**ORS 147.015¹**

**Eligibility for compensation generally**

**(1)**A person is eligible for an award of compensation under ORS [**147.005 (Definitions)**](https://www.oregonlaws.org/ors/147.005) to [**147.367 (Services to victims of acts of mass destruction)**](https://www.oregonlaws.org/ors/147.367) if:

**(a)**The person is a victim, or is a survivor or dependent of a deceased victim, of a compensable crime that has resulted in or may result in a compensable loss;

**(b)**The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the death or injury to the victim, unless the Department of Justice finds good cause exists for the failure of notification;

**(c)**The notification described in paragraph (b) of this subsection occurred within 72 hours after the perpetration of the crime, unless the Department of Justice finds good cause exists for the failure of notification within 72 hours;

**(d)**The applicant cooperated with law enforcement officials in the apprehension and prosecution of the assailant or the department has found that the applicant’s failure to cooperate was for good cause;

**(e)**The application for compensation is not the result of collusion between the applicant and the assailant of the victim;

**(f)**The death or injury to the victim was not substantially attributable to the wrongful act of the victim; **and**

**(g)**The application for an award of compensation under ORS [**147.005 (Definitions)**](https://www.oregonlaws.org/ors/147.005) to [**147.367 (Services to victims of acts of mass destruction)**](https://www.oregonlaws.org/ors/147.367) is filed with the department:

**(A)**Within one year of the date of the injury to the victim; **or**

**(B)**Within such further extension of time as the department, for good cause shown, allows.

**(2)**(a) The fact that a victim was subjected to sexual exploitation as defined in ORS [**419B.005 (Definitions)**](https://www.oregonlaws.org/ors/419B.005), domestic violence as defined in ORS [**135.230 (Definitions for ORS 135.230 to 135.290)**](https://www.oregonlaws.org/ors/135.230), sexual abuse as defined in ORS [**163.760 (Definitions for ORS 163.760 to 163.777)**](https://www.oregonlaws.org/ors/163.760) or stalking as defined in ORS [**163.732 (Stalking)**](https://www.oregonlaws.org/ors/163.732) is prima facie evidence of good cause for the victim’s failure to notify law enforcement in a timely manner under subsection (1)(c) of this section, or for failure to cooperate with law enforcement under subsection (1)(d) of this section.

**(b)**The requirement under subsection (1)(b) of this section to notify the appropriate law enforcement officials of the perpetration of the crime is satisfied if, as a result of the compensable crime for which the victim or applicant is applying for compensation, the victim or applicant obtained:

**(A)**A temporary or permanent stalking protective order under ORS [**30.866 (Action for issuance or violation of stalking protective order)**](https://www.oregonlaws.org/ors/30.866) or [**163.730 (Definitions for ORS 30.866 and 163.730 to 163.750)**](https://www.oregonlaws.org/ors/163.730) to [**163.750 (Violating a court’s stalking protective order)**](https://www.oregonlaws.org/ors/163.750);

**(B)**A sexual abuse restraining order under ORS [**163.760 (Definitions for ORS 163.760 to 163.777)**](https://www.oregonlaws.org/ors/163.760) to [**163.777 (Fees or undertaking may not be required)**](https://www.oregonlaws.org/ors/163.777);

**(C)**An abuse prevention order under ORS [**107.700 (Short title)**](https://www.oregonlaws.org/ors/107.700) to [**107.735 (Duties of State Court Administrator)**](https://www.oregonlaws.org/ors/107.735) or [**124.005 (Definitions for ORS 124.005 to 124.040)**](https://www.oregonlaws.org/ors/124.005) to [**124.040 (Short title)**](https://www.oregonlaws.org/ors/124.040); **or**

**(D)**A medical assessment, as defined in ORS [**147.395 (Definitions)**](https://www.oregonlaws.org/ors/147.395), for sexual assault.

**(3)**The department shall adopt rules establishing:

**(a)**A limited domestic violence counseling award for victims of domestic violence who apply for an award of compensation but who do not otherwise qualify under the eligibility requirements of this section.

**(b)**A limited sexual assault counseling award for victims of sexual assault who apply for an award of compensation but who do not otherwise qualify under the eligibility requirements of this section. [1977 c.376 §3; 1987 c.770 §2; 1989 c.542 §2; 1991 c.862 §2; 1997 c.288 §1; 2011 c.125 §3; 2013 c.720 §9; 2017 c.108 §1]

OAR 137-076-0010

As used in ORS 147.005 through 147.367 and OAR Chapter 137 Division 76, unless the context requires otherwise:

(12) “Good cause” for failure to report or cooperate with law enforcement as used in ORS 147.015(1)(b) and 147.015(1)(c) exists if:

(a) The victim fails to report or cooperate based on a reasonable fear that doing so would result in retaliation to the victim or another person;

(b) The crime committed against the victim is sexual assault, domestic violence or stalking;

(c) The crime is physical or sexual abuse and the victim is a child under 18 years of age;

(d) The victim fails to report or cooperate due to the traumatic nature of the crime;

(e) The victim is physically unable to report or cooperate because of the severity of the trauma resulting from the crime; or

(f) Any other circumstance for which the Department of Justice determines satisfactory.