TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control_____ Department or Agency Crime Victims' Compensation Commission
Rule No. 262-x-4-.04
Rule Title: Compensation Awards - Amounts and Methods of Payment.
_____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 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? Yes

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 7/10/2015

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-x-4-.04 Compensation Awards – Amounts and Methods of Payment.

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Commission proposes to amend the rule to clarify charitable contributions and further provide for temporary relocation expenses.

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 September 8, 2015. 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.

Cassie T. Jones

Cassie T. Jones, Ed.D.
Executive Director

APA-6
11/96

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

Control No._____Department or Agency Crime Victims' Compensation Commission

Rule No: 262-X-4-.04

Rule Title: Compensation Awards - Amounts and Methods of Payment.

_____New ____X Amend_____Repeal_____Adopt by Reference

_____This rule has no economic impact.

____X__This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This rule will provide clarification regarding charitable expenses and further provide for temporary relocation expenses.

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

It will allow eligible victims of violent crime to received additional compensation benefits.

3. EFFECT OF THIS RULE ON COMPETITION:

No effect.

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

No effect.

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

No effect on employment, it is only promulgated to assist victims of violent crime.

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

Court-ordered fines, fees and restitution. Federal grant money will also be used. No general fund money will be used in the implementation of 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:

It will provide more compensation to eligible victims.

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

No uncertainties are foreseen or anticipated.

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

It improves the public health by providing more compensation to eligible victims.

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-.04 **Compensation Awards - Amounts and Methods of Payment.**

(1) Compensation payable to a victim or claimant sustaining economic loss due to injury or death may not exceed a total of fifteen thousand dollars ($15,000.00). For incidents of criminally injurious conduct occurring on or after October 1, 2014, compensation payable to a victim or claimant sustaining economic loss due to injury or death may not exceed a total of twenty thousand dollars ($20,000).

(2) Compensation for lost wages may not exceed four hundred ($400.00) dollars per week. For incidents of criminally injurious conduct occurring on or after October 1, 2014, compensation for lost wages may not exceed six hundred ($600.00) dollars per week.

(3) (a) The Commission may provide for the payment to a claimant in a lump sum or installments or the Commission may choose to make payments directly to the service provider. Compensation payable to service providers for medical treatment may be awarded at 100% of eligible expenses.

(4) Future Economic Loss.

(a) The maximum award for future economic loss is $5,000 per claim. For incidents of criminally injurious conduct occurring on or after October 1, 2014, the maximum award for future economic loss is $20,000 per claim. Future economic loss may only be awarded in instances in which the victim's loss of future earning capacity is verifiable through his/her employment history. Future economic loss may be awarded in the following circumstances:

(1) The victim was employed at the time of his/her victimization and the employment is verifiable;

(2) The victim was not employed at the time of his/her victimization but worked at least sixty-five weeks in the 104 weeks preceding victimization and the employment is verifiable. When there is proof the victim suffered an injury or illness during the 104 week period that prevented him/her from working, future economic loss may be considered when it is verifiable that the only reason the victim did not work sixty-five weeks was due to the injury/illness.

(b) All awards for future economic loss shall be diminished or denied to the extent that the future economic loss is recouped from a collateral source.

(c) At the discretion of the Commission, future economic loss may be paid in a lump sum, but only upon a finding that the lump sum award will promote the best interest of the claimant.

(d) An award payable in installments for future economic loss may be made only for a period as to which the Commission can reasonably determine future economic loss. An award payable in installments for future economic loss may be modified by the Commission upon its finding that a material and substantial change of circumstances has occurred.

(5) No more than five thousand dollars ($5,000.00) may be paid for expenses related to funeral, cremation, or burial. For incidents of criminally injurious conduct occurring on or after October 1, 2014, no more than seven thousand dollars ($7,000.00) may be paid for expenses related to funeral, cremation, or burial.

(6) Approved claims will be paid in the order of their approval by the Commission as funds become available.

(7) Payments may be made in lump sums or in installments.

(8) Lost wages shall be verified by obtaining written documentation from the employer or by submission of a W2 tax document. A tax transcript from the IRS is required if the person seeking reimbursement of his/her lost wages is self-employed or the employer indicated that taxes are not deducted from the person's wages. Proof must be provided that the person seeking reimbursement of his/her lost wages paid federal and state income taxes for the period of time applicable to the requested lost wages.

(9) The claimant may, with the Commission's approval, elect to be paid for lost wages, future economic losses, replacement services loss, etc., before the service providers are paid.

