

The Victims of Crime Regulations, 1997

being

[Chapter V-6.011 Reg 1](#) (effective February 21, 1997) as amended by Saskatchewan Regulations [102/97](#), [50/2000](#), [30/2002](#), [48/2002](#), [50/2004](#), [72/2006](#), [54/2008](#), [49/2013](#), [79/2014](#) and [5/2016](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER V-6.011 REG 1
The Victims of Crime Act, 1995

Title

- 1 These regulations may be cited as *The Victims of Crime Regulations, 1997*.

Interpretation

- 2 In these regulations:

“**Act**” means *The Victims of Crime Act, 1995*; («*Loi*»)

“**child witness of domestic violence**” means a victim:

- (a) who is a child; and
- (b) whose parent:
 - (i) has applied to the minister for compensation pursuant to subsection 14(1) of the Act; and
 - (ii) is a cohabitant whose injury is the result of domestic violence by another cohabitant; («*enfant témoin de violence familiale* »)

“**cohabitants**” means:

- (a) persons who have resided together or who are residing together in a family relationship, spousal relationship or intimate relationship; or
- (b) persons who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time; («*cohabitants* »)

“**criminal laws**” includes, for the purposes of the definition of “**victim**” in section 3 of the Act, an Act, or a regulation made pursuant to an Act, that establishes an offence; («*loi pénale*»)

“**domestic violence**” means:

- (a) any intentional or reckless act or omission that causes bodily harm or damage to property;
- (b) any act or threatened act that causes a reasonable fear of bodily harm or damage to property;
- (c) forced confinement;
- (d) sexual abuse;
- (e) harassment; or
- (f) deprivation of necessities; («*violence familiale* »)

“**homicide witness**” means a victim who:

- (a) is in close proximity to another victim at the time an act or omission occurs that results in that other victim’s death; and
- (b) either:
 - (i) directly witnesses the occurrence of the act or omission mentioned in clause (a); or
 - (ii) directly witnesses the other victim in the immediate aftermath of the act or omission mentioned in clause (a);

if that act or omission is prescribed in these regulations as an offence for which an application for compensation may be made by a homicide witness (« *témoin d’homicide* »)

“**injury**” means, for the purposes of Part III of the Act, physical or psychological harm and includes pregnancy. (« *lésion* »)

28 Feb 97 cV-6.011 Reg 1 s2; 26 Sep 2014 SR 79/2014 s3; 12 Feb 2016 SR 5/2016 s3.

Definition of counselling

2.1 For the purposes of section 16 of the Act and these regulations, “**counselling**” includes traditional Aboriginal healing methods. (« *counseling* »).

7 Jly 2006 SR 72/2006 s3.

Amount of surcharge

3 For the purposes of section 10 of the Act, the amount of a surcharge is:

- (a) \$40 if the fine imposed is \$99 or less;
- (b) \$50 if the fine imposed is greater than \$99 but less than or equal to \$200;
- (c) \$60 if the fine imposed is greater than \$200 but less than or equal to \$350;
- (d) \$80 if the fine imposed is greater than \$350 but less than or equal to \$500;
- (e) 40% of the fine imposed rounded off to the nearest dollar if the fine imposed is greater than \$500; and
- (f) \$50 if no fine is imposed.

27 Jne 2008 SR 54/2008 s3.

No surcharge on parking offence

4 No surcharge is to be imposed respecting any parking offence.

28 Feb 97 cV-6.011 Reg 1 s4.

Use of money in the fund

- 5** Money in the fund may be used for the following:
- (a) surcharge administration;
 - (b) administration of programs provided by the minister to victims;
 - (c) victim services coordination;
 - (d) crisis intervention services for victims;
 - (e) facilities for victims and witnesses;
 - (f) restitution;
 - (g) victim-offender mediation;
 - (h) payment of compensation pursuant to Part III of the Act;
 - (i) payments, including periodic payments, ordered by The Crimes Compensation Board pursuant to *The Criminal Injuries Compensation Act*, respecting applications received by the board before April 1, 1992;
 - (j) training for justice system personnel respecting victims issues;
 - (k) public education respecting victims issues;
 - (l) community consultation respecting victims issues;
 - (m) conferences respecting victims issues;
 - (n) research and evaluation respecting victims issues;
 - (o) a program for the disbursement of proceeds of crime;
 - (p) community programs for the coordination and integration of crime prevention and victim services and for the advancement of community safety and wellness;
 - (q) police programs respecting crime prevention and reduction.

