

## 31-22-14. Limitations on award; collateral recovery; preliminary award.

A. No order for the payment of reparation shall be made unless application has been made within two years after the date of the injury or death and the injury or death was the result of a crime enumerated in Section 31-22-8 NMSA 1978. An application for reparation shall be made within two years after the injury or death, except for minors who are victims of criminal activity under the provisions of Section 30-6-1 NMSA 1978, regarding abandonment or abuse of a child, Section 30-9-11 NMSA 1978, regarding criminal sexual penetration, or Section 30-9-13 NMSA 1978, regarding criminal sexual contact of a minor.

B. No award of reparation shall be in excess of twenty thousand dollars (\$20,000) per victim, except that the commission may award up to an additional thirty thousand dollars (\$30,000) for extraordinary pecuniary losses, if the personal injury to a victim is catastrophic and results in a permanent total disability. The extraordinary losses compensated may include:

- (1) loss of wages;
- (2) the cost of home health care;
- (3) the cost of making a home or automobile accessible;
- (4) the cost of training in the use of special application; or
- (5) job training.

C. Except as provided by Subsection E of this section, the commission shall deduct from any reparation awarded any payments received from a collateral source or from the United States or the state or any of its political subdivisions for injury or death subject to reparation under the Crime Victims Reparation Act. If the claimant receives an award of reparation from the commission and also receives payment as set forth in the preceding sentence for which no deduction was made, the claimant shall refund to the state the lesser of the amount of reparation paid or the sums not so deducted.

D. If the claimant receives an award of reparation from the commission and also receives an award pursuant to a civil judgment arising from a criminal occurrence for which a reparation award was paid, the claimant shall refund to the state the amount of the reparation paid to the claimant. The commission may negotiate a reasonable settlement regarding repayment of the reparation award if special circumstances exist.

E. If it appears that a final award of reparation will be made by the commission, a preliminary award may be authorized by the director of the commission or the commission's designee when the commission chair concurs. The amount of the preliminary award shall be deducted from any final award made by the commission.

**History:** Laws 1981, ch. 325, § 14; 1989, ch. 246, § 7; 1991, ch. 37, § 1; 1993, ch. 207, § 6; 1997, ch. 268, § 3; 2001, ch. 214, § 3; 2015, ch. 10, § 2; 2019, ch. 211, § 9.

## ANNOTATIONS

**The 2019 amendment**, effective July 1, 2019, removed the requirement that crimes covered by the act have to be reported to the police within thirty days, and removed certain waivers to the requirement that a crime be reported to police within thirty days; in Subsection A, deleted "that had been reported to the police within thirty days after its occurrence unless a longer period is allowed pursuant to Subsection F of this section", and deleted "The date of incident for minors who are victims of these types of criminal activity shall be the date the victim attains the age of eighteen years or the date that the criminal activity is reported to a law enforcement agency, whichever occurs first. The commission may extend the time for filing an application for good cause shown by a claimant or a victim."; and deleted former Subsection F, which related to waivers to the thirty-day reporting requirement.

**The 2015 amendment**, effective July 1, 2015, provided the crime victims reparation commission the authority to extend the time for filing an application for reparation upon good cause shown by a claimant or a victim; in Subsection A, after "Subsection F of this section.", deleted "In no event shall reparation be given unless application has been" and added "An application for reparation shall be", and added the last sentence of the subsection relating to extending the time for filing an application for reparation.

**The 2001 amendment**, effective June 15, 2001, inserted "unless a longer period is allowed pursuant to Subsection F of this section" in Subsection A; added the exception and Paragraphs B(1) through B(5) in Subsection B; deleted "not to exceed three thousand five hundred dollars (\$3,500)" following "preliminary award" in Subsection E; and added Subsection F.

**The 1997 amendment**, effective July 1, 1997, in Subsection A, substituted "two year" for "one year" near the beginning of the first sentence, and deleted language at the end of the first sentence and deleted the former second sentence relating to application allowed for good cause and providing for regulations specifying good cause; added Subsection D and redesignated former Subsection D as Subsection E, and made stylistic changes in Subsections A and C.

**The 1993 amendment**, effective June 18, 1993, substituted a reference to **30-9-13** NMSA 1978 for a reference to **30-9-14** NMSA 1978 near the end of the third sentence of Subsection A; and added "when the commission chairman concurs" to the end of the first sentence of Subsection D.

**The 1991 amendment**, effective July 1, 1991, in Subsection A, added the exception at the end of the third sentence and added the last sentence.

**The 1989 amendment**, effective June 16, 1989, added "preliminary award" to the catchline; in Subsection A made a minor stylistic change in the first sentence and added all of the language of that sentence beginning with "unless", and added the second and third sentences; in Subsection B substituted "twenty thousand dollars (\$20,000)" for "twelve thousand five hundred dollars (\$12,500)"; in Subsection C added "Except as provided by Subsection D of this section" at the beginning of the first sentence; and added Subsection D.