. Powers of board — Logistical support.

(a)

(1) The Crime Victims Reparations Board shall have:

(A) Power to award reparations for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for reparations have been met; and

(B) Authority to award the reparations to the claimant or directly to the provider of services.

(2) The board shall:

(A) Hear and determine all matters relating to claims for reparations, including having the power to reinvestigate or reopen claims without regard to statutes of limitation; and

(B)

(i) Have discretion to act in a panel of three (3) or more members.

(ii) This panel may exercise the powers granted to the board.

(3) The board shall have the power to subpoena witnesses and compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings, and receive relevant evidence.

(4)

(A) The board shall be provided such office, support staff, and secretarial services as necessary by the Department of Public Safety.

(B) The support staff and secretarial services described in subdivision (a)(4)(A) of this section may also be assigned by the Secretary of the Department of Public Safety to engage in additional work in other areas that do not involve crime victims reparations.

(b) In addition to any other powers and duties specified elsewhere in this subchapter, the board may:

(1) Regulate its own procedure, except as otherwise provided in this subchapter;

(2) Adopt rules to implement the provisions of this subchapter;

(3) Define any term not defined in this subchapter;

(4) Prescribe forms necessary to carry out the purposes of this subchapter;

(5) Request access to any reports of investigations or other data necessary to assist the board in making a determination of eligibility for reparations under the provisions of this subchapter;

(6) Take judicial notice of general, technical, and scientific facts within its specialized knowledge; and

(7) Publicize the availability of reparations and information regarding the filing of claims for reparations.

History

Acts 1987, No. 817, §§ 5, 6; 2011, No. 11, § 1; 2019, No. 315, § 1303; 2019, No. 910, § 5926.

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16-90-707. Annual report by board.

(a) The Crime Victims Reparations Board shall prepare and transmit annually a report of its activities to the Secretary of the Department of Public Safety.

(b) This report shall include the amount of reparations awarded and a statistical summary of claims and awards made and denied.

History

Acts 1987, No. 817, § 18; 2019, No. 910, § 5927.

A.C.A. § 16-90-708

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16-90-708. Application forms — Cooperation by applicant.

(a) Each law enforcement agency in the state shall keep application forms prepared and provided by the Crime Victims Reparations Board and make them available to any person upon request.

(b) The board may contact any law enforcement agency to determine if an applicant has cooperated with that law enforcement agency in the identification, apprehension, and conviction of the perpetrator of the crime.

History

Acts 1987, No. 817, § 7.

A.C.A. § 16-90-709

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16-90-709. Proceedings and record — Settlement of claims.

(a)

(1) Every party to the claim shall be afforded an opportunity to appear and be heard, to offer evidence and argument on any issues relevant to the claim, and to examine witnesses and offer evidence to reply to any matter of an evidentiary nature in the record relevant to the claim.

(2) A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Crime Victims Reparations Board.

(b) Without a hearing, the board may settle a claim by stipulation, agreed settlement, consent order, or default.

History

Acts 1987, No. 817, § 9.

A.C.A. § 16-90-710

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16-90-710. Waiver of physician-patient privilege — Examinations and reports.

(a) Any person filing a claim under the provisions of this subchapter shall be deemed to have waived any physician-patient privilege as to communications or records relevant to an issue of the physical, mental, or emotional condition of the claimant.

(b)

(1) If the mental, physical, or emotional condition of a claimant is material to a claim, upon good cause shown, the Crime Victims Reparations Board may order the claimant to submit to a mental or physical examination and may order an autopsy of a deceased victim.

(2) The order shall:

(A) Specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made; and

(B)

(i) Require the person to file a detailed written report of the examination or autopsy with the board.

(ii) The report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions.

(c) The board shall furnish to the victim a copy of any reports examined. If the victim is deceased, the board, on request, shall furnish a copy of the report to the claimant.

(d) The board may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which reparations are claimed.