28 Feb 97 cV-6.011 Reg 1 s5; 12 Apr 2002 SR
30/2002 s3; 12 Feb 2016 SR 5/2016 s4.

Offences

- 6(1)** The offences described in Table 1 are, for the purposes of clause 14(1)(a) of the Act, the offences for which an application for compensation may be made.
- (2)** The offences described in Table 2 are, for the purposes of subsection 14(2) of the Act, the offences for which an application for compensation may be made.
- (3)** The offences described in Table 3 are, for the purposes of subsection 14(4) of the Act, the offences for which the two-year period mentioned in clause 14(3)(a) of the Act begins to run on the date the offence is reported to the police.
- (4)** Notwithstanding subsection (1), the offences described in Table 4 are the offences for which an application for compensation may be made by a homicide witness.

7 Jly 2006 SR 72/2006 s4; 26 Sep 2014 SR
79/2014 s4.

- 7 Repealed.** 7 Jly 2006 SR 72/2006 s5.

Compensation for victims

8(1) This section does not apply to a victim who is a child witness of domestic violence or a homicide witness.

(2) The maximum amount of compensation that may be granted to a victim or dependant pursuant to subsection 16(2) of the Act respecting any one application is, if the injury or death with respect to which the application is made occurred:

- (a) before October 1, 2014, \$25,000;
- (b) on or after October 1, 2014, \$100,000.

(3) The minister may grant compensation pursuant to subsection 16(2) of the Act respecting the following classes of monetary loss that result from the victim's injury or death:

- (a) the cost of medical, dental, optometric, chiropractic and other services provided by health care professionals;
- (b) loss of earnings;
- (c) funeral costs;
- (d) the cost of counselling to a maximum of \$5,000 respecting any one application;
- (e) other expenses that, in the opinion of the minister, were reasonably incurred by the applicant.

(4) In addition to the classes of compensation mentioned in subsection (3), the minister may grant compensation respecting the following costs that are incurred on behalf of the victim or dependant:

- (a) in the case of a victim or dependant who is a child:
 - (i) if the injury or death with respect to which the application is made occurred on or after October 1, 2014, loss of earnings incurred by a parent, family member or other person as a result of accompanying the victim or dependant to attend any service described in clause (3)(a) or (d); and
 - (ii) other expenses that, in the opinion of the minister, were reasonably incurred by a parent, family member or other person as a result of accompanying the victim or dependant to attend any service described in clause (3)(a) or (d);
- (b) in the case of a victim or dependant who is an adult who, as a result of physical or mental impairment, requires assistance to attend any service described in clause (3)(a) or (d):
 - (i) if the injury or death with respect to which the application is made occurred on or after October 1, 2014, loss of earnings incurred by a parent, family member or other person as a result of accompanying the victim or dependant to attend that service; and
 - (ii) other expenses that, in the opinion of the minister, were reasonably incurred by a parent, family member or other person as a result of accompanying the victim or dependant to attend that service.

Compensation for child witnesses of domestic violence

8.1(1) The minister may grant compensation pursuant to subsection 16(2) of the Act to or on behalf of a child witness of domestic violence for the cost of counselling to a maximum of \$5,000 respecting any one application if the injury with respect to which the application is made occurred on or after October 1, 2014.

(2) In addition to the compensation mentioned in subsection (1), the minister may grant compensation to a maximum of \$2,000 respecting the following costs that are incurred on behalf of a child witness of domestic violence:

(a) loss of earnings incurred by a parent, family member or other person as a result of accompanying the child witness of domestic violence to attend counselling; and

(b) other expenses that, in the opinion of the minister, were reasonably incurred by a parent, family member or other person as a result of accompanying the child witness of domestic violence to attend counselling.

26 Sep 2014 SR 79/2014 s5; 12 Feb 2016 SR
5/2016 s6.

Compensation for homicide witness

8.2(1) The minister may grant compensation pursuant to subsection 16(2) of the Act to or on behalf of a homicide witness for the cost of counselling to a maximum of \$5,000 respecting any one application if the death with respect to which the application is made occurred on or after October 1, 2014.