(10) Annual leave, sick leave, personal leave or holidays shall not be considered a collateral source and may be reimbursed by the Commission.

(11) Lost wages may be considered for the victim, claimant and immediate family members at a prorated amount. The victim's lost wages may be considered for work loss caused by the crime. The claimant or immediate family member may apply for his/her lost wages if the he/she took time off from work to care for the victim if the victim was a minor or a medical professional provides written confirmation that the care was recommended. If the victim died as a result of the crime, the claimant may apply for the victim's lost wages for up to 52 weeks. Anticipated work may be considered for compensation when accompanied by documentation certifying a definite start date. Lost wages may also be awarded for work loss due to receiving medical treatment as a result of the crime; mental health treatment as a result of the crime; attendance of grand jury proceedings for three days if not subpoenaed; attendance of grand jury proceedings for as many days as required by subpoena, attendance of the offender's preliminary hearing, arraignment, bond hearing, a hearing on any pretrial motion, trial, or any post judgment proceeding; and the offender's parole hearing. Proper documentation is required for consideration of all lost wages requests, including, when applicable: confirmation of court attendance; a parole notification letter; employer's confirmation of work loss; a self-employment affidavit; or a doctor's or mental health provider's written excuse.

(12) Lost wages are limited to $400.00 per week for a maximum of 52 weeks. The maximum award for lost wages is $15,000. For incidents of criminally injurious conduct occurring on or after October 1, 2014, lost wages are limited to $600.00 per week for a maximum of 52 weeks. For incidents of criminally injurious conduct occurring on or after October 1, 2014, the maximum award for lost wages is $20,000. Life insurance shall be considered a collateral source for all claims. In the event that life insurance does not fully compensate the victim for the eligible expenses he/she incurred as a result of the victimization, the remaining eligible expenses may be eligible for compensation.

(13) <u>Collateral Source</u>

a. Life insurance shall be considered a collateral source for compensation.

b. Charitable donations shall not be considered a collateral source for compensation~~,~~. ~~unless the donation is specifically designated for an expense. Examples of charitable donations designated for a~~

~~specific expense include, but are not limited to the following: funeral/burial expenses; medical/dental expenses; and counseling.~~ If an eligible expense has been paid with charitable donations, the Commission will not reimburse the expense. The Commission only provides compensation benefits for payment or reimbursement of actual expenses.

(14) Moving and Temporary Relocation Expenses. ~~The maximum award for moving expenses is $1,000.00~~.

(a) ~~Written estimates for moving expenses and receipts shall be required.~~ The Commission may award ~~the $1,000 maximum for~~ moving expenses in cases in which the crime occurred in the victim's home, the victim has a reasonable fear for his/her life if he/she does not move from the home, or moving the victim's personal belongings is necessary. Written estimates and/or receipts are required for payment of moving expenses.

(b) The Commission may award temporary relocation expenses when the victim's home has been temporarily made uninhabitable as a direct result of the crime. Claimants/victims who qualify for temporary relocation expenses may receive per diem at the same rate as state employees. If the size of the claimant's/victim's family necessitates the rental of two hotel rooms or larger accommodations, the Commission may consider awarding more than per diem for the temporary relocation expense. A copy of the hotel bill, credit card receipt, or other verifiable document is required for verification.

(c) Moving and temporary relocation expenses may not exceed a combined total of $1,000. When the Commission determines that exigent circumstances exist, a maximum of $2,000 may be awarded.

(15) Travel Expenses.

(a) Airline tickets or mileage at the State of Alabama's current rate for state employees and the current State of Alabama per diem rate and lost wages may be provided for eligible travel expenses. Travel expenses for the victim, immediate family member(s), or person(s) of the victim's choosing, may be awarded to travel out of town to attend grand jury proceedings for three days if not subpoenaed, grand jury proceedings for as many days as required by subpoena, the offender's preliminary hearing, arraignment, bond hearing, a hearing on any pretrial motion, trial, or any post judgment proceeding. When the victim is deceased, travel may be awarded to immediate family members. Travel may be allowed for immediate family members to travel out of town to attend the offender's trial or any post judgment proceeding. When the prosecutor's office or any other entity pays for all or part of the victim's or immediate family member's travel expenses, that amount shall be deducted from the compensation award for travel expenses. Out of town travel may be allowed for medical and psychological treatment that is needed as a result of the victimization. Out of town travel required to procure needed services may be considered for the victim, claimant, and immediate family members. Out of town travel expenses may be awarded for emergency circumstances, as determined by the Commission.