History

Acts 1987, No. 817, § 10.

A.C.A. § 16-90-711

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16-90-711. Confidential information.

When submitted to the Crime Victims Reparations Board as part of an application, the following information shall be confidential:

- (1) Documents submitted by a claimant which relate to medical treatment; and
- (2) Law enforcement investigative reports, if confidential under any other law.

History

Acts 1987, No. 817, § 11.

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A.C.A. § 16-90-712

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16-90-712. Conditions for reparations — Changes in awards.

(a) Reparations shall not be awarded:

(1) Unless the claim has been filed with the Crime Victims Reparations Board within one (1) year after the injury or death upon which the claim is based, unless the board finds good cause for the failure to file a timely claim;

(2) To a claimant who was the offender or an accomplice of the offender;

(3) To another person if the award would unjustly benefit the offender or accomplice;

(4) To a victim who is injured or killed while confined in state, county, or municipal jail, prison, or other correctional facility as a result of conviction of any crime;

(5) To any claimant who has been convicted of a felony involving criminally injurious conduct;

(6) Unless the criminally injurious conduct resulting in injury or death was reported to the proper authorities within seventy-two (72) hours after its occurrence, or the board finds there was good cause for the failure to report within that time; or

(7)

(A)

(i) If there are insufficient funds in the Crime Victims Reparations Revolving Fund.

(ii) However, when sufficient funds become available, the awards which have not been paid shall be paid in chronological order with the oldest paid first, unless the board finds that compelling circumstances support a payment out of chronological order.

(B) Any award under this subchapter is specifically not a claim against the state if it cannot be paid due to a lack of funds in the fund.

(b) Reparations otherwise payable to a claimant shall be diminished to the extent:

(1) That the economic loss is recouped from collateral sources; or

(2) Of the degree of responsibility for the cause of the injury or death attributable to the victim, as determined by the board.

(c)

(1) Except as provided in subdivision (c)(2) of this section, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, the board may deny, withdraw, or reduce an award of reparations.

(2) This subsection does not apply if the claimant or victim is a victim of human trafficking or a minor victim of a sex offense, as defined in § 12-12-903.

(d)

(1) On its own motion or on request of the claimant, the board may reconsider a decision granting or denying an award or determining its amount.

(2) An order on reconsideration of an award shall not require a refund of amounts previously paid unless the award was obtained by fraud.

(3) Reconsideration does not affect the finality of a board decision for the purpose of judicial review.

History

Acts 1987, No. 817, § 12; 1999, No. 1102, § 1; 2023, No. 330, § 1.

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16-90-713. Awards apart from prosecution.

(a) An award may be made whether or not any person is prosecuted or convicted.

(b) The Crime Victims Reparations Board may suspend the proceedings pending disposition of a criminal prosecution that has been commenced or is imminent but may make a tentative award under § 16-90-716.

History

Acts 1987, No. 817, § 13.

A.C.A. § 16-90-714

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16-90-714. Subrogation of state to claimant's rights.

(a) If reparations are awarded, the state shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that reparations were awarded.

(b)

(1) In the event the claimant recovers reparations, other than under the provisions of this subchapter for injuries or death resulting from criminally injurious conduct, the claimant shall retain as trustee so much of the recovered funds as necessary to reimburse the Crime Victims Reparations Revolving Fund to the extent that reparations were awarded to the claimant from that fund.

(2) The funds retained in trust shall be promptly deposited into the fund.

(c)

(1) If a claimant brings an action to recover damages related to the criminally injurious conduct upon which reparations are claimed or awarded, the claimant shall give the Crime Victims Reparations Board written notice of the action.

(2) After receiving the notice, the board may join in the action as a party plaintiff to recover the reparations awarded.

(d) The board shall not require any claimant to seek or accept any collateral source contribution unless the claimant was receiving those benefits prior to the occurrence giving rise to the claim under the provisions of this subchapter.

History

Acts 1987, No. 817, §§ 8, 14.