(2) In addition to the compensation mentioned in subsection (1), the minister may grant compensation to a maximum of \$2,000 respecting the following costs that are incurred on behalf of a homicide witness:

(a) if the homicide witness is a child:

(i) loss of earnings incurred by a parent, family member or other person as a result of accompanying the homicide witness to attend counselling; and

(ii) other expenses that, in the opinion of the minister, were reasonably incurred by a parent, family member or other person as a result of accompanying the homicide witness to attend counselling;

(b) if the homicide witness is an adult who, as a result of physical or mental impairment, requires assistance to attend counselling:

(i) loss of earnings incurred by a parent, family member or other person as a result of accompanying the homicide witness to attend counselling; and

(ii) other expenses that, in the opinion of the minister, were reasonably incurred by a parent, family member or other person as a result of accompanying the homicide witness to attend counselling.

26 Sep 2014 SR 79/2014 s5; 12 Feb 2016 SR
5/2016 s7.

Secondary victims

8.3(1) The minister may grant compensation pursuant to subsection 16(3) of the Act to or on behalf of a secondary victim for the cost of counselling up to \$5,000.

(2) In addition to the compensation mentioned in subsection (1), the minister may grant compensation to a maximum of \$2,000 respecting the following costs that are incurred on behalf of a secondary victim:

- (a) if the secondary victim is a child:
 - (i) if the death with respect to which the application is made occurred on or after October 1, 2014, loss of earnings incurred by a parent, family member or other person as a result of accompanying the secondary victim to attend counselling; and
 - (ii) other expenses that, in the opinion of the minister, were reasonably incurred by a parent, family member or other person as a result of accompanying the secondary victim to attend counselling;
- (b) if the secondary victim is an adult who, as a result of physical or mental impairment, requires assistance to attend counselling:
 - (i) if the death with respect to which the application is made occurred on or after October 1, 2014, loss of earnings incurred by a parent, family member or other person as a result of accompanying the secondary victim to attend counselling; and
 - (ii) other expenses that, in the opinion of the minister, were reasonably incurred by a parent, family member or other person as a result of accompanying the secondary victim to attend counselling.

26 Sep 2014 SR 79/2014 s5; 12 Feb 2016 SR
5/2016 s8.

Eligibility for and rules respecting compensation

8.4(1) A victim who receives compensation pursuant to section 8.1 or 8.2 is not eligible to receive compensation respecting that application pursuant to section 8.

(2) Compensation respecting counselling costs is not to be paid unless the victim, dependant or secondary victim has received counselling within two years after the date of the application.

(3) Notwithstanding any other provision of these regulations, a person may be granted compensation respecting any one application for the cost of counselling pursuant to subsection 16(2) or 16(3) of the Act, but not both.

26 Sep 2014 SR 79/2014 s5.

R.R.S. c.V-6.01 Reg 2 repealed

9 *The Victims of Crime Regulations, 1993* are repealed.

28 Feb 97 cV-6.011 Reg 1 s9.

Appendix

TABLE 1
[Subsection 6(1)]

| <i>Criminal Code section</i> | <i>Offence</i> |
|------------------------------|---|
| 65 | Taking part in a riot |
| 76 | Hijacking an aircraft |
| 77 | Endangering safety of aircraft or airport |
| 78 | Taking on board civil aircraft offensive weapons or explosives |
| 80 | Failure to take reasonable care with respect to explosives (where death or bodily harm results) |
| 81 | Using explosives |
| 85 | Using firearm while committing offence |
| 86 | Careless use of firearm, etc. |
| 87 | Pointing a firearm |
| 98.1 | Robbery to steal firearm |
| 151 | Sexual interference |
| 152 | Invitation to sexual touching |
| 153 | Sexual exploitation |
| 153.1 | Sexual exploitation of person with disability |
| 155 | Incest |
| 160(2) and (3) | Compelling or inciting bestiality |
| 163.1(2) | Printing or publishing child pornography |
| 163.1(3) | Importing or distributing child pornography |
| 170 | Parent or guardian procuring sexual activity |
| 171.1 | Making sexually explicit material available to child |
| 172.1 | Luring |
| 172.2 | Agreement or arrangement to commit sexual offence against a child |
| 173 | Exposure |
| 180 | Common nuisance causing harm |
| 212(2), (2.1) and (4) | Prostitution of person under 18 years of age |
| 215 | Failure to provide necessities of life |

