

犯罪被害補償金申請書 Application for Crime Victim Compensation

年度補審字第 _____ 號

Case No. []-Bu-Shen-Zi[]

| | 姓名 Name | 性別 Gender | 出生年月日 Date of Birth | 國民身分證統一編號 (外國人者請填居留證號碼或護照號碼) ROC ID Card No. (or Alien Residence Certificate No. or Passport No.) | 職業 Occupation |
|------------------|---------------------------|--------------|------------------------|---|------------------|
| 申請人 Applicant | | | | | |
| | 地址 Address | | | 聯絡電話及行動電話 Telephone No. and Mobile Phone No. | |
| | 戶籍地 Permanent Address: | | | | |
| | 通訊地 Mailing Address: | | | | |
| 代理人 Agent | | | | | |
| | 地址 Address | | | 聯絡電話及行動電話 Telephone No. and Mobile Phone No. | |
| | 戶籍地 Permanent Address: | | | | |
| | 通訊地 Mailing Address: | | | | |
| 被害人 Victim | | | | | |
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| | 地址 Address | 聯絡電話及行動電話 Telephone No. and Mobile Phone No. |
| | 戶籍地 Permanent Address: | |
| | 通訊地 Mailing Address: | |
| 申請補償之 種類、項目 及金額 Type and Amount of Compensation and Damages to be Compensated for | <input type="checkbox"/> 遺屬補償金 <input type="checkbox"/> Compensation to family members of a deceased victim | 因被害人受傷所支出之醫療費 新臺幣 元 因被害人死亡所支出之殯葬費 新臺幣 元 因被害人死亡致無法履行之法定扶養義務 新臺幣 元 因被害人死亡致家屬心靈遭受痛苦之精神慰撫金 新臺幣 元 NT\$ _____ for medical treatment costs incurred from the injury of the victim NT\$ _____ for funeral expenses incurred for the victim's death NT\$ _____ for victim's statutory obligation to support the dependents, which cannot be fulfilled by the victim after his/her death NT\$ _____ for compensation for mental distress suffered as a result of the victim's death |
| | <input type="checkbox"/> 重傷補償金 <input type="checkbox"/> Compensation to a seriously injured victim | 因被害人受傷所支出之醫療費 新臺幣 元 受重傷被害人所喪失或減少之勞動能力或增加之生活上需要 新臺幣 元 因被害人重傷致心靈遭受痛苦之精神慰撫金 新臺幣 元 NT\$ _____ for medical treatment costs incurred from the injury of the victim NT\$ _____ for loss or reduction of work ability or the increased living expenses of a seriously injured victim NT\$ _____ for compensation for mental distress suffered as a result of the victim's serious injury |
| | <input type="checkbox"/> 性侵害補償金 <input type="checkbox"/> Compensation to a victim of sexual assault | 因被害人受傷所支出之醫療費 新臺幣 元 受性侵害被害人所喪失或減少之勞動能力或增加之生活上需要 新臺幣 元 因被害人被害致心靈遭受痛苦之精神慰撫金 新臺幣 元 NT\$ _____ for medical treatment costs incurred from the injury of the victim NT\$ _____ for loss or reduction of work ability or the increased living expenses of a victim of a sexual assault NT\$ _____ for compensation for mental distress suffered as a result of the sexual assault to the victim |

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| 申請人與被害人之關係 Relationship between the applicant and the victim | | <input type="checkbox"/> 本人 <input type="checkbox"/> 父母 <input type="checkbox"/> 配偶 <input type="checkbox"/> 子女 <input type="checkbox"/> 祖父母 <input type="checkbox"/> 孫子女 <input type="checkbox"/> 兄弟姐妹 <input type="checkbox"/> 其他 <input type="checkbox"/> Victim <input type="checkbox"/> Parents <input type="checkbox"/> Spouse <input type="checkbox"/> Sons/daughters <input type="checkbox"/> Grandparents <input type="checkbox"/> Grandsons/granddaughters <input type="checkbox"/> Brothers/sisters <input type="checkbox"/> Others |
| 補償金之支付方式 Payment Method of ompensation | | <input type="checkbox"/> 一次支付 <input type="checkbox"/> 分期付款（分 期，每期 個月） <input type="checkbox"/> Paid in a lump sum <input type="checkbox"/> Paid in [] installments every [] months |
| 申請補償金之事實及理由 Facts of and Reasons for the pplication | 被害發生之狀況及報案情形 The Details of Facts and the Report to the Police | |
| | 補償項目及金額之說明及計算方式 Explanation of Damages to be Compensated for, its Amount and Calculation | |
| | 被害人或其遺屬與加害人之關係及加害人之基本資料 Relationship Between the Victim/ or Family Member of the deceased Victim; and the Injurer, and Injurer's Information | 加害人姓名：_____ <input type="checkbox"/> 男 <input type="checkbox"/> 女 敘述： Name of Injurer:_____ <input type="checkbox"/> Male <input type="checkbox"/> Female Descriptions of Injurer: |