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16-90-715. Action by state against convicted person for recovery of reparations.

(a)

(1) Whenever any person is convicted of a crime and an order for the payment of reparations is or has been made under this subchapter for a personal injury or death resulting from the act or omission constituting the crime for which conviction was had, the Secretary of the Department of Public Safety may institute a civil action against the convicted person for the recovery of all or any part of the reparations paid.

(2)

(A) The suit shall be instituted in the circuit court having jurisdiction in the county in which the person resides or is found or in Pulaski County.

(B) The circuit court shall have jurisdiction to hear, determine, and render judgment in the action.

(3)

(A) Any amount recovered under this subsection shall be credited to the Crime Victims Reparations Revolving Fund.

(B) If an amount greater than that paid pursuant to the order for payment of reparations is recovered and collected in the action, the Crime Victims Reparations Board shall pay the balance to the claimant.

(b) The board shall provide the secretary with such information, data, and reports as he or she may require to institute actions in accordance with this section.

(c) The secretary may request the assistance of the Attorney General in instituting a civil action against the convicted person for the recovery of all or any part of the reparations paid.

History

Acts 1987, No. 817, § 15; 2019, No. 910, § 5928.

A.C.A. § 16-90-716

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- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 6. Criminal Procedure Generally](#)
- [Chapter 90 Judgment and Sentence Generally](#)
- [Subchapter 7 — Arkansas Crime Victims Reparations Act](#)

16-90-716. Limitation on reparations — Manner of payment.

(a)

(1) Reparations payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed ten thousand dollars (\$10,000).

(2) However, for those victims whose injuries are catastrophic and result in a total and permanent disability, the maximum reparations amount shall not exceed twenty-five thousand dollars (\$25,000).

(b)

(1) The Crime Victims Reparations Board may provide for the payment to a claimant in a lump sum or in installments.

(2) At the request of the claimant, the board may convert future economic loss other than allowable expense to a lump sum, but only upon a finding by the board of either of the following:

(A) That the award in a lump sum will promote the interests of the claimant; or

(B) That the present value of all future economic loss other than allowable expense does not exceed one thousand dollars (\$1,000).

(c) If the board determines that the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant and shall be deducted from the final award or shall be repaid and recoverable from the claimant to the extent that it exceeds the final award.

(d)

(1) An award payable in installments for future economic loss may be made only for a period as to which the board can reasonably determine future economic loss.

(2) An award payable in installments for future economic loss may be modified by the board upon its finding that a material and substantial change of circumstances has occurred.

(e) An award shall not be subject to execution, attachment, garnishment, or other process, except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that the creditor has provided products, services, or accommodations, the costs of which are included in the award.

(f) An assignment by the claimant to any future award under the provisions of this subchapter is unenforceable, except:

(1) An assignment of any award for work loss to assure payment of court-ordered alimony, maintenance, or child support; or

(2) An assignment of any award for allowable expense 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 are to be provided by the assignee.

History

Acts 1987, No. 817, §§ 16, 17; 1999, No. 1178, § 2.

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A.C.A. § 16-90-717

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- [Subchapter 7 — Arkansas Crime Victims Reparations Act](#)

16-90-717. Crime Victims Reparations Revolving Fund.

There is created in the State Treasury a revolving fund for the Crime Victims Reparations Board to be designated the "Crime Victims Reparations Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all moneys received by the board from any source including moneys applied for and received from any state, federal, or private source. All interest earned as a result of investing moneys in the Crime Victims Reparations Revolving Fund shall be paid into the fund and not into the general revenues of this state. All moneys accruing to the credit of the fund are appropriated and may be budgeted and expended by the board for the purpose of implementing the provisions of this subchapter and the provisions of the sexual assault statutes, §§ 12-12-401 — 12-12-404.

History

Acts 1987, No. 817, § 20; 1991, No. 396, § 4.

