

WHAT CAN BE CLAIMED AS A PECUNIARY LOSS?



Related statute:

46-18-243 MCA:

For purposes of 46-18-241 through 46-18-249 MCA, the following definitions apply:

"Pecuniary loss" means all special damages, but not general damages, substantiated by evidence in the record, that a person could recover against the offender in a civil action arising out of the facts or events constituting the offender's criminal activities, including without limitation out-of-pocket losses, such as medical expenses, loss of income, expenses reasonably incurred in obtaining ordinary and necessary services that the victim would have performed if not injured, expenses reasonably incurred in attending court proceedings related to the commission of the offense, and reasonable expenses related to funeral and burial or crematory services.

Read the full statute at archive.legmt.gov/bills/mca/title_0460/chapter_0180/part_0020/section_0430/0460-0180-0020-0430.html.

Overview:

A pecuniary loss form typically includes items like medical expenses (past and future), mental health services (past and future), lost wages, property damage, future loss of earning capacity, cost of replacement services, burial expenses (in case of death), travel costs related to treatment, and any other quantifiable financial losses directly resulting from the incident causing the claim, essentially encompassing all "economic damages" that can be measured in monetary terms.

Crime victim compensation as a relief option prior to restitution award:

The Montana Crime Victims Compensation Act provides financial assistance to help crime victims with crime-related expenses up to a max of \$25,000. The Montana Crime Victim Compensation Program (CVC) may pay for certain crime-related expenses also known as CVC benefits. The benefits are paid directly to the provider or, if the victim has already paid the expenses, to the victim. Benefits may be awarded whether or not the offender was apprehended or prosecuted. The claimant and/or victim must meet the eligibility requirements.

Learn more about the Montana Crime Victims Compensation Act at archive.legmt.gov/bills/mca/title_0530/chapter_0090/part_0010/sections_index.html.

Key elements that can be listed on a pecuniary loss form:

Medical costs:

- Emergency room visits
- Ambulance services
- Doctor's fees
- Hospital stays
- Medications
- Physical therapy
- Therapeutic/mental health services required as a result of the crime



Lost wages:

- Time missed from work due to injury
- Reduced work hours
- Loss of overtime pay
- Inability to work in future due to disability

Property damage:

- Vehicle repair costs
- Damaged personal belongings
- Home repairs

Other expenses:

- Transportation costs to medical appointments, investigative, or court related attendance
- Mileage (federal mileage reimbursement standards apply)
- Lodging (receipts with dates that coincide with medical appointments or investigative and court related attendance)
- Meal reimbursement during travel (federal reimbursement rates apply for travel surrounding medical appointments, investigative, or court related attendance)
- Home modifications for accessibility needs
- Caregiving costs
- Relocation costs

Important considerations:

Documentation:

To support a pecuniary loss claim, individuals must provide receipts, bills, pay stubs, medical records, and other documentation to verify the incurred expenses.

Future considerations:

When calculating potential future losses, such as future medical needs or lost earning capacity, expert testimony may be required to estimate the potential costs.

Mitigation of losses:

Claimants are generally expected to take reasonable steps to minimize their losses, such as seeking alternative employment if unable to return to their previous job.