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| | 得申請補償金優先順序之說明 Illustration of the Priority of Entitlement to the Compensation | |
| | 其他事實及理由 Other Facts and Grounds | |
| 已參加社會保險之項目 Type of Social Insurance attended | <input type="checkbox"/> 全民健康保險 <input type="checkbox"/> 勞工保險 <input type="checkbox"/> 公教人員保險 <input type="checkbox"/> 軍人保險 <input type="checkbox"/> 農民健康保險 <input type="checkbox"/> 學生團體保險 <input type="checkbox"/> 就業保險 <input type="checkbox"/> 強制汽車責任保險 <input type="checkbox"/> 國民年金保險 <input type="checkbox"/> 其他： <input type="checkbox"/> National health insurance <input type="checkbox"/> Labor insurance <input type="checkbox"/> Insurance for public servants and teachers <input type="checkbox"/> Military insurance <input type="checkbox"/> Farmer health insurance <input type="checkbox"/> Student group insurance <input type="checkbox"/> Employment insurance <input type="checkbox"/> Compulsory liability insurance for vehicles <input type="checkbox"/> National annuity insurance <input type="checkbox"/> Other types of social insurance: | |
| 已受有社會保險給付之項目及金額 Type and Amount of Social Insurance Benefits Received | | |
| 已受有損害賠償給付之項目及金額 Type and Amount of Damages Compensation Received | | |

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| 依其他法律規定得受金錢給付 之項目及金額 Type and Amount of Pecuniary Benefits Claimable for Compensation under any Other Laws | |
| 檢附文件 Attachments | |
| <p>此 致</p> <p>臺灣南投地方檢察署犯罪被害人補償審議委員會</p> <p>To: Crime Victim Compensation Review Committee, Prosecutors' Office of Nantou District Court</p> <p>申請人：_____ (簽章)</p> <p>Applicant: _____ (signature)</p> <p>代理人：_____ (簽章)</p> <p>Agent: _____ (signature)</p> <p>中 華 民 國 年 月 日</p> <p>Date: [-] [-], [-]</p> | |

Notes: Please refer to the guidelines for filling in this application in the reverse side.

Guidelines for Filing in the Application for Crime Victim Compensation

- 1、 Please fill in all of the "Applicant" column.
- 2、 Where there is more than one family member of a deceased victim who is entitled to claim the compensation, each member should file his/her own application for the compensation, stating the categories of compensation applied for, its amount, and the grounds for compensation.
- 3、 Please leave the "Agent" column blank if no agent is authorized.
- 4、 Please check the types of compensation you are applying for.
- 5、 Categories of compensation and the maximum amount of compensation payable under each category are as follows: (Paragraphs 1, 2, Article 9 of Crime Victim Protection Act (the "Act") and Paragraphs 1, 2, Article 5 of Enforcement Rules for the Crime Victim Protection Act):

(1) Categories and the maximum amount of compensation to family members of a deceased victim are as follows:

- (a) For the medical treatment costs incurred from the injury of a victim, four hundred thousand New Taiwan dollars (NT\$400,000) in the maximum.
- (b) For the funeral expenses incurred from the death of a victim, three hundred thousand New Taiwan dollars (NT\$300,000) in the maximum.
- (c) For a victim's statutory obligation to support the dependents, which cannot be fulfilled by the victim after his/her death, one million New Taiwan dollars (NT\$1,000,000) in the maximum.
- (d) Compensation for mental distress suffered as a result of the victim's death, four hundred thousand New Taiwan dollars (NT\$400,000) in the maximum.

(2) Categories and the maximum amount of compensation to a seriously injured victim payable to a seriously injured victim of criminal acts are as follows:

- (a) For the medical treatment costs incurred by the injury of a victim, four hundred thousand New Taiwan dollars (NT\$400,000) in the maximum.
- (b) For the loss or reduction of work ability or the increased living expenses of a seriously injured victim, one million New Taiwan dollars (NT\$1,000,000) in the maximum.
- (c) Compensation for mental distress suffered as a result of the victim's serious injury, four hundred thousand New Taiwan dollars (NT\$400,000) in the maximum.

(3) Categories and the maximum amount of compensation to a victim of sexual assaults payable to a victim of sexual assault crimes are as follows:

- (a) For the medical treatment costs incurred by an injured victim, four hundred thousand New Taiwan dollars (NT\$400,000) in the maximum.
- (b) For the loss or reduction of work ability or the increased living expenses of a victim of a sexual assault, one million New Taiwan dollars (NT\$1,000,000) in the maximum.
- (c) Compensation for mental distress suffered as a result of the sexual assault to the victim, four hundred thousand New Taiwan dollars (NT\$400,000) in the maximum.