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A.C.A. § 16-90-718

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- [Chapter 90 Judgment and Sentence Generally](#)
- [Subchapter 7 — Arkansas Crime Victims Reparations Act](#)

16-90-718. [Repealed.]

A.C.A. § 16-90-719

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- [Chapter 90 Judgment and Sentence Generally](#)
- [Subchapter 7 — Arkansas Crime Victims Reparations Act](#)

16-90-719. Property damage — Reparations — Intent.

(a)

(1) Persons who have suffered damage to their primary residence and surrounding real property in an amount in excess of five hundred dollars (\$500) as a result of a criminal act or who have had personal property stolen from their primary residence valued in excess of five hundred dollars (\$500), and who do not have adequate available resources or any collateral source of reimbursement, such as insurance, to cover the costs of repairs to their property may file a claim with the Crime Victims Reparations Board in the manner and form as is presently required by the Crime Victims Reparations Board for crime victims.

(2) The Crime Victims Reparations Board shall have the power to provide labor for repairs and cleanup supplied by eligible offenders serving community correction and probationers in accordance with rules promulgated by the Board of Corrections.

(3) By this section, the Division of Community Correction is authorized and directed to promulgate necessary rules permitting the use of eligible inmates transferred to or sentenced directly to community correction and probationers to perform the repair and cleanup work contemplated by this section and consistent with guidelines established by the Crime Victims Reparations Board.

(b) Inmates who have been convicted of violent crimes or residential burglary, even if transferred to or sentenced directly to community correction, and probationers who have been convicted of violent crimes, residential burglary, or theft of property shall be ineligible to participate in this program, and the rules governing this program shall reflect this prohibition.

(c)

(1) The Crime Victims Reparations Board and the Board of Corrections with the cooperation and assistance of the Division of Community Correction, working in conjunction with each other, shall promulgate the necessary rules to establish a program whereby eligible inmates released to or sentenced directly to community correction and probationers may perform labor on the primary residence and surrounding real property of victims whose primary residence has suffered damage as a result of a criminal act or whose personal property has been stolen from their primary residence, and whose owner does not have adequate available resources or any collateral source of reimbursement such as insurance to cover the costs of repairs or replacement.

(2) The safety of the victim, the probationer, and the inmate is to be given first priority in promulgating the rules.

(d)

(1) Whenever a dollar amount of property damage or loss is referred to in subsections (a)-(c) of this section, the dollar amount shall refer to the fair market repair or replacement value.

(2) Further, no award shall be made under the provisions of this section for a loss based on the dollar amount of an insurance deductible which is five hundred dollars (\$500) or less.

(e) It is the intent of this section to provide a method of reparations whereby victims whose primary residence is damaged or whose personal property is stolen from their primary residence as a result of criminal acts and who do not have adequate available resources or a collateral source of reimbursement such as insurance to cover the cost of repairs to their primary residence or replacement of the personal property may receive assistance in the form of inmate or probationer labor to make repairs to and clean up their primary residence and the surrounding real property.

History

Acts 1995, No. 1269, §§ 1-3; 2019, No. 315, §§ 1304, 1305.

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A.C.A. § 16-90-720

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- [Subtitle 6. Criminal Procedure Generally](#)
- [Chapter 90 Judgment and Sentence Generally](#)
- [Subchapter 7 — Arkansas Crime Victims Reparations Act](#)

16-90-720. Payment for healthcare service — Schedule established — Third-party vendor authorized.

(a) The Crime Victims Reparations Board shall award payment for a healthcare service under this subchapter in the same manner as the medical fee schedule established for workers' compensation claims under § 11-9-517.

(b)

(1) The board, a claimant, or a victim is not liable for healthcare service charges in excess of the medical fee schedule under subsection (a) of this section.

(2) A healthcare provider shall accept payment from the board as payment in full for healthcare service charges unless an investigation of the healthcare service charges by the board determines that there is a reasonable healthcare justification for a deviation from the medical fee schedule.