(b) Travel expenses and lost wages for the victim, immediate family member(s), or person(s) of the victim's choosing, may be awarded for attendance of the offender's parole hearing. When the victim is deceased, travel expenses and lost wages may be awarded to immediate family members or victim representatives. Eligible travel expenses shall be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of Alabama's current rate for state employees.

These requests will only be considered as a supplemental to an original claim. (There must be a timely, approved compensation claim in order for parole travel expenses to be considered. The Commission will not consider parole travel expenses filed as an original claim.) Eligible parole travel expenses will be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of

Alabama's current rate for state employees. 262-X-4-.04 (15)(b) shall be retroactive to the date of the Commission's inception.
(c) Travel expenses for immediate family members to travel out of town to attend the victim's funeral may be considered for reimbursement. Eligible funeral travel expenses may be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of Alabama's current rate for state employees.
(d) In order to qualify for reimbursement for out of town travel, the destination must be greater than ten miles from the home of the person requesting compensation.
(e) Rental Cars. When the person requesting compensation has rented an automobile for eligible travel expenses, the person may be reimbursed for mileage or a daily rental car fee of $35. Under no circumstances shall the requesting person receive both.

(16) Property Reimbursement and Replacement. Eligible damaged property may be replaced or restored to its condition immediately prior to victimization. Stolen property shall not be eligible for reimbursement. Compensation may be awarded for eligible property taken as evidence by law enforcement. In order for damaged property to be eligible for reimbursement it must be listed in the law enforcement incident/offense report.

1) The maximum award for property reimbursement and replacement is $2,000 per claim.
2) The claimant shall provide estimates or receipts for the damaged property for which reimbursement is requested.

3) The maximum reimbursement for damaged clothing is $500. This shall be considered as part of the $2,000 maximum award for damaged property. Damaged clothing may be reimbursed as follows:

    a) Pants, jeans or skirt - $60 maximum per item;
    b) Shorts or capri pants - $40 maximum per item;
    c) Dresses - $80 maximum per item;
    d) Shirts and tops - $50 maximum per item;
    e) Footwear - $100 maximum per pair;
    f) Jacket, coat or blazer - $100 maximum per item;
    g) Underwear - $10 maximum per item;
    h) Socks and hosiery - $8 maximum per pair;
    i) Sleepwear - $30 maximum;
    j) Bra- $25
    k) Purse - $25
    l) Wallet - $15
    m) Belt - $30

4) Additional property eligible for reimbursement:

    a) Security enhancement - alarm systems, fencing, security doors and burglar bars for real property owned by the claimant/victim; repair of rental property leased by the claimant/victim when the claimant/victim is financially responsible for repair(s) to the leased property;

b) Prescription eyeglasses and contact lenses. The maximum award for damaged prescription eyeglasses is $350. A receipt/estimate must be provided for the eyeglasses. The maximum award for damaged prescription contact lenses is $10.

c) Medically necessitated hairpieces used by the victim because he/she suffers from a condition such as alopecia, or he/she sustained hair loss due to an injury to the scalp or he/she received or is receiving medical treatment that resulted/results in hair loss. Documentation from a licensed health care provider substantiating the victim's hair loss is required;

d) Furniture, appliances and bedding damaged during the victimization. Damaged furniture, appliances and bedding may be reimbursed as follows:

1) Sofa/couch - $ 650 maximum;
2) Loveseat/chair and a half - $350 maximum;
3) Upholstered chair/recliner - $300 maximum;
4) Coffee table - $150 maximum;
5) End table/side table - $100 maximum;
6) Bed - $500 maximum;
7) Dresser/armoire/chest of drawers - $300 maximum;
8) Nightstand - $100 maximum;
9) Mattress set - $800 maximum;
10) Sheet Set - $40 maximum;
11) Pillow - $15 maximum;
12) Comforter/bedspread - $65 maximum;
13) Blanket - $30 maximum;
14) Dinette/dining set - $300 maximum;
15) Lamp - $40 maximum;
16) Refrigerator -$500 maximum;
17) Microwave - $100;
18) Eligible property in this category that is not specifically addressed shall be reimbursed at a reasonable rate as determined by the Commission.

