

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 262 Department or Agency Crime Victims Compensation Commission
Rule No. 262-X-4-.09
Rule Title: Homicide Victims and Minor Victims
 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

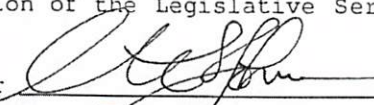
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? no

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  Everette L. Johnson

Date 7.13.2023

REC'D & FILED

JUL 13 2023 (DATE FILED)
(STAMP)

A-2
LEGISLATIVE SVC AGENCY

ALABAMA CRIME VICTIMS COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-x-4-.09, Homicide Victims and Minor Victims

INTENDED ACTION: Amend

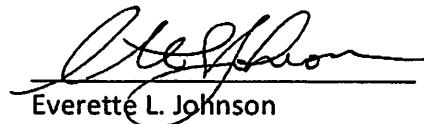
SUBSTANCE OF PROPOSED ACTION: The Commission proposes to amend the existing rule to simplify information and remove the requirement for a claimant to submit affidavits with homicide and child victims applications.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Crime Victims Compensation Commission, 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 September 6, 2023. All comments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Kim Martin, General Counsel, Alabama Crime Victims Compensation Commission, Post Office Box 231267, Montgomery, Alabama 36123-1267 or oral comments at 334.290.4420.

RULE FILING MORATORIUM EXCEPTION: Remove obsolete, outdated, or unnecessary rules, and remove burdensome application requirements.



Everette L. Johnson
Executive Director

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

Control No. 262 Department or Agency Crime Victims Compensation Commission

Rule No: 262-x-4-.09

Rule Title: Homicide Victims and Minor Victims

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:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

****Additional pages may be used if needed.**

262-x-4-.09 Homicide Victims and Minor Victims

a. Homicide Victims

- ~~1. A homicide victim's next of kin may act as claimant and file for compensation benefits. The person legally authorized to act on a homicide victim's behalf may file for compensation benefits. For example: the next-of-kin of the homicide victim or the executor of the homicide victim's estate.~~
- ~~2. The claimant must complete and submit the Commission's Affidavit for the Surviving Spouse or Next of Kin.~~
3. If a homicide victim has multiple relatives with the same degree of consanguinity, the relative that files for compensation benefits first shall be the claimant.

b. Minor Victims

1. When the victim of criminally injurious conduct is a minor, the minor victim's parent or legal guardian may act as claimant and file for compensation benefits.
- ~~2. The claimant must complete and submit the Affidavit of the Parent or Legal Guardian of a Minor Crime Victim.~~

Author: Everette L. Johnson

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

History: Filed July 13, 2023