(c) The board may contract with a third-party vendor to process payment for healthcare services under this subchapter.

History

Acts 2017, No. 918, § 1.

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A.C.A. § 12-12-401

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- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 12 Crime Reporting and Investigations](#)
- [Subchapter 4 — Sexual Assault — Medical-Legal Examinations](#)

12-12-401. Definitions.

As used in this subchapter:

- (1) "Anonymous kit" means a sexual assault collection kit that is collected from a possible victim of a sexual assault who has not decided whether to report the sexual assault to a law enforcement agency;
- (2)
- (A) "Appropriate emergency medical-legal examinations" means health care delivered with emphasis on the collection of evidence for the purpose of prosecution.
- (B) It shall include, but not be limited to, the appropriate components contained in an evidence collection kit for sexual assault examination distributed by the Forensic DNA Section of the State Crime Laboratory;
- (3) "Law enforcement agency" means a police force or organization whose primary responsibility as established by statute or ordinance is the enforcement of the criminal laws, traffic laws, or highway laws of this state;
- (4) "Licensed healthcare provider" means a person licensed in a healthcare field who conducts medical-legal examinations or a medical facility that is currently licensed by the Department of Health and providing emergency services;
- (5) "Medical-legal examination" means health care delivered to a possible victim of a sexual assault, with an emphasis on the gathering and preserving of evidence for the purpose of serving criminal justice;
- (6) "Sexual assault" means an offense described in § 5-14-101 et seq. or § 5-26-202;
- (7) "Sexual assault collection kit" means a human biological specimen or specimens collected during a medical-legal examination from the alleged victim of a sexual assault; and
- (8) "Victim" means any person who has been a victim of any alleged sexual assault or incest as defined by § 5-14-101 et seq., except for a misdemeanor violation of sexual indecency with a child, § 5-14-110, and § 5-26-202.

History

Acts 1983, No. 403, §§ 1-3; A.S.A. 1947, §§ 41-1820 — 41-1822; Acts 1991, No. 612, § 1; 2001, No. 993, § 1; 2003, No. 1390, § 3; 2021, No. 472, § 1; 2023, No. 619, § 13.

A.C.A. § 12-12-402

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- [Chapter 12 Crime Reporting and Investigations](#)
- [Subchapter 4 — Sexual Assault — Medical-Legal Examinations](#)

12-12-402. Procedures governing medical treatment.

(a) All licensed healthcare providers conducting medical-legal examinations in Arkansas shall adhere to the procedures set forth in this section in the event that a person presents himself or herself or is presented for treatment as a victim of rape, attempted rape, any other type of sexual assault, or incest.

(b)

(1)

(A) Any adult victim presented for medical treatment shall make the decision of whether or not the incident will be reported to a law enforcement agency.

(B) No licensed healthcare provider may require an adult victim to report the incident in order to receive medical treatment.

(C)

(i) Evidence will be collected only with the permission of the victim.

(ii) However, permission shall not be required when the victim is unconscious, mentally incapable of consent, or intoxicated.

(2)

(A) Should an adult victim wish to report the incident to a law enforcement agency, the appropriate law enforcement agencies shall be contacted by the licensed healthcare provider or the victim's designee.

(B)

(i) The victim shall be given a medical screening examination by a qualified medical person as provided under the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. § 1395dd, as in effect on January 1, 2001, if the victim arrives at the emergency department of a hospital, and the person shall be examined and treated and any injuries requiring medical attention will be treated in the standard manner.

(ii) A medical-legal examination shall be conducted and specimens shall be collected for evidence.

(C) If a law enforcement agency has been contacted and with the permission of the victim, the evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident.

(c)

(1) Any victim under eighteen (18) years of age shall be examined and treated, and any injuries requiring medical attention shall be treated in the standard manner.

(2) A medical-legal examination shall be performed, and specimens shall be collected for evidence.

