

State Compensation to Victims of Crime (Consolidation) Act No. 688 of 28 June 2004

The following is a consolidation of the State Compensation to Victims of Crime Act, cf. Consolidation Act No. 470 of 1 November 1985 as amended by section 3 of Act No. 366 of 18 May 1994, section 16 of Act No. 980 of 17 December 1997, section 2 of Act No. 463 of 7 June 2001 and section 2 of Act No. 35 of 21 January 2003.

Part 1

Personal injury

1. (1) The State awards compensation and damages for personal injury inflicted by violation of the Criminal Code where any such violation is committed within Danish territory. The same applies to personal injury that occurs in connection with assistance to the police during arrest or in connection with acts done for the purpose of lawful arrest by a private citizen or prevention of criminal offences.
 - (2) Compensation is further awarded for damage to clothing and other usual personal property, including minor amounts in cash that the victim was carrying when the personal injury was inflicted.
 - (3) In special situations, compensation may be awarded for injury inflicted by acts committed outside Danish territory if the victim is a Danish resident or a Danish national or at the time of the offence in the service of a Danish foreign mission abroad. Compensation may also be awarded where any such acts are committed against a victim residing in Denmark, but pursuing his trade or profession outside Danish territory.
2. If the victim dies, compensation is awarded under sections 12 to 14 a and section 26 a of the Liability in Damages Act.

Part 2

Property damage

3. (1) The State awards compensation for property damage caused by violation of the Criminal Code within Danish territory where such violation is committed by persons:
 - (i) in preventive detention in an institution of the Prison and Probation Service;
 - (ii) arrested for the purpose of being imprisoned or in custody;
 - (iii) transferred to an institution outside the Prison and Probation Service pursuant to section 49(2) of the Criminal Code;
 - (iv) admitted to a residential institution for children and young people under the Act on Social Services;
 - (v) admitted to a prolonged stay at an accommodation facility suitable for long-term accommodation of persons with substantial and permanent impairment of their physical or mental function due to mental retardation, cf. section 92 of the Act on Social Services; or
 - (vi) hospitalised or detained against their own will at a hospital or another institution referred to in section 1 of the Act on Hospitalisation of Mentally Ill Persons.

(2) Compensation is awarded for damage caused within the bounds of the institution or during authorised stays outside the bounds, or in case a person fails to return from leave or escapes.

(3) The Minister of Justice may lay down rules stipulating that compensation is awarded for damage caused by persons who reside voluntarily at an institution of the Prison and Probation Service if any such damage is caused within the bounds of the institution or in its immediate vicinity.

(4) Upon negotiation with the relevant minister, the Minister of Justice may lay down rules stipulating that compensation is awarded for damage caused by persons in foster care.

4. The Minister of Justice may lay down rules stipulating that the State may pay compensation for any such damage as is mentioned in section 3(1) and caused by persons who have escaped from an institution in Finland, Iceland, Norway or Sweden corresponding to the institutions referred to in section 3(1).

5. No compensation is awarded to public authorities or institutions.

Part 3

Common provisions, etc.

6. Compensation is awarded even if the offender is:

- (i) unknown or nowhere to be found;
- (ii) under 15 years; or
- (iii) of unsound mind.

6 a. Decisions on compensation under this Act are subject to the general rules of Danish law on the liability of offenders, including the rules on reduction or lapse of compensation due to the victim's or the deceased's contribution to the injury or damage or acceptance of the risk of injury or damage.

7. (1) No compensation is awarded where the injury or damage is compensated by the offender or covered by insurance moneys or any other payment in the nature of genuine damages.

(2) No compensation is awarded to cover any claims for indemnity against the offender.

8. Compensation under section 3 may be reduced or lapse if the victim has failed to take ordinary security measures, such as taking out insurance.

9. (1) The Minister of Justice may lay down rules to the effect that claims below a certain threshold will not be compensated.

(2) Upon negotiation with the relevant minister, the Minister of Justice may lay down rules stipulating that compensation is awarded under section 3(1) to (3) for damage caused in the immediate vicinity of an institution even though the damage caused amounts to less than the amount fixed under subsection (1) hereof.

