

Kansas Crime Victims Compensation provides victims of violent crimes with compensation for loss of earnings and out-of-pocket expenses for injuries sustained as a direct result of a crime against their person. Out-of-pocket means reasonable medical care or other services necessary as a result of the injury. Other services include mental health counseling and partial funeral expenses. A defendant or legal representative of the victim who has met death as a result of the violent crime, may apply on behalf of the victim.

Victims or their representatives, can apply for compensation by filing an Application for Crime Victims Compensation. This is available in English and Spanish and can be picked up at the Finney County Attorney's Office or by calling (785) 296-2359. The Victim/Witness Coordinators will be happy to assist you in completing this form. It is important that you understand that the Finney County Attorney's Office has no say and make no decisions regarding the approval or denial of any money that is granted. This decision is strictly made by the Office of the Attorney General's Crime Victim Compensation Board.

This is a notice to victims of Adult and/or Juvenile Crime who may be eligible for Restitution. Kansas Law states:

KSA 60-4301. Enforcement of Judgment of Restitution; filing and status.

A certified Copy of any judgment of restitution, established pursuant to subsection (d) of K.S.A. 22-3424, and amendments thereto, shall be filed in the office of the clerk of the district court of a the county where such restitution was ordered. Such copy may be filed by or on behalf of any person who is awarded restitution in the judgment. The clerk of the district court shall record the judgment of the restitution in the same manner as a judgment of the district court of this state pursuant to the code of civil procedure. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings as a judgment of a district court of this state and may be enforced or satisfied in like manner, except a judgment of restitution shall not constitute an obligation or liability against any insurer or any third-party payor.

This is a notice to victims of Juvenile Crime. Kansas Law states:

KSA 38-120. Recovery from parents for malicious or willful acts by certain children; limitations.

Any person receiving bodily injury or any person, partnership, corporation, political subdivision or other entity whose property has been damaged or destroyed shall be entitled to recover damages in an appropriate action at law in a court of competent jurisdiction from the parents of any child, living with the parents, who maliciously or willfully injured such person or damaged or destroyed such property while under the age of (18) eighteen years. Such recovery shall be limited to the actual damages in an amount not to exceed one thousand dollars (\$1,000.00), in addition to taxable court costs, unless the court or jury find that the malicious or willful act of such minor causing such injury, damage or destruction is the result of parental neglect, in which event the one thousand dollars (\$1,000.00) limitation does not apply. Recovery under this section for bodily injury shall be limited to actual medical expenses.

If you should have any questions concerning this statute, please contact a private attorney for details.

Victim Information for Sentencing/Disposition and Restitution

Finney County Attorney Office



*Susan L. Richmeier
Finney County Attorney*

*Victim/Witness Office
Coordinators*

409 N. Ninth St.
Garden City, KS 67846
(620) 272-3568

Regarding Sentencing/Disposition

Victim Impact Statements

Most judges require the Court Services to conduct a "pre-sentence investigation", also known as a PSI, on a defendant to collect information about what kind a sentence would be most appropriate. A convicted offender may be sent to jail or prison. If the prison sentence is probated, conditions of probation can vary widely. The convicted criminal may or may not be required to pay restitution to the victim family. He/She may or may not be required to attend counseling, or a number of other options probation officers may recommend.

Until recently, pre-sentence investigations focused solely on the offender. The victims movement's has succeeded in convincing state legislatures that unless the victim perspective is also presented, the court has not heard the whole story. The advent of Victims Impact Statements is a tangible result of this movement.

Your right to submit a Victim Impact Statement (VIS) is specified in Kansas statutes and in the Kansas State Constitution.

These statements are presented after the defendant has been convicted and before he is sentenced.

Victim Impact Statements should be submitted to the prosecutor and probation department before the sentencing date. They will pass them on to the judge, usually attached to the PSI for the judge's consideration in sentencing. **Be aware that the defense attorney will also read them.** Do not be intimidated by this – tell him/her what you want to tell him/her.

Sentencing is your opportunity to inform the Court, the Prosecution and the defendant of how this crime affected you and your loved ones. One of the most frustrating aspects of the criminal proceeding is the lack of opportunity to express feelings throughout the case. Even if you have had to testify, expression of your true

feelings and hardships would be greatly limited to answering only the attorney's questions.

VIS can give an explanation of the emotional impact the crime has had on you and/or your family, as well as the financial impact including medical expenses, funeral expenses, lost wages, property damage and any medical or counseling expenses required by the family as a result of the trauma. Documentation of these expenses can result in the defendant being ordered to reimburse you. In preparing statements, be sure your information is accurate.

Tips for Written/Oral Statement

- Ideal length is 3-5 minutes oral reading time. Recommended written, no longer than three pages.
- Avoid repetition of issues of evidence already presented.
- You can write about your loved one and their life. Feel free to bring selected photos of your loved one. As you speak hand these to the prosecutor to hand to the Judge. (Request that these be returned to you rather than offered into the record.)
- Speak from the Heart and make your points clear.
- Be prepared for the emotions that you may experience while in the Courtroom and while speaking. Do not feel that you have to suppress your emotions while you speak.
- Feel free to speak directly to the offender and tell him how his/her crime has affected your life. Be sure to direct comments regarding your sentencing wishes directly to the Judge.
- DO NOT let anger or rage interfere with your opportunity to speak. Outbursts of rage and anger can result in you being banned from the courtroom.

- DO NOT go alone to Court. Be sure to have caring support people with you. Bring as many people as you are comfortable with

Regarding Restitution

There are numerous times that victims have been put into financial hardship as a result of the crime that has occurred. For instance medical bills, damaged or stolen property, lost wages, etc. In such situations, with appropriate supporting documentation, we can request restitution on your behalf. It is very important that you have provided bills, receipts and/or estimates to the Victim/Witness Office as quickly as you can. If you have filed a claim with your insurance company, please provide us with documentation

The Victim/Witness office will be more than happy to assist you, however, it is your responsibility to collect the needed information. A restitution request will be submitted to Court Services to be placed with the PSI. If restitution is ordered by the court, payment will be monitored by the supervising agency. Payment will be made to the Clerk of the District Court to be paid out accordingly. It is very important to keep your mailing information updated with the Clerks. If you move or have a name change you will need to provide the Clerk with a valid photo ID. This will need to be done in person. If you are unable to appear in person, you can make special arrangements with the Clerk of the District Court.