5) The following property shall not be eligible for reimbursement:

a) Guard dogs;
b) Weapons of any type;
c) Automobile repair or replacement costs;
d) Cash and/or checks;
e) Computers, telephones, Blackberries, I-pods and other similar devices;
f) Jewelry;
g) All-terrain vehicles and similar devices;
h) Bicycles, scooters and similar devices;
i) Toys;
j) Hairpieces that were not obtained due to hair loss;
k) Televisions, DVD players and discs, VCRs and tapes, stereos, CD players and discs, cameras, video-recorders, game systems and other similar devices.

(17) Exclusion from Payment. The following expenses shall not be eligible for compensation:

a) Any expense related to the prosecution of the criminal case. (Examples: expert testimony and witnesses; DNA testing and analysis; evidence photographs and videos; blood samples and travel expenses for witnesses subpoenaed to testify.) However, compensation may be awarded for eligible property taken as evidence by law enforcement;
b) All legal fees shall be excluded from payment except legal fees incurred to establish a legal guardian for the victim as defined by Alabama Administrative Code (ACVCC) 262-X-4-.04(22).

(18) Replacement services loss may not exceed four hundred ($400.00) dollars per week. For incidents of criminally injurious conduct occurring on or after October 1, 2014, compensation for replacement services loss may not exceed six hundred ($600.00) dollars per week. Replacement services loss is limited to a maximum of 52 weeks.

(19) Supplemental awards: The expenses submitted in the supplemental claim must be related to the original injury and must be supported by documentation.

(20) Checks issued by the ACVCC may contain the following language: "Cashing this check constitutes payment in full." This shall not be construed to apply to future compensation benefits for which the victim/claimant may be eligible. It shall be the responsibility of the victim/claimant to assert this defense in any type of collection proceeding against him/her. In the event that the service provider refuses the check, the compensation shall be paid directly to the victim/claimant.

(21) When a victim/claimant is approved for charity by a service provider, the charity approval shall be considered a collateral source and compensation shall not be paid to the service provider.

(22) When the claimant must seek legal guardianship of a minor and/or disabled victim in order to qualify for crime victims' compensation benefits, the Commission may consider reimbursement of legal fees incurred for obtaining guardianship. The maximum that may be awarded for legal fees is $1,000. Legal fees incurred for any reason other than obtaining guardianship shall not be eligible for reimbursement. The Commission shall not reimburse legal fees in the instance the claimant is not granted guardianship of the victim.

(23) Bereavement Leave. Bereavement leave may only be granted to the victim's immediate family members. A victim's immediate family member may be granted compensation for a maximum of four weeks of lost wages without a doctor's excuse. A doctor's excuse must be provided for lost wages in excess of four weeks to be considered for reimbursement. Employer verification is required for all bereavement leave requests.

(24) Crime Scene Clean-Up. The Commission may provide compensation to an individual or to the service provider if the expense is outstanding, for the reasonable costs to clean the scene of the crime in an amount not to exceed $2,500. The service provider must be certified, licensed, and in compliance with all applicable federal and state regulations. Crime scene clean-up expenses may only be awarded for the cleaning and removal of biohazards.

(25) Birth Certificates. Reimbursement may be provided for one certified copy of the claimant's and/or victim's birth certificate(s) obtained after the date of the criminally injurious conduct made the basis of the claim. The birth certificate(s) must have been obtained for the purpose of applying for crime victims' compensation benefits.

(26) Government-Issued Photo Identification. Reimbursement may be provided for one state-issued driver's license or one state-issued non-driver's ID obtained after the date of the criminally injurious conduct made the basis of the claim.

(27) Reimbursement may be provided for certified victims of human trafficking and all qualified victims of violent crime for the removal/cover-up of tattoos that were physically forced on them by the alleged offender in the incident made the basis of the compensation claim. The Commission shall decide reasonable reimbursement on a case-by-case basis. The provider must be licensed by the appropriate governmental body to perform the service rendered in order to qualify for payment/reimbursement.

(28) Lost Wages for Victims of Sexual Assault. A victim of sexual assault may be granted compensation for a maximum of two weeks of lost wages without a doctor's excuse. A doctor's excuse must be provided for lost wages in excess of two weeks to be considered for reimbursement. Employer verification is required for all lost wages requests.

(29) Payment to Non-Claimants. A claimant may assign compensation benefits to a person for allowable expense to the extent that the compensation benefits are for the cost of products, services, or accommodations necessitated by the criminally injurious conduct made the basis of the claim. The claimant must submit a completed Permission for Another Individual to Receive Payments on a Limited Basis form in order for payment to be issued to the person who incurred the expense.

