

# Hope After Harm

## State scoring breakdown

The Center for American Progress and Common Justice developed the State Victim Compensation Statute Rubric as a common framework through which survivors, advocates, legislators, administrators, and the public can better understand gaps and opportunities for improvement in state victim compensation law. This document provides the complete breakdown of how Montana scored in the State Victim Compensation Statute Rubric. For each scoring criteria, the raw score and explanation is given based on existing statute and/or administrative code. States are evaluated based on 30 separate criteria that are grouped into four categories. The

raw score and the weighted score—calculated by applying the category multiplier, a number between 1 and 2 determined based on insights gathered from survivor focus groups—are presented at the top of each category. The rubric's categories and corresponding multipliers are, in order of appearance: awareness and accessibility (x1.25), adequate compensation (x1), eligibility barriers (x1.75), and experience with the process (x1.5). This rubric is intended to serve as a tool for those seeking to reform victim compensation statute in Montana and to ultimately ensure their victim compensation program better serves all survivors of violence.

## Montana

**Total score: 24.63/57.25**

### Awareness and accessibility

*States are evaluated based on language accessibility, procedures for informing survivors of their right to apply for victim compensation, and time requirements for reporting harm or applying for compensation.*

**Weighted score: 6.25/7.5**

**Multiplier: 1.25**

**Raw score: 5/6**

| Category                         | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Evaluation | Explanation                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Inform victim requirement</b> | <p>It is important that state statute, at a bare minimum, requires responding law enforcement officers, medical providers, or the district or state attorneys general interacting with survivors of violence to proactively inform survivors of the availability of victim compensation.</p> <p>States receive the maximum of <b>1 point</b> if, in statute pertaining to victim compensation or in the state's victims' bill of rights, there is an active requirement that the responsible law enforcement agency, medical provider, district attorney, or state's attorney must inform victims or survivors of the availability of victim compensation.</p> <p>States receive <b>0 points</b> if there is no such active requirement to inform victims or survivors of the availability of victim compensation. In cases where state statute or the state's victims' bill of rights indicates that victims and survivors of victims have a right to be informed of victim compensation but fails to designate who is responsible for informing them about victim compensation, states receive <b>0 points</b>.</p> | <b>1/1</b> | <p><a href="#">MCA § 46-24-201(i)</a> states, "Law enforcement personnel shall ensure that ... victim is given written notice ... [of] the availability of crime victim compensation." As Montana explicitly requires in statute that law enforcement personnel must proactively provide information about victim compensation, Montana receives 1 point for this category.</p> |

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| Category                                              | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Evaluation   | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>Language accessibility</b>                         | <p>It is important that survivors do not face unnecessary language barriers when applying for victim compensation, which may make applying for this financial relief inaccessible to them. States should make application materials available in a variety of languages that reflect the needs of their population.</p> <p>States receive the maximum of <b>1 point</b> if application materials are available on the administering agency's official website in all languages that at least 5 percent of all households in the state speak at home.</p> <p>States receive <b>0 points</b> if application materials are not available in at least one language spoken by more than 5 percent of the state's households.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>1/1</b>   | <p>According to the <a href="#">U.S. Census Bureau</a>, English is the only language that 5 percent or more of households in Montana speak. Montana therefore receives 1 point for this category.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Time limits: Reporting harm to law enforcement</b> | <p>Immediately following their victimization, survivors may not know about compensation or may not have the emotional capacity to go through an arduous application process. States should eliminate time limits for reporting violence and/or applying for victim compensation, which can work against the interest of healing.</p> <p>States receive the maximum of <b>2 points</b> if there is no statutorily defined limitation on when survivors can report their harm to proper authorities to still be eligible to receive a victim compensation award.</p> <p>States receive <b>1 point</b> if, in statute, victims are required to have reported their victimization to the proper authorities within a specified timeframe to be eligible to receive a victim compensation award but the state will make an exception to this requirement under a "good cause" clause or similar exception.</p> <p>States receive <b>0 points</b> if, in statute, victims are required to have reported their victimization to the proper authorities within a specified timeframe to be eligible to receive a victim compensation award and there is no statutorily defined waiver or exception to this rule.</p> <p>States that require victims to have reported their victimization to the proper authorities within a specified timeframe to be eligible to receive a victim compensation award but also codify specific exceptions – including but not limited to being a victim of sexual assault or human trafficking and being a minor (under the age of 18) at the time of victimization – receive an additional <b>0.5 points</b>.</p> | <b>1.5/2</b> | <p><a href="#">MCA § 53-9-125(3)</a> states, "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." As Montana establishes a time limit for a victim to report their harm to law enforcement but explicitly provides that this requirement can be waived for good cause or specific victim circumstances, Montana receives 1.5 points for this category.</p> |