(3) The reporting licensed healthcare provider shall follow the procedures set forth in Subchapter 4 of the Child Maltreatment Act, § 12-18-101 et seq., regarding the reporting of injuries to victims under eighteen (18) years of age.

(4) The evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident.

(d) Reimbursement for the medical-legal examinations shall be available to the licensed healthcare provider pursuant to the procedures set forth in § 12-12-403.

(e) A licensed healthcare provider shall not transfer the victim to another licensed healthcare provider unless:

(1) The victim or a parent or guardian of a victim under eighteen (18) years of age requests the transfer, or a physician or other qualified medical personnel when a physician is not available has signed a certification that the benefits to the victim's health would outweigh the risks to the victim's health as a result of the transfer; and

(2) The transferring licensed healthcare provider provides all necessary medical records and ensures that appropriate transportation is available.

History

Acts 1985, No. 400, §§ 1, 2; 1985, No. 838, §§ 1, 2; A.S.A. 1947, §§ 41-1828, 41-1829; Acts 1991, No. 612, § 2; 2001, No. 993, § 2; 2009, No. 758, § 23; 2017, No. 250, § 4; 2017, No. 845, § 3; 2021, No. 472, § 1.

A.C.A. § 12-12-403

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- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 12 Crime Reporting and Investigations](#)
- [Subchapter 4 — Sexual Assault — Medical-Legal Examinations](#)

12-12-403. Examinations and treatment — Payment.

(a) All licensed emergency departments shall provide prompt, appropriate emergency medical-legal examinations for sexual assault victims.

(b)

(1)

(A) All victims shall be exempted from the payment of expenses incurred as a result of receiving a medical-legal examination if the victim receives the medical-legal examination within ninety-six (96) hours of the attack.

(B) However, the time limitation of ninety-six (96) hours may be waived if the victim is a minor or if the Crime Victims Reparations Board finds that good cause exists for the failure to provide the medical-legal examination within the required time.

(2)

(A) This subsection does not require a victim of sexual assault to participate in the criminal justice system or to cooperate with law enforcement in order to be provided with a forensic medical exam or reimbursement for charges incurred on account of a forensic medical exam, or both.

(B) Subdivision (b)(2)(A) of this section does not preclude a report of suspected abuse or neglect as permitted or required by the Child Maltreatment Act, § 12-18-101 et seq.

(c)

(1) A licensed healthcare provider that performs a medical-legal examination shall submit a sexual assault reimbursement form, an itemized statement that meets the requirements of 45 C.F.R. § 164.512(d), as it existed on January 2, 2001, directly to the board for payment.

(2) The licensed healthcare provider shall not submit any remaining balance after reimbursement by the board to the victim.

(3) Acceptance of payment of the expenses of the medical-legal examination by the board shall be considered payment in full and bars any legal action for collection.

History

Acts 1983, No. 403, §§ 4, 5; A.S.A. 1947, §§ 41-1823, 41-1824; Acts 1991, No. 396, § 8; 2001, No. 993, § 3; 2007, No. 676, § 4; 2009, No. 758, § 24; 2017, No. 920, § 1; 2021, No. 472, § 1.

A.C.A. § 12-12-404

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- [Chapter 12 Crime Reporting and Investigations](#)
- [Subchapter 4 — Sexual Assault — Medical-Legal Examinations](#)

12-12-404. Reimbursement of medical facility — Rules.

(a) The Crime Victims Reparations Board may reimburse any licensed healthcare provider that provides the services outlined in this subchapter for the reasonable cost for such services.

(b) The board is empowered to prescribe minimum standards and rules necessary to implement this subchapter. These shall include, but not be limited to, a cost ceiling for each claim and the determination of reasonable cost.

History

Acts 1983, No. 403, § 6; A.S.A. 1947, § 41-1825; Acts 1991, No. 396, § 1; 2001, No. 993, § 4; 2019, No. 315, § 863; 2021, No. 472, § 1.