(30) Impound Fees, Towing, and Storage Fees. The reasonable costs of motor vehicle impound fees, towing, and/or storage fees associated with the collection and security of crime scene evidence may be awarded to a claimant/victim. A vehicle must be street legal in order for the Commission to consider awarding compensation benefits for this category. The maximum award for this category shall not exceed $1,000.

Author: Dr. Cassie T. Jones
Statutory Authority: *ALA. CODE* § 15-23-5(14) (1995)
History: July 10, 2015

APA- 4
11/96

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, 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 10th day of July, 2015.

AGENCY NAME: Alabama Crime Victims' Compensation Commission

RULE NO. AND TITLE: 262-x-4-.04,Compensation Awards - Amounts and Methods of Payment.

EFFECTIVE DATE OF RULE: July 10, 2015

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY:

Adoption of this rule is necessary to clarify charitable contributions and further provide for temporary relocation expenses.

STATUTORY AUTHORITY: § 15-23-5(14), Code of Alabama (1995)

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS X YES _____ NO

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

Kim Martin
P.O. Box 231267
Montgomery, AL 36123-1267
334.290.4420

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)

262-X-4-.04 **Compensation Awards - Amounts and Methods of Payment.**

(1) Compensation payable to a victim or claimant sustaining economic loss due to injury or death may not exceed a total of fifteen thousand dollars ($15,000.00). For incidents of criminally injurious conduct occurring on or after October 1, 2014, compensation payable to a victim or claimant sustaining economic loss due to injury or death may not exceed a total of twenty thousand dollars ($20,000).

(2) Compensation for lost wages may not exceed four hundred ($400.00) dollars per week. For incidents of criminally injurious conduct occurring on or after October 1, 2014, compensation for lost wages may not exceed six hundred ($600.00) dollars per week.

(3) (a) The Commission may provide for the payment to a claimant in a lump sum or installments or the Commission may choose to make payments directly to the service provider. Compensation payable to service providers for medical treatment may be awarded at 100% of eligible expenses.

(4) Future Economic Loss.

(a) The maximum award for future economic loss is $5,000 per claim. For incidents of criminally injurious conduct occurring on or after October 1, 2014, the maximum award for future economic loss is $20,000 per claim. Future economic loss may only be awarded in instances in which the victim's loss of future earning capacity is verifiable through his/her employment history. Future economic loss may be awarded in the following circumstances:

(1) The victim was employed at the time of his/her victimization and the employment is verifiable;

(2) The victim was not employed at the time of his/her victimization but worked at least sixty-five weeks in the 104 weeks preceding victimization and the employment is verifiable. When there is proof the victim suffered an injury or illness during the 104 week period that prevented him/her from working, future economic loss may be considered when it is verifiable that the only reason the victim did not work sixty-five weeks was due to the injury/illness.

(b) All awards for future economic loss shall be diminished or denied to the extent that the future economic loss is recouped from a collateral source.

(c) At the discretion of the Commission, future economic loss may be paid in a lump sum, but only upon a finding that the lump sum award will promote the best interest of the claimant.

(d) An award payable in installments for future economic loss may be made only for a period as to which the Commission can reasonably determine future economic loss. An award payable in installments for future economic loss may be modified by the Commission upon its finding that a material and substantial change of circumstances has occurred.

(5) No more than five thousand dollars ($5,000.00) may be paid for expenses related to funeral, cremation, or burial. For incidents of criminally injurious conduct occurring on or after October 1, 2014, no more than seven thousand dollars ($7,000.00) may be paid for expenses related to funeral, cremation, or burial.

(6) Approved claims will be paid in the order of their approval by the Commission as funds become available.

(7) Payments may be made in lump sums or in installments.

(8) Lost wages shall be verified by obtaining written documentation from the employer or by submission of a W2 tax document. A tax transcript from the IRS is required if the person seeking reimbursement of his/her lost wages is self-employed or the employer indicated that taxes are not deducted from the person's wages. Proof must be provided that the person seeking reimbursement of his/her lost wages paid federal and state income taxes for the period of time applicable to the requested lost wages.

(9) The claimant may, with the Commission's approval, elect to be paid for lost wages, future economic losses, replacement services loss, etc., before the service providers are paid.

(10) Annual leave, sick leave, personal leave or holidays shall not be considered a collateral source and may be reimbursed by the Commission.

