

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Crime Victims' Compensation Commission
Rule No. 262-x-11-.02

Rule Title: Eligibility Criteria for Sexual Assault Payments.

_____ New 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 propounded 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 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 Procedures Division of the Legislative Reference Service.

Signature of certifying officer Cassie T. Jones Cassie T. Jones, Ed.D.

Date 12/12/13

LEGISLATIVE REFERENCE SERVICE

DEC 12 2013

REC'D & FILED

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-X-11-.02, Eligibility for Sexual Assault Payments.

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: The Commission proposes to repeal the existing rule.

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 February 5, 2014. All comments should be addressed to the contact person listed below or oral comments at 334.290.4420.

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



Cassie T. Jones, Ed.D.

Executive Director

~~262-X-11-.02 Eligibility Criteria For Sexual Assault Payments.~~

REPEALED

~~In order to be eligible for payment, the request or billing statement must meet the following criteria:~~

- ~~(1) Expenses must have been incurred on or after July 27, 1995;~~
- ~~(2) The victim is not required to report the sexual assault to law enforcement in order to be eligible pursuant to this section.~~
- ~~(3) The victim is not required to prosecute in order to be eligible under this section. If investigation determines that a rape or sexual assault did not occur (i.e., repeat false reports), the submitted bill shall be denied;~~
- ~~(4) The Commission shall reduce an award amount by the amount already received from a collateral source;~~
- ~~(5) Reimbursement shall not be made for the cost of the Sexual Assault Evidence Collection Kit if the kit was provided at no cost to the health care provider.~~

Author: Dr. Cassie T. Jones

Statutory Authority: ALA. CODE § 15-23-5(14) (1995)

History: Filed December 13, 2013