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| 218 | Abandoning child |
| 220 | Causing death by criminal negligence |
| 221 | Causing bodily harm by criminal negligence |
| 233 | Infanticide |
| 235 | Murder |
| 236 | Manslaughter |
| 238 | Killing unborn child in act of birth |
| 239 | Attempted murder |
| 241 | Counselling or aiding suicide |
| 244 | Causing bodily harm with intent - firearm |
| 244.1 | Causing bodily harm with intent - air gun or pistol |
| 245 | Administering noxious thing |
| 246 | Overcoming resistance to commission of an offence |
| 247 | Setting traps likely to cause death or harm |
| 248 | Interfering with transportation facilities |
| 249 | Dangerous operation of vessel, motor vehicle or aircraft |
| 249.1(3) | Flight causing bodily harm or death |
| 249.4(3) and (4) | Street racing causing bodily harm or death |
| 255(2) and (3) | Impaired driving causing bodily harm or death |
| 255(2.1), (3.1) | Blood alcohol level over legal limit while driving causing bodily harm or death |
| 255(2.2), (3.2) | Failure or refusal to provide sample after driving causing bodily harm or death |
| 262 | Impeding an attempt to save life |
| 264 | Criminal harassment |
| 266 | Assault |
| 267 | Assault with a weapon or causing bodily harm |
| 268 | Aggravated assault |
| 269 | Unlawfully causing bodily harm |
| 269.1 | Torture |
| 270 | Assaulting a peace officer |
| 270.01 | Assaulting a peace officer with weapon or causing bodily harm |
| 270.02 | Aggravated assault of peace officer |
| 271 | Sexual assault |

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| 272 | Sexual assault with a weapon, threats to a third party or causing bodily harm |
| 273 | Aggravated sexual assault |
| 279 | Kidnapping |
| 279(2) | Forcible confinement |
| 279.01 | Trafficking in persons |
| 279.011 | Trafficking of a person under the age of eighteen years |
| 279.1 | Hostage taking |
| 280 | Abduction of a person under 16 |
| 281 | Abduction of a person under 14 |
| 343, 344 | Robbery |
| 346 | Extortion |
| 423 | Intimidation |
| 423.1 | Intimidation of justice system participant or journalist |
| 424 | Threat to commit offence against internationally protected person |
| 430(2) | Mischief causing actual danger to life |
| 431 | Attack on premises, residence or transport of internationally protected person |
| 433(b) | Arson causing bodily harm |
| 436 | Arson by negligence |

TABLE 2
[Subsection 6(2)]

| <i>Criminal Code section</i> | <i>Offence</i> |
|------------------------------|--|
| 220 | Causing death by criminal negligence |
| 233 | Infanticide |
| 235 | Murder |
| 236 | Manslaughter |
| 238 | Killing unborn child in act of birth |
| 241 | Counselling or aiding suicide |
| 249(4) | Dangerous operation of a vessel, motor vehicle or aircraft causing death |
| 249.1(3) | Flight causing bodily harm or death |
| 249.4(4) | Street racing causing death |
| 255(3) | Impaired driving causing death |
| 255(3.1) | Blood alcohol level over legal limit while driving causing death |
| 255(3.2) | Failure or refusal to provide sample after driving causing death |

TABLE 3
[Subsection 6(3)]

| <i>Criminal Code section</i> | <i>Offence</i> |
|------------------------------|---|
| 151 | Sexual interference |
| 152 | Invitation to sexual touching |
| 153 | Sexual exploitation |
| 153.1 | Sexual exploitation of person with disability |
| 155 | Incest |
| 160(2) and (3) | Compelling or inciting bestiality |
| 163.1(2) | Printing or publishing child pornography |
| 163.1(3) | Importing or distributing child pornography |
| 170 | Parent or guardian procuring sexual activity |
| 171.1 | Making sexually explicit material available to child |
| 172.1 | Luring |
| 172.2 | Agreement or arrangement to commit sexual offence against a child |
| 212(2), (2.1) and (4) | Prostitution of person under 18 years of age |
| 271 | Sexual assault |
| 272 | Sexual assault with a weapon, threats to a third party or causing bodily harm |
| 273 | Aggravated sexual assault |

7 Jly 2006 SR 72/2006 s7; 5 Jly 2013 SR 49/2013 s2.

TABLE 4
[Subsection 6(4)]

| <i>Criminal Code section</i> | <i>Offence</i> |
|------------------------------|--------------------------------------|
| 233 | Infanticide |
| 235 | Murder |
| 236 | Manslaughter |
| 238 | Killing unborn child in act of birth |

26 Sep 2014 SR 79/2014 s6.