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| Category                                                       | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Evaluation   | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b>Time limits:</b><br><b>Applying for victim compensation</b> | <p>Immediately following their victimization, survivors may not know about compensation or may not have the emotional capacity to go through an arduous application process. States should eliminate time limits for reporting violence and/or applying for victim compensation, which can work against the interest of healing.</p> <p>States receive the maximum of <b>2 points</b> if, in statute, no limitation is placed on when victims can apply for compensation following their incident of harm to still be eligible to receive an award.</p> <p>States receive <b>1 point</b> if, in statute, a limitation is placed on when victims can apply for compensation following their incident of harm to still be eligible to receive an award but will make exceptions to this requirement under a “good cause” clause or similar exception.</p> <p>States receive <b>0 points</b> if, in statute, a limitation is placed on when victims can apply for compensation following their harm and still be eligible to receive an award, and there is no exception made to this rule.</p> <p>States that require victims to file an application for a victim compensation award within a specified timeframe from the time of their harm but also codify specific exceptions – including but not limited to being a victim of sexual assault or human trafficking and being a minor (under the age of 18) at the time of victimization – receive an additional <b>0.5 points</b>.</p> | <b>1.5/2</b> | <p><a href="#">MCA § 53-9-125(3)</a> states, “Compensation may not be awarded unless the claim is filed with the office within 1 year.” MCA § 53-9-125(3) further specifies that for minors, this time requirement may be extended. Finally, MCA § 53-9-125(3) also stipulates that the “the time for filing a claim may be extended by the office for good cause shown.” As Montana establishes a time limit for a victim to file a claim but explicitly provides that this requirement can be waived for good cause or specific victim circumstances, Montana receives 1.5 points for this category.</p> |

## Adequate compensation

States are evaluated based on the explicit inclusion of expense categories survivors encounter over the course of their healing, as well as having adequate compensation caps to meet survivors' needs.