(11) Lost wages may be considered for the victim, claimant and immediate family members at a prorated amount. The victim's lost wages may be considered for work loss caused by the crime. The claimant or immediate family member may apply for his/her lost wages if the he/she took time off from work to care for the victim if the victim was a minor or a medical professional provides written confirmation that the care was recommended. If the victim died as a result of the crime, the claimant may apply for the victim's lost wages for up to 52 weeks. Anticipated work may be considered for compensation when accompanied by documentation certifying a definite start date. Lost wages may also be awarded for work loss due to receiving medical treatment as a result of the crime; mental health treatment as a result of the crime; attendance of grand jury proceedings for three days if not subpoenaed; attendance of grand jury proceedings for as many days as required by subpoena, attendance of the offender's preliminary hearing, arraignment, bond hearing, a hearing on any pretrial motion, trial, or any post judgment proceeding; and the offender's parole hearing. Proper documentation is required for consideration of all lost wages requests, including, when applicable: confirmation of court attendance; a parole notification letter; employer's confirmation of work loss; a self-employment affidavit; or a doctor's or mental health provider's written excuse.

(12) Lost wages are limited to $400.00 per week for a maximum of 52 weeks. The maximum award for lost wages is $15,000. For incidents of criminally injurious conduct occurring on or after October 1, 2014, lost wages are limited to $600.00 per week for a maximum of 52 weeks. For incidents of criminally injurious conduct occurring on or after October 1, 2014, the maximum award for lost wages is $20,000. Life insurance shall be considered a collateral source for all claims. In the event that life insurance does not fully compensate the victim for the eligible expenses he/she incurred as a result of the victimization, the remaining eligible expenses may be eligible for compensation.

(13) <u>Collateral Source</u>

a. Life insurance shall be considered a collateral source for compensation.

b. Charitable donations shall not be considered a collateral source for compensation~~,~~. ~~unless the donation is specifically designated for an expense. Examples of charitable donations designated for a~~

~~specific expense include, but are not limited to the following: funeral/burial expenses; medical/dental expenses; and counseling.~~ If an eligible expense has been paid with charitable donations, the Commission will not reimburse the expense. The Commission only provides compensation benefits for payment or reimbursement of actual expenses.

(14) Moving and Temporary Relocation Expenses. ~~The maximum award for moving expenses is $1,000.00~~.

(a) ~~Written estimates for moving expenses and receipts shall be required.~~ The Commission may award ~~the $1,000 maximum for~~ moving expenses in cases in which the crime occurred in the victim's home, the victim has a reasonable fear for his/her life if he/she does not move from the home, or moving the victim's personal belongings is necessary. Written estimates and/or receipts are required for payment of moving expenses.

(b) The Commission may award temporary relocation expenses when the victim's home has been temporarily made uninhabitable as a direct result of the crime. Claimants/victims who qualify for temporary relocation expenses may receive per diem at the same rate as state employees. If the size of the claimant's/victim's family necessitates the rental of two hotel rooms or larger accommodations, the Commission may consider awarding more than per diem for the temporary relocation expense. A copy of the hotel bill, credit card receipt, or other verifiable document is required for verification.

(c) Moving and temporary relocation expenses may not exceed a combined total of $1,000. When the Commission determines that exigent circumstances exist, a maximum of $2,000 may be awarded.

(15) Travel Expenses.

(a) Airline tickets or mileage at the State of Alabama's current rate for state employees and the current State of Alabama per diem rate and lost wages may be provided for eligible travel expenses. Travel expenses for the victim, immediate family member(s), or person(s) of the victim's choosing, may be awarded to travel out of town to attend grand jury proceedings for three days if not subpoenaed, grand jury proceedings for as many days as required by subpoena, the offender's preliminary hearing, arraignment, bond hearing, a hearing on any pretrial motion, trial, or any post judgment proceeding. When the victim is deceased, travel may be awarded to immediate family members. Travel may be allowed for immediate family members to travel out of town to attend the offender's trial or any post judgment proceeding. When the prosecutor's office or any other entity pays for all or part of the victim's or immediate family member's travel expenses, that amount shall be deducted from the compensation award for travel expenses. Out of town travel may be allowed for medical and psychological treatment that is needed as a result of the victimization. Out of town travel required to procure needed services may be considered for the victim, claimant, and immediate family members. Out of town travel expenses may be awarded for emergency circumstances, as determined by the Commission.

(b) Travel expenses and lost wages for the victim, immediate family member(s), or person(s) of the victim's choosing, may be awarded for attendance of the offender's parole hearing. When the victim is deceased, travel expenses and lost wages may be awarded to immediate family members or victim representatives. Eligible travel expenses shall be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of Alabama's current rate for state employees.

