

MINISTER OF PUBLIC SAFETY AND SOLICITOR
GENERAL AND DEPUTY PREMIER

BILL 37 – 2023

**CRIME VICTIM ASSISTANCE
AMENDMENT ACT, 2023**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 (1) of the Crime Victim Assistance Act, S.B.C. 2001, c. 38, is amended

(a) by adding the following definition:

“**child**”, for the purpose of the definition of “immediate family member”, includes

- (a) a child to whom the victim stands in the place of a parent,
- (b) a person recognized under subsection (2) of this section as the child of the victim,
- (c) a child of the victim born after the death of the victim, and
- (d) an adult to whom the victim stood in the place of a parent when the adult was a child; ,

(b) by repealing the definition of “immediate family member” and substituting the following:

“**immediate family member**” means a person who, at the time of the prescribed offence or the event that resulted in the death or injury of a victim, was a spouse, child, grandchild, sibling, step-sibling, half-sibling, parent or grandparent of the victim; , *and*

(c) by adding the following definitions:

“**parent**”, for the purpose of the definition of “immediate family member”, includes

- (a) a person who stands in the place of a parent to the victim, and
- (b) a person who stood in the place of a parent to the victim when the victim was a child;

“spouse”, for the purpose of the definition of “immediate family member”, means a person who

- (a) is married to the victim,
- (b) is living with the victim in a marriage-like relationship, or
- (c) is recognized under subsection (2) as the spouse of the victim; .

2 Section 3 is amended

(a) in subsection (1) by striking out “a benefit” and substituting “benefits”,

(b) by repealing subsection (1) (c) and substituting the following:

- (c) a person who witnesses in close proximity a prescribed offence, or the immediate aftermath of a prescribed offence, that causes a life threatening injury to, or the death of, the victim in circumstances that are sufficient to alarm, shock and frighten a reasonable person; ,

(c) in subsection (1) (d) (ii) by striking out “an immediate family member” and substituting “any other person”, and

(d) in subsections (2) and (3) by striking out “one year” and substituting “2 years”.

3 Section 4 is amended

(a) in subsections (1), (2) and (3) by striking out “an application for a benefit” and substituting “an application for benefits” and by striking out “may award a benefit” and substituting “may award one or more benefits”,

(b) in subsection (2) by striking out “whose need for the benefit arose as a result of the death or injury of the victim” and substituting “whose need for the benefits arose as a result of the prescribed offence or the event that resulted in the death or injury of the victim”,

(c) by repealing subsection (4) and substituting the following:

- (4) The director may reimburse a victim, an immediate family member or a witness for expenses that, in order to obtain an item or service that the victim, immediate family member or witness is awarded as a benefit under this section, were reasonably and necessarily incurred

- (a) before the director’s decision is made in respect of the application of the victim, immediate family member or witness, and

- (b) within the maximum period prescribed, if any. , **and**

(d) in subsection (5) by striking out “that benefit” and substituting “the benefit”.

4 *Section 5 (2) is amended by striking out “whether or not the person is legally capable of forming intent” and substituting “if the person was not legally capable of forming intent at the time of the act or omission”.*

5 *Section 7 (1) (c) is amended by striking out “suffer” and substituting “experience”.*

6 *Section 9 is amended*

(a) by repealing subsection (4) and substituting the following:

(4) In determining the amount of a benefit to be awarded to a victim, immediate family member or witness, or in altering the amount of a benefit awarded, the director

(a) may deduct the following:

(i) an amount or part of an amount received under a judgment or settlement as those terms are defined in section 8 (1);

(ii) a payment or part of a payment received under a restitution or compensation order related to the prescribed offence or to the event that resulted in the victim’s death or injury, and

(b) must deduct compensation or an amount or service that the victim, immediate family member or witness has received, or is eligible, may be eligible or would have been eligible to receive, from a source other than under this Act for the same or a similar purpose for which the benefit is to be provided. , **and**

(b) by adding the following subsection:

(6) The director may suspend a benefit awarded to a person while the person is detained in a lawful place of confinement, including a federal or provincial correctional institution, a jail, lockup, prison or camp, or a designated facility within the meaning of section 1 of the *Mental Health Act*.