**Weighted score: 4/14**

**Multiplier: 1**

**Raw score: 4/14**

| Category          | Points Awarded For                                                                                                                                                                                                                                                                                                                            | Evaluation | Explanation                                                                                                                      |
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| Eligible expenses | As almost all awards are given to survivors through reimbursement or payments to vendors, states should make explicitly clear through statute, regulation, and publicly available documents which expenses will and will not be covered and make a wide range of expenses eligible to give survivors flexibility in the support they receive. |            |                                                                                                                                  |
|                   | States receive <b>1 point</b> for each expense category explicitly included in either state statute or another publicly available resource, such as an online brochure produced by the state administering agency.                                                                                                                            |            |                                                                                                                                  |
|                   | States receive <b>0 points</b> for each expense category that is not explicitly included in either state statute or a publicly available resource.                                                                                                                                                                                            |            |                                                                                                                                  |
|                   | Crime scene cleanup                                                                                                                                                                                                                                                                                                                           | 0/1        | Crime scene cleanup is not explicitly listed as an eligible expense under <a href="#">MCA § 53-9-128</a> .                       |
|                   | Replacement for property lost, damaged as a result of harm, or confiscated for the purpose of evidence collection                                                                                                                                                                                                                             | 0/1        | Property loss or repair is explicitly listed as an ineligible expense by the <a href="#">Montana Office of Victim Services</a> . |
|                   | Relocation expenses                                                                                                                                                                                                                                                                                                                           | 0/1        | Relocation expenses are not explicitly listed as an eligible expense under <a href="#">MCA § 53-9-128</a> .                      |
|                   | Future economic support or loss of support for dependents                                                                                                                                                                                                                                                                                     | 1/1        | Loss of support is listed as an eligible expense under <a href="#">MCA § 53-9-128</a> .                                          |
|                   | Security improvements                                                                                                                                                                                                                                                                                                                         | 0/1        | Security improvements are not explicitly listed as an eligible expense under <a href="#">MCA § 53-9-128</a> .                    |
|                   | Travel                                                                                                                                                                                                                                                                                                                                        | 0/1        | Travel expenses are explicitly listed as an ineligible expense by the <a href="#">Montana Office of Victim Services</a> .        |
|                   | Bereavement leave                                                                                                                                                                                                                                                                                                                             | 0/1        | Bereavement leave is not explicitly listed as an eligible expense under <a href="#">MCA § 53-9-128</a> .                         |
|                   | Nontraditional healing modalities                                                                                                                                                                                                                                                                                                             | 1/1        | Chiropractic services are explicitly listed under medical costs by the <a href="#">Montana Office of Victim Services</a> .       |

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| Category                                                              | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Evaluation | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                                       | Replacement services/child care                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0/1        | Replacement services are not explicitly listed as an eligible expense under <a href="#">MCA § 53-9-128</a> .                                                                                                                                                                                                                                                                                                                               |
|                                                                       | Legal fees, including fees related to compensation process (applications, claims, appeals, etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1/1        | Attorney fees for representing claimants applying for victim compensation may be covered by the office under <a href="#">MCA §53-9-106(1)</a> .                                                                                                                                                                                                                                                                                            |
|                                                                       | Accessibility modifications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0/1        | Accessibility modifications are not explicitly listed as an eligible expense under <a href="#">MCA § 53-9-128</a> .                                                                                                                                                                                                                                                                                                                        |
| <b>Maximum allowable compensation</b>                                 | <p>While not every incident of harm and its corresponding expenses will necessitate a maximum compensation award, the amount of victim compensation available to survivors is often not enough to meet their financial needs. States should ensure their compensation caps are aligned with the full extent of need.</p> <p>States receive the maximum of <b>2 points</b> if the statutorily defined maximum compensation limit for all victims is equal to or above the estimated average cost of harm per victim of robbery in the state, after adjusting for cost of living.</p> <p>States receive <b>1 point</b> if the maximum compensation limit is equal to or above the estimated average cost of harm per victim of robbery in the state, after adjusting for cost of living, but only under the condition that the victim has suffered a “permanent” or “catastrophic” injury.</p> <p>States receive <b>0 points</b> if, under no condition, the statutorily defined maximum compensation limit, after adjusting for the cost of living, meets or exceeds the estimated average cost of harm per victim of robbery in the state.</p> | 0/2        | <p><a href="#">MCA § 53-9-128(5)</a> states that the limit for a victim compensation award for all victims is \$25,000. Adjusted for the cost of living in Montana, this is equivalent to \$27,702.67. The estimated average cost of harm per victim of robbery, adjusted for the cost of living in Montana, is \$52,888.40. As the maximum compensation award falls below this estimate, Montana receives 0 points for this category.</p> |
| <b>Maximum allowable compensation for funeral and burial expenses</b> | <p>Due to the costliness and gravity of laying a loved one to rest, the sub-cap for funeral and burial expenses is considered individually.</p> <p>States receive the maximum of <b>1 point</b> if, after adjusting for the cost of living, the statutorily defined maximum compensation limit for expenses related to funeral or burial services meets or exceeds the estimated 2023 median cost of burial with a vault.</p> <p>States receive <b>0 points</b> if the statutorily defined maximum compensation limit for expenses related to funeral or burial services is below the estimated 2023 median cost of burial with a vault, after adjusting for the cost of living.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1/1        | <p><a href="#">MCA § 53-9-128(4)</a> states that the expense cap for funeral and burial expenses is \$10,000. Adjusted for the cost of living in Montana, this is equivalent to \$11,081.07. The 2023 estimated cost of a funeral with a vault, adjusted for the cost of living in Montana, is \$9,019.89. Montana therefore receives 1 point for this category.</p>                                                                       |