These requests will only be considered as a supplemental to an original claim. (There must be a timely, approved compensation claim in order for parole travel expenses to be considered. The Commission will not consider parole travel expenses filed as an original claim.) Eligible parole travel expenses will be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of

Alabama's current rate for state employees. 262-X-4-.04 (15)(b) shall be retroactive to the date of the Commission's inception.
(c) Travel expenses for immediate family members to travel out of town to attend the victim's funeral may be considered for reimbursement. Eligible funeral travel expenses may be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of Alabama's current rate for state employees.
(d) In order to qualify for reimbursement for out of town travel, the destination must be greater than ten miles from the home of the person requesting compensation.
(e) Rental Cars. When the person requesting compensation has rented an automobile for eligible travel expenses, the person may be reimbursed for mileage or a daily rental car fee of $35. Under no circumstances shall the requesting person receive both.

(16) Property Reimbursement and Replacement. Eligible damaged property may be replaced or restored to its condition immediately prior to victimization. Stolen property shall not be eligible for reimbursement. Compensation may be awarded for eligible property taken as evidence by law enforcement. In order for damaged property to be eligible for reimbursement it must be listed in the law enforcement incident/offense report.

1) The maximum award for property reimbursement and replacement is $2,000 per claim.
2) The claimant shall provide estimates or receipts for the damaged property for which reimbursement is requested.

3) The maximum reimbursement for damaged clothing is $500. This shall be considered as part of the $2,000 maximum award for damaged property. Damaged clothing may be reimbursed as follows:

    a) Pants, jeans or skirt - $60 maximum per item;
    b) Shorts or capri pants - $40 maximum per item;
    c) Dresses - $80 maximum per item;
    d) Shirts and tops - $50 maximum per item;
    e) Footwear - $100 maximum per pair;
    f) Jacket, coat or blazer - $100 maximum per item;
    g) Underwear - $10 maximum per item;
    h) Socks and hosiery - $8 maximum per pair;
    i) Sleepwear - $30 maximum;
    j) Bra- $25
    k) Purse - $25
    l) Wallet - $15
    m) Belt - $30

4) Additional property eligible for reimbursement:

    a) Security enhancement - alarm systems, fencing, security doors and burglar bars for real property owned by the claimant/victim; repair of rental property leased by the claimant/victim when the claimant/victim is financially responsible for repair(s) to the leased property;

b) Prescription eyeglasses and contact lenses. The maximum award for damaged prescription eyeglasses is $350. A receipt/estimate must be provided for the eyeglasses. The maximum award for damaged prescription contact lenses is $10.

c) Medically necessitated hairpieces used by the victim because he/she suffers from a condition such as alopecia, or he/she sustained hair loss due to an injury to the scalp or he/she received or is receiving medical treatment that resulted/results in hair loss. Documentation from a licensed health care provider substantiating the victim's hair loss is required;

d) Furniture, appliances and bedding damaged during the victimization. Damaged furniture, appliances and bedding may be reimbursed as follows:

1) Sofa/couch - $ 650 maximum;
2) Loveseat/chair and a half - $350 maximum;
3) Upholstered chair/recliner - $300 maximum;
4) Coffee table - $150 maximum;
5) End table/side table - $100 maximum;
6) Bed - $500 maximum;
7) Dresser/armoire/chest of drawers - $300 maximum;
8) Nightstand - $100 maximum;
9) Mattress set - $800 maximum;
10) Sheet Set - $40 maximum;
11) Pillow - $15 maximum;
12) Comforter/bedspread - $65 maximum;
13) Blanket - $30 maximum;
14) Dinette/dining set - $300 maximum;
15) Lamp - $40 maximum;
16) Refrigerator -$500 maximum;
17) Microwave - $100;
18) Eligible property in this category that is not specifically addressed shall be reimbursed at a reasonable rate as determined by the Commission.

5) The following property shall not be eligible for reimbursement:

a) Guard dogs;
b) Weapons of any type;
c) Automobile repair or replacement costs;
d) Cash and/or checks;
e) Computers, telephones, Blackberries, I-pods and other similar devices;
f) Jewelry;
g) All-terrain vehicles and similar devices;
h) Bicycles, scooters and similar devices;
i) Toys;
j) Hairpieces that were not obtained due to hair loss;
k) Televisions, DVD players and discs, VCRs and tapes, stereos, CD players and discs, cameras, video-recorders, game systems and other similar devices.