9 a. Compensation for property damage, cf. sections 3 and 4, shall not exceed DKK 50,000. This amount is adjusted pursuant to the rules in section 15 of the Act on Liability in Damages.

10. (1) It is a condition for payment of compensation that the offence was reported to the police without undue delay and that the victim raises a claim for compensation during any criminal proceedings against the offender.

(2) The rules of subsection (1) hereof may be deviated from if circumstances make it appropriate.

(3) The police shall counsel the victim about his right to obtain compensation under this Act.

11. (1) Any decision on compensation is made by a Criminal Injuries Compensation Board to be set up by the Minister of Justice.

(2) The Board consists of a chairman, who must be a judge, and two other members, one of whom must be appointed upon nomination by the Minister for Social Affairs and the other upon nomination by the Council of the Danish Bar and Law Society. Members and their substitutes are appointed for a term of four years.

(3) The Minister of Justice shall lay down the rules of procedure for the Board and the rules on submission of applications.

11 a. (1) If the victim's claim for compensation and damages from the offender has been decided by judgment, the compensation to be paid under this Act is the amount fixed by the judgment, but cf. sections 7 to 10.

(2) Subsection (1) hereof does not apply in the event that the offender is deemed to have accepted the claim or the amount claimed during the trial.

(3) Notwithstanding subsection (1) hereof, the Board may award a larger compensation or higher damages than the amount fixed in the judgment if particular circumstances make it appropriate.

11 b. If the victim has submitted an application to the Board for compensation under this Act and the victim's claim for compensation and damages from the offender is pending before the court or has been decided by judgment, cf. clause 11 a (1), the Board may decide, if so authorised by the Minister of Justice, to intervene in the proceedings or to appeal the judgment to a superior court pursuant to the same rules as those applicable to the victim. The Board is allowed to appeal the judgment for a period of eight weeks reckoned from the date of which the Board was notified of the judgment.

12. Upon negotiation with the relevant minister, the Minister of Justice may lay down rules stipulating that a decision on compensation under section 3(1) to (3) for damage caused in the immediate vicinity of the institution, but amounting to less than a specific amount, may be made by the institution in question.

(2) Section 13, the first sentence of section 14(1) and section 14(3) shall apply correspondingly to applications considered by the institution.

(3) A decision made by the institution may be appealed to the Board by the victim and the offender.

13. The Board may not consider any applications submitted more than two years after the offence, except in exceptional circumstances.

14. (1) The Board may invite the applicant to provide further evidence, including to appear before the Board in person, to submit to medical examination in case of personal injury, and, if required, to submit to observation and treatment, possibly by hospitalisation. The Board may also request details deemed necessary from other persons with knowledge of such details. To this end the Board may procure case notes from hospitals.

(2) The Board may demand an examination in court.

(3) If the applicant fails to provide the evidence requested by the Board within a certain time-limit, the Board may decide on the application on the basis of the information available.

15. (1) Costs pertaining to Board proceedings, inclusive of costs pertaining to the examinations referred to in section 14(1), are payable by the State.

(2) In special cases, the Board may decide that costs defrayed by the applicant in connection with the case must be reimbursed in full or in part.

16. The Board makes the final administrative decision on cases referred to the Board.

17. The State will be subrogated to the victim's claim against the offender to the extent that it pays compensation.

18. (1) If the applicant has given incorrect information or failed to disclose particulars of relevance to the compensation, repayment of any amount wrongfully received may be claimed.

(2) Repayment may also be claimed if the offender subsequently compensates the injury or damage, or the injury or damage is covered by insurance moneys or any other payment in the nature of genuine damages.

Part 4

Entry into force

19. (1) This Act enters into force on 1 October 1976.

(2) This Act does not extend to injury inflicted and damage caused by offences prior to its effective date.

20. This Act does not apply to the Faroe Islands and Greenland, but may, by Royal Decree, be extended to the Faroe Islands and Greenland, subject to such adaptation as may be required by circumstances particular to those parts of the Kingdom of Denmark.

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Ministry of Justice, 28 June 2004

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