## Eligibility barriers

*States are evaluated based on the removal of harmful and restrictive policies, which reinforce existing inequities and penalize those at the margins.*

**Weighted score: 11.38/29.75**

**Multiplier: 1.75**

**Raw score: 6.5/17**

| Category                          | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Evaluation | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>Mandatory police reporting</b> | <p>Given that many survivors are uncomfortable dealing with law enforcement and the subjective, often biased nature of police reporting, states should not require survivors to report their victimization to law enforcement to be eligible to receive victim compensation and instead accept documentation from agencies not affiliated with the criminal legal system.</p> <p>States receive a maximum of <b>2 points</b> if, in statute, victims are permitted to report their harm to entities not affiliated with the criminal legal system or a government agency – such as medical, mental health, or victim service providers – to demonstrate they have been a victim of violence.</p> <p>States receive <b>1 point</b> if, in statute, victims are required to report their harm to law enforcement to demonstrate they have been a victim of violence but provide statutory exceptions due to good cause shown.</p> <p>States receive <b>0 points</b> if, in statute, victims are required to report their harm to law enforcement and the state does not codify a good cause waiver to this requirement.</p> <p>States that require victims and survivors of victims to report their harm to police but also codify specific exceptions – including but not limited to being a victim of sexual assault or human trafficking and being a minor (under the age of 18) at the time of victimization – receive an additional <b>0.5 points</b>.</p> | <b>0/2</b> | <p><a href="#">MCA § 53-9-125(3)</a> states, “Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer.” While Montana statute further stipulates that the time requirement to report may be waived for good cause, in no case does Montana waive the requirement to report to a law enforcement agency altogether. Montana therefore receives 0 points for this category.</p> |

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| Category                                                    | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Evaluation | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Police cooperation</b>                                   | <p>Victim compensation application review processes are made less racially equitable by requiring and unnecessarily relying on the subjectivity of law enforcement's reports regarding victim cooperation. States should not assess victims' cooperativeness with law enforcement when making determinations on victim compensation claims.</p> <p>States receive a maximum of <b>2 points</b> if, in statute, they do not make victim compensation eligibility contingent on the victim and/or applicant proving they have cooperated with law enforcement investigating their harm.</p> <p>States receive <b>1 point</b> if, in statute, they make eligibility contingent on the victim and/or applicant proving that they have cooperated with law enforcement, but they also codify "good cause" or "reasonableness" exceptions to waive this requirement.</p> <p>States receive <b>0 points</b> if, in statute, claimants are required to demonstrate that they have cooperated with law enforcement to be eligible to receive an award and do not include a "good cause" exception.</p> <p>States that do require cooperation with law enforcement to be eligible, but also codify any specific exceptions, including but not limited to, being a victim of sexual assault or human trafficking and being a minor (under the age of 18) at the time of victimization, receive an additional <b>0.5 points</b>.</p> | <b>0/2</b> | <p><a href="#">MCA § 53-9-125(4)</a> states, "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." Because Montana requires victims to cooperate with law enforcement and does not waive this requirement under any circumstances, Montana receives 0 points for this category.</p> |
| <b>Contributory conduct: Reduction or denial for victim</b> | <p>Contributory conduct policies deny or reduce the amount of victim compensation someone can receive based on the victim's alleged role in their own harm. These policies perpetuate the false narrative that victims and survivors must be "innocent" or "perfect" to receive support and should be eliminated. States should remove this subjectively determined barrier to access.</p> <p>States receive the maximum of <b>2 points</b> if, in statute, the state does not include provisions to deny or reduce victim compensation due to the victim's alleged conduct in the event leading up to their harm.</p> <p>States receive <b>0.5 points</b> if, in statute, the state includes a provision to deny or reduce a victim compensation award based on the victim's alleged conduct but waives this consideration under specified mitigating circumstances, including but not limited to being a victim of sexual assault or human trafficking and being a minor (under the age of 18) at the time of victimization.</p> <p>State receives <b>0 points</b> for this category if, in statute, the state includes a provision to deny or reduce a victim compensation award based on the victim's alleged conduct and does not codify any waivers under specified mitigating circumstances.</p>                                                                                                                  | <b>0/2</b> | <p><a href="#">MCA § 53-9-125(7)</a> states, "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." Because Montana considers contributory conduct in the reduction or denial of an award and does not make exceptions based on specific victim circumstances, Montana receives 0 points for this category.</p>                                                                        |

