

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and
41-22-6(c) (2)a. and b.

I certify that the attached emergency (amendment, new rule, new
chapter, repeal or adoption by reference) is a correct copy as
promulgated and adopted on the 9th day of July, 2020.

AGENCY NAME: Crime Victims' Compensation Commission

RULE NO. AND TITLE: 262-X-4-.05 Emergency Awards.

EFFECTIVE DATE OF RULE: July 9, 2020

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY:

Adoption of this rule is necessary to ensure the Commission maintains adequate funding levels
for future victims of violent crime.

STATUTORY AUTHORITY: : § 15-23-5(14), Code of Alabama

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY
OF RULE:

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Cassie T. Jones Cassie T. Jones, Ed.D.
Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For APA Use Only)

REC'D & FILED

JUL 9 2020

LEGISLATIVE SVC AGENCY

262-X-4-.05 Emergency Awards.

The Commission may make or authorize the executive director to make in advance an emergency award of compensation to the applicant prior to taking action on an application or pending a final decision when it appears that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made. The Commission may consider undue hardship to exist in the following circumstances:

- (a) The applicant is without income at the time of application or immediately prior thereto resulting in loss of food, heat or shelter;
- (b) The applicant is in fear or danger for his/her life due to his/her victimization; or
- (c) The applicant cannot receive emergency services without emergency payment;
- (d) Crime scene clean up shall be considered an emergency service.
- (e) Prescription drugs that have been prescribed as a result of victimization shall be considered an emergency product. A copy of the prescription and the pharmacy's statement of the cost of the drug must be received by the Commission for the prescription expense to be considered for emergency payment. Prescriptions for pre-existing medical conditions shall not be considered for reimbursement.
- (f) Moving expenses may be considered an emergency service for applicants. Moving expenses may be considered as an emergency expense for applicants who have moved and applicants who have not yet moved. Proof of moving expenses must be received by the Commission for the moving expense to be considered for emergency payment.

The applicant may request in the initial application that consideration be given for an emergency award and provide justification for such award. A decision denying an emergency award shall not be appealable. The amount of such emergency award shall not exceed ~~two thousand dollars (\$2,000).~~ one thousand dollars. An emergency award shall be deducted from the final compensation made to the applicant. If the final award is less than the amount of the emergency award, the applicant must repay the excess award to the Commission. All emergency awards are subject to the Code of Ala. 1975.

Author: Dr. Cassie T. Jones

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

History: Filed July 9, 2020