- 6、 If the applicant for the compensation has already received any social insurance benefit, damages compensation or any other pecuniary benefit claimable by him/her under any other laws for the harm he/she suffered from a criminal act, the sum of such other payments received by him/her shall be deducted from the amount of crime victim compensation payable to him/her (Article 11 of the Act.) If the applicant has already received such social insurance benefit, damages or any other pecuniary benefit, he/she shall not conceal his/her receipt of such payment in the application.
- 7、 The "social insurance" means the insurance of the following types: national health insurance, labor insurance, insurance for public servants and teachers, military insurance, employment insurance, farmer health insurance, student group insurance, compulsory liability insurance for vehicles, national annuity insurance, and other types of social insurance designed by the Ministry of Justice together with other authorities in charge of various enterprises (Article 11 of the Act.)
- 8、 Please make the selection in the "Relationship Between the Victim/ or Family Member of the Victim and the Injurer, and Injurer's Information" column. Please check the "Victim" if you are applying for compensation to a seriously injured victim or compensation to a victim of sexual assault.
- 9、 Please make the selection in the "Payment Method."
- 10、 Please state the following in the "Facts of and Reasons for the Application" column (Please attach your explanation of the following if the space in this column is insufficient):
 - (1) The time when and the place where the criminal act occurred, name of the victim, his/her gender, date of birth, ROC ID card number, occupation, place of employment, domicile or residence, time of death or the circumstance of injury and whether the criminal act is reported to the police.

- (2) Explanation of damages to be compensated for, its amount and calculation.
- (3) Relationship between the victim/ or family member of the deceased victim and the injurer, and injurer's information.
- (4) Illustration of the priority of entitlement to the compensation if the application is made for compensation to family members of a deceased victim.
- (5) Other facts and grounds. (Where an application with the Crime Victim Compensation Reconsideration Committee for its decision is filed, please state the fact that the Crime Victim Compensation Review Committee failed to made a decision within three months of the date of its receipt of the application for compensation, in this column.)

11、 The priority of entitlement to the compensation of family members of a deceased victim is as follows (Article 6 of the Act):

- (1) Parents, spouse, sons and daughters.
- (2) Grandparents.
- (3) Grandsons and granddaughters.
- (4) Brothers and sisters.

Grandparents, grandsons and granddaughters, or brothers and sisters of a deceased victim who are entitled to apply for the compensation for a victim's statutory obligation to support the dependents, which cannot be fulfilled by the victim after his/her death, shall be limited to those who depend on the deceased victim for support.

12、 In any of the following situations, a family member of a deceased victim shall not be entitled to claim payment of the compensation (Article 8 of the Act):

- (1) He/she caused, intentionally or through negligence, the death of the victim.
- (2) Before the death of the victim, he/she intentionally caused the death of another family member of the deceased victim, who has prior or the same entitlement to claim the compensation.
- (3) After the death of the victim, he/she intentionally caused the death of another family number of the deceased victim, who has prior or the same entitlement to claim the compensation.

13、 Please list the name of documents attached in the "Attachments" column. The

documents include: death certificate of the victim or other documents to prove the death of the victim, household certificate or other documents to prove the priority of entitlement to the compensation of family member, proof of payment of medical treatment costs incurred by an injured victim or funeral expenses, and documents to prove the reporting to the police.

- 14、 Any person claiming crime victim compensation shall file a written application with the Crime Victim Compensation Review Committee at the jurisdiction where the criminal act at issue was committed. Therefore, please state the Crime Victim Compensation Review Committee of the applicable prosecutors' office of district court having the authority to process the claim in the last column.
- 15、 The application should be signed or affixed with the applicant's chop. If the applicant authorizes an agent to apply on behalf of him/her, the application should be signed by the applicant and the agent, or affixed with the applicant's chop and the agent's chop. In addition, a power of attorney should be issued by the applicant.
- 16、 The application should be dated.
- 17、 Summary of relevant regulations of the Act:
 - (1) No compensation shall be paid for all or a part of the loss suffered by victims of criminal acts under any of the following circumstances (Article 10 of the Act):
 - (a) Where the cause of harm to the victims is also attributable the victims themselves.
 - (b) Where, after taking into consideration the relationship between the victims or their family members and the person who committed the criminal act and other relevant factors, it is believed on the basis of general social mores that payment of compensation is inappropriate.
 - (2) Under any of the following circumstances, the compensation to a crime victim hereunder shall be refunded by the recipient (Article 13 of the Act):
 - (a) Where the applicant for the compensation has already received social insurance benefit, damages or other pecuniary benefit claimable by him/her under other law for the harm he/she suffered from a criminal act, or where redundant claims for damages are made, an amount equal to the sum of compensation received or to be received by him/her under another claim shall be refunded.

- (b) Where the recipient is found not entitled to any crime victim compensation, the compensation he/she has received hereunder shall be all refunded.
 - (c) Where a crime victim compensation recipient is found having claimed the compensation through deception or other dishonest means, he/she shall refund all the compensation and pay interest accrued from the date of his/her receipt of such compensation.
- (3) No application for crime victims compensation shall be made two (2) years or more after the time the victim's loss resulting from the criminal act at issue becomes known to the applicant, or five (5) years or more after the time of commission of the criminal act at issue (Article 16 of the Act.)
- (4) This Act shall not apply to the people of mainland China who suffer injuries from criminal acts committed by other persons in the territory of mainland China (Article 32 of the Act.)
- (5) A claim for compensation under this Act shall be accepted only if the criminal act at issue or the results thereof occur after the promulgation of this Act (Article 34 of the Act.)