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| Category                                                                                 | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Evaluation | Explanation                                                                                                                                                                                  |
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| <b>Contributory conduct: Reduction or denial for survivors of victim</b>                 | <p>When a loved one is lost to violence, survivors of the victim must do the difficult work of putting them to rest and rebuilding their lives after loss. They should not be punished based on a subjective determination that the victim's actions contributed to their death.</p> <p>State receives the maximum of <b>1 point</b> if, in statute, in cases of applications made by survivors of victims, the conduct of the victim is not considered. Points are awarded if this is the case for any type of compensation. For example, a state may choose not to consider contributory conduct in cases where survivors of victims apply for burial or counseling expenses. States that do not include provisions to deny or reduce victim compensation based on contributory conduct also receive <b>1 point</b> for this category.</p> <p>States receive <b>0 points</b> if, in statute, no exceptions are made for survivors of victims when considering contributory conduct of the victim.</p> | <b>0/1</b> | <a href="#">MCA § 53-9-125(7)</a> does not specify any exceptions from the contributory conduct clause for survivors of victims. Montana therefore receives 0 points for this category.      |
| <b>Contributory conduct: Consideration of gang affiliation</b>                           | <p>The practice of labeling a person as being affiliated with a gang or having participated in gang-related activities is fraught with misinformation and racial profiling. Perceived gang affiliation should not be used to withhold critical support from a victim of violence.</p> <p>States receive the maximum of <b>1 point</b> if, in statute, gang affiliation or association is not mentioned as a factor for consideration in the approval, denial, or reduction of victim compensation. States that do not include provisions to deny or reduce victim compensation based on contributory conduct also receive 1 point for this category.</p> <p>States receive <b>0 points</b> for this category if, in statute or regulations, a victim or claimant's association or affiliation with a gang can be considered in the approval, denial, or reduction of their victim compensation award.</p>                                                                                               | <b>1/1</b> | As no specific mention of gang affiliation or association is made in <a href="#">MCA § 53-9-125(7)</a> to be considered as contributory conduct, Montana receives 1 point for this category. |
| <b>Contributory conduct: Consideration of illicit drug or alcohol involvement or use</b> | <p>States receive <b>1 point</b> if, in statute or regulations, involvement with or use of illicit drugs is not mentioned as a potential factor in the approval, denial, or reduction of victim compensation. States which do not include provisions to deny or reduce victim compensation based on contributory conduct also receive <b>1 point</b> for this category.</p> <p>States receive <b>0 points</b> for this category if, in statute or regulations, a victim or claimant's involvement with or use of illicit drugs can be considered in the approval, denial, or reduction of their victim compensation award.</p>                                                                                                                                                                                                                                                                                                                                                                          | <b>1/1</b> | As no specific mention of drug/alcohol use is included in <a href="#">MCA § 53-9-125(7)</a> to be considered as contributory conduct, Montana receives 1 point for this category.            |

