

CHAPTER 132

South Carolina Crime Victim's Advisory Board

(Statutory Authority: 1976 Code § 16-3-1120(2))

132-1. Legal Fees.

Attorneys fees provided for in Section 16-3-1340 of the Crime Victim's Compensation Act, when awarded, shall be in addition to and separate from the aggregate award to which a claimant is entitled. Such award may not exceed the lesser of 10% of the aggregate amount awarded to and on behalf of claimant or \$60 per hour for the time (itemized) reasonably expended in performing legal services for claimant in a legal proceeding under the Act.

132-2. Direct Award.

An award for lost wages shall be paid directly to the victim.

An award for expenditures made shall be paid directly to the person who made the expenditure for or on behalf of the victim.

An award for services or supplies which have not yet been paid for shall be paid directly to the provider.

132-3. Same Household.

The "interest of justice" exception in Section 16-3-1220 is construed to authorize an award otherwise barred by that section, only upon a finding that no person who committed or aided in the commission of the crime giving rise to the claim or a related crime, will benefit, directly or indirectly, from the award.

Such determination shall be separately stated along with the facts which support that determination.

132-4. Age of Consent.

For purposes of the South Carolina Crime Victims' Compensation Act, a victim of criminal sexual conduct, who is between the age of 14 and 16 years, is presumed not to have caused or contributed to his or her injury, if the actor is either a) older than the victim or b) in a position of familial, custodial, or official authority to coerce the victim to submit. (See Section 16-3-655(3)). Such presumption shall apply in any case where the victim is less than 14 years of age.