7 *Section 10 (1) is amended by striking out “must” and substituting “may”.*

8 *Section 12 is amended*

(a) by repealing subsection (2) and substituting the following:

(2) An applicant or a person for whom an application has been made under section 3 (1) may, at any time,

(a) provide the director with new information that may affect the applicant’s or person’s eligibility for benefits under this Act or for a particular benefit, and

(b) after providing the new information, request a reassessment of the applicant’s or person’s eligibility for benefits under this Act or for a particular benefit. ,

(b) in subsection (3) by striking out “or on receipt of information” and substituting “or on request”, and

(c) by repealing subsection (4) and substituting the following:

(4) Subject to the regulations, the director may do any of the following on the basis of a reassessment under subsection (3):

- (a) provide, refuse to provide, suspend or terminate the provision of the benefit;
- (b) limit, increase or decrease the amount of the benefit;
- (c) alter the amount, duration, nature, content or form of the benefit;
- (d) impose or modify conditions for receipt of the benefit or any other benefit being provided.

9 Section 13 is amended

(a) by repealing subsection (1) (b) and substituting the following:

- (b) refusing to award or provide a benefit;
- (b.1) limiting, suspending or terminating a benefit; , **and**

(b) in subsection (3) by striking out “on application” and substituting “on application for an extension”.

10 Section 14 (2) is amended

(a) by striking out “that person” and substituting “the person”, and

(b) in paragraph (c) by striking out “he or she” and substituting “the person”.

11 Section 15 (1) is amended by striking out “a copy of the notice of civil claim must be delivered” and substituting “the victim, immediate family member, witness or legal representative must deliver a copy of the notice of civil claim”.

12 Section 19 (4) (b) is amended by striking out “subsection (2) (b)” and substituting “subsection (2) (c)”.

13 Section 20 (3) is amended by striking out “he or she” and substituting “the director”.

14 Section 23 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) If, under section 9, 12 or 14, a person is determined to have been entitled to a benefit with a cost or value that is less than the cost or value of the benefit provided to the person, the person is liable to repay to the government the difference between what the person received and the cost or value of the benefit to which the person was entitled, as determined by the director. ,

(b) in subsection (1.1) by striking out “benefits” and substituting “benefit”, and

(c) in subsection (2) by striking out “benefits” and substituting “a benefit”.

15 Section 24 is repealed and the following substituted:

Delivery

- 24**
- (1) If, under this Act, a document must or may be delivered to a person, the document may be delivered by sending it by electronic mail to the last known electronic mail address of the person.
 - (2) Anything that is delivered by ordinary mail under this Act is deemed to have been delivered on the fourteenth day after the date it is sent by ordinary mail.
 - (3) Anything that is delivered by electronic mail under this Act is deemed to have been delivered on the seventh day after the date it is sent by electronic mail.

16 Section 26 is amended

(a) in subsection (2) (b) by striking out “benefits” and substituting “benefit”,

(b) in subsection (2) by adding the following paragraphs:

- (b.1) prescribing a maximum period for the purposes of section 4 (4) (b);
- (b.2) prescribing circumstances in which the maximum period prescribed under paragraph (b.1) does not apply;
- (b.3) authorizing the director to exempt a person from the application of the maximum period prescribed under paragraph (b.1); , **and**

(c) in subsection (4) by adding the following paragraphs:

- (d) establish different classes of persons, benefits, circumstances, places or things;
- (e) make different regulations for different persons, benefits, circumstances, places or things or for different classes of persons, benefits, circumstances, places or things.

17 Section 29 (9) is amended by striking out “his or her” and substituting “the director’s”.

Transitional Provision

Transition – eligibility and time limit for application

18 The following provisions of the *Crime Victim Assistance Act*, as they read immediately before the coming into force of this section, continue to apply to an application that relates to a prescribed offence or an event that occurred before the date this section comes into force:

- (a) the definition of “immediate family member” in section 1 (1);
- (b) section 3 (1) (c), (2) and (3).

Commencement

19 This Act comes into force by regulation of the Lieutenant Governor in Council.