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| Category                               | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Evaluation | Explanation                                                                                                                                                                  |
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| <b>Conviction status or history</b>    | <p>Having a conviction history does not prevent someone from becoming a victim of violence, nor does it make someone less deserving of support. Conviction histories should not be used to withhold critical support from a victim of violence.</p> <p>States receive the maximum <b>2 points</b> if, in statute, there is either: 1) no explicit language that bars a victim or claimant from applying for or receiving a victim compensation award; or 2) an explicit inclusion that claimants cannot be denied compensation or have their compensation reduced based on the applicant's or victim's arrest or conviction history (pre- or post-victimization, probation or parole status, or due to outstanding fines and fees).</p> <p>States receive <b>0.5 points</b> if, in statute, claimants can be denied compensation based on the victim's arrest or conviction history, but the state also codifies specific waivers to this rule under mitigating circumstances, including but not limited to being a victim of sexual assault or human trafficking and being a minor (under the age of 18) at the time of victimization.</p> <p>States receive <b>0 points</b> if, in statute, a claimant can be denied compensation or have their compensation reduced based on the applicant's or victim's arrest or conviction history and the state does not codify exceptions to this rule.</p> | <b>2/2</b> | As no specific exclusion for persons with arrest or conviction history exists in statute under <a href="#">MCA § 53-9-125</a> , Montana receives 2 points for this category. |
| <b>Incarceration status or history</b> | <p>Denying incarcerated people compensation further exacerbates cycles of trauma and disenfranchisement, which victim compensation programs are intended to interrupt. Incarcerated people should be permitted to apply for and receive victim compensation.</p> <p>State receives the maximum <b>2 points</b> if, in statute, there is either: 1) no explicit language that a victim or claimant currently incarcerated is barred from applying for or receiving a victim compensation award; or 2) there is a specific inclusion that a claimant cannot be denied compensation based on their incarceration status or if the harm on which the claim is based occurred while the victim was incarcerated.</p> <p>States receive <b>0.5 points</b> if, in statute, the state codifies specific waivers to this rule under mitigating circumstances, including but not limited to being a victim of sexual assault or human trafficking and being a minor (under the age of 18) at the time of victimization.</p> <p>States receive <b>0 points</b> for this category if, in statute or regulations, a claimant can be denied or receive reduced victim compensation based on being incarcerated or if the harm on which the claim is based occurred while the victim was incarcerated.</p>                                                                                                         | <b>2/2</b> | As no specific exclusions for incarcerated persons exist in statute under <a href="#">MCA § 53-9-125</a> , Montana receives 2 points for this category.                      |

