

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Crime Victims Compensation Commission
Rule No. 262-X-3.01
Rule Title: The Commission-General Powers and Duties.
_____ New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? no

Does the proposed rule have an economic impact? no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer  Kim Martin

Date 1.12.2023

(DATE FILED)
(STAMP)

ALABAMA CRIME VICTIMS COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-X-3-.01 The Commission-General Powers and Duties.

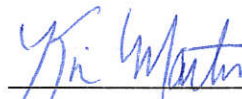
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Commission proposes to amend the rule to reflect the following changes pursuant to Act 2022-196: grammatical changes, and the granting of authority to the Executive Director to make eligibility determinations for crime victims compensation claims subject to review by the Commission pursuant to the Alabama Administrative Procedures Act.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Crime Victims Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267, or oral comments at 334.290.4420.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments shall be received until the close of record at 5:00 p.m. on March 8, 2023. All comments should be addressed to the contact person listed below or oral comments at 334.290.4420.

CONTACT PERSON AT AGENCY: Kim Martin, General Counsel, Alabama Crime Victims Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267.



Kim Martin

Interim Executive Director

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. _____ Department or Agency Crime Victims Compensation Comm.

Rule No: 262-X-3-.01

Rule Title: The Commission General Powers And Duties.

_____ New X Amend _____ Repeal _____ Adopt by Reference

 X This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. _____ Department or Agency Crime Victims Compensation Comm.

Rule No: 262-X-3-.01

Rule Title: The Commission General Powers And Duties.

_____ New ☒ Amend _____ Repeal _____ Adopt by Reference

☒ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

262-X-3-.01 The Commission-General Powers And Duties. The Commission shall have all the powers and privileges of a corporation and all of its business shall be transacted in the name of the Commission. In addition to any other powers and duties specified elsewhere in this chapter, the Commission ~~shall have the power to~~ may do any of the following:

- ~~(a)~~1. Regulate its own procedures except as otherwise provided in this chapter;
- ~~(b)~~2. Define any term not defined in this chapter;
- ~~(c)~~3. Prescribe forms necessary to carry out the purposes of this chapter;
- ~~(d)~~4. Obtain access to investigative reports made by law enforcement officers or law enforcement agencies which may be necessary to assist the Commission in making a determination of eligibility for compensation under the provisions of this chapter; provided, however, such reports and the information contained therein, when received by the Commission, shall be confidential and under no circumstances ~~shall~~ may the Commission disclose the same except to a grand jury;
- ~~(e)~~5. Take judicial notice of general, technical and scientific facts within their specialized knowledge;
- ~~(f)~~6. Publicize the availability of compensation and information regarding the filing of claims ~~therefore~~;
- ~~(g)~~7. Collect all monies provided by this chapter to be collected by the Commission;
- ~~(h)~~8. Provide for and maintain all necessary administrative facilities and personnel;
- ~~(i)~~9. Provide for payment of all administrative salaries, fees, and expenses;
- ~~(j)~~10. Cause its monies to be invested and its investments sold or exchanged and the proceeds and income collected;
- ~~(k)~~11. Determine who is a victim or dependent;
- ~~(l)~~12. ~~Pass upon~~ Consider all applications for compensation or other benefits provided for in this chapter;
- ~~(m)~~13. Authorize the executive director to ~~pass upon~~ determine eligibility for all supplemental applications for compensation in an amount not to exceed \$1000 and to pass

~~upon all original applications for claims in an amount not to exceed \$2000 and authorize payment for approved and reduced claims.~~

a. The Commission shall review all contested cases pursuant to the Alabama Administrative Procedure Act. The Commission may affirm, reverse, or modify the executive director's claims decisions.

14. Adopt rules to expedite the administration of the affairs of the Commission not inconsistent with this article.

15. Provide descriptive literature and promotional items respecting the duties of the Commission.

~~(n)~~16. Pay all compensation or other benefits that may be determined to be due under this chapter and under the rules ~~and regulations~~ of the Commission;

~~(e)~~17. Employ such agents, attorneys, actuaries and other specialized personnel that shall be necessary or desirable to enable the Commission to carry on its functions in a proper and sound manner;

~~(p)~~18. Receive by gift, grant, devise or bequest any monies or property of any nature or description;

~~(q)~~19. Accept and administer loans, grants, and donations from the federal government, its agencies and all other sources, public and private, for carrying out any of its functions;

~~(r)~~20. Develop a comprehensive analysis of the problems regarding victims of crime within the criminal justice system or systems of this state and formulate model programs, plans or methods for lessening the physical, mental or financial burdens placed on innocent crime victims by the operation of the criminal justice system, both on the state and local level;

~~(s)~~21. Identify laws, rules or regulations proposed or adopted by any agencies or institution of this state or any political subdivision thereof which have or will have a significant adverse or beneficial impact upon crime victims and to advocate the adoption, repeal, or modification thereof in the interest of innocent victims of crime;

~~(t)~~22. Collect, develop and maintain statistical information, records and reports ~~as the Commission may determine relevant or necessary~~ to carry out its powers, duties or functions, pursuant to the provisions of this chapter. All agencies and institutions of this state or the political subdivisions thereof ~~shall~~, upon written request by the Commission, shall furnish ~~to the Commission such statistical information or data as requested by the Commission shall deem necessary~~ to fulfill its duties and responsibilities;

~~(w)~~23. Award loans or grants of money, equipment or personnel to public or private nonprofit corporations or associations, agencies of the State of Alabama or political subdivisions thereof, or to state, county, or municipal law enforcement, prosecutorial, or judicial agencies upon such terms and conditions as the Commission may deem proper for the purpose of developing, enhancing or establishing bona fide model crime victims service programs which emphasize the collection of restitution from criminals as an integral part of the criminal justice process; ~~provided, however, such~~ . The loans or grants shall only be awarded when sufficient funds are available in excess of reasonably anticipated or projected claims for compensation;

24. Provide for the cost of forensic medical examinations for the purpose of gathering evidence and treatment for preventing sexually transmitted infections in sexual abuse crimes and offenses;

~~(w)~~25. Carry out any powers expressly granted elsewhere in this chapter to the Commission; and

~~(w)~~26. All other powers necessary for the proper administration of the provisions of this chapter.

Author: Kim Martin

Statutory Authority: ALA. CODE § 15-23-5(14)

History: Filed January 12, 2023