

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-368.5 of the Code of Virginia, relating to the Criminal Injuries*  
3 *Compensation Fund; electronic filing of claims.*

4 [H 2403]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-368.5 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-368.5. Filing of claims; deferral of proceedings; restitution.

9 A. A claim may be filed by a person eligible to receive an award, as provided in § 19.2-368.4, or if  
10 such person is a minor, by his parent or guardian. In any case in which the person entitled to make a  
11 claim is incapacitated, the claim may be filed on his behalf by his guardian, conservator or such other  
12 individual authorized to administer his estate.

13 B. A claim shall be filed by the claimant not later than one year after the occurrence of the crime  
14 upon which such claim is based, or not later than one year after the death of the victim. However, (i) in  
15 cases involving claims made on behalf of a minor or a person who is incapacitated, the provisions of  
16 subsection A of § 8.01-229 shall apply to toll the one-year period; (ii) in cases involving claims made  
17 by a victim against profits of crime held in escrow pursuant to Chapter 21.2 (§ 19.2-368.19 et seq.) of  
18 this title, the claim shall be filed within five years of the date of the special order of escrow; and (iii) in  
19 cases involving claims of sexual abuse of a minor, the claim shall be filed within 10 years after the  
20 minor's eighteenth birthday. For good cause shown, the Commission may extend the time for filing.

21 C. Claims shall be filed in the office of the Commission in person or, by mail, or by *electronic*  
22 *means in accordance with standards approved by the Commission.* The Commission shall accept for  
23 filing all claims submitted by persons eligible under subsection A of this section and alleging the  
24 jurisdictional requirements set forth in this chapter and meeting the requirements as to form in the rules  
25 and regulations of the Commission.

26 D. Upon filing of a claim pursuant to this chapter, the Commission shall promptly notify the attorney  
27 for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If, within 10  
28 days after such notification, the attorney for the Commonwealth so notified advises the Commission that  
29 a criminal prosecution is pending upon the same alleged crime, the Commission shall defer all  
30 proceedings under this chapter until such time as such criminal prosecution has been concluded in the  
31 circuit court unless notification is received from the attorney for the Commonwealth that no objection is  
32 made to a continuation of the investigation and determination of the claim. When such criminal  
33 prosecution has been concluded in the circuit court the attorney for the Commonwealth shall promptly  
34 so notify the Commission. Nothing in this section shall be construed to mean that the Commission is to  
35 defer proceedings upon the filing of an appeal, nor shall this section be construed to limit the authority  
36 of the Commission to grant emergency awards as hereinafter provided. Upon awarding a claim pursuant  
37 to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the  
38 jurisdiction wherein the crime is alleged to have occurred. If a criminal prosecution occurs regarding the  
39 same alleged crime, the attorney for the Commonwealth shall request the court to order restitution.  
40 However, neither the lack of a restitution order, nor the failure of the attorney for the Commonwealth to  
41 request such an order, shall preclude the Fund from exercising its subrogation rights pursuant to  
42 § 19.2-368.15. Any such restitution shall be paid over to the Comptroller for deposit into the Criminal  
43 Injuries Compensation Fund to the extent of the amount of the award paid from the Fund.

ENROLLED

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