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| Category                                                                 | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Evaluation   | Explanation                                                                                                                                                                                                                                                            |
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| <b>Eligibility for survivors of victims: Relationship definition</b>     | <p>Many victim compensation programs limit who can access financial relief based on their relationship to a victim or a survivor. It is important that victim compensation programs recognize the impact of violence on witnesses and loved ones and that the state broadly defines who is considered a victim's loved one.</p> <p>States receive the maximum <b>2 points</b> if, in statute, applicants with a relationship to the victim beyond shared household, legal status, or by blood are eligible for victim compensation.</p> <p>States receive <b>1 point</b> if, in statute, household members—regardless of blood or legal relationship—are eligible for victim compensation, but the state does not consider relationships beyond household members.</p> <p>States receive <b>0 points</b> if, in statute, the state only considers relationships defined by blood or legal status.</p> | <b>0/2</b>   | <a href="#">MCA § 53-9-103</a> establishes which persons are eligible to receive an award as a "claimant" and does not consider relationships beyond blood or legal relationship. Montana therefore receives 0 points for this category.                               |
| <b>Eligibility for survivors of victims: Witnesses</b>                   | <p>Many victim compensation programs limit who can access financial relief based on their relationship to a victim or a survivor. It is important that victim compensation programs recognize the impact of violence on witnesses and loved ones and that the state broadly defines who is considered a victim's loved one.</p> <p>States receive the maximum <b>1 point</b> if, in statute, the state stipulates that all witnesses to harm are eligible to receive victim compensation.</p> <p>States receive <b>0.5 points</b> if, in statute, the state only makes those who were under the age of 18 when they witnessed harm eligible to receive victim compensation.</p> <p>States receive <b>0 points</b> if, in statute, the state does not make witnesses to harm eligible to apply for victim compensation.</p>                                                                            | <b>0.5/1</b> | <a href="#">MCA § 53-9-103(6)</a> defines "victim" to include "a minor child present in a home where domestic violence occurred." Montana therefore receives 0.5 points for this category.                                                                             |
| <b>Eligibility for survivors of victims: Willing or obligated to pay</b> | <p>It is important that victim compensation programs recognize and explicitly include individuals who step up in the immediate aftermath of violence to fill financial gaps for victims and survivors.</p> <p>States receive the maximum <b>1 point</b> if, in statute, the state codifies that a person who willingly paid for or was obligated to pay for expenses related to a victim's harm is eligible for compensation.</p> <p>States receive <b>0 points</b> if, in statute, the state does not codify that a person who willingly paid for or was obligated to pay for expenses related to a victim's harm is eligible for compensation.</p>                                                                                                                                                                                                                                                  | <b>0/1</b>   | <a href="#">MCA § 53-9-103</a> establishes which persons are eligible to receive an award as a "claimant" and does not explicitly include persons who willingly paid for or were obligated to pay for expenses. Montana therefore receives 0 points for this category. |

## Experience with the process

States are evaluated based on the availability and amount of emergency awards and whether perspectives of individuals directly affected by violence are consulted or included in the administration of victim compensation awards.

**Weighted score: 3/6**

**Multiplier: 1.5**

**Raw score: 2/4**

| Category                                                           | Points Awarded For                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Evaluation | Explanation                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Emergency awards</b>                                            | <p>Most states use a reimbursement model to distribute victim compensation. Without immediate and up-front financial support from states, survivors risk experiencing undue financial hardship, which can compound the trauma of becoming a survivor. States should make emergency awards available to help alleviate these burdens.</p> <p>States receive a maximum <b>2 points</b> if, in statute, the state codifies a process to determine which victim compensation applicants can receive an emergency, tentative, or expedited award to alleviate financial hardship, and the established limit for such an emergency award is equal to or above \$3,750, after adjusting for the cost of living.</p> <p>States receive <b>1 point</b> if, in statute, the state codifies an emergency award process, but the established limit for such an award is below \$3,750, after adjusting for the cost of living.</p> <p>States receive <b>0 points</b> if there is no codified process in statute for victim compensation applicants to receive an emergency award.</p> | <b>2/2</b> | <p><a href="#">MCA § 53-9-126</a> authorizes the office to make tentative award if “it appears likely that a final award will be made” and “the claimant will suffer financial hardship unless a tentative award is made.” Montana does not establish a cap on tentative awards. Montana therefore receives 2 points for this category.</p> |
| <b>Inclusion of victim, provider, and/or advocate perspectives</b> | <p>To meet survivors where they are, it is essential that victim compensation programs are trauma informed, extend compassion, and listen and learn from survivors’ experiences. States can do so by including survivors in victim compensation program decisionmaking processes.</p> <p>States receive the maximum of <b>2 points</b> if, in statute or regulations, the state requires at least one survivor to be included in the application review process or in advisory capacity to the review board.</p> <p>States receive <b>1 point</b> if, in statute or regulations, the state requires at least one person with direct experience supporting survivors be included in the application review process or in an advisory capacity.</p> <p>States without this requirement receive <b>0 points</b>.</p>                                                                                                                                                                                                                                                         | <b>0/2</b> | <p><a href="#">MCA § 2-15-2016</a> establishes the Office of Victim Services but does not establish any requirement to include the perspective of victims or persons who work on behalf of victims in the delivery of their services. Montana therefore receives 0 points for this category.</p>                                            |