(17) Exclusion from Payment. The following expenses shall not be eligible for compensation:

a) Any expense related to the prosecution of the criminal case. (Examples: expert testimony and witnesses; DNA testing and analysis; evidence photographs and videos; blood samples and travel expenses for witnesses subpoenaed to testify.) However, compensation may be awarded for eligible property taken as evidence by law enforcement;
b) All legal fees shall be excluded from payment except legal fees incurred to establish a legal guardian for the victim as defined by Alabama Administrative Code (ACVCC) 262-X-4-.04(22).

(18) Replacement services loss may not exceed four hundred ($400.00) dollars per week. For incidents of criminally injurious conduct occurring on or after October 1, 2014, compensation for replacement services loss may not exceed six hundred ($600.00) dollars per week. Replacement services loss is limited to a maximum of 52 weeks.

(19) Supplemental awards: The expenses submitted in the supplemental claim must be related to the original injury and must be supported by documentation.

(20) Checks issued by the ACVCC may contain the following language: "Cashing this check constitutes payment in full." This shall not be construed to apply to future compensation benefits for which the victim/claimant may be eligible. It shall be the responsibility of the victim/claimant to assert this defense in any type of collection proceeding against him/her. In the event that the service provider refuses the check, the compensation shall be paid directly to the victim/claimant.

(21) When a victim/claimant is approved for charity by a service provider, the charity approval shall be considered a collateral source and compensation shall not be paid to the service provider.

(22) When the claimant must seek legal guardianship of a minor and/or disabled victim in order to qualify for crime victims' compensation benefits, the Commission may consider reimbursement of legal fees incurred for obtaining guardianship. The maximum that may be awarded for legal fees is $1,000. Legal fees incurred for any reason other than obtaining guardianship shall not be eligible for reimbursement. The Commission shall not reimburse legal fees in the instance the claimant is not granted guardianship of the victim.

(23) Bereavement Leave. Bereavement leave may only be granted to the victim's immediate family members. A victim's immediate family member may be granted compensation for a maximum of four weeks of lost wages without a doctor's excuse. A doctor's excuse must be provided for lost wages in excess of four weeks to be considered for reimbursement. Employer verification is required for all bereavement leave requests.

(24) Crime Scene Clean-Up. The Commission may provide compensation to an individual or to the service provider if the expense is outstanding, for the reasonable costs to clean the scene of the crime in an amount not to exceed $2,500. The service provider must be certified, licensed, and in compliance with all applicable federal and state regulations. Crime scene clean-up expenses may only be awarded for the cleaning and removal of biohazards.

(25) Birth Certificates. Reimbursement may be provided for one certified copy of the claimant's and/or victim's birth certificate(s) obtained after the date of the criminally injurious conduct made the basis of the claim. The birth certificate(s) must have been obtained for the purpose of applying for crime victims' compensation benefits.

(26) Government-Issued Photo Identification. Reimbursement may be provided for one state-issued driver's license or one state-issued non-driver's ID obtained after the date of the criminally injurious conduct made the basis of the claim.

(27) Reimbursement may be provided for certified victims of human trafficking and all qualified victims of violent crime for the removal/cover-up of tattoos that were physically forced on them by the alleged offender in the incident made the basis of the compensation claim. The Commission shall decide reasonable reimbursement on a case-by-case basis. The provider must be licensed by the appropriate governmental body to perform the service rendered in order to qualify for payment/reimbursement.

(28) Lost Wages for Victims of Sexual Assault. A victim of sexual assault may be granted compensation for a maximum of two weeks of lost wages without a doctor's excuse. A doctor's excuse must be provided for lost wages in excess of two weeks to be considered for reimbursement. Employer verification is required for all lost wages requests.

(29) Payment to Non-Claimants. A claimant may assign compensation benefits to a person for allowable expense to the extent that the compensation benefits are for the cost of products, services, or accommodations necessitated by the criminally injurious conduct made the basis of the claim. The claimant must submit a completed Permission for Another Individual to Receive Payments on a Limited Basis form in order for payment to be issued to the person who incurred the expense.

(30) Impound Fees, Towing, and Storage Fees. The reasonable costs of motor vehicle impound fees, towing, and/or storage fees associated with the collection and security of crime scene evidence may be awarded to a claimant/victim. A vehicle must be street legal in order for the Commission to consider awarding compensation benefits for this category. The maximum award for this category shall not exceed $1,000.

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